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From a Promise to Reality: The Struggles of Governing Human Trafficking

Supervised by Ugljesa Ugi Zvekic

Rachel Cruickshank

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Executive Summary

The United Nations' Palermo Protocol, a treaty initiated in 2000, was designed to internationally mobilise and guide member states into combating trafficking. However, as 25 years have passed, human trafficking is still one of the 21st century's biggest humanitarian challenges, with victimhood increasing yearly. Therefore, an analysis of the Protocol's member states and their anti-trafficking measures is conducted, allowing for further insights into state weaknesses. However, the thesis goes further and critically analyses the Protocol's framework itself. As an international convention, its contents are being adopted on a mass scale and inevitably the Protocol will have its own internal challenges that need to be rectified. The thesis concludes with the suggestion of a redrafting of the Protocol, with insights that seek solutions following the acknowledgement of current state challenges and framework limitations.

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Introduction

In an increasingly complex world, human trafficking continues to increase despite the creation and mobilisation of the United Nations' (UN) Palermo Protocol and governmental commitments to stop victimisation. The issue continues to worsen each year, more than quadrupling in victims between 2008 and 2019 (Statistica, 2025). The time to act is now, and critical reflections of why this is occurring is essential.

The UN's Palermo Protocol, open for signatories in 2000, sought to bring together member states to establish a 'trafficking in persons' definition and collaboratively address the human trafficking crisis. The establishment of the Protocol was an unprecedented cross-border collaboration, as prior, there was 'no internationally accepted definition for "trafficking"' (Dempsey, Hoyle & Bosworth, 2012). The Protocol's presence here, was instrumental in emphasising the three different elements of human trafficking, i.e. the action, means and purpose of the act. With such a distinction, the definition identified human trafficking as a global 'crime of specific or special intent' (UNODC, 2014), highlighting the importance of multinational legal action.

The Protocol's emergence was crucial. Since its formation, the Protocol has successfully had 182 parties ratify and accede to its contents and over 90% of states around the world have adopted some form of national policy or legislation criminalising human trafficking (Siller, 2017). Importantly it has become legally expected of nations to protect and halt the continuation of human trafficking. Evidently, care and efforts to rectify this issue are of concern to many global nations.

Yet, despite this wider implementation of the Protocol, a quarter of a century later, human trafficking is still a distressing and worsening issue; in 2022, there was a 25% increase in the global detection of victims in comparison to 2019 (UNODC, 2024). Human trafficking has increased, despite the COVID-19 pandemic within this same time frame, which arguably limited transportation and should have theoretically decreased international trafficking routes. Whilst arguably, the increased detection of victims may indicate a better identification system, the realisation of the vast scale and uncontrollability of victimhood is evident, as the number of people affected continues.

This raises the question of the extent to which the Protocol has been successful; a system which has been designed to help people is currently struggling to be achieved. Protecting victims is necessary, as well as affirming their right to autonomy, agency and legal protection. In many cases, victims are vulnerable individuals, inhibited from seeking aid, so it is

essential to defend them from further social, mental and physical pain. An evaluation of weaknesses in our governance systems is needed for the well-being of victims and the prevention of victimhood. To do so, the thesis shall explore current factors inhibiting the successful implementation of the UN Palermo Protocol, as showcased in the research question and sub-questions below:

Research Question

To what extent has the success of the UN Palermo Protocol been challenged by states' legal and resource-based problems?

Sub-questions:
1. How has the UN Palermo Protocol tried to address human trafficking?
2. What are states' social, economic, legal challenges that are inhibiting the effective implementation of the Protocol?
3. What have been the successes and shortcomings of the Palermo Protocol?

As it stands, the Protocol's success is dependent on the willingness and ability of signatory states to adopt its contents, as many UN associated frameworks usually are. Therefore, much of the responsibility, interpretation and implementation of the Protocol becomes subjective to the terms of these nations. These dynamics are then worsened by the UN's lack of a prosecuting body (albeit advisory) for the Protocol, and cannot proactively dictate states beyond the framework. Whilst many states have tried to incorporate the Protocol, many legal and resource-based problems have emerged. Inevitably, with the complexities of creating a Protocol to address varying global needs, a multitude of factors would inevitably inhibit the ability of states to fully adopt the Protocol.

Research Significance

The UN Palermo Protocol has been adopted by nations across the world, indicating its status as an influential body, capable of spreading anti-trafficking discourse on a mass scale. It is important to reflect upon its ability to establish and encourage successful anti-trafficking frameworks and policies. Human trafficking is a pressing global issue, negatively inhibiting and changing millions of livelihoods. Unfortunately, the presence of a legal framework does not necessarily equate to success. It is crucial to look inwards at how the Protocol is being adopted

by member states, and the specific setbacks that are inhibiting a successful adoption, to identify the major challenges in hopes of bettering anti-trafficking measures. Moreover, the thesis critically evaluates the Protocol's capabilities, implementation, and enforcement strategies. If the Protocol is inadequate, and human trafficking rates rise, cooperation and trust in this UN body may diffuse due to growing concerns and insufficient results. All in all, this would contradict what the treaty had initially set out to achieve.

Human trafficking and increasing the discourse around it is essential and significant, bringing forth more awareness of this issue, enabling our governments to do better. Currently, as a result of human trafficking's unmeasurable and ever-growing scale, governance systems are not able to fully mitigate the problem and, in fact, heavily depend on research estimations (Bryant and Landman, 2020). Furthermore, even evaluations of anti-trafficking interventions are often deemed optional which inhibits the understanding of how to better progress (Bryant and Landman, 2020). It can be argued that with the thesis' emphasis on bringing further awareness of the reasonings and challenges of human trafficking, it can help collective society and governments better aid victims; whether that be institutionally, socially, economically or politically. Raised awareness highlights the Protocol's weaknesses, enunciates the importance of state accountability, and the need for change to be established.

Literature Review

This literature review examines the increasing academic and policy discussions about the effectiveness of the Palermo Protocol (2000). Since its emergence, many perspectives and insights have circulated about the Protocol's effectiveness. By using a range of different sources, this allows for the thesis to be approached with a multidisciplinary approach, and prioritises a thesis which is timely and relevant.

In this analysis, the literature selected derives from two different realms, academic and inter/governmental. The academic supporting documents have provided context about the Protocol itself and its role in shaping anti-trafficking laws, implementation challenges and victimhood. Numerous academic sources have been selected, but some specifically have been chosen from Human Trafficking, Victimology, Social, Legal and International Affairs journals.

Simultaneously, the thesis' literature also derives from governance reports, including assessments from the United Nations Office on Drugs and Crime (UNODC) and other intergovernmental organisations. These reports provide essential information about human trafficking trends, detailed knowledge about how states' are handling the crisis and consequent inconsistencies. This will enable the literature review to have a global perspective on compliance and effectiveness.

The literature review has been purposefully written to align with the thesis' research question and subquestions. The first area of literature examined will be used to identify how the UN Palermo Protocol has tried to address human trafficking. It will specifically showcase what the Protocol has contributed towards the human trafficking crisis, from creating clear definitions to establishing boundaries whereby states can be carefully guided. Secondly, the literature review will explore how member state challenges have implicated the actual practice and implementation of the Protocol, focusing upon specific social, economic and political inhibitions.

Finally, the review will end with a reflection of the Protocol's successes and shortcomings. Whilst the Protocol has provided significant legal contributions towards raising wider awareness and mobilising states into action, much of its contents are only able to aid states to a certain extent. While the thesis' focus is on state cooperation, I argue it is essential to reflect on the Protocol itself, as many challenges in combating human trafficking stem from its framework. Therefore, an evaluation of the Protocol is necessary.

Literary Analysis

1. *How has the UN Palermo Protocol tried to address human trafficking?*

For decades prior to the creation of the Protocol, the disparities in how to address human trafficking were made evident due to a lack of global collaboration and guidance, and high trafficking flows. In response, the Protocol has since tried to address human trafficking by establishing a 'shared' definition of trafficking, becoming the first universal instrument to address all aspects of trafficking in persons and emphasise criminalisation. The creation of the Protocol was a trailblazer for cross-border collaboration, raising awareness and mobilising states globally to combat trafficking. Of the 193 member states of the UN, 182 have ratified the Protocol, with none of the state parties having formally objected or placed conditions on its definition of trafficking (Dempsey, Hoyle & Bosworth, 2012). The willingness and wide adoption from member states showcases a hopeful future, one that indicates a strong willingness to be part of the solution, and a broader desire to combat trafficking. The Protocol here, is an international framework that guides states into a direction of emphasising criminalisation, protecting victims and forming a general understanding.

The Protocol has also tried to address human trafficking by including the positionality of the victim and the proper identification of trafficking. This has been done through the Protocol's stance on consent, where consent is deemed irrelevant if any of its specified means and methods of trafficking have been used (UNODC, 2014). Within this, the protection of minors has also been addressed; children are defined as anyone under the age of 18 years old, and if children are involved in any situation of trafficking concern, the Protocol shall deem them to have been trafficked (Piotrowicz, 2008). By making such distinctions and limits clear, the Protocol has established certain boundaries of human trafficking and how states should comply to aid and identify victims. By doing so, the Protocol's clear boundaries allows for global uniformity and cooperation from member states in anti-trafficking approaches.

2. *What are states' social, economic, legal challenges that are inhibiting the effective implementation of the Protocol?*

As the Protocol is heavily dependent on its member states to successfully adopt its contents, this exposes the treaty to many domestic challenges. As a framework that has been designed to fit

the needs on a global scale, it is inevitable that states will have challenges ranging from their own social, economic and legal sectors that will interrupt successful adoption.

Human trafficking is a financial burden, drastically impacting nations' budgets and spending capacities. From a study done for the European Commission (Walby et al., 2020), the cost of human trafficking is borne by the public, as extra services such as further law enforcement, specialised services, health services and social protection are needed; therefore, the cost of trafficking is lost economic output. As trafficked victims require economic funds, the estimated cost per victim in the EU-28 was estimated to be EUR 312,756 over their lifetime (Walby et al., 2020). Anti-trafficking policies are costly, which for some developing nations, may be difficult for them to fully incorporate the Protocol's contents, therefore inhibiting successful adoption.

As a legal example, Davis (2024) explores how anti-immigration initiatives in the UK (a member of the Protocol, both ratified and signed) have indirectly impacted the ability of victims to self-identify as trafficked; making the livelihoods of vulnerable victims worse. Victims and their human right to protection and privacy is often clouded by their legal classification by states as criminals due to their 'violation' of migration, labour and/ or prostitution laws (Coyle, 2018). It is often difficult for trafficked victims to be distinguishable from other vulnerable groups, self-identify and in general, have the state adequately support victims (Davis, 2024: 6). Therefore, the successful identification of victims are inhibited by legal domestic laws, and exacerbate the human trafficking issue.

Evidently, these social, economic and legal challenges by member states are contributing significantly towards this struggle to combat trafficking, as states are still failing to do so. A quarter of a century later, human trafficking is still a distressing and worsening issue; in 2022, there was a 25% increase in the global detection of victims in comparison to 2019 (UNODC, 2024). Human trafficking has increased, despite the COVID-19 pandemic, which limited transportation and should have decreased international trafficking routes. Arguably, the increased detection of victims may indicate a better identification system, the realisation of the vast scale of victimhood is evident, and the number of people affected continues. Even despite global setbacks, whereby states themselves are facing immense struggle, the transnational and resilience of traffickers continues, this is of significant concern even with the aid of the Protocol, designed to counter the increasing numbers of trafficked victims.

3. *What have been the successes and shortcomings of the Palermo Protocol?*

Evidently, with human trafficking increasingly being of concern, despite the presence of the Palermo Protocol over 20 years later, a crucial reflection of its presence is necessary.

Successes

It is crucial to emphasise that despite challenges to bridge the gap between states and the Protocol's desired outcomes, its successes have been significant in the grander progress towards controlling human trafficking. Since its implementation, 'over 90% of states around the world have enacted domestic legislation criminalising human trafficking' (Siller 2017), showcasing the wider legislation implemented and global efforts towards mitigation. This, as well as a general encouragement towards international cooperation and ensuring that nationally states have anti-trafficking legislation adopted.

Before the Protocol, there was no international legislation that involved the protection, surveillance or prevention of human trafficking. So, upon its creation, the Protocol brought awareness, encouraged collaboration and was 'hailed as a victory for the global women's rights movement' (Zinser and Thinyane, 2021), prioritising the well-being of women worldwide. The increased awareness of anti-trafficking work and collaboration transformed human trafficking as referred to by Wong (2005, cited in Lee, 2013) from a 'poorly funded, NGO women's issue in the early 1980s' to an issue focused upon by American Congress, the EU and the UN.

Shortcomings

However, to understand how the Protocol has since been met with criticism, it is crucial to identify the weaknesses that are inhibiting anti-trafficking success.

Firstly, the Protocol struggles with a lack of enforcement mechanism (Seideman, 2015). Taking a non-interference approach in their policies (Warren, 2011), done to avoid creating geopolitical tensions and to ensure continued compliance from party states. This is particularly noted in the Protocol's distinction between transnational and domestic crimes, where the trafficking's international aspect is emphasised; this occurs despite the inevitability of both crimes being interlinked. With the UN's status as an international body, this makes it so that they cannot risk interference with domestic affairs. However, this distinction falls short in addressing trafficking and highlights the Protocol's apparent prioritisation of political objectives over ethical and practical solutions. Therefore, inhibiting the success of the Protocol and anti-trafficking measures.

Furthermore, the Protocol's contents are broad, with little specificity, making it so that member states rely on their subjective interpretation of how to address human trafficking.

Vague definitions of trafficking and victimhood have allowed for global discrepancies in anti-trafficking approaches (Seideman, 2015), with states selectively choosing which aspects and parts of the definition to comply with (Dempsey, Hoyle & Bosworth, 2012). This is exacerbated especially in regards to the struggle of identifying victims, with such conflicting standards, subjectivity in the assessment of a victim becomes prevalent (Farrell and Pfeffer, 2014). With the lack of a governing body for the Protocol, there is no evaluation or overseeing of the actions taken by member parties (Standing, 2010). At the core, with its lack of enforcement, non-interference and ambiguity, this has all created a limited structure for countries to follow. If there are already domestic challenges inhibiting anti-trafficking implementation, the Protocol's limitations lessen success even further.

It has also been argued that the Protocol's formation has contributed to states' unequal protection of victims. In its title, the Protocol emphasises 'Women and Children' in their scheme of protecting victims, whilst crucial to uplift vulnerable groups, it has been argued that this has led to shortcomings in addressing prevention for male and LGBTQI+ victims of trafficking (Goździak and Vogel, 2020: 111). Therefore, the Protocol, falls short in addressing the victimhood of trafficked victims in its entirety.

Despite clear attempts from the Protocol to establish proper anti-trafficking systems, over 20 years on, to assess its true impacts have proven challenging. It has since been found that organisations and specific anti-trafficking measures, of whom are present to combat the trafficking issue, rather place more emphasis on assessing the progress of project implementation than tracking the achievement of outcomes or true impact (Bryant and Landman, 2020). This over-prioritisation on ensuring that organisations reach certain quotas, key performance indicators and budget, fails to understand if the work itself is actually contributing towards efforts against trafficking; especially considering that the perception of evaluations are sometimes regarded as optional. This implies that the Protocol has not been sufficient in emphasising that action be taken to prioritise the wellbeing of victims.

Across different academics, this inability to achieve goals is argued to be due to the prioritisation of criminalisation. The fulfillment of such a political goal to focus upon meeting criminalisation quotas has resulted in states not fully understanding the complexities of human trafficking and identifying victims. This, despite the Protocol having made attempts towards making victimhood the utmost priority. Importantly to note, whilst criminalisation is important, it should not be at the cost of victimhood. Such fixations onto criminalisation have made it so that the criminality of trafficking has differing global standards as showcased with the following example.

As described by Baird (2020), the Palermo Protocol is not an isolated framework; it is supported by countries' own legal frameworks to combat human trafficking, despite being in conflict with the Protocol's desired outcomes. An example of this involves the United States; the country passed their Victims of Trafficking and Violence Protection Act (TVPA) in 2000. Whilst an influential legislation, its contents often work against the Protocol's. The two of these acts have differing standards, and repeatedly, the TVPA has repeatedly created an environment whereby prosecution is more emphasised rather than the protection of victims (Baird, 2020).

With different legislative conditions present, it makes it harder for the Protocol to achieve homogeneity. For the Protocol, there are clear notices made in regards to safeguarding victims, albeit vague at points. There are distinct notices about the following:; 'housing, counselling, legal advice as to personal rights, medical and psychological assistance, employment, educational, and training opportunities' (Baird, 2020: 182). And in contrast with the TVPA, the protection of victims is less pronounced, therefore, there is a heightened inability to avoid re-trafficking. As Baird (2020) explores, under the Protocol, an individual trafficked within a prostitution ring is considered a victim of human trafficking. Yet, under the TVPA law, the same individual would face arrest. The challenge here is not the result of a lack of human trafficking legislation but rather an unawareness of the intrinsics and complexities of the topic.

Methodology

The research question will be answered by the use of interdisciplinary sources, international framework analysis and a literature review, allowing the thesis to be timely, relevant and reflective to suit the complex research topic. Interdisciplinary sources shall include UN documentation, international research reports and academic literature. The former to provide context and highlight current human trafficking trends, and the latter to deepen the thesis' research, allowing for different critical perspectives and situate this research within academic discourse.

UN Documentation and International Research Reports:

To question the successes of the UN's Palermo Protocol, it is necessary to use the Protocol's official documents, including its frameworks, definitions and operations for cross-referencing. As the foundational document and centre of the thesis, the Protocol will be used to understand how member parties interpret its contents. An analysis of the Protocol will allow for a

determination of potential Protocol weaknesses which states have been challenged with and have thereby inhibited the effectiveness of the framework.

As a custodian of the Protocol, I will use the work from the UNODC as further evidence, and more specifically their annual Global Report on Trafficking in Persons. The report predominantly identifies the year's (or former years) current statistics and patterns of human trafficking, going into specific detail about the differing forms of human exploitation, demographics of victims and traffickers, and regional overviews. The report is predominantly quantitative, including statistics, fiscal data and percentage analysis. Such data will enable me to showcase how, despite the presence of the Protocol, human trafficking is statistically worsening. The contribution of the reports' statistics in the thesis will allow for a better visualisation and relevant understanding of the human trafficking crisis. Academic sources will enable me to link these statistics with explanations as to why human trafficking is worsening, to provide an all-encompassing understanding of how exactly, governance failures are inhibiting a successful incorporation of the UN Palermo Protocol.

Academic Literature:

Whilst the reports fulfil a pragmatic and numerical understanding of the thesis, I find it equally important to support this with academic discourses. By doing so, there will be a qualitative approach in the thesis; much of the academic literature includes case study analysis, and thereby, victim-focused perspectives. The academic literature will help better understand the environmental contexts in which the Protocol is being adopted, the historical contexts and the nuances present upon implementation.

Preparation and Training for this Master's Thesis:

Throughout my academic studies, I have formed a strong foundation in critically analysing international frameworks. I have since developed a thorough understanding of the Protocol, analysing its contents, formation and legal capabilities. This due to my prior work on the Palermo Protocol, which has incentivized my selection of this master's thesis. During my Bachelor's, I developed a great interest in intergovernmental organisations and have since become motivated to one day contribute my skills towards intergovernmental organisations. I am passionate about advocating for vulnerable groups, coming from a background in the Social Sciences, where I have written and analysed extensively prejudices against minority groups in essays, project work and in my final bachelor's thesis. I, therefore, prioritise the necessity of

placing care and sensitivity on this topic and doing more for the people around us. The future is us, and we are all crucial figures to overcoming society's challenges.

Chapter 1

To critically reflect upon the Palermo Protocol, it is essential to understand what it entails, what it was able to achieve and how the Protocol fulfilled a gap in human trafficking legislation. In this, it must be recognised that whilst the Protocol's presence comes at an essential and timely manner, much of its approach is a first, and its initiation was meant to resolve prior challenges which were not met in previous efforts. As shall be explored further, considering its inaugural position of its kind for human trafficking, it will inevitably have limitations that will impede upon the successes of the Protocol.

What is the UN Trafficking Protocol?

The United Nations's Trafficking Protocol, officially known as the 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children' is a United Nations Treaty. The treaty is also known as the Palermo Protocol for short, due to its location of signature in Italy. Created by the United Nations Office on Drugs and Crime (UNODC) and its member states in 2000, with the intention to spread awareness, counter human trafficking, enhance criminalisation and protect victims. It is one of three protocols which supplement the United Nations Convention against Transnational Organised Crime (UNTOC), specifically addressing human trafficking, alongside implementing sister-protocols on migrant smuggling and firearms trafficking.

It entered into force in 2003, and its impacts have been widely influential. Its creation was regarded as a major beginning, success in multilateral cooperation and increased discourse in regards to human trafficking. Today, the Protocol has 182 signatories out of 193 UN member countries, having mobilised many nations across the world to combat human trafficking and implement its contents into domestic laws. This because its emergence came at a crucial time, allowing for many concerned states to be guided against human trafficking.

How was the UN Trafficking Protocol Initiated?

Following the collapse of the Soviet Union, increased discourse about concerns of international human rights and increased transnational crimes emerged (Goździak and Vogel, 2020), the initiation of the Protocol was meant to rectify this. The collapse of the regime was pivotal in moving towards a sudden increase in the attention given to the human trafficking crisis,

especially as former Soviet states were having to rebuild and reorganise their countries. This period of time led to major economic instabilities, weak governance and high unemployment and states needed further guidance.

The end of this political rule led to the relaxation of travel restrictions and increase in migratory flows across Europe. Those who had suffered from the dire living conditions during Soviet rule, of whom, were made vulnerable in these political circumstances were finding themselves in concerning situations, desperate and forced to work for 'little or no money in harsh conditions' (Piotrowicz, 2008) to live. This in turn, started increasing transnational trafficking rings, as many were left vulnerable due to their limiting living and governance conditions, and many member states were concerned about the rate of transnational crimes occurring.

In response, in 1994, the Declaration of the Ministerial Conference of Naples, recognised the need to adopt an international convention against transnational organised crime (Scarpa, 2020), following disconcerted efforts and major gaps in anti-trafficking legislation. These concerns then prompted the UN General Assembly's establishment of an Ad Hoc Committee. In October 1998, the UN General Assembly met, and whilst the meeting's focus was predominantly on the efforts to eradicate transnational drug trafficking schemes and debates upon sex work, it was stated member states' commitment towards the establishment of the intergovernmental Ad Hoc Committee. Talks of the Palermo Protocol entered legislative environments at a time whereby volatile crimes were overwhelming and disorganised, with many member states struggling to internationally cooperate.

The Ad Hoc Committee was designated with the challenging task of formulating a consensus document for the Convention against Transnational Organised Crime to fit the needs of many. The group was specifically tasked to create a protocol which would criminalise trafficking in women and children, the illegal trafficking of migrants and illicit manufacturing of firearms; after three preliminary sessions, the committee met in Vienna for eleven sessions and completed their meetings in October 2000 (Warren, 2011). The Ad Hoc meeting was successful in regard to promoting collaboration and welcoming multiple perspectives, with participation from 49 countries and took two subsequent years to create a draft (Warren, 2011).

The drafting of the Protocol faced extensive lobbying which caused this significant amount of time taken to complete the framework. This was because many religious and feminist organisations held opposing views of prostitution, with some claiming prostitution's violation of women's rights and some supporting consensual prostitution and recognising it as work (Goździak and Vogel, 2020). Ultimately, the latter was considered in the final framework of the

Protocol. It is to no surprise that today, however, that despite the final definition of human trafficking in the Protocol, the way in which sex-work is handled in regard to trafficking still varies across member states. Additionally, the prolonged negotiations indicate the challenge of member states cooperating on such a divisive topic.

The Protocol was then open for signatories in December of 2000 in Palermo, Italy hence its name. By the following year the Protocol had garnered the 40 state ratifications necessary to be put into force as a binding international legal instrument (Warren, 2011).

What does it entail and how is it supposed to help anti-trafficking efforts?

The Protocol was designed to include specific criteria to aid anti-trafficking efforts, specifically to guide member states and ensure international cohesiveness in addressing the issue. Of its key features, the following have been essential towards establishing more human trafficking discourse and effort. In Chapter 1, these are identified, and in Chapter 3, it will be analysed if they have been successfully achieved since its establishment.

1. Criminalisation

Prior to the establishment of the Protocol, there was no international legislation that existed to both **criminalise** and **prosecute** human trafficking on a wider transnational scale. As will be explored further in this chapter, whilst there were international anti-trafficking attempts in the century prior to the Protocol, these treaties locked in holding states accountable and acknowledging. The implications of this meant that internationally, there was a lack of cooperation despite the (oftentimes) multinational aspect of human trafficking and therefore, different standards of criminalisation. The formation of the Protocol meant that prior constraints were to be overcome. The Protocol here, established both international cooperation and a standardisation of a common legal trafficking framework for member states. In its Article 5, the Protocol specifically refers to criminalisation, emphasising for each state party to adopt legislative measures to criminalise offences.

2. Definition/ standardisation

As said before, there was no internationally accepted definition for 'trafficking', the initiation of this convention was thus designed to overcome this challenge. The lack of definition evidently created discrepancies between national laws and international treaties, thereby worsening the understanding of the boundaries of what human trafficking entails. Following nearly two years of debate and twenty-four definitions taken under consideration, a uniform definition of

trafficking was agreed upon (Dempsey, Hoyle & Bosworth, 2012). The definition of 'trafficking in persons' is the following:

'"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' (United Nations, 2000)

To a certain extent, this definition was a crucial attempt in trying to overcome issues of exclusion. Based on the language of the Protocol, 'trafficking in persons' is an intentional effort to create a more inclusive approach towards human trafficking. As shall be showcased, historical efforts to address human trafficking have been dominated with racialised, gendered, unclear and limiting ideologies. In this environment, the openness for lobbying and member states to pose and debate over different versions meant that multiple perspectives were heard and agreements were made. With such a collaborative approach, it allows for the hope for an assurance of cooperation and follow-through, as member states have all equally agreed to its contents. Albeit, the reality of this is more nuanced.

The Protocol has also created a unified and universally recognised definition, and by doing this, it established a shared legal language that has allowed for coordinated international cooperation. This has aided efforts towards human trafficking.

3. Victim Protection Measures

Another aspect of the Palermo Protocol is its emphasis on ensuring further and extensive victim protection laws. Upon the signing of the Protocol, its contents required states to legally set in place further protectionist measures. As an example, in Article 6, the Protocol emphasises the importance of signatories and their efforts of protectionism stating, 'each State Party shall protect the privacy and identity of victims' by making legal proceedings confidential. This direct and binding terminology is unique for the Palermo Protocol, being the first to explicitly require states to ensure the privacy of victims. Within such a statement, it is understood that necessary care for victims, who after traumatising and difficult circumstances, should receive

the utmost support. This is further established with acknowledgement that states should provide for the 'physical, psychological and social recovery of victims of trafficking in persons' (United Nations, 2000) to capture this. The Protocol tries to address human trafficking by its declaration of this, and ensures that member states put into place specific domestic and administrative measures. Therefore, the Protocol reinforces the sense of protection, and simultaneously, the willingness for victims to come forth and receive aid especially as in sensitive circumstances, the state will protect the positionality of victims.

The Protocol has been crucial towards establishing stronger and specific protections for women and children. This has been noted by specific acknowledgment in the 'Especially Women and Children' aspect of its title. Its recognition of the vulnerable positionality of women and children has been essential, especially as human trafficking is a gendered phenomenon, disproportionately impacting women and girls; they represent 95% of sexual exploitation in the EU-28 (Walby et al., 2020). This as a result of pressure and violence from traffickers, the gendered vulnerability of girls and women, and the risk factor for migration movements, whereby exposure to trafficking increases (Ornelas et al., 2023). By the acknowledgement of 'Women and Children (girls)' in its title, the Protocol understands how trafficking disproportionately impacts these groups and emphasises further sensitivities and action are required to aid them. Whilst this Protocol highlights criminalisation, which in previous efforts of anti-trafficking efforts has taken precedence, it equally tries to emphasise here, the importance of victim protection. However, while it is acknowledged the crucial significance of this, it will also be recognised in Chapter 3 the consequence of this specific wording.

4. International Cooperation

Previous anti-trafficking frameworks were more focused on 'encouraging' multinational alliances rather than enforcing them even though their discourses included international cooperation. However, the Palermo Protocol requires international cooperation, especially in regards to ensuring there is collaboration within investigations, as Article 10 states that cooperation is to be practiced through the exchange of information. Considering the (oftentimes) cross-border nature of human trafficking, having access to information about occurrences within law, enforcement and immigration would ensure targeted approaches towards countering trafficking. Through this, the facilitation of international cooperation also includes the establishment of regular and strengthened communication across borders as stated in its Article 11. This approach can help create possibilities to counter human trafficking,

notably by working collaboratively with more actors and intelligence tools in order to achieve a global reduction in human trafficking, as well as an improvement in geopolitical relations.

5. Prevention Strategies

Another way in which the Protocol has tried to address human trafficking is by emphasising the role of prevention strategies. This is essential as avoiding the initial trafficking of victims in the first place, will help ensure better enforcement mechanisms and the protection of victims. Of its contents, it mentions the following:

In Article 11, prevention strategies are denoted through its focus on border measures. The Protocol here, emphasises the importance of strengthening border controls, through adopting further legislative measures to prevent 'means of transport' and ensuring extensive 'travel documents' required for entry.

In Article 12 and 13, which showcases security and control of documents, these two articles are dedicated sections on travel and identity documents. Here the Protocol highlights 'quality' of travel documents and fulfils a gap of historical treaties which failed to mention migratory bureaucratics.

As evidently showcased, these articles highlight specific measures that the Protocol has tried to mobilise, this to showcase different forms of prevention, providing options for member states to adopt as well as controlling and improving current anti-trafficking prevention legislation.

6. Expectations of Adoption and Monitoring

As evidently showcased throughout the contents of the Protocol, there is a significant emphasis on member state expectation to apply the Protocol and ensuring a continuation of results. The Protocol itself emphasises the importance of holding member states both obligated and highlights actions that they should follow through with. The Protocol itself holds member states accountable in regards to prioritising victims and their needs, and within its yearly reports, which highlight trafficking trends. In Article 6, it emphasises the importance of confidentiality and for member states to have established institutional changes that allow for such. To a great extent, this sense of 'expectation' shall be critically reflected upon due to the Protocol's purposeful non-interference policies.

Historical perspectives: What was legally present prior to the Protocol to address human trafficking?

Whilst the Protocol is designed to address all forms of human trafficking, it is crucial to note that prior to this, the focus regarding trafficking was predominantly on sex-trafficking. The start of anti-trafficking legislation evolved during the 19th century from the desire of states to regulate sex-work, following concerns over wanting to prevent the spread of disease and uncontrolled sexual activity (Siller, 2017). Greater technological advancements in transportation and communication gave women (more) access to transport means, which led to higher increases in trafficking schemes to meet the demand of sex-work and migratory patterns. The period following this involved state-regulated prostitution for several decades across Europe.

However, in the late 1800s, anti-prostitution discourse soon emerged following the formation of women's groups against sex work, highlighting the 'double standard' imposed onto women regarding bodily autonomy and sexuality (Siller, 2017). There were also increasing concerns over the exploitation of women and children. A spotlight towards the exploitation and mistreatment towards European sex workers became widespread and support towards mitigating this issue were at the forefront.

The discourse on sex exploitation that followed underscores the historically exclusive and eurocentric nature of early anti-trafficking efforts. In 1904, 13 European countries adopted The International Agreement for the Suppression of the White Slave Trade. The term 'white slavery' was used when referring to women who were (oftentimes) forcibly put into sex work. Evidently, the emphasis on 'white' was used to perpetuate certain racial connotations and hierarchies, placing a prioritisation on white victims. In the 1920s, the League of Nations initiated a campaign where investigators went undercover to further understand the sex trade across 30 countries. This initiative advanced the idea of traffic in women as an international crime, monopolising on this notion of the 'white slave trade' (Knepper, 2022). The Protocol from this, has since developed significantly (to a certain extent) to prioritise more inclusive and international analyses of victimhood and human trafficking.

Yet, still in recent times, there is an over-emphasis on sex trafficking that has dominated much of the anti-trafficking discourse, as shall be explored. In the early 2000s, even following the implementation of the Protocol, the focus for many countries was almost exclusively on women and girls in prostitution (Davidson, 2017). Moreover, they are often dis-identified from categories of migrants, criminals or prostitutes' and treated differently and with more severity (Aradau, cited in Davidson, 2017). As shall be explored, this sentiment is still strongly felt in the Protocol, despite the Protocol's intended general and wider focus on 'exploitation'.

Following a contextualisation of the historical events that have led to the development of the Palermo Protocol and what it has set out to achieve; it is essential to now situate the thesis

within the contemporary landscape of human trafficking. This to showcase the evident contrasts between the Protocol's goals of 2000 and the nuanced reality today.

An Overview of Current Human Trafficking Trends

Each year, the UNODC Research Team conducts their Global Report on Trafficking in Persons. This includes annual statistics, trends and anti-trafficking efforts conducted. In their latest report (year), it was highlighted that the number of victims detected globally is on the rise, following the decline of victims during the COVID-19 pandemic. The UNODC simultaneously reports 74,785 victims (UNODC, 2024) detected while suggesting that the reality is closer to 2.5 million at any given moment (UNODC, 2012 in Boyle and Yoo, 2015). Therefore, this indicates a concerning mismatch between detecting victims and the wider figure of human trafficking and evidently weaknesses since the adoption of the Protocol.

These figures are of great concern, as they evidently showcase clear weaknesses with our current anti-trafficking legislations and global efforts, over 20 years after the initiation of the Protocol. Albeit, whilst the report has showcased a 25% increase in the total detection of victims in comparison to 2019, which may indicate an improvement in our global detection systems, the previous statistics are still revealing the vastness of victimhood, and the worrisome scale of human trafficking. Change and identification of state challenges that are perpetuating a continuation of human trafficking is essential now in the 21st century.

The core aspect of the Palermo Protocol is to enhance convictions and reinforce global criminal justice systems, yet this goal has proven to be difficult to achieve. The title of the Protocol indicates its purpose to 'Punish Trafficking', emphasising the goal for judicial systems to enhance punishment, accountability and legal systems to fight against traffickers. Yet, the UNODC's recent report shows that conviction rates from across the globe were still below pre-pandemic levels (UNODC, 2024). As time progresses, it is essential for progress to be clearly made, yet in the years following the pandemic, systems have failed to improve significantly.

Whilst the pandemic has certainly been a contributor towards the delay in anti-trafficking efforts, it is still of a concern, that after two decades of Protocol implementation, only 51 countries are reporting their total convictions (UNODC, 2024). Gaps in reporting and a lack of steady improvement in convictions are indicating clear challenges with member states' abilities to follow-through with the goals of the Protocol.

Chapter 2

Despite the establishment of the Protocol over 20 years ago and the numerous pivotal changes and adaptations to domestic legislation, human trafficking, however, is still a prevalent global issue. In this section, it is discussed why human trafficking persists despite the presence of the Protocol, through a necessary reflection of member states. Despite its role as a trailblazer for international cooperation, many member states' biases, political and resource limits have hindered its successes.

Regional Trends

To better understand how and where the Protocol's member states have succeeded or fallen short, grasping the current landscape of human trafficking will allow us to measure if the Protocol's success has been felt globally. The following regional trends and percentages have been taken from the UNODC's Global Report on Trafficking in Persons (GLOTIP) 2024 (UNODC, 2024):

Middle East and North Africa: In recent years, this region has detected a 43% decline in the detection of victims, with a predominance of women and children as victims. The detection of victimhood declining may arguably showcase less victims, however, it may equally indicate a lack of enforcement mechanism from member states and weaknesses in detection. This especially because some parts of the Middle East are known for its high migratory inflows, with many women from parts of Africa migrating to fulfil domestic work, yet, in the process, have faced labour exploitation and abuse (Ngeh, 2024). This despite numerous Middle Eastern nations being a part of the Palermo Protocol, and have equally adopted their own anti-trafficking devices, signifying major concern about the extent of framework implementation.

Sub-Saharan Africa: The percentage of victims trafficked across Africa has increased, making the continent home to the highest share of trafficking flows. Here, poverty, conflict and social inequality are major factors which 'push' people into vulnerability and heightened exposure to trafficking schemes. Trafficking of children is of the highest concern, and in this region, has the highest share of children detected as victims, in many cases, students are exploited for sex, forced labour or forced begging by teachers (called marabouts of mallams).

The Americas: For Central America (CA), there was a large decline of 53% in the detection of victims in comparison to pre-COVID times and a minor increase in convictions by 3%. In CA, 62% of trafficking is for sexual exploitation, and women and girls here are disproportionately affected. Evidently such a lack of victim detection is reflective of institutional failures that are not sufficiently protecting victims. This is denoted by how, in many cases across CA, women are trafficked by close ones, and consequently experience notions of distrust and fear of deportation or retaliation from their country of origin (Castaner et al., 2021). This despite the Protocol's inclusion of victim protection, both psychologically and systematically.

In contrast, for North America, there have been significant improvements with a 78% increase in the detection of victims. This region is known for its economic infrastructure and sophisticated anti-trafficking legislation, and cases are well-documented, and are upheld as denoted by the USA's own TVPA law. Cases here involve traffickers exploiting the trust of victims and abuse victims' vulnerabilities, such as drug use, homelessness and extreme poverty. Here, over 60% of traffickers belong to organised crime schemes and as will be later explored, the Protocol's lack of acknowledgement about the organised nature of human trafficking comes as a detriment towards mobilising targeted criminalisation, which in part could explain the 38% decline in convictions.

South Asia, East Asia and the Pacific: In this region, a large majority of its trafficking cases are for forced labour, 55% of victims belong to this category, of which, they are then trafficked globally and across multiple continents, showcasing the wide transnational flows. Out of the multiple regions experiencing human trafficking, this area in particular is experiencing increases of victimhood through online trafficking schemes, increasing from 1% in 2016 to 8% in 2022. This, as shall be showcased, is a realm whereby the Protocol has failed to adequately address as virtual trafficking increases.

Europe: For Western and Southern Europe, these nations, globally known as having better infrastructure, are fortunately showing higher detection of victims, increasing by 45% and convictions have risen by 33%, both since 2019 (2022). Forced labour in this region has greatly increased, showcasing a growing concern for this sector of exploitation. In Eastern Europe, however, the concerning decline of -23% in the number of convictions, showcases systemic weaknesses and the drastic implications of COVID-19. This in part due to the calculative nature of these organised crime groups in Eastern Europe; high-level operating groups will intentionally avoid being 'directly involved in transporting victims or crossing borders' (Surtees, 2008), whereby state surveillance is high, further acknowledgement of this is crucial.

Whilst some regions are showing improvements, the presence of repeated enforcement challenges, the evolving nature of trafficking (i.e. online exploitation) highlight the need for stronger, critical and more adaptive global responses.

In this subsection of Chapter 2, it is explored the state-level factors that contribute towards the 'push and pull' dynamic of human trafficking. Many of these factors, the economy, institutional strength and migratory patterns are shaping the conditions in which traffickers are exploiting victims. It is essential to examine how they contribute towards the potential heightening of vulnerability in victims for better state understanding.

Push and Pull of Human Trafficking

Traffickers capitalise on push and pull factors, which are frequently a result of states' legal and resource-based shortcomings, to facilitate the recruitment and movement of victims. Push and pull factors in the context of human trafficking are when people are 'push(ed)' out of their respective countries, 'pull' factors are when traffickers 'pull' victims into other countries.

In quantitative research conducted by Seo-Young Cho (2015), she showcases how some factors come to contribute towards these 'push' and 'pull' factors. In her research, push factors such as increasing GDP per capita, active domestic industries, increased fertility rate and the higher population of muslims in an origin country have the ability to decrease trafficking outflows. It was found that a 10% increase in the GDP per capita of a country, results in a 2% decrease in trafficking outflows (Cho, 2015). If a country's economy is active, it allows for more access to jobs, and therefore better security and stability. Increased fertility and religious groups indicate a potential of better community and therefore, linkages with others, meaning isolated vulnerability is lessened. The concern here, is when these major sectors of a country are compromised or inadequately present, is when trafficking outflows increase, and individuals find themselves pushed into victimhood.

In contrast to pull factors, the selection for destination countries by traffickers are intentional in accordance with a state's legal and resource-based happenings. If a destination country's economy is improving, generally wealthier destinations will attract trafficking, as the economy and market will allow for a higher demand. Simultaneously, if there is a weak rule of law which consequently would allow for a shadow economy, this would further attract

traffickers to operate in such countries. Therefore, human trafficking is 'largely a phenomenon related to economic migration' (Cho, 2015).

In the context of the thesis, most trafficking victims are initially migration seekers. They are 'pushed' out of their countries to seek better opportunities and life, however, due to their migrating vulnerability, and lack of geographical stability are then forcibly trafficked (Cho, 2015). As cited in De Haas (2021), migratory patterns and reasons as to why individuals choose to migrate comes from specific 'aspirations', of autonomously wanting to advance on their livelihoods. This especially when their livelihoods at their home countries do not allow them to live their conception of the 'good life' (De Haas, 2021). However, as victims are leaving their home countries due to low-incomes, lack of education, conflict, heightens their vulnerabilities and makes them susceptible to exploitation and human trafficking. Migrants are incredibly vulnerable to human trafficking due to their weakened societal position. In an analysis done by the International Organisation for Migration, research was conducted on 16,000 migrants where it was found that 37% of all interviewed migrants had a personal experience that indicated the presence of human trafficking or exploitative practices (Galos et al., 2017). Whilst it is important to reflect upon the use of 'push-pull' as a simplistic model (De Haas, 2021), in the context of human trafficking, which is an incredibly difficult phenomenon to measure, it allows for better understanding how some people come to be trafficked.

The presence of push and pull factors in trafficking highlight how socio-economic inequality can have dramatic consequences on trafficking circles, and simultaneously the failure of state institutions to implement the Protocol effectively. As this section has demonstrated, traffickers exploit precisely the legal and resource-based gaps that the Protocol aims to eliminate, thereby challenging its intended success. It is essential for member states to recognise such domestic challenges and rectify them to overcome traffickers monopolising on national losses.

Following this understanding of current regional trends and the push and pull of trafficking, it now enables a thorough explanation and analysis of the domestic challenges, ranging from legal to resource-based, that are inhibiting member states of the Protocol.

Confusions with Determining Victimhood

It is an incredibly challenging governmental task to determine victimhood as well as prevent victimhood, and in recent examples, these identification issues have been proven as a detriment. Considering the vastness of victims, such as economic migrants, asylum seekers, smuggled persons and refugees, differentiation can be difficult (Davis, 2024), especially in regards to understanding the specific needs and care necessary case-by-case. With the unmeasurable scale of human trafficking, addressing cases individually, is unfortunately an impossible task and many resource-constraints inhibit this. As a result, oftentimes adequate care towards victims is not achieved. For example, in Finland, the country has criminalised purchasing sexual acts from trafficked victims; however, it has been found challenging to determine of whom are consenting prostitutes and trafficked victims (Seideman, 2015). It is therefore essential that member states of the Protocol invest into systems which enhance detection systems, allowing for better distinction.

This in particular is a difficult struggle for the Protocol as this issue has been a systemic challenge predating the Palermo Protocol. In an ethnographic reflection by Miriam Ticktin (2011) which focuses on a case from the late 1990s, highlights internal biases impacting potential victims' access. In France, the famous organisation, Comité contre l'Esclavage Moderne (CCEM), funded by the French government and the European Union, are known for their efforts to combat Modern Slavery yet have refused to aid 'sans-papiers', who are individuals without documentation. This despite many 'sans-papiers' individuals qualifying under conditions that the CCEM categorise as modern slavery, such as being pressured, working under exploitative working conditions, poor living conditions (Ticktin, 2011). However, most of these individuals who seek help are turned away, as the CCEM has focused upon fulfilling biases of rescuing those who fit 'tropes' of victimhood (Ticktin, 2011). This negatively impacts the successes of the Protocol, as states' internal biases and lack of acknowledging categorisation interlinkedness make it so that human trafficking and modern slavery is overlooked.

Blurred Definitions and Criterion

Despite the Protocol's efforts to help upon assessing if a situation is a case of human trafficking, member states blur definitions, concepts and key terms, which impact successful anti-trafficking efforts and victim identification. For example, the UK and the US oftentimes confuse the terms 'human trafficking' and 'human smuggling'. In the latter, people smuggling individuals into boats to illegally migrate into the country are often labeled as 'traffickers' (Davis, 2024: 7), despite voluntary migration from the group. In the US, the definition of sex trafficking includes

smuggling, yet in smuggling spheres, the migrant is usually consentual to this move (Seideman, 2015), whereas sex trafficking is against the will of the individual.

This occurring despite the Protocol's efforts to distinguish between the two, as seen by its efforts to recognise 'consent, exploitation, and transnationality' in its framework (Goździak and Vogel, 2020: 110). Smuggling is a transnational, usually short-term and consensual experience, whereas human trafficking can happen domestically and internationally and is a pro-longed exploitation of the victim. Such incorrect distinctions impact policy-making, and deter the focus away from genuine trafficking cases, further confusing the status of victimhood. These have genuine consequences on victimhood and unfortunately, there is still a large discrepancy between the number of detected victims and convicted offenders, indicating that many trafficking crimes still go unpunished (Goździak and Vogel, 2020).

Failure to Evaluate Results in Anti-Trafficking Efforts
The widespread struggle to counter human trafficking increases comes as a result of member states' failing to establish enforcement mechanisms to evaluate current anti-trafficking efforts. Much of this due to insufficient monitoring capabilities, underfunding and this desire to meet quotas rather than targeted approaches. As showcased by Bryant and Landman (2020), determining the success of anti-trafficking work of NGOs is hindered by evaluation forms (mid-term reviews, achievement of outputs, key performance indicators) being deemed as 'optional'. Such sentiments make it difficult to assess if an initiative towards combating trafficking has been successful, and in part, the lack of state implementation to mandate evaluation forms in accordance with regulatory mandates is of concern. For Arab States, the number of evaluations are concerningly low, suggesting a potential oversight, a figure reflecting the GLOTIP report, whereby the MENA region has recently seen a 43% decline in the detection of victims since 2019 (2022).

With such gaps of knowledge, we still do not have concrete answers as to 'what works' in combating human trafficking, monitoring; evaluation here, has been fragmented and difficult (Bryant and Landman, 2020). Therefore, this sense of leniency and lack of knowing how to ensure longevity in projects is exacerbating the eradication of human trafficking. This has severe consequences of anti-trafficking efforts as victims may be at risk of re-trafficking if not given the proper support or protection (Davis, 2024). The success of the Protocol here is challenged by the inadequacies of member states to ensure effective execution, especially considering that the Protocol has made direct efforts towards protecting victims and establishing prevention mechanisms.

The Protocol's associated body, the UNODC, have tried to strengthen legal frameworks, with their global programme, GLOT55, however, unsuccessfully. This is denoted with them trying to promote the UN Trafficking Protocol in 55 countries with UNODC supported assistance and the conduction of national and regional training including better evaluation mechanisms (Bryant and Landman, 2020). While such a program helped initiate the process of drafting national legislation of many countries, there was, however, no concrete change in the number of ratifications, and its global approach and design prevented the adaptation of activities by local stakeholders (Bryant and Landman, 2020).

The lack of evaluation mandates has been attempted to be rectified; however, with different needs and agreements, states oftentimes have such vastly different opinions and perspectives that it can take months or even years to agree upon certain implementations, further prolonging necessary attention towards human trafficking. An example includes, that whilst the Convention was entered into force in 2003, it took until 2018 for member states to adopt an Implementation Review Mechanism (Tennant, 2021). Such delays and prolonged negotiations, only negate the success of the Palermo Protocol and continue the rise of victimisation. Furthermore, even though this aspect of the Protocol was introduced in 2018, there has still been no country that has completed its first review cluster, due to a lack of resources and political will (Macbeath and Stanyard, 2023).

It is essential to prioritise victimhood and incorporate further evaluations. This especially because it has been proven that 'support for victims is effective when it is victim-centered, applies a trauma-focused lens and prioritises the sense of identity of the victim' (Davis, 2024). However, when this is not achieved, 'the impact of raising awareness campaigns is limited when these are not targeted to specific communities with a clear message' (Davis, 2024). When the focus for member states and organisations is to reach quotas, then further attention and detailed focus on human trafficking and victimhood is lessened.

This notion of struggling to establish adequate anti-trafficking results and properly evaluate them is then exacerbated by the current state of international aid bureaucracy. Resource-based challenges, will incline low-income nations to seek foreign aid from affluent nations, Nigeria, an adoptee of the Protocol, as an example. However, as a result of this sentiment to 'fail in evaluating results', this is showcased in foreign funding operations, whereby funding decisions are made with a top-down approach, and there is 'little consultation with people and practitioners on the grounds to assess the most critical needs or the most effective initiatives to fund' (Nwogu, 2014). Such approaches are contributing towards this

difficulty to successfully adopt the Protocol and genuinely understand 'what works'. It is essential to adapt approaches to being more victim-centered and results-focused.

Economic Challenges

Despite the Protocol's emphasis on international cooperation, this essential foreign funding that enables weaker states to counter trafficking, is becoming increasingly inaccessible. In recent years, it has been increasingly noted that numerous Global North states are halting their foreign aid; aid which provides crucial monetary support for developing nations, who use it to further establish anti-trafficking policies and action. In 2010, 19% of US global funding for human trafficking was going to Africa (Nwogu, 2014), however, following the 2025 Presidential Elections, Donald Trump has since cut foreign aid, severely impacting anti-trafficking organisations. Countries such as Nigeria in the previous example, who cannot afford extensive anti-trafficking efforts now face worrisome victimhood consequences. With such actions, member states are exacerbating the access to aid and the overall countering of human trafficking.

For governmental institutions, human trafficking is a field difficult to combat and measure. This is because human trafficking structures are strongly established through its economic strength, and as stated by FATF (2018, cited in Antonopoulos et al, 2019, p. xvii), the human trafficking industry is estimated to be more than US$ 150 billion per year. Traffickers are now able to extensively use legal business structures as a coverup for their operations and various soft methods for manipulation tactics (Antonopoulos et al., 2019, p. 6). Thus for states, to combat human trafficking and its economic power is an incredibly difficult task, especially when traffickers have the financial means to protect their position and detectability. This is a detriment for the Protocol's member states upon combating the issue.

Thailand, for example, is a nation which has adopted numerous domestic legislation to combat human trafficking yet human trafficking is prevailing. This as a result of economic challenges, whereby their Ministry of Interior, 'has fewer human resources and a low budget than its workload' (Kranrattanasuit and Sumarland, 2022). Evidently, there are genuine efforts from member states to try and combat trafficking, however, resource-challenges here are inhibiting nations from being able to mitigate the scale of the issue. Equally, there are limits to a lack of monetary support, developing nations will have to rely upon methods of anti-trafficking which are not adequate to match the rapidness of traffickers, Thailand, itself, has limited use of technology in its monitoring process, rather relying upon the individual check approach (Kranrattanasuit and Sumarland, 2022), whereby heightened human errors can occur.

Traffickers are economically powerful as they have crafted this expansive industry by capitalising on the 'push-pull' system. Specifically, they 'connect the supply of labour in source areas with the demand for labour in destination areas' (Wheaton, Schauer and Galli, 2010). Human trafficking often impacts those who are low-skilled, low-educated and thus, negative selection occurs, allowing for traffickers to take advantage of those vulnerable. This concept of 'vulnerability' is essential to focus upon as a contributing factor towards 'pushing' individuals into victimhood. The more vulnerable an individual is, the easier it is to deceive and take advantage of the person.

Law Enforcement Non-Compliance

Another challenge facing the Palermo Protocol's success is states' challenge to enforce proper law enforcement in anti-trafficking spheres. In some developing nations, it is not uncommon for police to accept bribes and 'turn a blind eye to the trafficking taking place and thereby prevent traffickers from getting caught and prosecuted' (Jonsson, 2018: 110). This, of course, counters the success of the Protocol, as illegal bribes are contributing towards the continuation of human trafficking. Whilst this has no justification, this is to no surprise, if member states are not adequately supporting their law enforcement workers, it leaves officers desperate for other forms of monetary support. However, to the detriment of victims. If states' legal systems are already weak and systems are already corrupt, this attracts organised criminals into the geographical area, knowing that they can minimise the risk of getting caught (Jonsson, 2018). Such systematic failures inhibit the successes of the Protocol, as human trafficking is enabled to continue. Thus, for the Protocol to be successful, it requires states to invest into better protectionist systems and simultaneously invest into bettering corruption on a wider scale, beyond just human trafficking.

Migratory Laws

In attempts to counter illegal migration, states increase immigration surveillance, this to mitigate human trafficking, yet often, state actions are counteractive and do not align with the Palermo Protocol. When connected to 'push and pull', states trying to limit illegal migration are logical to limit trafficking, as it is understood that migration is a crucial factor in 'pushing' victims into trafficking spheres. However, as states try to control migration with stricter immigration rules, contradictorily, this leads to illegal migration becoming more prevalent (Wheaton, Schauer and Galli, 2010: 122) as the desire to migrate increases. As border controls tighten, this makes it harder for those vulnerable to leave their difficult circumstances, and

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rather heightens their desperation to change their situation. Therefore, it is noted the turn towards traffickers, of whom, generally have the means to offer services to facilitate illegal border crossings.

Chapter 3

After having critically explored how member states have adopted the Protocol, and their legal and resource-based challenges, it is thus crucial to reflect upon the Protocol itself. As it is the body that member states use to act, it is therefore influential in regards to how the Protocol is incorporated. Thus, its contents are essential towards contributing towards the wider anti-trafficking discourse. In this section, both the benefits and limitations of the Protocol are highlighted.

A Reflection of the Protocol's 'Strengths'

Encouraging International Cooperation?

As mentioned, prior to the Protocol, there was no multilateral framework to counter human trafficking; the Protocol here, was a significant and crucial contributor towards encouraging further international cooperation. The UNTOC here created binding obligations of cooperation, this has been incredibly significant as previously, many member states had no binding 'mutual legal assistance' (MLA) towards one another (Tennant, 2021). This on a global scale has meant that improved understandings of cooperation are established, and countries are obligated to assist one another. Such an implementation allows for international cooperation to be more efficient, less delayed and trafficking cases can be addressed quicker, therefore, ensuring anti-trafficking schemes are better dealt with. Structures are now set in place to aid member states with whom previously had challenges around cooperation, and removes the need for states to negotiate terms case-by-case.

Yet despite the legal-binding responsibility of states to cooperate together in these anti-trafficking discourses, this has still not removed geopolitical biases from arising. Whilst law enforcement cooperation has definitely improved with 'like-minded' countries, cooperation between developed and developing countries has definitely declined, due to a lack of trust (Tennant, 2011). In this sense, this attempt from the Protocol to fix cooperation challenges, is inhibited by states' own prejudices, this despite the Protocol's effort of emphasising 'without prejudice' in its Article 11.

The Protocol's inclusion of international cooperation in Articles 10 and 11 tries to formalise the provisions of collective effort. Despite this effort of promoting structure and

transparency within international cooperation, informal cooperation is still one of the most used forms of cooperation (Macbeath and Stanyard, 2023). Unfortunately, such practices exacerbate the unknowingness surrounding human trafficking discourses and action. When informal agreements are made, the potential for more illegal mishaps to occur increase. When states and organisations representative of these nations work in opposition to the framework, such collective action is lessened, and rather means the successes and core of the Protocol are challenged.

Further Domestic Legislation Adopted, Success to An Extent?

It is important to note the Protocol's contribution towards ensuring the establishment of domestic anti-trafficking legislations, and fulfilling gaps which were previously of concern. As an example, Bulgaria has since expanded on its trafficking legislation, introducing it as a separate offence in its Criminal Code, following their ratification of the Palermo Protocol (Antonopoulos et al., 2019, p. 1). Not just within the Eastern European bloc, but across the globe. The Protocol has been instrumental towards enhancing both state commitment towards countering trafficking and ensuring follow-through as denoted by states' investment into necessary legislative structures. This all to mitigate and control human trafficking better.

Ultimately, the goals of the Protocol to counter trafficking have to a limited extent been successful. In this specific example, the number of victims from Bulgaria in 2016 was 50% lower than in 2012 (Antonopoulos et al., 2019, p. 4) and this was reported in nearby EU countries. While this indicates that the Protocol has been successful in mobilising states into taking further action, how states execute the Protocol is a separate matter. Despite adopting additional legal measures, Bulgaria has since, at various points, been ranked among the top three countries of origin for human trafficking in several EU member states as showcased by CSD (2012, cited in Antonopoulos et al., 2019, p. 2). This highlights despite the major achievements and contribution of the Protocol, member states and their domestic challenges continue to precede the framework's successes.

A Reflection of the Protocol's Weaknesses

Evidently, the argument of the Protocol's successes is nuanced and in this subsection, a critical reflection of what the Protocol entails and intended to accomplish as stated in Chapter 1 is conducted.

1. Criminalisation: Over Individualisation of Traffickers

Criminalisation is a central focus for the Protocol, as seen with Article 5, yet, the Protocol fails to address criminalisation adequately and relevantly by over-individualising human traffickers. As Warren (2011) explores, Article 5, portrays human trafficking as an 'interpersonal rather than institutional issue', and this is evidently showcased by isolating traffickers from their wider organisations. This is denoted in language used of 'participating as an accomplice' or 'organising or directing other persons', the assumption here that traffickers work alone is highly incorrect. Undoubtedly, some traffickers will inherently work alone, but in reality, this is not often the case as denoted by the GLOTIP 2024 report, which showcases how 74% of traffickers globally operate in wider criminal groups. Human trafficking, with its large economic scale, number of people involved, makes it a complicated and highly-organised scheme. The Protocol is not sufficient enough to guide member states on how to criminalise organised group structures.

2. Definition: Ambiguity in Language

The Protocol, an international treaty, is repeatedly critiqued for its limiting use of ambiguous and broad language. This is denoted in the Protocol itself, the constant use of terminology such as 'as may be necessary' or 'shall consider' indicates flexibility and passiveness. Whilst it states specific modes of action through its different articles, the vagueness of language means that action taken differs amongst states, and results in subjective and selective interpretations from states and thus, worsens anti-trafficking unity. This exacerbates challenges as there is a lack of consistency in how to charge criminals or address severe misconduct; prosecution varies, where some may perceive an act as less serious than others. With no homogeneity to deal with such issues nor implementation of legal consequences, the problem is transnationally upheld. Ultimately, this is an intentional choice by the Protocol, of whom, strongly align with their non-interference policies (Warren, 2011).

3. Victim Protection Measures: Less Focus on Victims

While victim protection is formally included in the Protocol's framework and acknowledged as a goal, the Protocol still prioritises combating transnational organised crime. The focus of criminalisation over victim-centered approaches reflects the Protocol's function to 'fight against transnational organised crime' (Scarpa, 2020). This criminalised focus has made it that whilst the Protocol has a 'strong' law enforcement tool present, there is a comparatively weak

language on human rights protections and victim assistance (Touzenis, 2010 in Goździak and Vogel, 2020). This because considering the volatile landscape in which the Protocol was drafted, with increasing concerns over multinational crime, the motives upon drafting its framework came with the intention to counter these concerns. However, victim protection which is also addressed in the Protocol's framework is not able to be adequately focused upon when the criminalisation is given the utmost importance.

This unequal addressing of victimhood within human trafficking is denoted by the failures of UN bodies itself. The UN Peacekeeping Missions are widely known for their efforts to promote peace in conflict-concerning areas, yet, since 2005, have faced nearly 2000 accusations of sexual exploitation (Dodds, 2016). Whilst to an extent, the UN Peacekeeping Missions have been and continue to be successful in reducing violence, trafficking and conflict, their presence perpetuates an increase in the demand for sex trafficking. In such circumstances when individuals are already vulnerable in difficult circumstances, peacekeepers take advantage of such situations.

In the Central African Republic, a 19-year old woman was alleged to have been drugged and sexually assaulted by one or more UN peacekeepers (Amnesty International, 2017). UN Peacekeepers, with their authority, take advantage of such power dynamics and violate one of the major goals of the Protocol which is to prioritise consent and prevent victimisation. Therefore this poses the following concern, the Protocol is meant to be setting the precedent of how to handle the human trafficking crisis for its member states, yet, under its own missions, fails to do so. So to a certain extent, whilst it is essential to call upon member states to do better and to aid victims, the UN itself requires a reflection on its own contributions towards this issue.

4. International Cooperation: Difficulty in Establishing Homogeneity

As aforementioned, while the Protocol has been successful in mobilising international cooperation and the adoption of domestic policies, for the same reason has struggled to be a part of the needs of all members. As the Protocol is meant to be followed by states globally, of whom have differing global environments, resource-capacities and legalities set in force; a singular anti-trafficking framework therefore, is challenging to fit the needs of all.

It is, however, to no surprise that there are challenges in establishing homogeneity, as the Protocol, meant to cover states internationally, yet, was drafted by only a few actors and states. Italy and the US were instrumental in initiating the Protocol and its multilateral agreement and as later showcased, Poland was crucial towards presenting a draft framework.

Yet, evidently, these nations belong to the Global North, and for the US specifically, they particularly shaped the Protocol around their preferences (Tennant, 2021). Italy itself, despite being a pivotal contributor, ironically, did not become a party to the Protocol until 2006 (Tennant, 2021). The formation of the Protocol has allowed for specific states to reinforce their Eurocentric and Global North hierarchies, dominating the Protocol with their ideals.

It must be acknowledged the well-intentioned but ineffective attempt of the UN's Secretariat to try and rectify this issue. During the Ad Hoc Committee's role, the Secretariat called upon countries to help fund for wider participation during the drafting process, however, to no avail. With only Japan and the United States supporting the request, the request was futile and left 48 of the least developed countries without support and the opportunity to attend the Committee at the time (Warren, 2011). Evidently, this showcases an underrepresentation of the Global South, and therefore, specific needs and notices from this region of the world are less understood and reflected in the Protocol, contributing towards this struggle of establishing homogeneity.

5. **Prevention Strategies: Limited Prevention Focus**

Despite Article 9's 'Prevention of Trafficking in Persons', the Protocol's attempt to achieve this has faced multiple setbacks. The Article notes that states 'shall establish comprehensive policies, programmes and other measures', yet as previously noted, if there is no mandate to evaluate the successes of anti-trafficking projects, the establishment of prevention mechanisms will inherently be insufficient. Furthermore, even within this supposed effort towards the prevention of trafficking in persons, there is a lack of detail behind the extent of prevention. This as denoted by vague language of 'comprehensive', the extent to which states should act in prevention mechanisms is ambiguous and inherently subjective, as 'comprehensive' could mean opposing implementation across member states.

As showcased in Chapter 2, whilst states' and their migration laws are exacerbating and pushing victims into trafficking, simultaneously, the Protocol has no mention of migration governance. In Article 9, the Protocol states that member states shall 'alleviate the factors' that make people vulnerable to trafficking, with no direct mention on how to direct migratory legislation. Such a gap showcases the Protocol's lack of contextual knowledge about the specifics of human trafficking, especially given that migration and irregular migrants are susceptible to victimhood. Such a lack of understanding showcases how the Protocol is unable to adequately guide member states, and is contributing towards member states inability to mitigate human trafficking.

6. Expectations of Adoption and Monitoring: Absence of Proactive Body

The continuation of the human trafficking problem is due to the absence of a proactive governing body, one that is enabled to hold member states accountable and reaffirm the Protocol. By its design, the Protocol is heavily dependent on its statutory states to take action individually and implement its contents. Yet, with limited guidance and monitoring of the actions taken, states are left to their own devices to handle trafficking cases, leading to a lack of uniformity and inconsistency in addressing human trafficking. It is important to acknowledge that the UNODC is a custodian of the Protocol, and can aid with technical assistance, research and reviews. However, the extent to its powers is limited, heavily relying upon voluntary financial commitments from governments (UNODC, n.d.), and even in the hypothetical of economic leverage, the organisation still cannot ensure compliance. If a state fails to conform or achieve the goals, there is no accountability or consequence, therefore, the motivation to follow through with anti-trafficking has less stakes. It can be argued that due to the Protocol's lack of enforcement mechanisms, member states may take the UNODC's suggestions and reviews less seriously, as there are no direct ramifications on the state. Such mindsets will only further inhibit the fight against human trafficking.

In addition to the six elements outlined in Chapter 1, there have been further structural and operational shortcomings within the Protocol, as discussed below:

Centering of Sexual Trafficking and Gender

Despite the Protocol's attempt to define exploitation generally in its definitions, sexual (gendered) exploitation oftentimes dominates the forefront of this discourse, despite the presence of other exploitative trafficking means. The Protocol has contributed toward this by highlighting 'Women and Children' in its title, whilst with good intent, this has led to the Protocol framing the issue of human trafficking at the expense of male victims (Shoaps, 2013: 936). As Laura Shoaps (2013) describes, the Protocol has perpetuated this ideal of a 'perfect victim' through its gendered approach, and therefore, there is lesser attention given to men and boys. Arguably, the effects of the Protocol's selective framing will have direct implications on how enforcement agencies aid victims; especially considering that law enforcement is essential to identifying victimhood, and 'the victim's ability to escape is highly contingent upon law

enforcement recognising them as victims' (Shoaps, 2013: 939). If training is done to prioritise 'Women and Children', victimhood identification towards men and boys may not be as sufficient. This is of concern especially as in another trafficking sphere, i.e. labour trafficking, the percentage of male victims is steadily increasing. It can be argued that increases in labour trafficking and male victims in this regard is due to an overshadowing of efforts to address sexual trafficking, and only towards women and children.

Much of this women-and-girls centered focus is rooted in the historical discourse of human trafficking. Previous attempts at international anti-trafficking legislation in the 19th century were fixated upon regulating sex-work and led to many states hyper-focusing on the 'transnational prostitution of women' (Warren, 2011: 250). These perspectives, and focus on sexual trafficking, continue to be upheld and reflected in the Protocol's framework.

It must be stated that attention towards 'Women and Children' is rightful and important, especially given their high victimhood, and yes, different forms of human trafficking are specifically gendered. However, the Protocol must not forego other victims and it must be ensured that the Protocol is inclusive in this respect.

Outdated Approach: No Technological and Victim Inclusion in its Framework

The Protocol comes from an era whereby the digital world was merely an emerging concept, today, however, the digital world is ever-expansive and the framework's lack of digital acknowledgement is of concern. This especially because victims are increasingly being trafficked from online platforms and are tricked through online-schemes. People are finding themselves victim to online recruiting processes known as 'hawking' (Myria, 2017 in Raets and Janssens, 2019), and in this process they are preyed upon and forced into trafficking. As 75% of the world now has a mobile phone (The World Bank, 2012 in Hughes, 2014), access to further people and rural areas is becoming easier for traffickers. The rapid development of technology has meant that traffickers have a wider reach and engage with more victims beyond the physical reality, the Protocol's lack of addressing this, is of major concern and must be rectified. This gap showcases the Protocol's outdatedness and limited applicability today. As the Protocol is meant to be a guiding tool, it poses concerns about how member states are directed to handle digital-facilitated trafficking.

Furthermore, the Protocol is equally outdated due to its lack of inclusion of survivors-stories in its drafting. Therefore, its framework is based upon negotiations of people

who do not have direct exposure to the experience, its focus on transnational crime has meant that 'the interests of the victims and their special position are not sufficiently taken into account' (Rijken and Koster, 2008: 8). Once again, such an approach highlights the Protocol's emphasis on encouraging security and criminalisation governance rather than victim-centered understanding.

Conclusion & Reflections

To a great extent, the continued success of the UNODC's Palermo Protocol has been greatly challenged by states' legal and resource-based problems. Member states and their institutional failures of struggling to determine victimhood, economic scarcity and resource-constraints are all contributing towards the struggle of achieving the Protocol in the long-term. These state weaknesses are exacerbating victim vulnerability and are creating environments that are

allowing traffickers to monopolise upon vulnerable persons. State failures that are working against ensuring the longevity of the Protocol's success.

This despite the pioneering emergence of the Protocol to guide states through these domestic challenges. As showcased by the Protocol's entering into the anti-trafficking environment at a time when many global states were concerned about increasing victimhood. The Protocol, at that moment, was successful in mobilising significant legal and global commitments and contributing towards the growing hope of mitigating legal and resource-based weaknesses to halt victimhood. From attempting to establish cohesive international cooperation and homogeneity, emphasising further legislative measures, promoting accountability, criminalisation structures; endeavors, which have been instrumental. Now 25 years later, such attempts to ensure results from member states' have since been futile, in the wider scheme of human trafficking, as we continue to see rising victimhood.

Yet, in acknowledging the significant time that has passed, a crucial reflection on part of the Protocol's contents is therefore necessary. A framework designed in the early 2000s, as well as being drafted during a time of lessened globalisation (in comparison to now), will struggle to be applicable in a contemporary context. This is denoted by the Protocol's outdated approach, lacking in reflexivity and digital inclusion. This is then worsened by the Protocol's ambiguity in its language, without specific modes of action to be taken, and passive terminology, this does not direct states in a sufficient way. Today, the Protocol's contents are unable to aid member states' legal and resource-based problems and adequately direct anti-trafficking efforts.

In continuation of a critical reflection of the Protocol, it is noted the Protocol's own questionable institutional structures that have contributed towards member states' own weaknesses with adopting its contents. Due to the UN's 'non-interference' strategy, this has resulted in political and legal distances to member states, making it so that urgency and accountability of member states to uphold anti-trafficking measures is lessened. An act which is exacerbating human trafficking.

Therefore, further guidance, and direct modes of action must be taken. Considering that it has been 25 years since the initial drafting of the Protocol, it is arguably important to redraft or reconsider aspects of its framework. The following three recommendations have been suggested below.

Recommendations

1. Inclusion of Technological Developments

In the past two decades, society has changed significantly and with the rise of technological advancement, the Protocol is not adequate enough to address its contemporary challenges. This is especially because in recent years, there has been an increase in online trafficking schemes and more are falling prey to human trafficking via these methods. Inherently, there are positive aspects of technology which are used by member states to counter trafficking, however, 'human trafficking works within the same digital devices and interfaces to, for example, recruit, exploit and track victims' (Öhlund and Almeida, 2023). Therefore, it is crucial for the Protocol to adapt to such changing times, as many member states use the Protocol as a guidance on their governance and legislative acts.

2. Inclusion in Drafting

As mentioned in the thesis, the Protocol's drafting was not inclusive, excluding many nations from the Global South, of whom, equally have dealt with the challenge of human trafficking, this must be rectified. Creating inclusive spaces whereby all are allowed to participate is essential. This emphasis on further participation will allow for a maximisation of engagement with the anti-trafficking discourse. This can be done by revitalising the fund that the Ad Hoc Committee previously tried to establish, whereby only Japan and the US were cooperative. To achieve this, the UNODC must ensure monetary commitments from financially-adequate nations. This can be done by seeking aid from developed nations to aid those with resource-based challenges, in this example, the Global South, who were constrained and excluded as a result of their financial limits.

To further establish this and argue for international monetary support, emphasis on the Protocol's expectations of international cooperation and support must be reemphasised. A way in which this can be done is by invoking the global commitment of all 193 member states, and their responsibility to achieve the Sustainable Development Goals (SDGs). In specific, several of the SDGs, No Poverty (Goal 1), Gender Equality (Goal 5) and Reduced Inequalities (Goal 10) are relevant to targeting human trafficking. A global fund will allow for further progress towards these targets and overall reduce the factors that heighten victim vulnerability.

In closing, it is essential for all member states to prioritise further action towards human trafficking. The unquantifiable extent of victimhood to this issue highlights the many systemic

issues that are plaguing societies and vulnerable persons. Change and further efforts are necessary to create a more just and equitable society.

3. Uplift Vulnerable Migrants

The rising rates of human trafficking must be addressed, and therefore, the redrafted Protocol should prioritise uplifting vulnerable persons, of whom have a higher likelihood of being trafficked. As showcased in the thesis, traffickers often exploit migrants by monopolising upon the 'push-pull' dynamics of irregular migration. However, there is limited acknowledgement of how to govern such migratory patterns which are contributing towards trafficking schemes. While Article 9 acknowledges alleviating 'poverty, underdevelopment and lack of opportunity' challenges, this is not adequate enough, as it is not acknowledging migratory patterns, which is a crucial contributor towards trafficking schemes. To effectively combat trafficking, the redrafted Protocol should emphasise the need for member states to implement structural reforms, this including better migratory regulations. Given that the Protocol encourages international cooperation, such reforms could be adopted collaboratively to ensure more coordinated migratory laws between one another.

To conclude, as the approach of the thesis has been generally global, for future research, it would be of interest to specify the research further, by adopting more regional analyses. This would allow for more geographical explanations and for a greater understanding of human trafficking and its intersectionality with other topics, such as colonialism.

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