

Anti-Trafficking Policy and Practices Around the World

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Abstract

Although the issue of human trafficking is not a new phenomenon, it has received considerable attention in recent years. A growing number of states have committed to develop legal and policy responses to the issue of human trafficking particularly since the adoption of the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Yet, different anti-trafficking policy and practices of national governments to detect and report on trafficking victims and offenders undermine the efficiency of the international anti-trafficking instruments. As a result, several problems arise such as the lack of comprehensive data on human trafficking, varying standards in detecting and identifying trafficking victims and offenders across countries, inadequate provision of assistance and protection to trafficking victims as well as insufficient prosecution of traffickers. Motivated by these concerns around the issue of human trafficking, this paper seeks to explain the process of international cooperation to prevent trafficking in persons, explore challenges in implementing the international anti-trafficking instruments, and highlight successful anti-trafficking policy and practices in order to make suggestions for states in need of anti-trafficking capacity building.

Keywords: *Trafficking in persons, anti-trafficking, international cooperation, capacity-building.*

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Dünya Çapında İnsan Ticareti Karşıtı Politika ve Uygulamalar

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Öz

İnsan ticareti konusu yeni bir olgu olmamasına rağmen son yıllarda büyük bir ilgi görmüştür. Giderek artan sayıda devlet, özellikle Sınır aşan Örgütlü Suçlara Karşı Birleşmiş Milletler Sözleşmesi'ne ek olan 2000 tarihli Başta Kadın ve Çocuk Ticareti Olmak Üzere İnsan Ticaretinin Önlenmesi, Durdurulması ve Cezalandırılması Hakkında Protokol'ün kabul edilmesinden bu yana insan ticaretine yönelik siyasi ve yasal yanıtlar geliştirmeyi taahhüt etmiştir. Bununla birlikte, ulusal hükümetlerin insan ticareti mağdurları ve suçlularını tespit ve raporlamaya dönük farklı politika ve uygulamaları uluslararası insan ticareti ile mücadele araçlarının etkinliğini zayıflatmaktadır. Sonuç olarak, insan ticareti konusunda kapsamlı veri eksikliği, insan ticareti mağdur ve suçlularını belirleme ve tanımlamada farklılaşan standartlar, insan ticareti mağdurlarına yetersiz yardım ve koruma sağlanmasının yanı sıra insan tacirlerinin yetersiz cezalandırılması gibi çeşitli problemler ortaya çıkmaktadır. İnsan ticareti hususunda varolan eksikliklerden yola çıkan bu çalışma, insan ticaretinin önlenmesine yönelik uluslararası işbirliği sürecini açıklamayı, uluslararası insan ticareti ile mücadele araçlarının uygulanmasında ortaya çıkan sorunları araştırmayı ve insan ticareti ile mücadeleye dönük kapasite geliştirmeye ihtiyacı olan devletlere öneride bulunmak için başarılı insan ticareti karşıtı politika ve uygulamaları vurgulamayı amaçlamaktadır.

Anahtar Kelimeler: İnsan ticareti, insan ticareti ile mücadele, uluslararası işbirliği, kapasite-geliştirme.

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Introduction

International community has been increasingly concerned with the issue of trafficking in persons over the past three decades. Although reliable global data are limited, the number of people victimized by traffickers has been rising so dramatically that human trafficking is acknowledged as one of the gross human rights violations. According to the 2017 *Global Estimates of Modern Slavery* released by International Labor Organization (ILO), the estimated number of people who work or marry against their will reached to 40.3 million (ILO, 2017). Additionally, “24.9 million people were being forced to work under threat or coercion as domestic workers, on construction sites, in factories, on farms, and fishing boats, in other sectors, and in the sex industry while 15.4 million people were living in a forced marriage to which they had not consented” (ILO, 2017, p. 9). These are the estimates of the number of trafficking victims rather than the real numbers since trafficking is a clandestine crime and victims are often reluctant to contact with the authorities (ILO, 2017). Nevertheless, almost every country around the world is impacted by this crime.

Many governments¹, international and regional organizations have collaborated to develop an internationally coordinated approach towards trafficking in persons owing to its global scope and severity. In 2000, the United Nations (UN) adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter the Trafficking Protocol), supplementing the United Nations Convention against Transnational Organized Crime. The Trafficking Protocol has become the main international legal instrument to combat human trafficking since its adoption (USDOS, 2019). It has contributed to global anti-trafficking efforts through its provision of the guidance for anti-trafficking policies along with standardization of definition² of trafficking in persons,

¹ Adopted by 173 states to date, the Trafficking Protocol has received significant support worldwide (USDOS, 2019).

² Trafficking in persons “shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” (UN, 2000a, art. 3a).

stressing the movement, exploitation, and coercion (UN, 2000a). In order to prevent confusion between human trafficking and migrant smuggling, the UN clearly defined the act of smuggling³ in the Smuggling Protocol against the Smuggling of Migrants by Land, Sea and Air (hereinafter the Smuggling Protocol), also adopted in 2000 (UN, 2000b).

The UN has not been the only international organization that has attempted to develop a comprehensive response to the issue of trafficking. Both ILO and International Office of Migration (IOM) have provided information and training for fostering global awareness to counter human trafficking. At the regional level, the Council of Europe (CoE) and the European Union (EU) engaged in developing cooperation among their members to standardize anti-trafficking policy and practices. In addition to international and regional organizations, the government of the United States (US) has promoted international cooperation on human trafficking. Prior to the adoption of the Trafficking Protocol, the US, legislating the Trafficking Victims Protection Act (TVPA) in 2000 as part of the Violence Against Women Act, has taken the leadership in anti-trafficking efforts and encouraged other countries to comply with the Trafficking Protocol.

Despite the vigorous international, regional and national efforts to eliminate trafficking in persons, there are three main challenges in addressing the issue of human trafficking, including lack of reliable and comprehensive data on human trafficking, differences in identification of trafficking victims and inadequate prosecution of trafficking offenders. These problems mainly stem from diverse national policy and practices on human trafficking as well as discrepancies in institutional capacities to enforce laws. The Trafficking Protocol's definition of trafficking in persons is so broad that governments adopt various national practices on victim protection when operating the definition to identify victims. Moreover, there are still countries whose governments either need to adopt legislative measures to criminalize trafficking in persons or have strict legislative measures but inadequate law enforcement to comply with the Trafficking Protocol. These problems in combating with trafficking demonstrate that

³ The Smuggling Protocol defines smuggling as "procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident" (UN, 2000b, art. 3a).

anti-trafficking performances of countries need to be paid more attention from trafficking research.

With the aim of contributing to the literature on counter-trafficking, this paper seeks to examine the anti-trafficking policy and practices of different countries and underscore effective counter-trafficking measures to eradicate human trafficking while calling attention into inadequate measures. For this reason, this study proceeds as follows. Next to the introduction, the first section reviews the global trends in human trafficking to present the recent scope and severity of the issue. The second section explains the evolution of international, regional and national endeavors to eliminate human trafficking. Then, the study presents the challenges that national governments encounter in combating human trafficking while highlighting effective anti-trafficking policy and practices. The fourth section offers policy suggestions which could be replicated in need of anti-trafficking capacity-building. The fifth and final section concludes with a discussion of common problems and solutions in addressing human trafficking.

Global Trends in Human Trafficking

Believing that taking right decisions to eradicate human trafficking requires to improve our knowledge of its severity and nature, the profiles of offenders and victims as well as conditions that lead individuals to be involved with this crime, the United Nations Office on Drugs and Crime (UNODC) publishes data describing the extent and nature of this crime and identify global patterns of trafficking in persons. According to the 2018 *Global Report on Trafficking in Persons*⁴ issued by the UNODC, the number of detected victims of trafficking in persons has ascended worldwide in recent years. The average number of detected victims per country has been continuously growing over the last few years, and this number rose to 254 in 2016 as opposed to 196 in 2003 (UNODC, 2018). Corresponding to the growing number of detected victims, convictions also seem to increase globally over recent years (UNODC, 2018). The rates of both detected victims and convicted perpetrators are the highest in Eastern Europe, Central Asia and Western and Southern Europe while this number is lower in Afri-

⁴ The 2018 Global Report on Trafficking in Persons is the most recent report issued by the UNODC to date and the latest year covered in the report is 2016.

ca, the Middle East, East Asia, South Asia, and South America (UNODC, 2018).

The evidence shows that trafficking in persons takes different forms based on nationality, gender, age, and type of exploitation. Most detected victims are trafficked within their own national borders. In 2016, the share of the detected victims trafficked within their own countries was 58 per cent (UNODC, 2018). While most trafficking flows originate and are detected within the same territory, the vast majority of trafficking victims reported in other countries come from North and sub-Saharan Africa (UNODC, 2018). Transnational trafficking mostly occurs in wealthy countries such as Western and Southern Europe along with the Middle Eastern countries, and many detected victims and traffickers in these countries come from other regions (UNODC, 2018).

Women (females who are older than 18 years old) and girls (females who are younger than 18 years old) comprised more than 70 per cent of the detected victims of trafficking in persons in 2016 (UNODC, 2018). Men (males who are older than 18 years old) accounted for 21 per cent of all the detected victims in 2016, whereas boys' (males who are younger than 18 years old) share was 7 per cent (UNODC, 2018). However, the profiles of victims vary according to the regions. Women were often detected in Europe, several parts of Asia, and the Americas. In sub-Saharan Africa, the share of children victims among the total number of detected trafficking victims is 55 per cent, with similar shares for girls and boys (UNODC, 2018). On the other hand, men comprised a large share of detected victims in South Asia and the Middle East (UNODC, 2018).

Two forms of trafficking were reported by the majority of detected victims, and the most frequently reported form of it was sexual exploitation (UNODC, 2018). In 2016, 59 per cent of detected victims revealed that they were trafficked for the purpose of sexual exploitation while 34 per cent of the identified victims were trafficked for forced labor (UNODC, 2018). Women and girls accounted for the majority of the detected victims of sex trafficking globally whereas the majority of detected men and boy victims were trafficked for the purpose of forced labor (UNODC, 2018). The type of exploitation displays geographical differences. Trafficking in

persons for the purpose of sexual exploitation was frequently detected in North and Central America and the Caribbean, as well as in East Asia and the Pacific (UNODC, 2018). On the other hand, forced labor was the most frequent form of trafficking in persons in Southern, East and West Africa together with Middle Eastern countries (UNODC, 2018).

Although there is still a gap between the real extent of human trafficking and knowledge at hand due to its clandestine nature, the UNODC's efforts to compile information on trafficking in persons provide a global understanding of the issue of human trafficking and facilitate to improve counter-trafficking measures worldwide. Accordingly, international statistics on the issue of trafficking assist to enhance the efficacy of international instruments that will be delved into in the next section.

Cooperation on Counter-Trafficking

The Trafficking Protocol has become the main international legal instrument to eradicate trafficking in persons since its adoption. Yet, an extensive body of treaties have contributed to the development of the current international anti-trafficking framework. International legal instruments facilitating the adoption of the Trafficking Protocol date back to four international agreements addressing procurement of persons for the purpose of commercial sexual exploitation. Signed in 1904, the International Agreement for the Suppression of the "White Slave Traffic" obligated state parties to provide information in order to protect white women from being trafficked for the 'immoral purposes' (UN, 1904). The 1904 agreement focused mainly on protecting victims rather than punishing perpetrators (Bassiouni, Rothenberg, Higonnet, Farenga and Invictus, 2010). The International Convention on the Suppression of the White Slave Traffic adopted in 1910 prescribed punishment for those who involved in procurement of white women under the age of twenty-one (or twenty) with the purpose of sexual exploitation (UN, 1910). Later, the 1921 International Convention for the Suppression of the Traffic in Women and Children contained punishment for perpetrators and expanded the protection established in the earlier conventions towards women and child immigrants (UN, 1921). The 1933 International Convention for the Suppression of Traffic in Women

of Full Age reinstated that consent would not be an excuse for the crime of trafficking while reinforcing the stereotype of the trafficking victim as female (UN, 1933; Morcom and Schloenhardt, 2011). While these earlier conventions were insufficient to deter trafficking in persons, they paved the way for more comprehensive conventions on the issue at hand.

Consolidating earlier international agreements, in 1949, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (hereinafter “*the 1949 Convention*”) was adopted by the UN. The 1949 Convention required state parties to take legal actions to punish those involved in the exploitation of prostitution (UN, 1949, art. 1). In doing so, the 1949 Convention prioritized the trafficking for the purpose of sexual exploitation at the expense of other types of exploitation (UN, 1949, art. 19). Different from the earlier anti-trafficking treaties, the 1949 Convention acknowledged that trafficking was independent from age, race, or gender and ‘addressed the social and economic reasons for the problem of trafficking’ (UN, 1949: Art. 16; Bassiouni et. al, 2010, p. 441). Moreover, the 1949 Convention recognized that trafficking might have occurred within national borders and not needed to be across borders.

After more than fifty years of the adoption of the 1949 Protocol, with the help of the increase in movements of people across borders, the Trafficking Protocol was accepted in 2000. Taking effective measures for countering trafficking in persons required an internationally recognized definition of human trafficking in order to avoid confusion about the issue of trafficking. The Trafficking Protocol’s definition extends trafficking beyond sexual exploitation and underlines three elements in order to identify a case as trafficking: movement of people, coercion, and exploitation (UN, 2000a, art. 3). Trafficking occurs when people are forced to move across national borders for the purpose of various forms of exploitation. As the major international legal instrument regarding the trafficking in persons, the Trafficking Protocol eliminated the definitional uncertainty regarding human trafficking for the international community while holding state parties responsible for prevention of trafficking, conviction of offenders, and protection of victims (UN, 2000a, art. 5-13).

With the Trafficking Protocol, in 2000, the UN also adopted the Smuggling Protocol, defining smuggling as the movement of people from one country to another without proper documents (UN, 2000b, art. 3(a)). The Smuggling Protocol criminalizes illegal crossings across borders and prescribes penalties for those who facilitate this act for “obtaining financial or other benefits” (UN, 2000b, art. 6). Smuggling which is seen as voluntary movement of people becomes human trafficking when it includes coercion and exploitation. Through the Trafficking and Smuggling Protocols, international community intended to remove the uncertainty around the terms of trafficking and smuggling by operationalizing these two concepts.

The UN launched the Office on Drugs and Crime (UNODC) and the Global Initiative to Fight Human Trafficking (UN.GIFT) with the goal of advancing global combat on human trafficking. Since 2006, the UNODC collects international statistics in order to estimate the global scope of the problem of trafficking and provide information on trafficking flows regarding the profile of victims and the form of exploitation. The UNODC also analyze national governments’ legislative, institutional and criminal justice responses along with their law enforcement capacities. In doing so, the UNODC aims at assisting international community to take effective actions against trafficking. The UN Global Initiative to Fight Human Trafficking (UN.GIFT) was created to raise awareness and to encourage both state and non-state actors to work together against human trafficking.

In addition to the UN, ILO and International Organization of Migration (IOM) have contributed to the global anti-trafficking efforts with their work addressing human trafficking. ILO was launched in 1920 with the aim at setting international standards for labor conditions. Over the years, organizing a number of UN Conventions and issuing annual reports, ILO has facilitated counter-trafficking by attempting to eliminate forced labor and promote free, equal and secure working environment for humans. Similarly, IOM has assisted international community by issuing research reports and handbooks on human trafficking. Additionally, IOM organized conferences in order to increase awareness about human trafficking and conducted projects to provide assistance to victims. IOM’s data collection initiative Counter-Trafficking Module Database (CTMD), gathering data

on victims of trafficking, is a candidate to provide serious cross-sectional data analysis in near future.

At the regional level, two organizations in particular, the CoE and the EU, have efficiently engaged in counter-trafficking efforts. The CoE addressed the issue of trafficking based on the European Convention on Human Rights (ECHR) until 2005. Following the Council's request on legislative action on human trafficking, the European Commission prepared a proposal prescribing common definitions and measures for member states. The proposal was also covering trafficking for the purpose of both forced labor and sexual exploitation. The CoE adopted the European Convention on Action against Trafficking in Human Beings in 2005 to standardize trafficking measures for its members. Inside the EU, the European Parliament adopted its first resolution on the trafficking in persons in 1989 and then another resolution requiring members to fight against trafficking in women in 1997. The EU Directive adopted by both the Parliament and the Council in 2011 replaced the previous framework and set the rules for members states to provide better victim protection, to prevent human trafficking, and to prosecute perpetrators effectively. The 2011 Directive as a legally binding document has led member states to eradicate trafficking since its adoption.

In addition to international and regional anti-trafficking instruments, national governments have contributed to the development of anti-trafficking policy and practices through their own legislations. The US has retained leadership both in monitoring the scope of trafficking and in encouraging states to combat human trafficking. In 2000, prior to the adoption of the Trafficking Protocol, the US signed and enacted the Trafficking Victims Protection Act (TVPA) and authorized the State Department to assess global efforts for the elimination of trafficking according to the minimum standards established by this Act. According to the TVPA's minimum standards, national governments should prohibit the trafficking, prosecute and punish the perpetrators, and commit to eliminate severe types of trafficking. The US State Department established the Office to Monitor and Combat Trafficking in Persons, which have published annual Trafficking in Persons (TIP) reports since 2001, to assess and rank national governments' efforts devoted to compliance with the TVPA's minimum standards. The US Gov-

ernment supports countries whose governments commit to improve their capacity for the elimination of trafficking while depriving those countries whose governments fail to meet the TVPA's minimum standards of assistance from the US Government as well as multilateral development banks.

Anti-Trafficking Policy and Practices Around the World

As the issue of compliance with international treaties in general, there is a substantial variation in national policy and practices addressing human trafficking even though many countries signed and ratified the Trafficking Protocol to show their commitment towards combating human trafficking. The US has taken a lead on combatting human trafficking by encouraging countries around the world to fulfill their commitment towards the Trafficking Protocol. The US Department of State issues annual reports on trafficking in persons (TIP) assessing and ranking worldwide efforts of governments to meet the TVPA's minimum standards for eliminating trafficking in persons. These efforts include identifying trafficking victims while assisting them, prosecuting offenders, providing data to the US State Department, and cooperate with other national governments to investigate and prosecute trafficking (USDOS, 2019). Compiling the information coming from the US embassies and consulates overseas on the scope of trafficking in their host countries and host governments' efforts to address the problem, taking into account the views of government officials, immigration officials, police, journalists, and NGOs in host countries, the US Department of State has developed a tier-ranking system (USDOS, 2019). Countries in full compliance with the TVPA's minimum standards are placed in Tier 1. Countries that do not fully meet the TVPA's minimum standards but working hard to bring themselves into compliance with those standards are placed in Tier 2. If countries in Tier 2 do not demonstrate any progress, they are placed in Tier 2 Watch List (2WL) before demoted to Tier 3. Countries that neither meet the TVPA's minimum standards nor make significant efforts to meet these criteria are placed in Tier 3 and face the threat of economic sanctions.

Figure 1 demonstrates the ratio of countries placed in different rankings based on their counter-trafficking endeavors over the period between

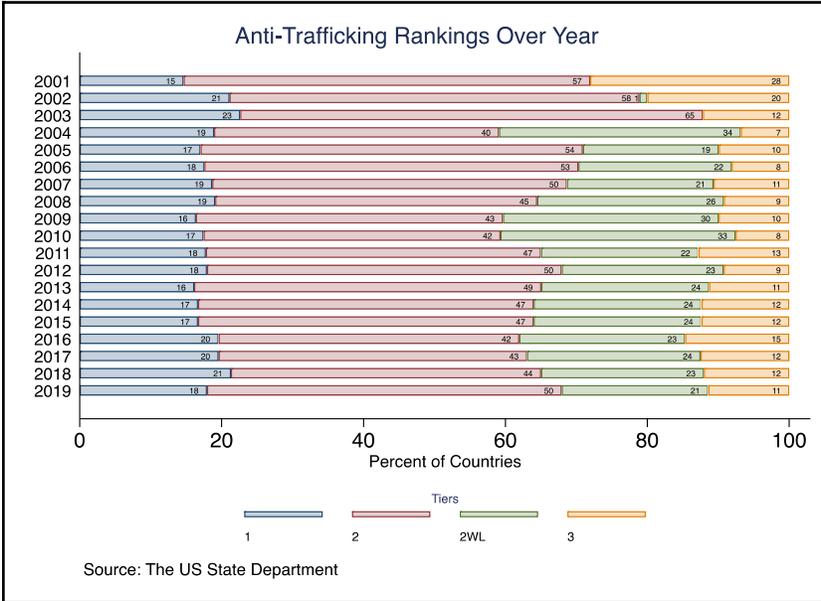
2001 and 2019.⁵ When the TIP report was first published by the US State Department in 2001, 82 countries were evaluated according to their counter-trafficking efforts. 15 percent of them were placed in Tier 1 because they fully committed with the TVPA's minimum standards. In the same year, 57 per cent of countries were ranked in Tier 2 for their serious endeavors to comply with the TVPA's minimum standards. The percent of countries placed in Tier 3 because of their poor performance to meet the TVPA's minimum standards was 29 in 2001. On the other hand, 18 per cent of 184 countries evaluated in 2019 were placed in Tier 1. The percent of countries was 50 for Tier 2 and 11 for Tier 3 subsequently.

The results reported in Figure 1 present that the share of countries that fully met the TVPA's criteria remained small over the years. Countries in Western Europe and North America such as the United States, United Kingdom, France, Denmark, Germany, Finland, Netherlands, Spain, Canada, Belgium have demonstrated serious efforts by prosecuting and convicting growing number of trafficking offenders, providing victims of trafficking in persons with shelter and care, granting foreign victims permits for residency and/or employment mostly based on cooperation with government authorities to identify perpetrators-, and organizing campaigns in order to raise awareness among the public about human trafficking (USDOS, 2001-2019). Besides, Colombia took serious measures to meet the TVPA's minimum standards and thus to eradicate trafficking in persons by adopting a strict anti-trafficking law that went into effect in 2001, investigating and convicting trafficking offenders, having serious data collection efforts, identifying growing number of victims as well as providing substantial assistance to them in partnership with NGOs, cooperating with other governments to launch joint operations to save victims, and conducting events to raise public awareness about trafficking in persons (USDOS, 2001; USDOS, 2018).

In addition to those countries whose anti-trafficking performances have always been strong, there are countries whose performances in addressing human trafficking have suffered several problems over time. The

⁵ The US State Department has started to publish the TIP reports in 2001, and the latest report was issued in 2019. Therefore, the data used to produce Figure 1 cover all the years reported in the TIP reports to date.

TIP reports suggest that main problems impeding counter-trafficking performances of national governments comprise lack of reliable data on human trafficking, varying standards in detecting and identifying trafficking victims and offenders across countries, inadequate provision of assistance and protection to trafficking victims as well as insufficient prosecution of traffickers.



(Figure 1: US Tier Ranking Over Years)

First of all, constructing reliable and global data on the actual number of victims of human trafficking is difficult due to the clandestine nature of this crime. The numbers reported by countries reflect the cases that are identified by law enforcement bodies or NGOs. It is difficult to identify victims of trafficking in persons since they avoid coming into contact with authorities due to the fear of punishment that would be coming from either authorities or their perpetrators. Another reason for the unknown number of trafficking victims is the lack of information from countries. While states adopting the Trafficking Protocol agree on sharing information regarding the issue of trafficking, not all states compile reliable and comprehensive data on trafficking victim. According to the TIP reports, countries such as Central African Republic and China did not collect comprehensive victim

identification data (USDOS, 2019). On the other hand, for countries such as Afghanistan and Hungary, even when the governments share information on trafficking, the TIP reports suggest that the data were controversial (USDOS, 2019). Besides, weak institutional capacity and incompetent government authorities who are unable to recognize people trafficked might simply cause lower visibility of trafficking and thus inadequate information. As one of the countries with low number of victims detected, in Bosnia and Herzegovina, authorities reported that “lack of capacity and technical knowledge hindered their ability to conduct effective investigations” (USDOS, 2019, p. 104).

Even though states provide information on the number of victims of trafficking in persons, that would be without any specifics in terms of type of exploitation, gender, age or citizenship. Therefore, data gathered through national authorities may not reveal the real extent of the problem of trafficking in persons. For example, Bolivia, as a source country for women, men, and children who are victims of sex trafficking or forced labor in Argentina, Brazil, Panama, Peru, and Chile and a transit and destination country for people trafficked from Africa, Chile, and the Caribbean, shares information on neither investigation, prosecution, conviction for trafficking offenders nor the details on the profile of trafficking victims and the type of exploitation (USDOS, 2018). Similarly, governments in Indonesia and Vietnam failed to report data disaggregated by the type of trafficking, the age or the gender of trafficking victims who were assisted (USDOS, 2019). Furthermore, authorities in Tajikistan reported data on the number of detected victims while they did not provide the data broken down based on victims’ gender, nationality, or the form of exploitation (USDOS, 2019).

Some state parties to the Trafficking Protocol do not have specific legislation on human trafficking, or their definition of trafficking is not consistent with international law. The TIP reports present that the Eritrean Penal Code penalizes not all forms of trafficking but trafficking of women and young persons for the purpose of sexual exploitation (USDOS, 2009; USDOS, 2018). Similarly, in Algeria and Brazil, the anti-trafficking laws did not criminalize all forms of child sex trafficking in congruent with the

definition of the Trafficking Protocol because they required a demonstration of force, fraud, or coercion to constitute the offense (USDOS, 2019). In Mauritania, the law banned sex and labor trafficking, but it excluded hereditary slavery until the 2015 anti-slavery law criminalized it (USDOS, 2019). Additionally, in Russia, authorities prosecuted and investigated trafficking cases based on the criminal code using a definition of trafficking which was inconsistent with the Trafficking Protocol (USDOS, 2019). In Thailand, men were excluded from the classification of trafficking victims and thus ineligible for protection until the new anti-trafficking law was enacted in 2008 (USDOS, 2008).

Even states that have taken appropriate legislative actions regarding human trafficking may have different evaluations on what accounts as trafficking. The Trafficking Protocol provides a broad definition of trafficking to cover as many cases as possible. However, national governments often take the liberty to narrow this definition to meet the needs of their judicial systems. Even when national governments adopt the broad definition provided by the Trafficking Protocol, authorities with lack of training or specialization on trafficking may have difficulty to identify victims. According to the TIP reports, in Poland, the low number of prosecutions for forced labor was attributed to unclear definition of forced labor in Polish penal code and the inadequate experience of judges in labor trafficking cases (USDOS, 2019). Correspondingly, insufficient protection for foreign victims in Croatia was attributed to incompetent judges with little expertise to work with victims of exploitation because they dismiss victim statements untrustworthy based on inadequate understanding of trafficking (USDOS, 2013). Moreover, in Azerbaijan, law enforcement officials were criticized as being incomplete to investigate anti-trafficking cases (USDOS, 2019). In Afghanistan, incomplete prosecutors and judicial officials decided detention for female sex trafficking victims during the judicial processes (USDOS, 2019).

Not only identification of potential victims but also prosecution and conviction of trafficking offenders are vital for the eradication of human trafficking. Yet, several countries are unable to detect and or punish perpetrators. The government of Iceland allocated significant amount of

resources for investigation of trafficking, supported training of police officers by instruction on victim identification and trafficking-related crimes, attempted to raise awareness about trafficking among asylum-seekers. Despite these substantial accomplishments to fight against human trafficking, the number of trafficking offenders prosecuted or convicted has not increased for seven years (USDOS, 2018). Similarly, despite the existence of human trafficking, no one was reported as convicted regarding human trafficking for six years in Belarus and for three years in Belize (USDOS, 2019). According to the TIP reports, the authorities in Croatia issued light sentences for trafficking offenders although Croatia had a strong penalty code for trafficking, setting one to 15 years imprisonment (USDOS, 2013; USDOS, 2019). Besides, the European Commission pointed that penalties for trafficking crimes in Croatia were not proper to discourage convicted offenders (USDOS, 2013). Accordingly, Croatia's ranking was lowered from Tier 1 to Tier 2 in 2013 and remained there since then. The government of Argentina, on the other hand, achieved serious convictions based on the anti-trafficking law enacted in 2008 and imprisoned a provincial mayor and a superintendent for assisting sex trafficking offenders in 2017 (USDOS, 2018).

Countries whose government officials are engaged in corruption and/or incompetent to take serious measures in order to prosecute and convict trafficking offenders will fail in fight against human trafficking (Cho, Dreher and Neumayer, 2014). The TIP reports suggest that in Burma, corrupted government officials hindered anti-trafficking efforts (USDOS, 2019). Additionally, Bolivia was recommended to investigate corruption among the law enforcement officials and increase resources and staff in order to finalize trafficking investigations (USDOS, 2018). While the Eritrean government reported that it prosecuted and convicted offenders of human trafficking including law enforcement officials, according to the TIP reports, these claims remained unfounded (USDOS, 2009; USDOS, 2018). Despite the significant concern about the complicity, in Bulgaria and Gambia, governments failed to report the number of prosecution and investigation of officials complicit in human trafficking cases (USDOS, 2019). On the other hand, countries with well-trained law enforcement bodies and

government authorities who are not corrupted will be able to implement strict laws to eliminate trafficking in persons. In the Philippines, as a source country where men, women and children have been subjected to forced labor and prostitution, the government banned both sex and labor trafficking under its 2003 and 2012 anti-trafficking acts, prescribed strict penalties for trafficking offenders, and organized counter-trafficking training for local, regional, and national government officials. Consequently, the number of suspects convicted raised during the period from 2016 to 2018 (USDOS, 2018).

Another main challenge in addressing trafficking is to assist males since women and children are most specifically accepted as victims (Shoaps, 2013). For example, in Guyana, funds were allocated to NGOs providing shelter and assistance to victims of human trafficking although these services were specifically focused on women at the expense of child and male victims (USDOS, 2018). In South Africa, the government, in collaboration with NGOs, provided shelters to trafficking victims although quality of the services varied geographically and victim care remained limited for men (USDOS, 2019). Moreover, in Vietnam and Tanzania, the governments did not offer accommodation designated specifically to provide care for adult male victims (USDOS, 2019).

Finally, similar to the problem of offering assistance to male trafficking victims, providing protection has become challenging for some states when victims are foreigners. The TIP reports display that the South African government was reluctant to provide protection to foreign trafficking victims unless they collaborate with authorities (USDOS, 2018; USDOS, 2019). Besides, the government did not allocate proper funding for anti-trafficking training of law enforcement officials in order to prevent deportation or detention of foreign trafficking victims (USDOS, 2018). In Iceland, where has been a destination and transit country for people trafficked from Eastern Europe, the Baltics, South America, and East Asia, the government provided temporary residence permit for foreign trafficking victims; however, they were not allowed to work legally in the country until 2018 (USDOS, 2018). Thus, foreign trafficking victims went abroad to find job rather than collaborating with law enforcement to solve trafficking

cases experienced in Iceland (USDOS, 2018). The Croatian government provided legal, psychological, and medical assistance to trafficking victims including foreigners in collaboration with NGOs (USDOS, 2013; USDOS, 2019). Yet, the reported number of foreign trafficking victims who had a renewable residence permit and been provided with free legal aid was very low (USDOS, 2013; USDOS, 2019).

Ultimately, anti-trafficking policy and practices have varied considerably across countries. While some countries such as Colombia, Argentina, and Philippines have adopted strong protection, prosecution and prevention practices while some of them including Afghanistan, South Africa, and Indonesia have faced challenges in countering human trafficking. Significant variations in performances of national governments deteriorate the effectiveness of international legal instruments developed for identifying and assisting victims as well as prosecuting and convicting offenders when addressing the crime of trafficking in persons. Main challenges for the elimination of trafficking include the measurement of the scope of trafficking, various definitions hindering the standardization of victim identification and protection, and varying prosecution practices due to the differences in national anti-trafficking laws and enforcement capacities. In the next section, several propositions will be discussed to improve counter-trafficking performances of national governments.

Suggestions

International community could take several measures to address major challenges in fighting against human trafficking. First of all, international community should work on standardization of the definition of trafficking. The Trafficking Protocol frames the international definition of human trafficking that addresses virtually every aspect of this crime. In doing so, the Trafficking Protocol provides space for countries to interpret the definition either broadly or narrowly to define cases as trafficking. In order to standardize the identification and protection efforts, national governments should agree on a guideline for the implementation of broad definition provided by the Trafficking Protocol.

Second, there is a need for reliable and comprehensive data at the global level in order to develop effective anti-trafficking policies. While

IOM and UNODC collect information on trafficking victims and publish data at the global level, they either suffer methodological problems or are not inclusive enough to present the real scope of this crime. Expanding data on human trafficking based on information coming from all stakeholders will advance international counter-trafficking efforts. All national governments, international organizations and NGOs should be encouraged to share information that they collect. Reliable and global data will facilitate research addressing accomplishments and failures of international legal instruments and assist policy makers evaluating their policy outcomes.

Third, national governments should prescribe dissuasive penalties in their legal system for trafficking offences and ensure that trafficking offenders should be convicted after they were detected. The rise in the number of detected victims is attributed to serious anti-trafficking measures such as comprehensive human trafficking legislation, coordination among national authorities, and enhanced victim protection efforts (UNODC, 2018). Therefore, countries setting counter-trafficking as a political priority need to improve their supportive institutional capacity. Governments should monitor authorities for not to be involved in trafficking schemes and train law enforcement bodies for better detection of trafficking offenders.

Moreover, protection efforts should be standardized and improved across the world. Services should cover legal, medical, psychological assistance and include all individuals regardless of their nationality, gender or age. Survivors should be involved in the discussion, development, and implementation of anti-trafficking policies or protocols. Law enforcement officers should be trained to better identify victims and provide victims with referral services.

Consequently, prevention efforts should particularly be focused on vulnerable populations. People who live in remote communities should be informed about trafficking in persons to prevent them from being easy targets of perpetrators. Migrants as another particular group of people are at risk of abuse and exploitation since they can be easily targeted by traffickers while they attempt to smuggle other countries. Social workers, medical personnel and media should be trained on issues including victim identification and services that will be provided to potential victims.

Conclusion

Recently, human trafficking has attracted a substantial amount of public attention around the world. In response to the growing concern with the issue of trafficking in persons, international community succeeded to develop a common understanding of human trafficking and launched international legal norms regarding trafficking in persons. With the widespread adoption of the Trafficking Protocol, most countries around the world committed themselves to provide assistance to victims, prosecute offenders who deceive people into trafficking, and organize training campaigns for law enforcement officials and the public in order to raise awareness about trafficking in persons.

Despite the growing global concern around human trafficking and achievements in framing the issue, there are differences among countries' performances in fighting against trafficking. Countries such as Colombia, Argentina and Philippines legislate strict anti-trafficking laws, investigate and convict trafficking offenders seriously, display serious data collection efforts, identify raising number of victims as well as provide substantial assistance to them in partnership with NGOs, cooperate with other governments to launch joint operations to save trafficking victims, and conduct events to raise public awareness about trafficking in persons. Some countries such as Eritrea and Bolivia, on the other hand, either lack a comprehensive anti-trafficking law, avoid providing information on identified victims as well as prosecuted and convicted offenders, or are unable to provide medical and legal assistance to trafficking victims. These differences lead to the ineffective implementation of the Trafficking Protocol, the main international legal instrument to counter trafficking.

While international community has succeeded to demonstrate their determination on countering trafficking, challenges in implementing international law, as suggested in this study, need to be addressed. Standardization of the definition of trafficking and victim protection, well-trained law enforcement authorities along with strict penalties for trafficking offenders, and more awareness raising campaigns for the public will improve results for the elimination trafficking.

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