DEP Deportate, esuli, profughe
Rivista telematica di studi sulla memoria femminile

The International and European legal framework on human trafficking: an overall view

di

Laura Gaspari[*]

Abstract: Il saggio si pone l'obiettivo di illustrare la normativa internazionale ed europea vigente in materia di lotta alla tratta degli esseri umani. Si osserverà come si è arrivati ad una definizione di tratta di esseri umani solo negli anni 2000 e di come l'approccio al problema è passato da puramente repressivo nei confronti del crimine in sé, a più orientato verso i diritti umani delle vittime. Infatti, la tratta è non solo un crimine transnazionale, ma soprattutto è una violazione dei diritti umani e della dignità umana, in grado di entrare laddove vi siano instabilità e cause strutturali come povertà o conflitti e colpendo per la maggior parte dei casi donne e bambini/e.

Introduction

Over the last thirty years, human trafficking has become one of the issues of major concern of the international community, of human rights activists, of regional organisations, and governments. When we talk about human trafficking we are interfacing with a serious and particularly heinous *transnational crime,* which can cross borders and involve many people all over the world. In 2016 the UNODC Executive Director Yury Fedotov, on the occasion of the United Nations World Day against Trafficking in Persons, defined human trafficking as "a parasitic crime that feeds on vulnerability, thrives in times of uncertainty, and profits from inaction" (Yury Fedotov 2016). This describes perfectly how complex and sometimes inexplicable human trafficking is as a phenomenon. Human trafficking generates huge illicit profits, seeing human beings as commodities with the purpose of

[*] Laura Gaspari si è laureata nel 2017 a Ca' Foscari in Relazioni Internazionali Comparate con una tesi intitolata "The fight against women sex trafficking in international, European and Italian law: a comprehensive strategy for protection and assistance of victims" in cui ha analizzato i tre livelli legislativi, comparandone le misure in materia di protezione e assistenza delle vittime e portando un caso studio riguardante il progetto N.A.v.E. operante in Veneto. Si interessa di questioni migratorie, gender studies e diritti umani. gasparilaura92@gmail.com

 ISSN 1824 - 4483

exploiting them in several activities. Not only is it an organised criminal activity which must be punished, but it is first and foremost a violation of fundamental human rights and a threat to democracy. To have clear and certain data about human trafficking is not easy – in fact it is nearly impossible – due to its hidden and clandestine nature. Our analysis is based only on criminal records, legal depositions of survivors, data gathered by NGOs and international or regional organisations. One thing is certain: no country and area of the world are immune to human trafficking. It is not a problem so distant from us, instead it is among us, behind the corner, even within our national borders.

Despite the underground and obscure nature of the issue of human trafficking, the advancement of the international and regional legal framework regarding it of the last years is quite encouraging. The purpose of this Article is to describe the current international and the European legal instruments about human trafficking in order to present the legislative context at the basis of the fight against this serious crime and violation of human rights. The change of perspective will be underlined and discussed in order to better understand the direction that we are taking. Before doing so, the present work will give some framework pieces of information that can give the reader an overall understanding of the phenomenon and all the issues connected to it in order to contextualise the legal information provided and being aware that human trafficking is constantly in evolution and changes fast according to socio-cultural or economic factors, so to define a pattern is quite impossible.

The anatomy of human trafficking: data, flows and structural causes

As we have already mentioned, it is hard to find accurate and certain data about human trafficking. Some recent and affordable data are found in reports like the *Global Report on Trafficking in Persons 2016* and that of *2018*, both published by the United Nations Office on Drugs and Crime (UNODC) and the *Global Estimates of Modern Slavery: Forced Labour and Forced Marriages*, issued in 2017 by the International Labour Organisation (ILO). We will try here to sum up the outcomes in order to better contextualise the legal analysis and the registered trends that will be presented below.

First, human trafficking is a vast phenomenon: people can be trafficked for different exploitative purposes. The most detected forms of trafficking are sexual exploitation and forced labour. However, trafficking can occur in cases of forced marriages, organ removal, forced begging, domestic work or pornography. In the case of children, they can be trafficked also for adoption, or to become soldiers or sex slaves in areas of the world afflicted by conflict and wars (UNODC Global Report 2016: 8).

According to the 2016 UNODC report, in the period between 2012 and 2014 there were were more than 60,000 people who were detected as victims of human trafficking. Instead, according to the last estimates of ILO, we have a total number of 40 million victims of modern slavery all around the world (ILO Global Estimates 2017: 5). According to more recent data provided by the 2018 UNODC report, the number of victims detected increased with a peak of more than 24,000 people (UNODC Global Report 2018: 21). In a way, this considerable increase in the

number of victims detected is encouraging, because it means that States are applying all the international policies which are put in place, making a real effort against human trafficking. However, as the UNODC Global Report recalls, there are still many areas of impunity (UNODC Global Report 2018: 8-9). On the other hand, increasing numbers means that the phenomenon is bigger than we thought. Without listing all statistical data and percentages, what is important to know is that, although victims of human trafficking can be basically everybody and that the male presence among victims is rising, the highest number of victims is made up of adult women and young girls who are especially involved in human trafficking for sexual exploitation – or *sex trafficking*. Both reports appraised women and young girls represented around 70 per cent of the total number of victims, both detected and estimated.

We can easily affirm that human trafficking affects women disproportionally and it is a form of gender discrimination. We will see that international and European legislations are moving towards an increasing consideration of gender issues in dealing with human trafficking. However, this must not lead us to consider women victims of human trafficking as merely poor and vulnerable souls to save, who are kidnapped, lured, displaced and deceived (Mary C. Burke 2013: 9). The whole situation is more complex and should be studied and analysed taking into consideration every aspect that composes it, like a big and chaotic puzzle. Among these aspects we can find the causes of human trafficking. Why are people trafficked? What pushes them to fall into the traffickers' trap? To answer these questions, we should consider trafficking as driven by *push and pull factors***,** which are respectively all factors affecting the *supply* of trafficked human beings and the *demand* for a certain type of services, like sex services in the case of sex trafficking (Dominika B. Jansson 2015: 44-45).

In the case of transnational trafficking, the *push factors* are found in the countries of origin and they are all those socio-economic, cultural, political and legal factors that foster trafficking in human beings. On the other hand, *pull factors* are found in the countries of destination. This kind of analysis of human trafficking has been taken into consideration by many scholars, who began to analyse the human trafficking phenomenon as a sort of economic market, driven by supply and demand issues in order to give a possible explanation to it (Siddharth Kara 2009: 34-35).

Among the *push factors* fostering human trafficking – especially sex trafficking – we can find gender inequalities: we have seen that this phenomenon affects women and girls disproportionally, so it happens in many countries of origin that women and girls are preferred victims because of their condition of *vulnerability***.** Women can choose to leave their country because they have suffered physical violence at home and lack of support for their fundamental rights, or maybe because they are part of a certain ethnic or religious minority (Paola Monzini 2002: 36).

The lack of employment, the unequal distribution of power, the lack of health security and, in some cases, of education lead to poverty, which is another important push factor of human trafficking, and poverty itself can be a catalyser for the will to migrate and seek fortune abroad. For example, just after the end of the Cold War in former Soviet Union countries we observed a high rate of women unemployed because of the transitory nature of the economy at the time, and it was a fact that

fostered the recruitment for trafficking (Donna M. Hughes 2002: 8-9). Moreover, in the last fifty years, we have seen to a massive migration of women who displaced themselves independently and without following their husbands or relatives. They began to be the primary source of income for the family, and it is for this reason that we began to talk about "feminisation of labour migration" (Amy M. Russell 2014: 536). Traffickers make their profits from the will to improve people's lives, deceiving them, promising them jobs or education opportunities abroad in order to trap them and then exploit them (Siddharth Kara 2009: 30).

As global migration is sensitive to human trafficking, in recent years many victims were found to be smuggled migrants first or refugees. As we will see, smuggling and human trafficking are two different types of crime that could be in some way connected, as the UNODC 2016 Global Report underlines. In fact, many smuggled migrants can fall into the hands of traffickers and be exploited to repay the *debt* they incurred with smugglers to cross borders, being in a situation of debt bondage (UNODC Global Report 2016: 60).

Traffickers enhance their profits also thanks to wars and conflicts. In the last four years in Europe we have seen great movements of people fleeing from unstable situations in their home countries. Even asylum seekers and refugees risk falling into the wrong hands, both during the journey and in refugee camps. They need urgently a way to escape persecution and devastation, to rebuild their lives, so they trust even those who want to exploit them for their own greed (Jamie M. Turek 2013: 83).

Hence, trafficking can also be exacerbated by wars, conflicts, collapse of the rule of law, democracy and political instability (UNODC Global Report 2018: 12). The lack of proper internal legislation in compliance with international standards, and the presence of a weak, badly-trained and – in some cases – corrupt law enforcement, can facilitate the work of traffickers (Dominika Borg Jansson 2015: 48). In all of this, globalisation in the early 1990s played a pivotal role in shaping the trafficking phenomenon and it is one of the reasons why the international community began to seriously engage in the fight against trafficking in human beings from those years. Globalisation led to a widening of the gap between the so-called developed and developing countries all over the world, worsening the position of people living in less stable areas and transition economies (Mary C. Burke 2013: 10). On the other hand, globalisation contributed to a new way in driving commerce, in a situation of free market, with a new speed in communication and transportation, making migration and all that is correlated easier. A new trafficking mechanism found origins with people exploited for high profits for traffickers with low risks (Phil Williams 2007: 149).

Among the *pull factors*, we should consider that the wealthier the country or the area of the world is, the higher is the possibility of finding trafficking victims. For example, this is the case for Europe or North America. The *demand* side is pivotal: in the case of sex trafficking, the demand for cheap sex services heavily influences the process of trafficking. By demand, we mean client preferences and needs in the countries of destination. Traffickers recruit victims in order to meet this demand. This assumption has been recognised also in many legislative texts that will be mentioned below. *Profit* also is an important pull factor and it is connected to demand. Traffickers maximise profits, minimising the costs for recruiting,

transportation and all that are considered in a normal situation as "labour costs" because of the exploitative nature of the phenomenon. More people exploited at a low price mean more profits for the trafficking system, sometimes organised in networks, small or medium groups or – worse – mafias working transnationally (Marci Cottingham et al 2013: 60).

To conclude, trafficking is rooted in today's world more than we know. It is continuing to adapt rapidly to the contexts in which it is found, exploiting every single gap in national legislations or socio-political situations. It is a multi-faceted phenomenon which needs to be fought from many different sides. We will see what the responses and their differences are, analysing the changes that have occurred and looking at the approach that is taken into consideration today in a region of the world like Europe.

The International Law of Human Trafficking

A little bit of history

The legal path towards an internationally recognised definition of human trafficking has roots both in the anti-slavery movements and in the anti-sexual exploitation movements of the last two centuries (Joel Quirck 2011: 333). Most of all, the earlier international treaties did not talk about human trafficking at all, but referred to *white slavery*, to indicate the recruitment of European women and girls for "immoral practices" (prostitution) using force or fraud (Anne T. Gallagher 2010: 12). The first treaties signed under the League of Nations and which referred to "white slave traffic" were the 1904 International Agreement for the Suppression of White Slave Traffic and the 1910 International Convention for the Suppression of White Slave Traffic. Of course, these two international agreements were the products of their age, full of stereotypes of women involved in prostitution and coerced innocent victims of trafficking incapable of empowerment but were two starting points which helped the future developments.

The concept of white slavery was abandoned in 1921 with the International Convention for the Suppression of the Traffic in Women and Children, which actually brought some changes. For the first time, the international community did take care of boys together with women and young girls, including some provisions regarding prevention and protection. In 1933 the International Convention for the Suppression of the Traffic in Women of Full Ages marked another important point in history: first, because it was the last convention concluded under the League of Nations on the matter, and secondly because in Article 1 the Convention asserts that those who traffic women and girls even with their consent had to be punished, opening the way to the UN Conventions still in force today.

In 1949 the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was signed. It is still in force today, even if it is limited to trafficking for sexual exploitation of women, men and children ("prostitution of others"). The new aspect of this international convention was the change of the focus for punishment: if the previous conventions punished mostly those who displaced women involved in forced prostitution, here the focus is on exploitation, that is the final act of trafficking. However, the 1949

Convention has been criticised as *outdated.* Why? First, it does not cover all forms of trafficking in human beings. Secondly, the rights of victims are not well-protected and granted by the Convention. In the words of the former UN Special Rapporteur on violence against women, its causes and consequences Radhika Coomaraswamy

> The 1949 Convention has proved ineffective in protecting the rights of trafficked women and combating trafficking. The Convention does not take a human rights approach. It does not regard women as independent actors endowed with rights and reason; rather, the Convention views them as vulnerable beings in need of protection from the 'evils of prostitution'. (Radhika Coomaraswamy 2000: para. 22)

Finally, the 1990s brought all the changes in the socio-cultural and political world context that occurred and are mentioned above in this article. The need for a definition covering all trafficking forms was stronger than ever, and in this spirit the 2000 Trafficking Protocol was ratified.

The Palermo Protocol: the definition of human trafficking and the repressive approach

After just one year of negotiations and animated debates, with the full participation of States, international organisations and NGOs, on the 15th November 2000 the United Nations Convention Against Transnational Organised Crime and Protocols Thereto was proclaimed with the General Assembly Resolution 55/25, entering into force in 2003. The Convention has three supplementing Protocols: one on smuggling of migrants, one on trafficking in firearms, and one on human trafficking. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (or, Palermo Protocol) in Article 3 contains the very first internationally recognised and agreed definition of human trafficking, which is

> 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. (UN Trafficking Protocol 2000: art. 3).

Being a Protocol to a Convention, it is not separated from it and it has to be interpreted together with the provisions of the Convention itself. However, what is interesting in the present analysis is an explanation of the definition of human trafficking. It can be divided into three elements: *the action*, *the means* and *the purpose*. To recognise a crime as human trafficking all these three elements have to be present. Regarding children, only the action element is enough to have a situation of trafficking. Concerning the *action* element, we have some activities like "the recruitment, transportation, transfer, harbouring or receipt of persons". As there is no explanation of them in any interpretative material to the Protocol or the Convention, we should interpret them in a broader sense, especially in the case of harbouring and receipt, in which we consider action also the maintenance of a situation of exploitation (Anne T. Gallagher 2010: 30).

By *means* we refer to "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". All these actions have in common the concept of *coercion.* Some of these coercive means are direct and evident (i.e. threat, use of force, abduction); others are less direct but still used (i.e. fraud, deception). The concept of "position of vulnerability" here is interesting, as it appeared for the first time in the Palermo Protocol, while abuse of power was already used even in the earliest conventions (Anne T. Gallagher 2010: 32). Also, the interpretative material of both the Transnational Organised Crime Convention and the Palermo Protocol attempts to clarify this new concept. Actually, the *Travaux Préparatoires* explained that abuse of vulnerability is "any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved". A further clarification was given directly by the UNODC in 2012, where it is reported that vulnerability means "those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked" (UNODC Vulnerability Paper 2012:13), that is to say the push factors – or root causes – we listed above. The abuse of these conditions by traffickers is a means that leads to an exploitative situation, not the condition of vulnerability *per se.* Also, the means enlisted in the definition in Article 3 are broad, so as to have an intentional vagueness in order to cover any possible trafficking situation.

Finally, the *purpose* is of course exploitation. Article 3 lists some possible exploitative situations with the add of the wording *at a minimum* as to avoid limitation and open the definition to any possible or new form of exploitation (Travaux Préparatoires 2006: 343). Together with labour exploitation, sexual exploitation and removal of organs, the definition mentions the wording *practices similar to slavery*, which comes from the 1956 Supplementary Convention on the Abolition of Slavery and refers to debt bondage, serfdom, servile forms of marriage and every situation in which a child is sold. Instead, the concept of servitude is not fully clear and has no definition known in international law, even if the Travaux Préparatoires to the Convention tried to explain it through a situation in which a person is unlawfully forced to perform a service and has no choice, as for example in domestic servitude or debt bondage.

Regarding the exploitation of prostitution of others and the concept of *consent*, there was harsh debate between two coalitions of NGOs and different visions of States. The definition is a solution of compromise to conciliate every single position and it has been globally accepted and used also in the regional treaties and laws, like the European ones that we will see below. However, it is recognised as a framework, which means that it can be expanded. In fact, it is recognised that the Palermo Protocol focuses more on the repressive aspects of trafficking than on human rights. Being a supplementary document to an international treaty on organised crime, its focus is, of course, on detecting, punishment and prosecution of traffickers.

The provisions about protection and assistance to victims are not mandatory for State parties (unlike repressive ones) because human rights are not the focus of the Palermo Protocol, even if the issue was raised during the drafting process. However, we have to recognise that the Palermo Protocol is an important milestone which laid

the foundations to a more international response, to cooperation among states and a change in the general attitude. It triggered several reactions, also in the form of soft law documents and regional agreements and laws which should not be underestimated. In the words of Anne Gallagher, we must not blame the Palermo Protocol for being repressive, we should regard it as the important starting point for a new way of combating human trafficking (Anne T. Gallagher 2015: 15).

Other UN instruments and soft law documents

Together with the previously described Trafficking Protocol, there are other international legal instruments to consider when we discuss the legislative framework of human trafficking. The International Labour Organisation (ILO) has its list of international conventions specifically dedicated to forced labour, such as the ILO Forced Labour Convention (n°29) of 1930, enhanced by a recent Protocol of 2014, entered into force just three years ago, in 2016. Regarding the protection of migrant workers and their families, in 1990 the UN General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Regarding women and young girls, in 1979 the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted. Although it is not specifically an international treaty on human trafficking, it is important because Article 6 invites all States parties to take "appropriate measures" and legislations to suppress all forms of traffic in women and sexual exploitation. Even if there is no strictly operative measure against trafficking of women, it was the first time that trafficking was included in an international convention which regards gender discrimination and violence.

Regarding this Article, in 1992 the CEDAW Committee issued the General Recommendation n°19 which recognised all the structural causes and push factors that foster trafficking in women, such as poverty, unemployment, conflict and wars, and it recognised new forms of sexual exploitation like sex tourism, recruitment for domestic labour and arranged forced marriages. It added that "These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse" (General Recommendation n°19 1992: par.14).

On prostitution, the CEDAW Committee affirmed that "Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence" (General Recommendation n°19 1992: par.15). It was a strong milestone for the international community that was reaffirmed years later, and the elimination of trafficking entered international action plans, like the Beijing Platform for Action of 1995 and UN political agenda, such as the 2016 Sustainable Development Goals at goal number 5 (Gender equality and women's empowerment).

Regarding children, the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography contain Articles which expressively prohibit trafficking in children in any purpose and form, inviting all States to take the appropriate measures. In 1999 the General

Conference of the ILO adopted the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (n°182) aiming at protecting children from exploitative situations also generated by human trafficking.

There can be situations in which trafficking survivors can obtain refugee status, so also the 1951 Refugee Convention and its 1967 Protocol are important to the question. Moreover, in 2006, the United Nations High Commissioner for Refugees office (UNHCR) issued a series of guidelines, not binding for States, to better interpret these two international instruments in the light of a situation of human trafficking.

Finally, it is interesting to briefly mention a regional treaty on human trafficking, the Association of Southeast Asian Nations (ASEAN) Convention Against Trafficking in Persons, especially women and children, which was adopted in November 2015, ten years after the CoE Trafficking Convention and entered into force in 2017. South East Asia is another area of the world heavily affected by human trafficking, especially of women and children for forced labour, sexual exploitation, domestic working, forced marriages etc. ASEAN regional effort was put in place through non-binding instruments from 1997, where State parties recognised that trafficking is a problem that could be tackled only on a regional scale and promoted cooperation among States (Ranyta Yusran 2017: 3).

Eighteen years later, the ASEAN Convention identified within its scope and purposes the prevention of and fight against trafficking in persons, the establishment of an effective system for punishing criminals, the provision of protection and assistance to victims and legal cooperation, in adherence with the Palermo Protocol. It also adopts the same definition of trafficking and almost the same provisions – yet with some differences and limitations – as both the Palermo Protocol and the CoE Trafficking Convention attempt. The ASEAN Convention is an instrument which is not only concerned with the repressive part – like the Palermo Protocol – but adopts a "dual status", as suggested by Yusran (2017:16) as both a security and a human rights treaty, following the path of a comprehensive approach and placing emphasis on measures for the protection and assistance to victims – including the possibility for compensation.

Why is the ASEAN Convention so important to mention in this paper, which is concerned mostly with European law? Because, not only does it bring major inspiration from the CoE Trafficking Convention which, as we will see below, was unique at the time as it regarded trafficking as a human rights issue, but also because it confirms the importance of regional binding instruments to encourage legal cooperation among States to tackle human trafficking, to prosecute criminals, to prevent the crime and to protect those who fall in the trap within their territories, everything in compliance with the already existing international framework.

In all the international legislative *corpus* we also find the so-called *soft law* instruments, which are all those created or promoted by international organisations that do not have any legal or binding obligations on States. They usually provide new trends of the international community, they raise awareness, especially on human rights issues, so as to permit States to accept and follow them even if there is no international obligation on those standards (Antonio Cassese 2006: 196). In the

case of human trafficking we can recall the 2002 *United Nations Principles and Guidelines on Human Rights and Human Trafficking* produced by the United Nations High Commissioner for Human Rights (OHCHR) and submitted to the Economic and Social Council in 2000. It was never submitted to States for approval, but many of the provisions contained in it are now followed or they are part of regional and national legislations.

Other instruments concerning human trafficking are General Assembly resolutions, guidelines from agencies of the United Nations, declaration of IGOs, or action plans. Even the Security Council started to issue resolutions on the matter, like the most recent Resolution 2388 (2017) in which the Council strongly condemned human trafficking especially in areas of conflict and perpetrated by terrorist groups and Resolution 2437 (2018) which authorise UN member states to inspect vessels on the high sea off the coasts of Libya if there is serious suspicious of situations of human smuggling or human trafficking.

Even if at the international level we do not have a monitoring body which controls trafficking legislations and standards implementation, the United Nations, under the OHCHR, in 2004 established through its decision 2004/110 a Special Rapporteur for trafficking in persons, especially women and children for a three-year period in order to monitor the implementation of anti-trafficking measures and their compliance with human rights in member states. The present Special Rapporteur is an Italian judge, Maria Grazia Giammarinaro, appointed in 2014.

The Council of Europe and the European Union fight against human trafficking

Council of Europe

The area of the world with the highest number of citizenships of human trafficking survivors is the European continent, with 137 different detected nationalities (UNODC Global Report 2016: 5). Europe is both an area of destination and origin of trafficking in human beings and for this reason it has developed a well-structured system, starting from the Council of Europe (CoE) – which is not a European Union institution, and numbers forty-seven member States.

On 16th May 2005 in Warsaw (Poland), the *Council of Europe Convention on Action against Trafficking in Human Beings* was opened to signatures. It entered into force in 2008 and it counts forty-six CoE member States (all but the Russian Federation), plus Belarus, which ratified it in 2014. The process for negotiating and drafting the CoE Convention began in 1990 following the need for better protection for victims of human trafficking and their human rights. In fact, as stated in the preamble, the focus of the CoE Trafficking Convention is on victims and their rights, listing actions to protect them without discrimination, respecting gender equality and the rights of children. All these actions are done through a multidisciplinary and comprehensive approach which means to deal with trafficking in human beings unifying efforts of different actors in order to reach better results. The aim is that of improving the provisions about protection of the Palermo Protocol, implementing a human rights-based approach to human trafficking in a binding international law instrument. The human rights-oriented approach, the will of a comprehensive

framework and the particular attention for gender equality (recalled also in Article 17) in applying the policies concerning trafficking are clearly stated in Article 1, which lists the purposes of the Convention. In fact, as specified in paragraph b of the same Article, the aim is

> to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution (CoE Trafficking Convention 2005: art 1(b))

The importance and the recognised acceptance of the definition of human trafficking provided by the Palermo Protocol and explained above, is reported in Article 4 to the Convention, adding of a definition of victim, which is "any natural person who is subject to trafficking in human beings" (CoE Trafficking Convention 2005: art. 4). It underlines the centrality of the human beings and the strong commitment to its rights instead of the mere punishment of the crime like the Palermo Protocol. Demand for exploitative services is directly addressed in the CoE Trafficking Convention in Article 6 and it is recognised as one of the factors that fosters the exploitation of people – any form of exploitation – and it must be discouraged. The Convention provides several protection and assistance measures in its first part to underline their importance. These measures are clarified in the CoE Convention, while they were overlooked in the Palermo Protocol. This is because the CoE Convention is a regional legal document dealing with human rights in the first place, while the Palermo Protocol has a more repressive nature being an additional agreement supplementing a Convention regarding international crime and its repression.

The CoE Convention widely extend obligations concerning the identification of victims in Article 10, with a special regard to children, strongly encouraging countries to train officials and enhance measures to better identify and protect a trafficked victim. When a victim is identified, she or he needs protection of her private life and identity, especially she or he decides to denounce her/his traffickers as recalled in Article 11.

The CoE Convention also provides measures for the psychological and physical assistance of victims in Article 12, guaranteeing also access to translation services, counselling, information regarding their legal rights and support in all stages of the criminal proceedings, education and care for children, encouraging the collaboration between States and NGOs or civil society organisations. Article 13 introduces the right for victims to a recovery and a reflection period of thirty days in which they are allowed to recover and escape their traffickers and voluntarily decide to collaborate with the investigations. It is important to remember that victims have the right to protection and assistance regardless of their will to cooperate with the law enforcement or to denounce their traffickers. When they are detected, their human rights are guaranteed anyway.

Article 14 provides the possibility of a time-limited residence permit for victims while Article 15 introduces the right of a compensation for victims, an element first introduced by the above-mentioned *UN Principles and Guidelines about human rights and human trafficking*. Repatriation and return must be voluntary and respecting all the rights and safety of the victims in order to avoid re-victimisation

and pursuing a path of reintegration within the society of the victim, as largely provided by Article 16.

Together with the protection and assistance measures, the Convention provides also prevention strategies, encouraging cooperation among States due to the transnational nature of the crime of trafficking (Article 5) also discouraging the demand for trafficking, one of the *pull factors,* in the countries of destination (Article 6).

A new element introduced by the CoE Trafficking Convention is a monitoring system, the Group of Experts on Action Against Trafficking in Human Beings (GRETA), which founds its legal basis in Articles 36 and 37. GRETA oversees and monitors the implementation of the Convention by member States, issuing reports and conclusions about State party situations, also underlining problems and emergency situations. Finally, there is a provision dedicated exclusively to European Union member states. In Article 40 we find the so-called "disconnection clause" that generated debates at the time as EU member States could choose to apply European Union law instead of the provisions of the CoE Trafficking Convention. There was the fear that lower standards of human rights protection would be granted to victims of human trafficking. Nowadays, the present debate is no longer working as – as we will see – the European Union has heavily reformed its legislation, applying higher standards for protection for victims and prevention according also to the CoE Convention provisions.

The European Court of Human Rights

The European Court of Human Rights (ECtHR) has been crucial for the definition of trafficking in human beings as a violation of human rights through its jurisprudence in light of the provisions of the European Convention of Human Rights. The Court also had a breakthrough regarding the definition of positive obligations of States in cases of human trafficking. In fact, human trafficking is a transnational crime that is perpetrated by non-state actors such as individuals or criminal organisations that are not linked with the State. Simply put, in cases of trafficking, States are not directly involved in the process and the harm or the violations of human rights suffered by victims are not imputable to States.

However, recognising human trafficking as a serious violation of human rights, it is assumed that a State has both negative and positive obligations to fulfil under its jurisdiction, and it must ensure the respect and enjoyment of the fundamental human rights to all people (citizens or not) present in its territory. Negative obligations mean that States must not interfere with the enjoyment of human rights, while positive obligations mean that States must comply with acts that in order to allow individuals under their jurisdiction to enjoy their rights (De Vido 2014: 370).

The standard widely recognised in the field of human rights to fulfil positive obligations is that of *due diligence*, first introduced with the Inter-American Court of Human Rights judgement *Velasquez Rodriguez* of 1988. States are obliged to prevent and respond to acts of privates or non-state actors that could violate the established fundamental rights and if they fail, they are considered responsible.

The concept of due diligence and State responsibility in cases of human trafficking is recalled in the Recommended Principles and Guidelines on Human

Rights and Human Trafficking and in a 2015 report by the Special Rapporteur on trafficking in persons, Maria Grazia Giammarinaro. These concepts were also well expressed by the ECtHR in the cases presented in this Article, especially – as we will see in the *Rantsev* case, even if the Court does not mention due diligence directly.

The ECHR does not contain any provision about human trafficking but in Article 4 it prohibits slavery, servitude and forced labour. However, Article 4 was at the basis of the important turning point marked by the Court with the cases *Siliadin v. France* (2005) and *Rantsev v. Cyprus and Russia* (2010). The case *Siliadin v. France* regarded a young Togolese girl brought to France by a relative under false promises and kept as a domestic worker in forced hard conditions.

The Court recognised her case as *servitude* generated by a trafficking situation and falling under provisions of Article 4. The Court recognised that the young girl was not held in slavery conditions, she was not treated as an object and her exploiters did not exercise a property on her. She lacked the freedom of movement and she worked in terrible and harsh conditions of exploitation. France was judged responsible because it failed in having a proper legal framework in order to protect the girl, which was a minor at the time, and it did not criminalise and prosecute the perpetrators, violating its positive obligations under Article 4 (*Siliadin v. France* 2005: para. 89).

Rantsev v. Cyprus and Russia is considered the real landmark case for human trafficking provisions under the ECtHR. It concerned a young Russian girl who was brought to Cyprus with an "artist" visa and forced to work in a nightclub. After escaping once, she was brought to the police by her "employer" to have her arrested and deported to Russia. The Cypriot police did not realise she was a victim of human trafficking and let her go together with her employer. During the same night she died falling from a balcony. Her father brought the case to the Strasbourg Court, which bravely gave a sort of "new life" to Article 4 and interpreted the Convention as a *living instrument*, by stating that

> In view of its obligation to interpret the Convention in light of present-day conditions, the Court considers it unnecessary to identify whether the treatment about which the applicant complains constitutes "slavery", "servitude" or "forced and compulsory labour". Instead, the Court concludes that trafficking itself, within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the Anti-Trafficking Convention, falls within the scope of Article 4 of the Convention. (Rantsev v. Cyprus and Russia 2010: para. 282).

In *Rantsev*, the Court recognised human trafficking as a serious violation of fundamental and individual human rights, human dignity of victims and a threat to democratic societies (*Rantsev v. Cyprus and Russia* 2010: para. 282) and as a form of modern slavery and slave trade, putting a strong landmark on the international – and regional – understanding of the phenomenon. The Court stated that

> trafficking in human beings, by its very nature and aim of exploitation, is based on the exercise of powers attaching to the right of ownership. It treats human beings as commodities to be bought and sold and put to forced labour, often for little or no payment, usually in the sex industry but also elsewhere. It implies close surveillance of the activities of victims, whose movements are often circumscribed. It involves the use of violence and threats against victims, who live and work under poor conditions. It is described in the explanatory report accompanying the Anti-Trafficking Convention as the modern form of the old worldwide slave trade (Rantsev v. Cyprus and Russia 2010: para. 281).

The *Rantsev* judgment expanded the positive obligations linked to human trafficking situations that States must fulfil under Article 4, following the path tracked by *Siliadin*. In fact, two States were found responsible for the lack of fulfilment of positive obligations, namely Cyprus and Russia. The Court recognised that States are responsible also for the protection of victims of human trafficking and the put in place of preventive strategies, for example in the country of origin of the victim. So, only the combination of prevention, protection of victims and prosecution of criminals is effective to fight trafficking, as in the words of the ECtHR:

> Accordingly, the duty to penalise and prosecute trafficking is only one aspect of member States' general undertaking to combat trafficking. The extent of the positive obligations arising under Article 4 must be considered within this broader context. (Rantsev v. Cyprus and Russia 2010: para. 285)

Both the Russian Federation and Cyprus did not comply with their positive obligations, even if they did not perpetrate the crime directly. Cyprus was found responsible for having violated the positive obligation of identify the victim owing the 'artist' visa when she was brought by her exploiter to the police station and it lacked proper investigations about her conditions and her death. Russia instead was recognised by the Court as well-aware of the problem of transnational trafficking of Russian women for sexual exploitation but did nothing to prevent it and failed the investigations to tackle traffickers in its territory and protect the trafficked victim under its jurisdiction. They both failed to cooperate in order to eradicate the problem, another positive obligation which States must comply with (*Rantsev v. Cyprus and Russia* 2010: para. 289).

The *Rantsev* case marked a great improvement in the international and European law of human trafficking as it recognised a sort of 'evolutive' approach, recognising that laws can be interpreted according to time in which we are living, that they are not crystallised and fixed, but it depends on what we are living at the moment and what the challenges are. After the *Rantsev* case, other cases have been analysed under the same light and following the same footsteps, like the recent *L.E. v Greece*[1] of 2016 and *S.M. v. Croatia* of 2018 for cases of trafficking of sexual exploitation and the *Chowdury and Others v. Greece*[2] case of 2017 for trafficking for forced labour.

[1] In L.E. v. Greece case, the Court recalled the Rantsev case with regard to the three positive obligations identified in its jurisprudence, but it specified that in this case, Greece had a satisfactory legal framework to contrast human trafficking, in adherence with international and European law. Greece was found responsible because of a delay in the formalisation of the identification of the victim: in fact, she was not recognised as victim because she did not denounce immediately her exploiters, even if the collaboration with justice is not conditional to protection and assistance to victims of trafficking. As Vladislava Stoyanova points out (2016: 7-8) the Court lacked rigour in analysing identification from Greek authorities, not recognizing it as a structural failure of positive obligations but just as a deficiency linked with this particular case.

[2] Chowdury and Others v. Greece is a case referring to forced labour and trafficking. The Court listed within the text of the judgement all the positive measures provided by the CoE Trafficking Convention, observing that the national authorities were aware of the situation of migrant workers, especially in the Manolada region. Given this knowledge by the State, it should have fulfilled the positive obligations. Moreover, these positive obligations provided by the CoE Trafficking Convention affect the whole situations provided by Article 4 of ECHR, not only human trafficking ones, making a step forward in putting also the exploitation of migrant workers in the spotlight. The Court overlapped the two concepts,

The European Union

Even the European Union has dealt with human trafficking since the 90s. It entered into legislation of the EU indirectly since the abolition of internal frontiers and the creation of a space in which movements of capital, people, services, and goods became free, which would have made transnational crime easier. The need for a common response was paramount (Silvia Scarpa 2008: 171). Over time the European Union has made giant leaps forward in the fight against human trafficking, building a common framework for the 28 – almost 27 – member States. First, human trafficking is prohibited expressly at Article 5 of the 2000 *Charter of Fundamental Rights of the European Union*, together with slavery, servitude and forced labour. It is the first time that human trafficking is directly addressed in the same provision of the prohibition of slavery in a human rights treaty, making the connection between them stronger and reinforcing the commitment to the human rights of victims and survivors. The Charter is legally binding for EU member states since the entry into force in 2009 of the Lisbon Treaty, so the presence of a clear prohibition of human trafficking marks an important step forward.

However, the first provisions against human trafficking contained in the EU treaties regarded exclusively security, criminal law and border patrolling. In 2002 the Council of the European Union adopted the *Council Framework Decision on combating trafficking in human beings*, the first attempt to establish obligations for member States in order to conform their national laws to a common action. The approach taken was highly repressive to the crime, with sanctions and punishment clearly established in the text, and less concerned with victims.

After the two-year period 2006-2008, having noticed the weaknesses of the 2002 Council Framework Decision, the European Commission submitted a proposal for a Directive to be discussed with the new process established by the Lisbon Treaty. The new *Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims* was proclaimed (Directive 2011/36/EU) the 5th April 2011 and entered into force the 15th April 2011. It completely substituted the Framework Decision of 2002 and, as a Directive, it aimed at establishing a common provision against human trafficking and it had to be implemented and adapted within the national systems of member States. It is a comprehensive document following three main concerns in human trafficking issues: prevention, prosecution and protection.

The scope and the focus of the EU legislation changed with this Directive. Following the Council of Europe Trafficking Convention and all the changes in the

trafficking and forced labour, even if the Court itself recognised it was a situation of forced labour rather than servitude – as in Siliadin. The Court also revealed that Greece was guilty also for lacking a proper investigation and – in some cases – prosecution of the exploiters. For more information about the Chowdury case, see Corcione, Elena, 2017, "Nuove forme di schiavitù al vaglio della Corte europea dei diritti umani: lo sfruttamento dei braccianti nel caso 'Chowdury'", in Diritti umani e diritto internazionale, fasc. 2, pp. 516-522 and Stoyanova, Vladislava, 2017, "Irregular Migrants and the Prohibition of Slavery, Servitude, Forced Labour & Human Trafficking under Article 4 of the ECHR, EJIL:Talk, accessed May 28, 2019, https://www.ejiltalk.org/tag/chowdury-and-others-v-greece/ .

point of view that occurred that years in Europe, the 2011/36 Directive recognised human trafficking as a violation of human rights, a serious crime which carries a gender specific dimension and has push and pull factors that fosters it.

The directive explicitly declares to use a comprehensive approach to put together criminal justice provisions and human rights protection, encouraging member States to collaborate one another, but also with NGOs and civil society actors in all aspects of the fight against trafficking in human beings. Protection and prevention began to be really crucial in the European strategy and seen as important as the merely repressive approach taken in previous legislations. The Directive addresses directly demand recognising it as one of the factors that influence human trafficking and encouraging member States to discouraging it. A network of National Rapporteurs as a monitoring system is encouraged as to collect data, exchanging information and best practices.

Two other Directives are part of the European Union framework of action against trafficking: the Council Directive, concluded the 29th April 2004, regarding the residency permit issued to third-country nationals who are victims of trafficking in human beings or who have been subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (2004/81/EC), and the Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU).

If a human trafficking victim is entitled to receive the refugee status, the European Union Directive 2011/36 affirms, as the Trafficking Protocol and the CoE Trafficking Convention, that its provisions are without prejudice of the 1951 Refugee Convention and its Protocol and that member states should provide information on how to obtain the refugees status according to European and national regulations on the matter.

For the period 2012-2016, the EU elaborated a strategy towards the eradication of trafficking in human beings, adopted in 2012 to supplement and complete the European Union framework. It covered a strategy lasting five years and composed by five key priorities adopting a comprehensive approach. The key priorities were: identifying, protecting and assisting victims of trafficking; stepping up the prevention of trafficking in human beings; increasing prosecution of traffickers; enhancing coordination and cooperation among key actors and policy coherence; increasing knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings.

Each key priority is divided into actions that involve different actors, namely the European Commission, member States, NGOs, the civil society, the External Action, European Union Agencies, Eurojust and National Rapporteurs, with a different timing. Even if the strategy has been ended the European Commission did not stop to work with EU member States to improve efforts on this matter. In the last European Day Against Human Trafficking, the EU Commission reaffirmed the efforts and the commitments of member states to eradicate this serious crime and violation of human rights, underlining the importance of improving gender sensitive policies especially for women and children.

In conclusion, the European point of view changed from a strictly repressive approach to a more victim and human rights concerned one. In few years, the

European Union did a great number of steps towards a common policy contrasting trafficking in human beings through criminal law and human rights protection. The same prohibition of trafficking inside a legal instrument concerning fundamental rights like the Charter of Fundamental Rights of the EU is a great and unique step forward in international legal provisions.

Conclusions

The present Article has provided an overview of the current international and European legislation concerning human trafficking. One can easily assume that the contrast to trafficking in persons changed perspective throughout the years, from a mere repressive strategy of the Palermo Protocol in order to fight the crime itself to a more human-rights sensitive approach of soft law international instruments, like the Recommended Principle and Guidelines on Human Rights and Human Trafficking and recent regional legal instruments.

However, as we saw, we agreed at least on the definition of human trafficking, even if it is broad and incomplete on a sense but maybe it was exactly the main purpose. It is difficult to find a common ground among a great number of States like UN members where each State raises its own issues, tries to see to its own interests, has its cultural and political background. To reconcile all views is difficult and without any development for the future. At a regional level, like the European Union, it is easier to designate a common framework which is more specific and concerned with the real problem in a concrete way, like the concern for human rights of trafficked people. For these reasons we had the CoE Convention, which is human rights-oriented, also because the protection of human rights is one of the pillars of the Council of Europe together with democracy and the rule of law.

The European Court of Human Rights marked a great step forward with its innovative jurisprudence, opening the road to a new view and a new comprehension also of the obligations appointed to States in cases of trafficking (even if the crime is usually perpetrated by non-state actors). It influenced a change also regarding the European Union legislation, who adopted a comprehensive strategy, which concerns the prevention of the crime, the punishment of perpetrators but most and foremost the protection of victims, with a particular attention to their human rights and gender specific issues.

The phenomenon of trafficking is constantly changing and shaping, adapting to time and places. The legislation presented in this article is currently moving in the right direction, especially in its regional form, which in my opinion, it is the most effective strategy to tackle crime. It is not a matter of choosing which point of view – repressive or human rights-oriented – to adopt when fighting trafficking in human beings.

It should be the common efforts of all actors and parts involved, always bearing in mind that the most affected by the crime are women and children, that the problem is real, and we should do more in order to tackle it. It is important to remember, however, that the laws presented in this article must be applied to everyday reality and they are at our disposal to deal with such a difficult and heinous problem as human trafficking.

Reference list

Articles and books

Burke, Mary C., 2013, *Human Trafficking - Interdisciplinary Perspectives*, 2013, New York: Routledge.

Cassese, Antonio, 2006, *Diritto Internazionale*, Bologna: Il Mulino Editore.

Cottingham Marci et al, 2013, Underlying Causes, in Burke, Mary C., *Human Trafficking - Interdisciplinary Perspectives*, pp. 51-72, New York: Routledge.

Corcione, Elena, 2017, "Nuove forme di schiavitù al vaglio della Corte europea dei diritti umani: lo sfruttamento dei braccianti nel caso 'Chowdury'", in *Diritti umani e diritto internazionale*, fasc. 2, pp. 516-522, ISSN: 1917, 7105.

De Vido, Sara, 2014, "States' Due Diligence Obligations to Protect Women from Violence: A European Perspective in Light of the 2011 CoE Istanbul Convention", *European Yearbook on Human Rights*, Antwerp, Vienna, Graz, Intersentia Nwv, pp. 365-382, doi: http://hdl.handle.net/10278/40574

Gallagher, Anne T., 2010, *The International Law of Human Trafficking*, New York: Cambridge University Press.

Gallagher, Anne T., 2015, *Two Cheers for the Trafficking Protocol*, 2015, Anti-Trafficking Review 4, doi: https://doi.org/10.14197/atr.20121542

Hughes, Donna M., 2002, *Trafficking for Sexual Exploitation: The case of the Russian Federation*, IOM Migration Research Series n° 7, International Organization for Migration, available at http://publications.iom.int/system/files/pdf/mrs_7.pdf (accessed November 2018).

Jannson Borg, Dominika, 2015, *Modern Slavery: a comparative study of the definition of trafficking in persons*, Leiden: Brill.

Kara, Siddharth, 2009, *Sex Trafficking - inside the business of modern slavery*, New York: Columbia University Press.

Monzini, Paola, 2002, *Il Mercato delle Donne*, Roma: Donzelli Editore.

Quirck, Joel, 2011, "Modern Slavery", contained in Heuman, Gad and Burnard, Trevor eds., *Routledge History of Slavery*, Abingdon (UK): Routledge.

Russell, Amy M., 2014, "Victims of Trafficking: The Feminisation of Poverty and Migration in the Gendered Narratives of Human Trafficking.", *Societies* 4: 532-548, doi: https://doi.org/10.3390/soc4040532

Scarpa, Silvia, 2008, *Trafficking in Human Beings: Modern Slavery*, Oxford: Oxford University Press

Stoyanova, Vladislava, 2016, "L.E. v. Greece: Human Trafficking and the Scope of States' Positive Obligations under the ECHR", 3 *European Human Rights Law Review*, 290-230, doi: https://ssrn.com/abstract=2773670

Stoyanova, Vladislava, 2017, "Irregular Migrants and the Prohibition of Slavery, Servitude, Forced Labour & Human Trafficking under Article 4 of the ECHR, *EJIL:Talk*, accessed May 28, 2019, https://www.ejiltalk.org/tag/chowdury-and-others-v-greece/

Turek, Jamie M., 2013, "Human Security and Development Issues", in Burke, Mary C., *Human Trafficking - Interdisciplinary Perspectives*, pp. 73-87, New York: Routledge.

United Nations Office on Drugs and Crime, 2012, *Issue Paper: Abuse of a Position of Vulnerability and other "Means" Within the Definition of Trafficking in Persons*, New York: United Nations Publications.

Williams, Phil, 2007, "The role of transnational organized crime", in Newman, Edward, *Trafficking in humans: social, cultural and political dimensions*, pp. 126-158, New York: United Nations University Press.

Yusran, Ranyta, 2017, "The ASEAN Convention Against Trafficking in Persons: a Preliminary Assessment", in *Asian Journal of International Law, Volume 8, Issue 1, January 2018,* pp. 258-292, doi: https://doi.org/10.1017/S2044251317000108

International and European Legislation and jurisprudence

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Crime, Nov., 2000, GA Res. 55/25, Annex II UN GAOR, 55th Sess., entered into force Dec. 2003

Council of Europe Convention on Action Against Trafficking in Human Beings: Warsaw, 2005, Council of Europe Publishing, Strasbourg.

European Court of Human Rights, Rantsev v. Cyprus and Russia, Application no. 25965/04, 7th January 2010, available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/rantsev_vs_russia_cyprus_en_4.pdf (accessed November 2018).

Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, 2011/36/EU, 5th April 2011, OJ L 101/1, available at http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0036 (accessed November 2018).

European Court of Human Rights Jurisprudence

European Court of Human Rights, *Siliadin v. France*, application n° 73316/01, 26th July 2005, available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/siliadin_v_france_en_4.pdf (accessed November 2018).

European Court of Human Rights, *Rantsev v. Cyprus and Russia*, Application no. 25965/04, 7th January 2010, available at https://ec.europa.eu/antitrafficking/sites/antitrafficking/files/rantsev_vs_russia_cyprus_en_4.pdf (accessed November 2018).

European Court of Human Rights, *L.E. vs Greece case*, application no. 71545/12, 21st January 2014 http://hudoc.echr.coe.int/eng?i=001-160218 (accessed April 2019).

European Court of Human Rights, *Chowdury and Others v. Greece*, application no. 21884/15, 30th March 2017, available in French at

https://www.asylumlawdatabase.eu/sites/default/files/aldfiles/AFFAIRE%20CHOWDURY%20ET%20AUTRES%20c.%20GR-CE.pdf (accessed April 2019).

Soft law documents, reports and statements

UN Committee on the Elimination of Discrimination against Women, General Recommendation n° 19: Violence against Women – art.6, 1992, United Nations website,http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm (accessed November 2018)

United Nations Office of the High Commissioner for Human Rights (OHCHR), *Report of the Special Rapporteur, Ms. Radhika Coomaraswany, on violence against women, its causes and consequences, on trafficking in women, women's migration and violence against women*, UN Doc. E/CN.4/2000/68 par. 22 submitted to the Economic and Social Council of the United Nations on Feb. 29, 2000. Available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/G00/113/34/PDF/G0011334.pdf?OpenElement, (accessed November 2018)

United Nations Office on Drugs and Crime (UNODC), Travaux Préparatoires of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, 2006, New York, United Nations Office on Drugs and Crime website https://www.unodc.org/pdf/ctoccop_2006/04-60074_ebook-e.pdf (accessed November 2018)

United Nations Office on Drugs and Crime Executive Director Statement on the UN World Day Against Trafficking in Persons, 30th July 2016, https://www.unodc.org/endht/en/statements.html , (accessed November 2018)

United Nations Office on Drugs and Crime, Global Report on Trafficking in Persons 2016, 2016, United Nations Publications, New York, available at https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf, (accessed November 2018)

United Nations Office on Drugs and Crime, Global Report on Trafficking in Persons 2018, 2018, United Nations Publications, New York, available at https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf (accessed April 2019)

International Labour Organisation and Walk Free Foundation, Global Estimates of Modern Slavery: forced labour and forced marriages, 2017, ILO Publications, Geneva, available at https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf