

From Slavery to Modern Slavery, Trafficking in Human Beings (Challenges and Solutions) At the Regional and International Level

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Abstract

Human trafficking crimes threaten societies' security and stability. They also hinder social growth and harm economic, social, and security institutions. These crimes also confront global security agencies, pushing the international community to fight them. By establishing accords and conventions to address slavery and enslavement, one of the most disgraceful global afflictions and a grave infringement on human rights, including the trafficking, sale, and exploitation of individuals, sometimes called transnational organized crime, Unfortunately, every country is vulnerable to humanitarian violations. through Crossing borders takes many forms. There is also a lack of accurate statistical data and thorough information on human trafficking, especially for women and children.

in the light of the lack of agreement on basic assessments, data, and indications of the volume and geographic distribution of different kinds of trafficking makes tackling this problem difficult. A crime cannot be called a "phenomenon" without specifying its scope. also, the victims' ambition for quick and large financial gain drives them into trouble. Organized crime syndicates exploit this tendency, coupled with poverty, unemployment, military conflicts, and natural disasters. Family disintegration, population growth, slums, globalization, the Internet, and an environment of culture that exploits people, especially vulnerable groups, contribute to perceiving them as a commodity that can generate income. Human trafficking victims face security, economic, social, political, psychological, and health risks. Some of these effects may be lethal. The victim's broke immigration and employment rules, as well as fraud, forgery, bribery, smuggling, and rape. Thus, this crime may exceed traditional criminality by including a variety of interrelated violations that result in inhumane deeds.

Technology serves as a catalyst for the amplification of trafficking operations, facilitating the widespread commercialization and exploitation of victims. Victims are subject to recurrent exploitation when perpetrators reproduce identical advertisements and engage in live-streaming activities across various platforms, with the intention of maximizing their reach and financial gains.

Technology has also contributed to reducing the barriers for individuals involved in human trafficking. In the past, criminal organizations would have had to establish physical control and dominance over specific urban areas, typically relying on a large network of members. However, newcomers to the human trafficking industry can now effectively operate an online business without the necessity of a physical criminal infrastructure and with a smaller workforce. Consequently, the acquisition of technological expertise may enhance the potency of a criminal organization while also rendering it more elusive to law enforcement entities.

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So the paper will clarify the challenges of these serious crimes in all their forms (traditional and modern) and the weakness of international, rigorous cooperation in confrontation and its negative impacts on international society as a whole.

Keywords: *trafficking, human beings, slavery, coercion, sexual instruments, victims.*

Introduction

The previous century saw significant advancements in the domains of human rights and the dissemination of democratic principles, including their fundamental, societal, and all-encompassing cultural significance. Significant advancements in communication and technology have played a crucial role in addressing persistent issues like slavery, forced labour, and prejudice. These advancements have enabled the global community to effectively reach and address regions that were previously considered strongholds of such practices. This progress has been particularly notable in the twentieth century. This phenomenon ends just as people are about to become free from the restrictions imposed by the ideologies and behaviors associated with slavery, making it an outdated relic of history (Shelley L. Human trafficking, 2010)

During this contemporary era, a distinct manifestation of the crime of "slavery" has emerged and proliferated, bearing striking resemblance to traditional slavery in terms of its abhorrent practices and flagrant disregard for human rights. However, it assumes a different guise, often referred to as "voluntary slavery" or "voluntary servitude." In actuality, this purported voluntariness is merely a facade, concealing the coercion inflicted upon individuals whose will has been stolen and rendered powerless due to circumstances such as poverty, destitution, lack of knowledge, deceit, manipulation of aspirations, and exploitation of vulnerabilities. Contrary to the fundamental principles of human rights, mankind has seen the emergence of a form of illicit trade that specifically targets individuals, akin to contemporary slavery.

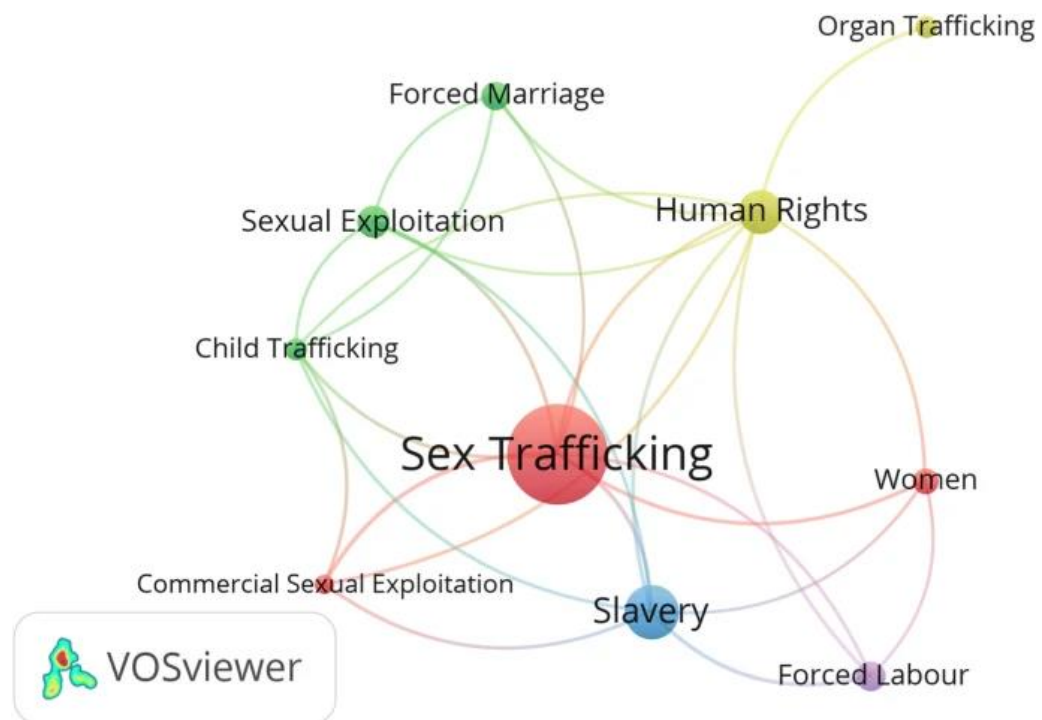
In the current era characterized by significant advancements in scientific, technological, and intellectual domains, humanity finds itself ensnared in a state akin to modern slavery. This state entails the commodification of vulnerable individuals, including those who are weak, impoverished, and lacking in sophistication, for various illicit purposes such as the trade of human organs, trafficking of children, coerced labour, sexual exploitation, and illicit transactions involving the buying, selling, and smuggling of migrants. The allure of fictitious wealth that criminal syndicates pursue is what motivates these activities. Crimes committed inside the territorial boundaries of nations include a range of offences that are deemed unlawful and are subject to comprehensive legal frameworks designed to safeguard both the well-being of individuals and the integrity of the state. (Davy D, 2016)

Human trafficking has emerged as a contemporary manifestation of slavery, characterized by the egregious infringement upon fundamental human rights and liberties. Moreover, this phenomenon transcends national boundaries, constituting an international issue that spans multiple countries. The manifestations and modalities of human trafficking exhibit considerable variation across different nations.

In recent times, there has been a rise in criminal activities targeting children, such as abduction, trafficking for the purpose of exploitation in prostitution, and the illicit sale of human organs. These contemporary forms of trafficking, along with several other manifestations, constitute severe infringements against fundamental human rights. This particular act is widely regarded as one of the most abhorrent and perilous transgressions against both society and the human species. Consequently, it is strictly prohibited and subject to legal sanctions under all religious statutes and international agreements and treaties (Gulati GJ, 2011)

Literature review

Ronen (2010) notes that the ICC is not a panacea for global concerns. However, the ICC must recognize human trafficking as a global crime, just as it does other crimes within its authority. Human trafficking, as a separate crime under Article 5 of the Rome Statute, may realistically achieve this recognition. (Sweileh 2018) determined that there was a lack of health-related information on human trafficking. The field of human trafficking was mostly characterized by publications focused on sex trafficking. The establishment of research networks and collaboration between countries of origin and countries of destination is of utmost importance. Future research should focus on addressing health issues and addressing the exploitation and trafficking of labourers. (See figure 1) that elucidates the matter The study focused on mapping the typology of trafficking and identifying the most often used phrases. The results, shown in Figure 1, revealed the top keywords. The map categorized five groups: organ trafficking, child labour, women's sex trafficking, and slavery. Following the study, it was found that 771 records, accounting for 37.7% of the total, were related to sex trafficking. Additionally, 616 records (30.1%) were focused on labour or forced labour, 199 recordings (9.7%) were specifically about child trafficking, and 138 records (6.8%) were related to organ trafficking. The following studies discussed various manifestations of trafficking or had a wide scope. (European Parliamentary Research 2023) concluded that the criminal networks are now using the opportunities presented by emerging technology to enlist victims. The current Russian incursion into Ukraine has resulted in a significant relocation of women and children, while also providing criminal organizations with new avenues for exploitation. Although women and children make up the bulk of victims of trafficking for sexual exploitation, men are increasingly becoming victims of trafficking for labour exploitation or being coerced into engaging in criminal activities. (Rabie, Elhaw, 2023) discusses that although human trafficking crimes are classified by the international community as crimes against humanity, international efforts are unable to keep pace with the development of these crimes except through some international instruments, the contents of which must be activated to confront them.



1. The concept of trafficking human beings

The December 2000 Palermo Protocol defined human trafficking, which was later included in the Convention against Transnational Organized Crime. Paragraph (A) of Protocol Article Three has this statement. It includes recruiting, capturing, transporting, harboring, or receiving people using threats, coercion, deception, fraud, abuse of authority, vulnerability exploitation, or other techniques. Exploitation may take many forms, including prostitution, compelled labour, slavery, and organ trafficking. (Kangaspunta K , 2015)

The Protocol in discussion is an amendment to the UN Convention against Transnational Organized Crime, under Article 1. The Trafficking in Persons Protocol (Article 3) and the Organized Crime Convention (Article 4) have comparable offences.

1-2: The Evolution of Trafficking Human Beings in Public International Law

Although human trafficking has garnered considerable global attention in recent times, it is important to note that there is already a substantial corpus of international law pertaining to trafficking matters. Indeed, several facets of what is now referred to as human trafficking, including its connection to slavery, establish a correlation between the problem and the oldest components of international law aimed at safeguarding individuals. However, what is particularly intriguing about the development of international law and trafficking is the way international instruments have progressed to address comparable or interconnected issues by using unique and divergent conceptual frameworks (Whitman A, Grey DH ,2015)

Upon examining these four concerns, a multitude of international accords can be seen, a significant portion of which predates the establishment of the contemporary human rights framework after World War II. It is justifiable to assert that addressing human trafficking, or some elements included under the contemporary definition of human trafficking, has been a persistent issue within the realm of international law. This statement highlights the notion that the aforementioned problems were seen as necessitating international collaboration at an early phase and that the negative consequences linked to the practice (excluding variations in terminology) have been generally acknowledged for a considerable duration (Amahazion F , 2015)

Despite the considerable corpus of treaties pertaining to trafficking, it is improbable that these legal instruments have significantly curtailed the prevalence of this phenomenon. Consequently, it is evident that their present efficacy is constrained. From a legal standpoint, it is common for these accords to exhibit significant deficiencies, including excessively precise delineations of the offences included and grossly insufficient methods for ensuring compliance. For instance, the majority of relevant international treaties do not give a person who has been trafficked the ability to assert legal rights against those who have exploited them. While some mechanisms already available provide a somewhat sufficient means of punishing the intricately organized networks engaged in trafficking, the existing treaties in place are typically insufficient. However, there has been a notable increase in attention to these matters in recent years, and certain recent advancements show promise. To help come up with new ways to fight trafficking and better understand why some ideas aren't working, it's important to look at how international laws have changed over time when it comes to these issues (Tripp TM, McMahon-Howard J ,2016)

I. International borders

Borders are an issue in international politics. People throughout the globe cross international boundaries without legal authority for a variety of reasons. Political turmoil, ethnic wars, severe starvation, and natural calamities drive many to seek sanctuary. Many people leave their homes due to economic hardships or to find better possibilities. UN estimates show 191 million people live in a country other than their birthplace. Around

10% of migrants reside in developed regions. A large percentage of undocumented migrants come from economically poor countries and move to more developed ones

Several factors contribute to the complex issue of undocumented migration. Sometimes people need smugglers or intermediaries. The global number of people smuggled remains unknown, but it is clear that smugglers often transport people under conditions that meet the UN Protocol's definition of human trafficking. Many trustworthy stories from throughout the world describe recruiting, transit, relocation, harboring, and welcoming (Ottisova L, Smith P, Shetty H, Stahl D, Downs J, Oram S , 2018)

Smuggling as human trafficking is complicated, particularly when coercion and exploitation are included. Smuggling is unlawful; hence, it is done discreetly without governmental approval or official protection. Smuggling occurs along a spectrum of coercion and exploitation.

Smuggling is a victimless commercial transaction in its most benign form. Those who seek to cross a border without documents engage in financial transactions to get help. Smuggling operators obtain financial aid while their consumers get admission to a foreign country. This access might be used to avoid adverse circumstances in one's own country, reunite family members, or enter a better employment market. Close inspection disqualifies these events as human trafficking.

Extreme smuggling involves coercion and exploitation. Abuse may occur during the border-crossing procedure. Sexual assault, severe physical abuse, torture, and systemic cruelty may occur. The worst scenarios may include exploitative intent, such as sending illegal people to compel employment. These incidents clearly include human trafficking and smuggling (Cockbain E, Bowers K, Dimitrova G ,2018)

However, the vast range of smuggling circumstances between these two extremes must be considered. What is the prescribed approach for examining and analyzing these cases? If a smuggler requests a payment that is twice the initially agreed-upon smuggling cost after the operation begins or before ensuring the client's safe arrival at their intended destination, this level of deceit could justify classifying the smuggler as part of the term. If the smuggler threatens to leave the client to get more money or achieve other aims, can the consensual-to-coercive transition occur? When a family member, such as a father, mother, spouse, etc., covertly transfers a person without their agreement, ethical and legal issues arise. What happens if the transferee is a minor and cannot provide consent? Smuggling operations are often fraught with uncertainty, covert activity, language barriers, cultural differences, and diverse perspectives, which can lead to threats, coercion, force, fraud, deception, and a power imbalance between the smuggler and the client (Hemmings S, Jakobowitz S, Abas M, Bick D, Howard LM, Stanley N, Zimmerman C, Oram S , 2016)

II.Organised crime

Organised crime, also referred to as criminal groups or criminal enterprises, is a sophisticated and well-organized framework of people or collectives that participate in illicit pursuits with the primary objective of monetary profit (Okech D, McGarity SV, Hansen N, Burns AC, and Howard W , 2018)

The process of globalization has enabled the creation of a globally integrated economy, resulting in an improved quality of life for many people on a worldwide level. The phenomenon of globalization has played a pivotal role in facilitating the mobility of individuals across international borders, giving them the opportunity to participate in economic endeavors that transcend their national confines. However, the emergence of this phenomenon is unfortunately interconnected with inevitable disadvantages. The prevalence of organized crime has seen a notable increase in correlation with the advent of globalization. Contemporary criminal groups have embraced a collaborative strategy, whereby they participate in cooperative attempts to establish complex networks,

capitalizing on the increasing openness of the economy and the elimination of obstacles across international boundaries (Wolfe D., Greeson J., Wasch S., and Treglia D. , 2018)

Because of the great variety of its manifestations, the idea of organized crime remains ambiguous and susceptible to interpretation. The investigation is looking at a variety of illicit acts, including but not limited to narcotics and people trafficking, as well as credit card fraud. An organized criminal gang is defined by the United Nations Convention against Transnational Organized Crime as a group of at least three people who engage in coordinated acts with the intentional purpose of committing one or more serious violations (Levac D, Colquhoun H, and O'Brien KK , 2010)

The United Nations Convention against Transnational Organized Crime's principal goal is to fight three major forms of organized criminal activity: human trafficking, migrant smuggling, and illegal weapons trafficking.

Organized criminal gangs are generally found in less developed nations across the globe, but they actively seek chances to exploit more established global economies in order to maximize their financial rewards. As a result, criminal businesses attempt to leverage and exacerbate the cracks inside these highly industrialized nations' administrative systems (Rosas SR, Kagan JM, Schouten JT, Slack PA, and Trochim WM , 2011)

Extensive scholarly study and analysis have been dedicated to examining the influence of transnational criminal networks on global security. Once people are identified, they are vulnerable to exploitation. Criminal enterprises often partake in cross-sector activities, capitalizing on weaknesses such as border control to enable the unlawful transportation of various goods, including illicit drugs and people trafficking. The persons engaged in these operations establish several pathways and logistical systems to enable the transfer of illegal drugs and human beings into developed countries. Following this, individuals use widely used methods of transportation, including trucks, ships/containers, airplanes, and foot paths, to transfer both categories of illicit goods.

Many organized criminal groups see people trafficking as a somewhat easier and less risky venture compared to other dominant activities that have historically dominated the industry. Organizations that formerly focused their efforts on drug and weapons trafficking have now redirected their attention or expanded their operational scope to include human trafficking (Cannon AC, Arcara J, Graham LM, and Macy RJ , 2018)

In 2007, a publication entitled "Transnational Threats" was produced by Kimberly L. Thachik, including a total of 39 pages. The sanctions for trafficking violations may seem comparatively less harsh in relation to those linked to the trafficking of drugs and armaments. According to the United Nations, the insufficiency of regulation pertaining to human trafficking is anticipated to result in its surpassing drug trafficking as the primary domain of organized criminal activity on a worldwide scale in the near future (Muraya DN, Fry D , 2015)

III. The act of crossing borders

In the academic context, "trafficking" and "to traffic" mean the illegal transportation of goods or persons for profit, analogous to "drug trafficking." In human migration, "trafficking" refers to a system that treats people as commodities and manipulates them for profit. The wording under discussion appears to be tied to mobility; however, it is unclear how much movement is needed to be considered trafficking. The key question of this inquiry is whether trafficking involves cross-border human migration. Many NGOs and international authorities define trafficking as a cross-border human movement. The legality of this aspect of human trafficking is unclear, and using national borders to define trafficking damage is imprecise (Hirsch JE , 2005)

Regarding the legal problem at hand, the UN Protocol does not require an international border crossing to recognize a trafficking victim. As said, the Protocol defines trafficking

as recruiting, transporting, transferring, harboring, or receiving people (Babik JM, Chin-Hong P , 2015)

Furthermore, the 1949 Convention on the Suppression of Traffic in Persons and the Exploitation of Others' Prostitution does not define cross-border transit as a violation. The 1949 Convention makes it unlawful to obtain, entice, abduct, or exploit another individual for prostitution (Coverdale J, Beresin EV, Louie AK, Balon R, and Roberts LW , 2016)

The Convention on the Suppression of Human Trafficking and the Exploitation of Prostitution is being debated. Instead of physical displacement, verbal instruction may "lead away." This lends credence to the notion that committing a crime does not necessarily entail crossing lines

Furthermore, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) condemns trafficking and supports its prohibition without requiring international migration

The topic of the discussion is the Convention on the Elimination of All Forms of Discrimination. The UN, NGOs, and other authoritative bodies usually oppose the notion that trafficking involves border crossing because they emphasize the definition of trafficking. Some people feel that cross-border movement is required for "constructive" or "substantive" change (Sweileh WM , 2017)

The legal concept of trafficking does not encompass the worldwide movement of victims, and the requisite mobility for the offence is unclear. Colloquially, "trafficking" means moving or transporting, which is also the meaning of numerous legal definitions. Determining the unique traits and underlying nature of this movement is complicated and unclear. The perception that offenders can gain specific benefits by transferring the victim from a safe and familiar context (where they have linguistic abilities, familiarity with local customs, and a social support system of friends and family) to an isolated environment where they are neglected by authorities and vulnerable to various forms of abuse contributes to this criminal behaviour. Human traffickers' worth may also depend on their mobility. This is shown in the value of "exotic" sex workers in some areas of the commercial sex industry and in the ease with which foreigners of minority ethnicities may be discriminated against. Mobility is linked to systems that cripple victims and empower abusers.

Understanding trafficking law and policy is crucial to fighting it. This requires understanding physical mobility as a differentiating trait and its involvement in the spread and effects of this crime

III.coercion

The debate concerning human trafficking centers on the contentious nature of coercion and power abuse. The UN Protocol's second component requires mobility measures (Aradau C. , 2004)

In order to gain the consent or agreement of a person in authority, people use intimidation, physical aggression, manipulation, abduction, fraud, deceit, exploitation of authority or vulnerability, or the offering of monetary or non-monetary incentives.

The sixth footnote, Article 3(a), references the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, complementing the UN Convention against Transnational Organized Crime (Berman J , 2003)

Trafficking includes compulsion, abuse, or threats. However, defining the circumstances that prove coercion and the power imbalance needed between a trafficker and a victim may be difficult (Bourke ML, Hernandez AE , 2008)

Studies show that there is a consensus on teenagers' involvement in the sex industry, which typically entails coercion. Even in non-sexual domains, the current issue under inquiry is discussed. Despite the legal definition of a minor as under 18, 16- to 17-year-olds routinely work in physically demanding jobs in numerous countries.

Article 1 of the UN Convention on the Rights of the Child concerns coercion. In adult cases, this raises questions about voluntary agreements for transportation and labour conditions. Intellectually engaging issues of moving between sites, particularly under human trafficking conditions, need investigation. For instance, labourers who work to repay debts from illegal activities may be coerced. It is crucial to recognize that opposing views may be presented. Under such circumstances, a particular cohort of workers might view coercion and mistreatment differently. Some may regard a job as a way to satisfy financial obligations and enter a new country. Some may consider it a righteous violation. There is currently no universally accepted assessment tool for evaluating coercion, resulting in significant discrepancies in the methodology used to examine specific cases and determine a contractual arrangement's coercive characteristics. The complexity of this issue increases when considering those who come from insecure conditions and have voluntarily traded some autonomy for a better future for themselves and their families (Budiani-Saberi DA, Delmonico FL , 2008)

This subject has received attention in prostitution and the sex industry. Some non-governmental organizations (NGOs), campaigners, and victim-protection agencies believe that prostitutes cannot agree to their acts. Thus, they claim these women are coercible (Canales MT, Kasiske BL, and Rosenberg ME , 2006)

Many individuals and groups argue that women may intentionally choose sex work, demonstrating their potential autonomy in human trafficking. Prostitutes may be considered workers with employment rights that must be protected.

Prostitution consent discourse is complex, both theoretically and practically. Discourse fragmentation may explain the observed occurrences. This fragmentation entails the intellectual examination of complex philosophical questions about choice and compulsion. The next part pragmatically examines the best legal and social methods for improving people's wellbeing (Ekberg G , 2004)

Feminists believe that socioeconomic conditions devalue individual liberty, forcing women in diverse locations to prostitute to support themselves and their families. The authors believe particular languages are ineffective in meeting social needs. They further claim that this strategy ignores the restricted options for economically disadvantaged women.

2: Trafficking human beings under the Rome Statute

The Rome Statute preamble gives the ICC authority over the worst international crimes. The ICC has global authority to prosecute defendants under Article 1 of the Rome Statute. This case has limited jurisdiction. Article 12(2)(b) of the Rome Statute requires citizenship for treaty states. Article 12(2)(a) of the Rome Statute requires criminal conduct to occur within a state party's maritime and aerial jurisdiction. The ICC must prosecute crimes in the country where they occurred under Article 12.3 of the Rome Statute. According to Article 5.1 of the Rome Statute, the ICC may try aggression, crimes against humanity, genocide, and war crimes. Article 7.(2)(c) of the Rome Statute classifies human trafficking as slavery. The Statute and Elements of Crimes do not include slavery (Weitzer, R , 2007)

Slavery is defined in Article 1 of the Rome Statute and the Slavery Convention. The word "ownership" is stressed in Article 7(2)(c) of the Rome Statute (Oram S, Zimmerman C, Adams B, Busza J , 2011)

Slavery is illegal according to Article 3(a) of the Trafficking Protocol. It involves using force, pressure, kidnapping, fraud, lies, abuse of power or weakness, or money or benefits to recruit, move, shift, shelter, or accept people in order to take advantage of them (Kara S. , 2009)

It might be better to say "using dominance over another person to take advantage of them" instead of "owning" someone. So, the Rome Statute says that the ICC must see proof of ownership before it can bring a slaver to justice. Slavery does not have to ignore trafficking. Adding "trafficking" to the idea of slavery might mean that people want to include activities that are against international law for that age. This description of a crime against humanity makes it clear that the goal is to sell people.

Similarly to the UN's human trafficking concept, Article 7 of the Rome Statute includes "deportation" and "forcible transfer of population." Recruitment, transit, transfer, harboring, or receiving individuals by fear, force, or coercion is covered under Rome Statute Article 7(1)(d).

The UN Convention 2000: Protocol, article 3(a), and the Rome Statute, article 7(1)(g), define human trafficking as rape, sexual enslavement, and forced prostitution. This is exploitation under UN Convention 2000: Protocol Article 3(a).

Deportation and forced transfer are expulsions under the Rome Statute, specifically Article 7(1)(d). Legal requirements must be followed. Human trafficking is also included in the Rome Statute's "other coercive acts" under Article 7(1)(d). Traffickers abuse those who lose autonomy and must collaborate (Yen I , 2007)

The Rome Statute defines a crime against humanity as "when perpetrated as a component of a widespread or systematic assault aimed at any civilian population, with awareness of the assault." This hinders purposeful reading. Article 7(1) of the Rome Statute defines crimes against humanity in armed situations (Gazni A, Sugimoto CR, and Didegah F , 2012)

Human trafficking charges, particularly in organized crime syndicates, are not excluded by "widespread or systematic." The ICC tries to destroy criminal network leaders. Thus, highly organized organizations may follow procedures and adopt a "systematic" approach to illicit actions. Criminal gang members understand their "organizational policy." Unproven assertions that the accused is the only trafficker in a criminal enterprise This comment is noteworthy since authorities are actively pursuing criminal gang leaders. Thus, "awareness regarding the assault" is immaterial to this crime. People do not understand their participation in human trafficking, which is confusing. Criminals may realise their conduct. This discourse does not need to address the "knowledge" component of the crime (Wilsdon J , 2011)

In the Rome Statute, "civilian population" denotes state personnel. Page 5 of the Elements of Crimes stipulates that assaults must obey governmental or organizational policy. A state or organization must actively support attacks on non-military populations. Eliminating such policies raises concerns about including crimes that may not meet the Rome Statute's "most serious crimes of international concern" criteria. This issue's importance must be determined. This obstacle's inclusion in crimes against humanity requires careful comparison to similar offences. Thus, this problem and its implications must be addressed

A crime against humanity targeting people trafficking is impracticable since there is no scientific proof relating it to organized crime. State policies impede human trafficking convictions (Zimmerman C, Hossain M, and Watts C , 2011)

Human trafficking—a form of slavery and a crime—should be included in the Rome Statute. Thus, a separate court for such offences is unnecessary.

International Criminal Court (ICC) jurisdiction applies only if the offence is connected to state or organization policy. In *Prosecutor v. Kunarac*, the ICTY showed probable immunity from this obligation. The guilty slavers used women sexually and economically. The prosecution stressed the women's treatment and punishments, which were not significant in the Kunarac case (judgement: 121). Our paper examines the Rome Statute's definitions of 'organization' and 'organizational strategy'.

Multinational crime syndicates are the biggest traffickers. Groups evade human rights commitments by operating outside of the law. Trafficking and slavery offences must be committed by a state or state-like entity to be included in the Rome Statute. The Rome Statute may identify an organized criminal gang as an "organisation" under the following section: The category is essential to the ICC's Rome Statute human trafficking prosecution (Moreno MA, 2015)

2-1: Trafficking in human beings and the crime against humanity, according to the ICC

The ICC has jurisdiction over the greatest international crimes, such as crimes against humanity, war crimes, genocide, and territorial encroachments, as stated in Article 5 of the court's constitution. Given the aforementioned factors, it is imperative to investigate the possibility of the International Criminal Court (ICC) extending its jurisdiction in order to prosecute specific cases involving human trafficking. Therefore, it is essential to ascertain whether certain kinds of human trafficking may be brought before the International Criminal Court (ICC) (Surtees R, 2008)

as they are all serious violations of human rights. Large-scale violence and conflict are involved in genocide, territorial trespass, and war crimes; nonetheless, forced labour, sexual exploitation, or organ harvesting are the main purposes of human trafficking. All of these offences fall within the jurisdiction of the International Criminal Court (ICC) due to their seriousness (Kharel U., 2016)

Crimes against humanity include actions and omissions that are part of a systematic or widespread campaign and violate human rights or contribute to such breaches. Article 7 of the International Criminal Court's (ICC) constitution defines crimes against humanity as a series of distinct acts that create a systematic or widespread attack on a civilian population with the perpetrator's knowledge. A systematic or comprehensive attack involves organization, frequent preparation, and a massive scale, resulting in many victims. The constitution defines an attack as a series of operational measures that comprise the conduct or acts in Article 7 (1) (a) (k). Additional offences submitted to the International Criminal Court must be serious and may violate human rights (Novotny TE, Kickbusch I, 2013)

Unintentional, isolated acts may not be enough to prove a planned and widespread attack.

This strict criterion will exclude many human trafficking cases from the International Criminal Court (ICC), but not all, as many trafficking organizations operate at smaller, localized levels with little coordination. However, certain trafficking networks are complex and widespread. These networks target certain locations and use harsh cruelty, rape, kidnapping, and sexual slavery to choose victims

Thus, these operations may go beyond Article 7 of the Constitution, and coordination in these attacks is undisputed. Thus, this section of the International Criminal Court's constitution may apply to these cases (Marks E., Olsen A, 2015)

In "International Criminal Law and Human Rights Law" (2003), Claire de Than and Edwin Shorts address numerous issues in these two legal fields. The writers concentrate on crucial passages 5–30.

In addition to the condition, crimes against humanity must include the physical component. A systematic and widespread attack, such as murder, annihilation,

enslavement, expulsion or forced migration, sexual rape, sexual slavery, forced prostitution, and others, meets this criteria (van der Leun J., Bedrijfsvoering S , 2017)

Prosecutors must prove a specific crime was part of a systematic and widespread attack on civilians to prove a case. Article 7(1)(a)–(k) of the ICC constitution lists eleven actions that include murder, rape, apartheid, torture, and other inhumane crimes. Enslaving, raping, perpetuating sexual slavery, coercing people into prostitution, and other severe sexual violence often linked to human trafficking are also included in the compilation (Stolz BA , 2015)

I-Enslavement

Article 7(C)(2) of the ICC statute prohibits slavery as a crime against humanity. This ban covers human trafficking, especially that of women and children. Text from the user lacks context. The International Criminal Court (ICC) constitution defines slavery as the imposition of ownership rights over a powerful person, including trafficking women and children. This idea comes from customary international law and the 1926 Slavery Convention, which was adopted. These crimes may be defined by the criminal's control over an individual's property, freedom, or mobility, and revenue collection. Although the temporal progression of these actions should be considered, the Tribunal Appellate Court of the former Yugoslavia stressed that "neither the duration of time nor the objections raised by the victims are the criteria assumed for establishing the occurrence of enslavement." Trafficking of individuals violates the ICC constitution (Barrick K, Lattimore PK, Pitts WJ, and Zhang SX , 2014)

Article 1 of the contract that banned slavery and slave trade, ratified on September 25, 1926, and its 1956 supplemental contract explicitly forbid slavery, slave trade, and any other arrangements that resemble such institutions. These agreements define slavery as the conduct or status of an individual who exercises any or all forms of authority derived from the ownership of a Forced work, commonly called modern slavery, is a crime against humanity and a violation of human rights. Enslavement typically encompasses this kind of exploitation. Forced employment may include brothel dance performances or other sex industry activities. Article (G)(1) 7 of the constitution calls sexual trafficking "sexual servitude" rather than "enslavement." (Brennan D. Trafficking, scandals , 2014)

Designating this distinction a crime against humanity may underline sexual slavery's severity. However, "enslavement" and "sexual slavery" include a wide range of human trafficking tactics and goals. Thus, selling, leasing, or otherwise exchanging people as commodities is a crime against humanity. The user's material is too short for academic rewriting. Thus, the methods traffickers employ to dominate women and abuse them sexually are identical to "sexual slavery." Sexual slavery affects victims' autonomy and independence, like conventional slavery. This is mostly due to ownership rights, which reduce lifestyle agency. Sexual slavery often affects women and children, underscoring the similarities between these two types of exploitation. The International Criminal Court is trying human traffickers (Joarder MAM, Miller PW , 2014)

II-sexual slavery

Sexual slavery is the purchase, transaction, lease, exchange, and comparable actions that consider people as goods and abuse them sexually, according to penal laws. Step 5: Wear socks on your feet (McAuliffe M., Triandafyllidou A , 2022)

The ICTY's Foca indictment and Rwanda's alleged crimes may constitute sexual slavery. The Foca case victims testified that they were forced into a brothel, raped, and sexually abused like property. Many Rwandan women were coerced into marriages and compelled to provide sexual services for their husbands to protect their children (Altun S, Abas M, Zimmerman C, Howard LM, Oram S , 2017)

Thus, to prosecute sexual slavery as a crime against humanity, the perpetrator must establish that they knew their conduct was part of a widespread or systemic assault that compelled the victim into sexual intercourse. Many forms of human trafficking involve sexual slavery, particularly when people are pushed into the sex industry or exploited sexually. Sexual assault victims at prostitution businesses are considered property

Unlike the preventive procedure, a crime against humanity like human trafficking, particularly of women and children, does not need financial advantage. long-standing commercial sex business. Recent studies have focused on the pain and suffering of transferring women and children for sexual exploitation. The moral and legal implications of commercial sex complicate matters. Sex trafficking is often targeted by anti-trafficking efforts since the worldwide discourse on human trafficking prioritizes sexual exploitation (Toney-Butler TJ, Ladd M, Mittel O , 2022)

Classifying all cross-border commercial sex activities involving women as trafficking is tough. Like smuggling, human trafficking victims face several challenges. The worst incidents include widespread, horrible cruelty. We also reject the commercial sex industry's exploitation of children as unethical and criminal. Some academics believe many incidents of coercion, abuse, and exploitation satisfy the description, unlike unlawful labour migrant smuggling. In its 2008 Trafficking in Persons Report, the US government linked prostitution to human trafficking (Barrick K, Lattimore PK, Pitts W, Zhang SX , 2013)

According to a 2006 study, the majority of the 207 human trafficking victims had their trafficker, pimp, madam, brothel and club owner, patrons, or romantic partner physically beat them. According to the report, 90% of victims were physically pushed or intimidated into sexual or other behaviour. At least 91% of victims faced death, physical violence, financial hardship, family harm, or re-trafficking (Wong PH, Celbis MG , 2019)

Prostitution laws vary per country, making it challenging. Despite the dangers of abuse and exploitation, trading sexual services for money is legal and regulated to safeguard sex workers and consumers, especially their health. A general concept of human trafficking in situations involving prostituted migrant women is impossible to envisage due to the heated argument. Even the US government debates. Prostitution is violent and damaging, according to the US State Department. The department considers all commercial sex exploitative. Some US states have legalized prostitution.

III. Forced Prostitution

Coerced commercial sexual exploitation

As previously stated, the phrase in question is not explicitly defined under the constitution, and there is no prior legal precedent or contractual agreement pertaining to this particular issue. Hence, there exists a lack of clarity on the specific activities that qualify as forced prostitution and the distinctions it holds in comparison to sexual slavery. In academic discourse, the phrase "forced prostitution" often refers to the circumstances in which women and girls are subjected to the sale or sexual exploitation by individuals such as spouses, parents, or other parties who acquire legal control over them (Castelli F, 2018)

Moreover, the term "forced prostitution" refers to the act of someone unlawfully using their authority or power to compel or manipulate another person into engaging in sexual activities against their will. The user's text is too brief to be rewritten in an academic manner. In cases of coerced prostitution, the motive of the defendant has no significance and is deemed irrelevant (Dottridge, M , 2017)

The International Studies Journal (ISJ) presents its 54th edition, with 39 articles.

It is not required that the victim experience physical assault. The defendant's use of force or the expression of authority, regardless of its form, is deemed enough. This includes

inducing fear of violence, confinement, psychological coercion, and aggressive conduct, as well as exploiting the victim's vulnerable state or their inability to provide informed consent. In general, a distinguishing factor between this crime and sexual slavery is the presence of money gain or non-financial benefits for the defendant or other individuals involved in sexual slavery. It is anticipated that, throughout the victim's exploitation, other parties would get advantages from the individual's sexual activities (Weitzer R., 2014)

In the context of human trafficking, the application of a broad definition proves advantageous when considering situations where women are confined without possession of identification documents or are held in unfamiliar locations. This comprehensive definition encompasses instances where physical coercion is employed for the purpose of sexual exploitation, as well as cases where victims are psychologically disempowered to the extent that they are unable to effectively express their consent to engage in prostitution (Papanicolaou G , 2008)

III. Rape

Rape specifications are not defined in the International Criminal Court's constitution or laws. The International Criminal Tribunal for Rwanda (ICTR) and, subsequently, the ICTY set up a legal framework for this offence. A legal definition of rape is a sexual assault with coercive elements. This includes sexual assaults beyond reproductive organs and the body. The information is insufficient for academic reworking. Give me a longer paragraph to read. One understanding of this transgression is that the victim's gender is immaterial, acknowledging that men may also be victimized. The user's information is vague and hard to rephrase academically. Human traffickers, brothel owners, and clients routinely sexually attack their captives to weaken and dominate them. Therefore, certain human trafficking instances may include sexual assault, making them crimes against humanity. Wide-ranging sexual assault prevalence must be empirically shown (White K, Thompson PS, McCoy EF, Hussemann J, Adams W, and Taylor R, 2022)

In distinct academic contributions, several examine different facets of severe child offences in armed conflict. These websites provide legal views. Article 7 of the International Criminal Court's Constitution helps exonerate clients who sexually assault human trafficking victims due to their lack of comprehension of their systematic and coordinated behaviour. Article 7 of the ICC Statute requires the prosecution to prove the defendant knew of the assault. The defendant must be aware that assaults are intended to implicate the accuser. The defendant need not grasp the plan, strategy, or organization in detail. The prosecution's burden of proof does not require the defendant's consent to the assault or its goal. I apologise for the incomplete user input. Please provide me with the whole material to rework academically. to make it scholarly. The defendant must prove deliberate behaviour and understanding of its involvement in a coordinated assault on non-combatants.

In order to address and punish crimes committed during armed conflicts, the International Criminal Court works alongside domestic laws (Macy RJ, Eckhardt A, Wretman CJ, Hu R, Kim J, Wang X, et al. , 2022)

Individuals who deliberately commit crimes while aware of their involvement with a well-organised criminal syndicate may be prosecuted for human trafficking and other organized crimes. Orchestrating, assisting, abetting, or actively participating in rape, enslavement, sexual slavery, forced prostitution, or trafficking may result in judicial action. Trafficking includes various crimes against humanity. Slavery is a crime against humanity under the ICC Statute (Winterdyk J., Reichel P , 2010)

Factors for Classifying Trafficking as a Crime Against Humanity

Special circumstances are required for both the criminal and the victim in order to perpetrate a crime against humanity. Furthermore, it is essential that certain circumstances coexist concomitantly with the perpetration of the violent act.

It is important to ascertain if the necessary circumstances are present in cases of human trafficking offences. (Niethammer C , 2020)

I. Perpetrator

According to Article 7 of the International Criminal Court (ICC) law, many entities, such as persons, groups, or organizations with governmental power, have the capacity to commit. Therefore, it is not necessary for a governing body or one of its formal entities to carry out the act of aggression directly. Within the realm of criminal proceedings concerning crimes against humanity, the Tadic case, which was brought before the International Tribunal for the Former Yugoslavia (ICTY), brought forth an inquiry regarding the potential liability of private individuals and non-governmental organizations in relation to the commission of said crimes. In the final analysis, it has been formally asserted that these illicit activities may be carried out by both terrorist entities and individuals with non-official power, alongside organized collectives. Hence, it is plausible to subject both criminal groups and individuals to legal prosecution for perpetrating crimes against humanity (Prevention Dearnley R. , 2022)

Furthermore, those who commit these acts against the individual who plans or oversees the attack, as well as those who assist or encourage the performance of this illegal act, are held legally responsible. Within the realm of human trafficking, there is the possibility of pursuing legal action against individuals who participate in facilitating this illicit trade. This includes organizers and investors who engage in various activities, such as recruiting, transporting, and harboring individuals. These individuals are then subjected to exploitative practices such as prostitution, forced labour, and other forms of victimization. It is noteworthy to mention that these illegal activities are often committed by people who may not necessarily possess the requisite moral compass or adherence to societal norms (G LeBaron and N Howard , 2015)

II-Victims

Article 2(7) of the Statute of the International Criminal Court (ICC) includes victims of crimes against humanity among all civilian populations. The population shown on this page is not the whole population of any given country. But the goal is to highlight the communal nature of crimes against humanity (Albanese, J. S. , 2008)

Under this presumption, it is imperative that an assault on a single individual or group of people not be planned at random. The victim of a crime against humanity must, instead, belong to a recognized group, which is often identified by linguistic, national, religious, or other affinities. Attacks against civilian populations on the basis of political, racial, ethnic, or religious reasons were considered acts of discrimination by the International Criminal Tribunal for Rwanda prior to the adoption of the Rome Statute. The Interim Tribunal for the Former Yugoslavia Statute considered these issues to be crucial in addressing the prosecution of crimes against humanity. The necessity of resolving criminal harassment concerns was acknowledged in the most recent International Criminal Court judicial process (Gallagher, A., & Holmes, P. , 2008)

Article 7 of the Constitution defines differentiating considerations with respect to all crimes against humanity in paragraph (H). If this premise is accepted, one could argue that rather than targeting specific populations outside the purview of crimes against humanity, a large portion of international organized crime, including many cases of human trafficking, is driven primarily by economic incentives. Therefore, in cases of people trafficking, both law enforcement officials and criminal groups are involved.

These crimes often target certain victim groups that have something in common, such as living in certain regions, going through particular social and economic situations, or being of a certain gender (Goodey, J. , 2008).

III. Peculiar Circumstances

Article (a)(2) of the Rome Constitution outlines the parameters governing the level of governmental action that government agents should conduct. Moreover, it has been shown that (Halter, S. , 2010)

The establishment of tacit assent as the minimal need for the commission of a crime against humanity mandates that the act must align with or be connected to a governmental policy that supports an organizational or governmental approach to carrying out such attacks. Based on the information presented in the aforementioned article, it can be inferred that the commission of a criminal act requires either express license from the ruling authority or adherence to a recognized official or unofficial policy. Within this framework, in accordance with the laws surrounding criminal behaviour, it is required that an act of assault be executed with the deliberate goal of advancing or aligning with the principles and objectives of a state or organization, either before or subsequent to the occurrence of such conduct. Furthermore, it is possible that the administration may choose to ignore the aforementioned act of aggression. In light of the component aspects that comprise criminal crimes, it is conceivable for a government to implement its objectives through deliberate disregard, particularly in exceptional situations. Nevertheless, it is crucial to acknowledge that the mere absence of action by governmental or organizational institutions does not always imply the existence of a policy (Harrington, C. , 2005)

In specific cases concerning the matter of human trafficking, state bodies demonstrate reluctance to take legal action against those implicated in such practices. This hesitancy is evident in various scenarios, such as instances where corrupt officials engage in collusion with traffickers or when governments overtly or tacitly support the recruitment of foreign prostitutes, along with the trafficking and kidnapping of particularly susceptible individuals, specifically children and young girls (Hughes, D., Chon, K., & Ellerman, D. , 2007).

According to several specialists, there are occurrences of human trafficking that demonstrate a significant degree of organization, therefore meeting the criteria to be classified as crimes against humanity. Nevertheless, it is important to acknowledge that while governmental assistance, whether overt or covert, may not be readily apparent in the context of human trafficking, a comparable situation is seen in relation to slavery. There exists a potential scenario whereby international norms do not impose a need for any government to expressly endorse policies that advocate for those practices. Countries may demonstrate a lack of attention either due to economic advantages or due to their inability to successfully combat instances of human trafficking. The broad interpretation of international standards poses a challenge to the widespread acceptance of this position. This phenomenon gives rise to the notion of a probable link between some occurrences of human trafficking (Lebov, K. , 2010)

Certain benefits may be seen in certain states situated in the Persian Gulf region, where there is a proactive desire to attract substantial amounts of foreign investment. The act of engaging in human trafficking may be classified as a crime that violates the principles of humanity. Furthermore, it is essential to create international jurisdiction and authority in order to properly handle this issue. Nevertheless, it is crucial to acknowledge that some results now suffer from a dearth of thorough comprehension and incorporation. In the current global landscape, where time constraints and necessary expertise are crucial factors, national courts have a central role in prosecuting and adjudicating individuals implicated in human trafficking offences (Leman, J., & Janssens, S. , 2008).

Government policies may be classified into two main categories: official and informal. Nevertheless, it is important to acknowledge that in present-day society, the prioritisation of human rights has resulted in a divergence from some traditional ideas and achievements in the field of criminal law, therefore wholeheartedly supporting the pursuit of human rights. (Logan, T. K., Walker, R., & Hunt, G. , 2009).

3. International cooperation in combating trafficking in human beings

The first article of the Universal Declaration of Human Rights guarantees liberty and fair treatment to everyone. Article Four bans all slavery and compelled work, including sea slavery. Article 8 of the UN's International Covenant on Civil and Political Rights defines individual rights. Human trafficking is addressed in many international accords. These efforts show governments' will to remedy this gross human rights violation. When utilized alongside the Protocol to Combat, Suppress, and Punish Trafficking in Persons, these laws help fight human trafficking, a serious human rights violation, worldwide. Additional global declarations within the framework encourage governments to address this problem. The previously mentioned portions follow (Macy, R., & Johns, N. , 2011)

Article 17 of the 1949 Convention on the Prohibition of Trafficking in Persons and the Exploitation of Others' Prostitution requires state parties to fight human trafficking and prostitution regardless of gender (Mitchell, K. J., Finkelhor, D., & Wolak, J. , 2010)

States Parties must prohibit and oppose women's trafficking and prostitution under the 1979 Convention on the "Elimination of Forms of Discrimination Against Women". The 1989 Convention on the Rights of the Child requires states to take proactive national, regional, and international steps to combat child abduction, sale, and trafficking, regardless of reason or method. Important issue addressed in Article 35. By General Assembly Resolution No. 45/158 on December 18, 1990, the International Convention for the Protection of the Rights of Migrants and Members of Their Families protects migrant workers and their families against servitude. In addition, Article 3 of the Convention bans forcing migrant workers or their families to labour. The December 1993 Declaration on the Elimination of Violence Against Women defines "violence against women" in detail in Article 1. According to the definition, "gender-based violence" includes any gender-related violence that harms women. Sexual, physical, and psychological abuse are mentioned. Intimidation, manipulation, and unfair loss of liberty in public or private contexts are also included. The declaration states that Article 2-b defines violence against women as rape, sexual assault, sexual harassment, and intimidation in professional and educational contexts. Many women are trafficked or forced into prostitution

International adoption is regulated under the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. The policy prohibits intercountry adoption with money or reward for parental approval. Article 32 of the Convention prohibits anyone from receiving monetary or non-monetary benefits from intercountry adoption activities. According to Article 2 of the 2000 Optional Protocol to the Convention on the Rights of the Child on the Participation of Minors in Armed Conflict, States Parties must prevent under-18s from joining their armed services (Niemi, J. , 2010).

The 2000 Optional Protocol to the Convention on the Rights of the Child addresses "Sale of Children, Child Prostitution, and Child Pornography." States Parties must improve global cooperation via bilateral, multilateral, and regional agreements. These agreements aim to stop, identify, investigate, and prosecute kids trafficked and abused in prostitution, pornography, and sex tourism (Sadegi, M. M., & Hossin, H. , 2016)

Article 10 of the 1999 ILO Convention No. 182 prohibits "the most severe forms of child exploitation."

However, the following regional accords require states:

Article 6 of the 1969 American Convention on Human Rights bans slavery. African Charter on Human and Peoples' Rights (1981).

The 2002 SAARC Convention addressed human trafficking. States must outlaw, condemn, and punish women's trafficking under the 2003 African Charter on Human and Peoples' Rights Protocol on Women's Rights. Trafficked women are protected under Article 4-g. 2004 Arab League Human Rights Charter change

The 2005 Council of Europe Human Trafficking Convention did. Treaty protects and helps human trafficking victims. The parties' rights and duties under international agreements they have signed or may sign remain unchanged. Article 40, paragraph 1 of this Convention governs jurisdiction (AA Aronowitz , 2019)

Non-text entry. According to UNODC, 134 nations banned drug trafficking in 2012. These laws usually followed the Protocol to Prevent, Suppress, and Punish Child Human Trafficking. Regional agreements need government action. Articles 6(A) and 6(B) of the 1969 American Convention on Human Rights ban slavery. African Charter on Human and Peoples' Rights (1981).

SAARC supported the 2002 anti-trafficking conference.

A addition to the African Charter on Human and Peoples' Rights, the 2003 Protocol on the Rights of Women in Africa requires States Parties "to prevent, denounce, and punish the trafficking of women, while also protecting women who are most vulnerable to its risks" (Article 4-g).

League of Arab States modified 2004 Arab Charter on Human Rights.

This 2005 Council of Europe Convention bans human trafficking. This contract aids trafficking victims. This deal does not alter the parties' international treaty obligations. Article 40, paragraph 1 of the Convention addresses these.

In 2012, the UNODC claimed that 134 countries banned trafficking, often under the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. Kids and girls (G Vermeulen, Y Van Damme, and W De Bondt , 2010)

Global systems are best for fighting human trafficking.

Misapplication of international standards notwithstanding regulations. Complete Palermo Protocol trafficking framework implementation is missing. Countries fight immigration and crime-related people trafficking. To solve this, nations must identify and execute all global anti-trafficking measures (SH Krieg , 2009)

Complete human rights-based anti-trafficking initiatives prevent, protect, and punish. Legislators, prosecutors, law enforcement, support providers, and activists must collaborate to prioritise victims.

UNODC global study shows crises impacts trafficking and victim identification. The UNODC Global Report on Trafficking in Persons, presented today in Vienna on January 24, 2023, indicates a drop in victims despite COVID-19 and other issues.

Lower- and middle-income countries had 11% fewer victims in 2020. Police may have had problems discovering victims and traffickers owing to the epidemic. UNODC Executive Director Ghada Waly says a new research reveals the epidemic has made human trafficking tougher to rescue victims and convict traffickers. "It is imperative to avert the escalation of exploitation by taking measures to prevent crises." Trafficking should be combated by the UN and donors, particularly in poor nations. This aid finds and protects individuals, particularly in emergencies.

The seventh UNODC Global Report on Trafficking in Persons covers 2017–2021 global, regional, and national trends in 141 countries. Studies of 800 court case summaries and policymaker solutions confirm the outcomes

The pandemic may have confined public settings, making sexual exploitation trafficking harder to see (S. Castles , 2004)

Trafficking prosecutions declined 27% worldwide in 2020. South Asia (56%), Central America and the Caribbean (54%), and South America (46%) suffered the most. These developments were reported by UNODC in 2017.

Court records reveal that 41% of trafficking victims escape and report to police, followed by community members (28% and civil society 11%). Human trafficking victims are frequently unaware or scared to flee (J. Planitzer, , 2016)

The research found that war and suffering aid trafficking. It reveals that the Ukraine situation is growing displaced persons trafficking. The Middle East and Africa have the greatest war fatalities

Sub-Saharan Africa and South Asia allow increased human trafficking. Targeting traffickers reduces victim identification. Tourist areas have more fatalities.

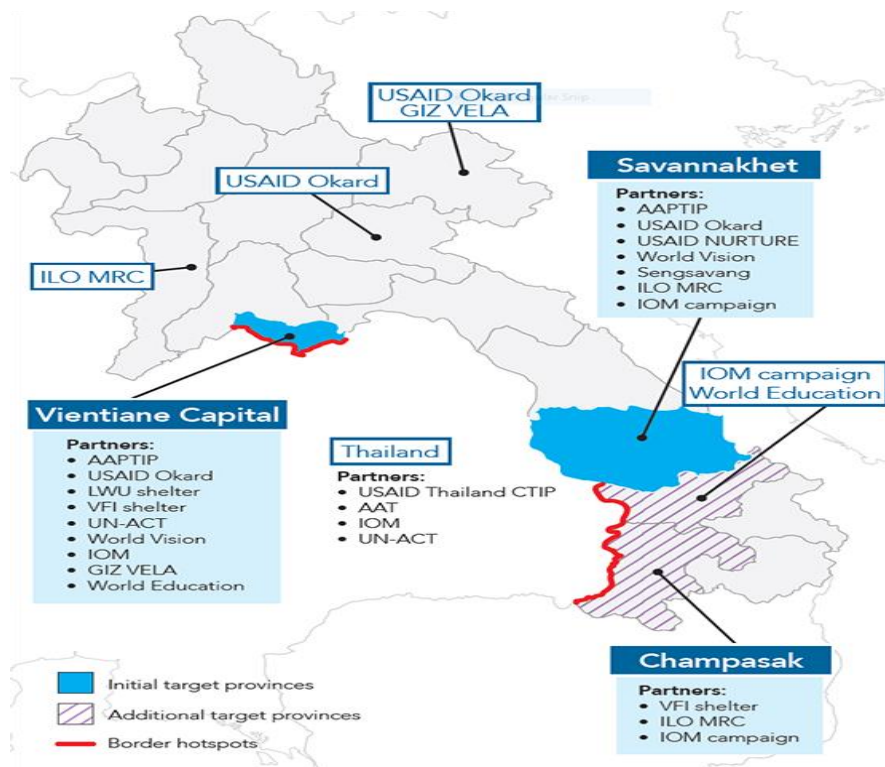
The 2022 Global Report on Human Trafficking found that women are attacked three times more than men and children almost twice as often as adults in court

Women are convicted of trafficking more than males. Discrimination against women or their participation in trafficking networks may increase their conviction risk.

Laos traffics Southeast Asian women, infants, and men (Figure 2). Laotian migrants often become victims of human trafficking while pursuing better prospects. Forced labour or sexual exploitation occurs in Thailand, Vietnam, China, Malaysia, Taiwan, and Japan. USAID funds Winrock International's five-year Laos CTIP. This initiative helps Laos collect statistics, provide aid, and combat human trafficking by educating and employing vulnerable victims. This will be done by legislation, initiatives, and special trafficking victim aid (Sharapov and Mendel , 2018)

W. Inrock International: Combating Trafficking in Persons in Laos

figure 2



Project Title: USAID Laos Counter Trafficking in Persons (USAID Laos CTIP)

4: Traditional and Modern (Challenges and Suggestions) through some international instruments

4-1: Obstacles and adverse consequences

Undoubtedly, criminal phenomena include several obstacles and adverse consequences, including economic, social, and political dimensions (Henry AML, Grodin MA, 2018)

Particularly noteworthy is the centrality of the human element in the process of criminalization, whereby individuals are commodified and subjected to abhorrent forms of exploitation and trafficking. The illicit trade of human trafficking and its associated endeavors provide substantial financial gains for the individuals engaged in such illegal operations, hence exacerbating corruption and facilitating the growth of organized crime.

This occurs concurrently with a decline in the likelihood of apprehending and penalizing these offenders, as shown by the observed shifts in these dynamics. Human rights abuses are widely acknowledged as a significant and detrimental consequence of human trafficking since they involve the severe infringement of several legally recognized human rights. The violation of human rights, such as the right to life, liberty, freedom from slavery, right to health, freedom from coercion into slavery, protection from cruel or inhuman treatment, and safeguard against violence, is fundamentally contrary to heavenly laws, international agreements and conventions, as well as national legislation. (A Lepp and B Gerasimov , 2019)

Every individual has the inherent entitlement to uphold these rights, which serves as a deterrent to potential transgressors who may want to infringe upon them and do injury to any individual. (Aradau C. , 2004)

- Conversely, human rights are often regarded as a fundamental ethical underpinning of human society. Divine laws have served as a foundational principle for national legislation and international agreements, aiming to safeguard individuals against any encroachments upon their fundamental rights. These laws seek to ensure the protection of individuals and their basic freedoms, enabling them to actively contribute to societal progress and prosperity. Furthermore, they emphasize the necessity of effectively addressing emerging forms of criminal activity.

- It is widely recognized that human rights are inherent to individuals, existing autonomously from the authority of the state and predating their formal recognition. Hence, these rights possess the distinguishing feature of being universally applicable throughout the globe. Human trafficking offences infringe against the fundamental principles and central tenets of human dignity, since they give rise to consequences that not only violate human dignity but also undermine the integrity of all human rights. The subject of human beings, their inherent worth, and the infliction of harm upon their physical and spiritual well-being, occasionally leading to tangible or ethical demise, is a matter of considerable gravity. (K. Sharapov and J. Mendel , 2018)

This criminal behaviour and its profound impact on human rights and the fabric of society encompass a multifaceted problem that strips individuals of their fundamental rights and liberties, amplifies worldwide health risks, and perpetuates... The proliferation of organized criminal networks has the potential to perpetuate enduring levels of poverty and impede development in certain regions. Additionally, the issue of human trafficking is characterized by interconnected and severe consequences and ramifications. Victims may potentially encounter several forms of violence, including physical and mental trauma, sexual assault, and explicit threats targeting both themselves and their relatives, which may culminate in fatal consequences. However, the ramifications of this phenomenon extend beyond the immediate harm experienced by individual victims, as it also weakens the overall health, safety, and security of the nations it impacts. (KD Gleason, CK Baker, and A Maynard , 2018)

- The individuals responsible for these offences partake in illicit activities with the objective of financial gain, disregarding the well-being of the victims. They exploit the prevailing economic, social, and political circumstances within societies, leveraging contemporary communication methods to execute their unlawful operations, thereby infringing upon fundamental human rights. (Nicksoni Filbert Kahimba , 2021)

However, it is important to note that human trafficking is a grave offence perpetrated against the state, which has significant implications for its security and sovereignty. The aforementioned activity is also seen as a transgression of international family law due to its manipulation or misappropriation of lawful family customs. Furthermore, it constitutes an illicit transaction, as women and children are often treated as commodities for exchange. For those it affects, the phenomenon has a significant and extremely dangerous impact. Therefore, it is evident that human trafficking offences mostly constitute the infringement upon human rights and the imposition of detrimental practices that undermine an individual's dignity and inflict suffering across all dimensions.

- Human trafficking crimes have emerged as a significant worldwide health concern, assuming a conspicuous political component in nations heavily involved in this illicit trade. Concurrently, these activities are recognized as unlawful business endeavors. The capital investment in illegal migrant flows may vary depending on certain circumstances. Furthermore, it is important to acknowledge that this phenomenon has a significant influence on its targets, resulting in both psychological and physical detriment as well as profound distress. Moreover, it heightens their susceptibility to acquiring life-threatening illnesses, such as AIDS. Additionally, it poses a danger to their personal safety and facilitates the theft of their official documentation. The gravity of this situation is heightened in the context of global interconnectedness across nations, thereby necessitating an examination of the collective impacts and vulnerabilities associated with different forms of exploitation that impact women and children. Women and girls who are victims of human trafficking and subjected to forced labour in agricultural settings sometimes face the additional risk of sexual exploitation during nighttime hours, perpetrated by individuals such as workers, contractors, and middlemen. The aforementioned actions include a range of human rights violations and are an infringement upon the rights of women and children who are in vulnerable situations. Undoubtedly, the shared element across many manifestations of human trafficking is the significant damage inflicted upon persons and society, along with its fast proliferation that spans across several nations. The potential factors contributing to their circumstances might include economic or societal issues. Politics becomes itself a vulnerable subject matter, hence creating a favourable setting conducive to the perpetration of such offences. (Azad A , 2018)

The concept of a double-edged criminal threat encompasses a varied and intricate phenomenon that presents substantial problems to society.

The first reports emerged during the duration of the calendar year 2021. Illicit enterprises used social networks and recruitment platforms as channels to propagate misleading promises of very lucrative job opportunities. Nevertheless, these alluring opportunities were used as a deceptive tactic to ensnare unsuspecting people, putting them in deplorable living conditions and compelling their participation in illicit endeavors, mostly focused on cyber fraud.

The advent of online scam centers poses a multidimensional criminal threat as it targets two unique categories of victims. On one side, those who get entangled in human trafficking activities are subjected to forced labour and often endure exploitation via bonded labour. Furthermore, these individuals are subjected to physical violence, sexual exploitation, severe physical pain, sexual assault, and, in some cases, the alleged removal of organs. (Shimazono Y , 2007)

In contrast, the labourers involved in trafficking are used to perpetrate many types of cyber fraud targeting a specific cohort of victims, who are increasingly geographically scattered. The aforementioned schemes include many fraudulent activities, such as financial fraud and romance scams, as well as frauds linked to cryptocurrency investments and online gaming.

The increasing number of fraud operations fueled by human trafficking has been the subject of a recent international notice issued by the International Criminal Police Organization (INTERPOL).

In order to counteract illegal acts, the International Law Enforcement Agency issued a global warning on June 7, 2023, against human trafficking-facilitated fraud. This warning is vital to raising awareness and mobilizing worldwide efforts to combat human trafficking and fraud. The body is a complex system of organs and tissues that work together. The combination of human trafficking and fraud has prompted INTERPOL to take precautions. Interpol publishes a worldwide notice to highlight the importance of this problem and encourage governments to work together to fight these criminal activities. The following warning highlights the worrying growth of fraud schemes that abuse human trafficking victims. They typically use many deception methods. (van Eck NJ, Waltman L , 2010)

Criminal activities, such as trafficking in Southeast Asia and scamming a large global population, have received media attention and government and civil community responses.

COVID-19 has increased the number of people who can commit and be victimized by internet fraud. Online fraud has increased because of the quick adoption of digital technologies during pandemic lockdowns. The internet has become more important for personal and professional use due to these initiatives. The worldwide epidemic reduced work alternatives, prompting people to seek alternate opportunities for professional progress. As human trafficking has increased, victims' geographical dispersion has increased proportionally (Newton, P. J., Mulcahy, T. M., & Martin, S. E. , 2008)

As of August 30, 2022, Europe has documented almost 7 million migrants originating from Ukraine, marking it as the most significant refugee crisis since World War II and its subsequent events. Furthermore, it has been one of the most rapid migrations ever seen.

The majority of those escaping Ukraine are comprised of women, children, and vulnerable individuals, making them very susceptible targets for criminal networks involved in human trafficking. Amidst the crisis in Ukraine, almost two million children have fled the country. Unaccompanied minors who arrive in the EU and other countries are especially vulnerable to many dangers.

A large number of children join the EU and other countries without their parents or a legally responsible adult. Their circumstances are frequently more complicated than those of unaccompanied children seeking shelter. For instance, these groups of kids fleeing violence had more girls than usual. Numerous unaccompanied and separated children are younger than the teens who normally seek sanctuary.

Many children with physical, mental, and intellectual special needs have been institutionalized. Children from ethnic or religious minorities face prejudice and discrimination. Children who are already under the influence of transnational criminal organizations before crossing the border or who become victims of such groups within the EU and other countries are likely to grow. (Zyoud SH, Sweileh WM, Awang R, and Al-Jabi SW , 2001)

UNICEF has employed qualified international professionals to assist law enforcement, child protection agencies, and non-governmental organizations (NGOs) in transit and

receiving countries in responding to the Ukrainian refugee crisis. They strive to safeguard vulnerable children and people who are at risk of being trafficked.

Human trafficking is complicated and involves human rights violations. Article 10 of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Particularly Women and Children, which modifies the 2000 Convention against Transnational Organized Crime, requires States Parties to train law enforcement, immigration, and other officials to prevent human trafficking.

4-2-Modern Challenges

The operational strategies of international human trafficking networks have been considerably influenced by the advent of modern communication technologies, including the internet, social media, and mobile apps. The advancement of technology has expanded the capacity of criminals to engage in the trafficking of individuals for various forms of exploitation, such as sexual and labour exploitation, organ harvesting, illicit adoption of children, and coerced marriages. (Aronowitz AA, 2009)

Technology offers several advantages for traffickers, including enhanced anonymity, the capability to engage in real-time encrypted communications, the potential to reach a wider audience in terms of victims and clients, geographical flexibility, and the ability to exert control over victims remotely. Criminals have taken advantage of the rapid growth of e-commerce and the inconsistencies in legislation pertaining to data regulation and provision. In contemporary times, traffickers have effectively used technology throughout all stages of sexual exploitation, including the recruitment and promotion of victims, the utilization of visual media for coercion, and the exercise of control over their mobility. The financial administration of illicit enterprises is often conducted using digital platforms.

The use of technology enables traffickers to engage in victim recruitment without the need for direct physical contact, thereby minimizing the likelihood of detection by law enforcement entities. Social media platforms are commonly used as virtual repositories by traffickers for the purpose of identifying potential victims and formulating grooming tactics. This is facilitated by the substantial amount of information available on users' psychological and personal histories, such as educational attainment, familial connections, economic standing, residential location, and social networks, often accompanied by visual content.

Social media platforms are also used as a psychological instrument, whereby perpetrators employ the tactic of threatening to disseminate compromising images of their victims unless the victims agree with their demands. (Varma S, Gillespie S, McCracken C, and Greenbaum VJ, 2015)

Regarding the specific demographics, it was found that the primary group of individuals targeted in incidents of human trafficking with an internet component were adult females who were being exploited inside European Union Member States. However, children are considered a particularly susceptible demographic because of their lack of proper digital hygiene practices. The issue of online grooming is of significant concern because of the vast amount of information available on the internet about youngsters who may be susceptible. This accessibility enables criminals to manipulate their strategies using social engineering techniques.

Traffickers have the capability to tailor their recruiting tactics by using the web profiles of their potential victims. In this particular setting, it is possible to discern two distinct sorts of online recruiting strategies: active recruitment and passive recruitment. The practice of active recruiting might be likened to the strategy of "hook fishing," when criminals disseminate deceptive job postings on reputable employment portals and social media platforms. Criminal networks often establish comprehensive websites for fictitious job agencies, which are commonly advertised on social media platforms to enhance their

accessibility to a broader audience. Occasionally, these websites include live chat features, presumably facilitating prompt communication with the purported recruiting supervisors. (Morrison J., Director E., and Crosland B , 2000)

The internet also provides human traffickers with options for a less active kind of recruiting, which is far more difficult for law enforcement to discover. Passive recruiting may be likened to the practice of 'net fishing', when illegal recruiters actively search the internet and social media platforms to identify and respond to job seekers' postings seeking employment opportunities overseas.

Following the initiation of a concise dialogue, recruiters will proceed to solicit a monetary payment from individuals, referred to as victims, in exchange for the assurance of finding employment opportunities overseas and providing assistance with necessary travel preparations. The realization of the fraud often occurs only after victims have relocated to the destination country.

Significantly, contemporary technology has enabled people traffickers to exert influence over their captives without requiring physical closeness. Historically, the exercise of control over victims has often included the use of violence and the imposition of physical limitations on their mobility. In contemporary times, the exercise of control has expanded to encompass a range of tactics. These include the use of blackmail, wherein individuals are coerced through the threat of disseminating explicit visual media online. Additionally, control can be exerted through virtual means, such as imposing limitations on one's movements and employing real-time surveillance techniques. Examples of the latter include the utilization of GPS technology, built-in video cameras within smartphones, and applications that facilitate the sharing of one's location.

Similarly, victims are no longer required to own a static physical residence, which would facilitate their identification by law enforcement authorities. The internet enables individuals to identify potential victims via online platforms and arrange for their immediate delivery. Consequently, victims often undergo relocation, both within cities and beyond national borders, since perpetrators possess the ability to migrate their operations by only altering the particulars inside internet advertisements. Furthermore, temporary sojourns in other nations exacerbate the sense of disorientation experienced by victims and their reliance on perpetrators, while also presenting a greater difficulty for law enforcement agencies in identifying and protecting these victims. (Zimmerman C, Kiss L , 2017)

4-3: Part of Solutions through International Instruments

I. The Instruments for Trafficking in Women

States are obligated, according to the Convention on the Elimination of All Forms of Discrimination Against Women, to take all necessary action to combat the exploitation of women as prostitutes and trafficked women in all forms. General Recommendation No. 19 categorizes trafficking as a form of violence against women due to the heightened susceptibility of women involved to abuse and mistreatment. The equitable fulfilment of women's rights and the defence of their rights and dignity are incompatible with human trafficking.

Human trafficking has seen a dramatic shift in focus in recent years, going from being a minor issue to one that is of major concern to the whole world. It has been observed that a thorough legal framework has emerged quickly, including both international and regional conventions and a wide variety of soft-law instruments pertinent to human trafficking. These modifications show that the global community's perspective on the issue of human exploitation has significantly changed.

II. Instruments for Trafficking in Children

Specific provisions of international treaties are dedicated to addressing the issue of child trafficking. The Convention on the Rights of the Child (1989) and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000) expressly forbid the trafficking of children for various purposes, including exploitative and coerced labour. As stipulated in Article 39 of the Convention on the Rights of the Child (CRC), it is the responsibility of governments to undertake all feasible actions to ensure that children who have been subjected to abuse, exploitation, neglect, or any other form of maltreatment receive the necessary physical and psychological rehabilitation to facilitate their successful reintegration into society. In addition, it is imperative that nations recognise the entitlement of every child to sufficient healthcare services, including health rehabilitation and disease treatment (as delineated in Article 24), as well as education, as guaranteed in Article 28 of the Convention on the Rights of the Child. Children who fall prey to such forms of exploitation are granted distinct safeguards and assistance provisions, as delineated in the Optional Protocol to the Convention against the Trade of Children. (Kulkarni AV, Aziz B, Shams I, and Busse JW, 2009)

In addition, Convention No. 182 of 1999 was established by the International Labour Organization (ILO) as a legal framework that specifically forbids the use of people under the age of 18 in any kind of exploitative labour, including forced or compulsory labour, prostitution, debt bondage, slavery, and serfdom. States must act swiftly and effectively to assist the rehabilitation and social integration of individuals who have previously been subjected to the most extreme forms of child labour, such as trafficking, in accordance with Article 7(2)(b) and (c). States must also guarantee that these individuals have access to free basic education and, where appropriate and feasible, vocational training.

III. Instructions regarding Foreign Victims

Certain accords explicitly address foreign-national victim interests. Article 7 of the Palermo Protocol advises nations to carefully investigate solutions to enable international victims of human trafficking to reside temporarily or permanently in their abused country. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol may qualify trafficking victims for international refugee protection, according to the UNHCR. This precaution applies to those who can prove a real fear of injury or mistreatment due to their race, religion, nationality, socioeconomic category, or political convictions.

The subject matter addressed in Article 8 of the Palermo Protocol pertains to the potential repatriation of individuals who have fallen victim to human trafficking. It is observed that when a state repatriates a victim, it should prioritize the protection of the individual in question.

The ideal method of repatriation is through voluntary means. The International Covenant on Civil and Political Rights affirms an individual's right to repatriation to their place of origin.

Furthermore, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) serves to broaden the scope of rights afforded to migrant workers and urges states to diligently safeguard these rights, as outlined in Article 68.

Conclusion

International criminal justice faces a problem with human trafficking, a modern kind of servitude. Sunga (1998: 399) suggests that the Rome Statute should include human trafficking as a crime against humanity to create a fair and effective international criminal justice system. The International Criminal Court should explore jurisdiction over a "silent war" (Kim, 2011: 32) when offenders and victims are hard to identify. This would elevate

the offence to Rome Statute-level seriousness. Given its scope and restrictions, genocide may not constitute a crime against humanity. This difference may be important when comparing it to torture. It is urged that the ICC declare human trafficking a separate crime under the Rome Statute. This proposal supports restricting ICC prosecution of this crime, analogous to genocide.

The Statute classifies criminal gangs, the main perpetrators of human trafficking crimes, as "organizations," which may make the second criterion, which requires an organizational or state policy as the motive for the assault, difficult to prove. The policies' organization is agreed upon, but their international legal legality is disputed. Criminal gang leaders should be prosecuted for profiting from the exploitation and trafficking of others, prolonging human suffering.

In general, ICC jurisdiction may apply to certain human trafficking cases. The UN considers certain human trafficking instances crimes against humanity due to the interconnectedness of slavery, the slave trade, involuntary labour, sexual abuse against women, and people trafficking. Thus, the highest international criminal authority must intervene.

International agreements outlaw people trafficking as a "crime against humanity," citing significant human rights violations. Therefore, the International Criminal Court must aggressively address this issue. Some argue that all forms of human trafficking, including physical abuse of trafficked people, particularly women and children, violate Volume C of Article 7 of the International Criminal Court's Constitution. The ideas and words cover crimes against humanity, which have been linked to Yugoslavia and Rwanda. The article's research shows that this phrase now includes any civil situation, including human rights abuses. However, given the current norms and political context, it is unlikely that trafficking groups will cooperate with the ICC. This is largely because current ICC members may not be open to such collaboration.

Suppose that human trafficking becomes so severe that the International Criminal Court (ICC) prosecutor must intervene. Due to the difficulty of gathering evidence to prove crimes against humanity, Article 7 of the Statute's requirements are sometimes difficult to see. Thus, the proposed amendment to the International Criminal Court's constitution and expansion of its jurisdiction to include organized transnational crimes, including trafficking in persons, as well as the incorporation of such criminalized acts into national legislation, is a suitable approach to addressing trafficking.

Recommendation

It is essential that any measures taken to address the dangers of trafficking in people prioritize the needs and well-being of the victims, considering their age, gender, and any disabilities they may have. It is imperative to aid and protection to non-governmental organizations, human rights defenders, and attorneys who aid trafficked individuals and others who are vulnerable to trafficking. These individuals play a crucial role in carrying out their lawful and essential duties.

Efforts to combat human trafficking should be included in the activities of all organizations involved in humanitarian and protection work, as well as in initiatives focused on women, peace, and security. Additionally, these measures should be integrated into peacebuilding and peacekeeping transition strategies. Prompt measures are required to tackle the issue of displacement and conflict caused by climate change in order to effectively prevent human trafficking.

It is imperative to enhance the responsibility for trafficking individuals in war zones by effectively implementing international humanitarian law, international criminal law, and international human rights law.

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