

International Law and Human Trafficking

By Lindsey King

Instruments of International Law

International law is a powerful conduit for combating human trafficking. The most reputable and recent instruments of international law that have set the course for how to define, prevent, and prosecute human trafficking are the United Nations Convention against Transnational Organized Crime and its two related protocols: the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and the United Nations Protocol against the Smuggling of Migrants by Land, Sea, and Air, which entered into force in 2003-2004. The United Nations Office on Drugs and Crime (UNODC) created these conventions, which have supported international law's ability to combat human trafficking. In support of enforcing these instruments, the UNODC established the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) in 2007.

Instruments that have dealt with human trafficking date back to the abolition of slavery. They include provisions within the Slavery Convention (1926) and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956). Additional tools of international law that include segments against the trafficking of persons include: the Universal Declaration of Human Rights (1948), the International Covenants on Civil and Political Rights (1966), The United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), and the Convention on the Elimination of all Forms of Discrimination Against Women (1979). These instruments laid the foundation for the contemporary conventions and efforts to eliminating trafficking.

Compliance with International Law

One of the most problematic issues of eliminating trafficking is compliance with international law. Measures for compliance with international treaties include signature, ratification, and enforcement of international agreements. Once a state signs and ratifies a treaty, it is subject to monitoring by U.N. committees, which receive input from non-governmental organizations (NGOs). Additionally, states are expected to submit regular reports regarding their level of compliance with the treaty. The United Nations Human Rights Council also issues mandates to thematic working groups, special rapporteurs, and country rapporteurs, which help to monitor compliance with or abuses of certain treaties.

As of 2008, there are 143 parties to the United Nations Convention against Transnational Organized Crime, 119 parties to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and 112 parties to the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air. The Trafficking Protocol is unique from other treaties because it was created as a law enforcement instrument, which, in theory, gives it more influence than aspirational agreements. Provisions within the Trafficking Protocol state that parties must: take action to penalize trafficking, protect victims of trafficking, and grant victims temporary or permanent residence in the countries of destination. Therefore, if a state is a party to the Convention and its Protocols, it has an obligation to create legislation that supports these provisions at the domestic level.

One major distinction of the Trafficking Protocol is that it maintains that persons do not have the right to choose to be trafficked, or for their children to be trafficked. This distinction helps to clarify the line between smuggling and trafficking. However, if the person was smuggled, then kept as a forced laborer, the crime constitutes trafficking. Another aspect of the Trafficking Protocol is that a person does not have to be directly forced or threatened into being trafficked. If a person can prove that he or she had no alternative means other than to comply, then it falls within the provisions of Trafficking Protocol. These aspects of the Trafficking Protocol allow for a broader definition of human trafficking, making compliance more straightforward.

Standards about how trafficking victims should be treated are outlined in two comprehensive documents that draw from various international law instruments: the “Human Rights Standards for the Treatment of Trafficking Persons” and the “Recommended Principles and Guidelines on Human Rights and Human Trafficking.” These two documents were produced to ensure that trafficked persons were treated as victims rather than as criminals. The Special Rapporteur on trafficking in persons, especially in women and children, is one intermediary that works towards ensuring that the victims’ rights are protected, and takes action against violations of these rights. Numerous NGOs throughout the world also take on the complex task of monitoring the violations of human rights with respect to human trafficking. Through the reports generated by these organizations, the U.N. is able to more fully assess who is complying with or in violation of international law.

Enforcement of International Law: The Regional Solution

Enforcement of international law in regards to human trafficking is most effective and efficient when it is incorporated into regional and domestic legislation. Regional and domestic instruments that have played a key role in the prevention and elimination of human trafficking include: the United States Victims of Trafficking and Violence Protection Act (2000), the Council of Europe Convention on Action against Trafficking in Human Beings (2008), and the European Convention for the Protection of Human Right and Fundamental Freedoms (1950). Regions throughout the world are also making cooperative efforts to end trafficking. For example, in 2005, the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), a sub-regional group composed of China, Laos, Thailand, Cambodia, Myanmar, and Vietnam, was established. Its purpose is to create policies for the anti-trafficking measures in the region, allowing each state to create legislation that is in agreement with these provisions. The domestic and regional instruments are aimed to combat human trafficking through provisions that are in line with the international agreements against human trafficking, while tailoring their enforcement and monitoring methods to the needs of the region or state.

Enforcement of International Law: Obstacles

Anti-trafficking laws are problematic to enforce because victims of trafficking are hesitant to identify traffickers for fear of repercussion. Furthermore, trafficking is a crime that transcends borders, and therefore jurisdictions. Applying international law to a person who resides in another state is a costly and complex endeavor. Additionally, human trafficking usually violates several laws, and is not a one-time event. Building a case against traffickers can take a great deal of time, resources, and energy. In countries where resources are limited, these complexities can hinder enforcement of anti-trafficking laws.

Another dilemma of enforcing anti-trafficking laws is the lack of training of the local enforcement officers within the state. Even if the state has implemented anti-trafficking laws, it is not likely that the border patrol officers, federal agents, and local police officers are well-versed in international or domestic laws in regards to human trafficking. Victims of trafficking are often treated as criminals or illegal immigrants, and either arrested or deported. Additionally, since trafficking victims are usually not in their country of origin, there is often a language barrier between enforcement officers and the victims, making information-gathering problematic.

The vast resources needed to ensure that the officers are able to properly enforce anti-trafficking laws are limited or unavailable in most states. However, one of the goals of the UN.GIFT is to help build awareness of the issue and provide technical assistance. The assistance would include: draft legislation, manuals for various law enforcement agencies and victims, and fact-sheets for raising awareness. States, such as the United States, have already begun implementing awareness programs for law enforcement officers. Additionally, NGOs throughout the world play a crucial role in raising awareness about and monitoring human trafficking.

Conclusion

Although human trafficking is a complex issue, the international legal instruments have been implemented to aid trafficking victims and to combat this worldwide epidemic. Even states that are not a party to the United Nations Convention against Transnational Organized Crime and its two related protocols are obligated to protect the rights of trafficked persons under provisions in the Universal Declaration of Human Rights, which comprises customary international law. The issues of compliance and enforcement of anti-trafficking laws are problematic, but not impossible to overcome. Initiatives through the UN.GIFT will provide supplemental funds to states to combat the issue of trafficking, but states cannot rely solely on UN programs as the solution to human trafficking. Regional efforts are promising, because trafficking is a transnational crime, and coordinated efforts are essential to targeting the sources of trafficking and convicting traffickers. States must honestly recognize their role in combating this world-wide epidemic, because trafficking continues to negatively impact millions of people every year. Trafficking, like pollution, is everyone's problem. The world collectively objected to slavery, and it will require a collective effort once again to abolish the practice of human trafficking.

Annotations

Abramson, Kara. 2003. "Beyond Consent, Toward Safeguarding Human Rights: Implementing the United Nations Trafficking Protocol." *Harvard International Law Journal* 44 (2):473-502.

Annotation: Abramson evaluates the weaknesses of the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. She claims that the Trafficking Protocol fails to reconcile the debate of consenting adults who may be involved in trafficking. Section II sets this piece apart from other trafficking articles, as it concisely illustrates the autonomy arguments of consent to trafficking. A considerable piece of the article focuses on sex workers, consent, and human trafficking. The article is a useful source

for evaluating various criticisms of the Trafficking Protocol as an effective tool for eliminating the practice of trafficking.

Aleinikoff, T. Alexander, and Vincent Chetail (eds.). 2003. Migration and International Legal Norms. The Hague: T.M.C Asser Press.

Annotation: Experts from around the world have contributed to this comprehensive book regarding the international legal implications associated with migration. This piece would be especially helpful for someone researching the associations between migration and human trafficking, which are often interlinked. The most helpful piece of this book is the focus on the multilateral and regional agreements and customary international law that protect the rights of persons forced into migration. The strength of this collection is that it covers an array of topics related to human trafficking and migration issues as related to international law.

Anderson, Malcolm, and Joanna Apap (eds.). 2002. Police and Justice Co-operation and the New European Borders. The Hague: Kluwer Law International.

Annotation: This collection of essays gives insight to the immigration issues within the European Union's borders. It serves as a prototype for nations or regions that may consider opening borders or lessening migration restrictions, and details the complications that may arise as a result. The essays touch on topics such as foreign policy, transnational organized crime, and sovereignty as it relates to migration. Although there is only one chapter dedicated to the challenges of human trafficking (Chapter 12), the entire piece is helpful for someone who is researching migration-related issues in comparison to human trafficking or migration laws and how this could potentially affect a region.

Askola, Heli. 2007. Modern Studies in European Law: Legal Responses to Trafficking in Women for Sexual Exploitation in the European Union. Portland: Hart Publishing.

Annotation: This book clearly outlines the legal measures implemented in Europe to combat the trafficking of women for purposes of sexual exploitation. These measures are demonstrated through legal cases in the European Court of Justice and European Court of Human Rights, international treaties, legislation in the Council of Europe, and covenants within the European Union. As Europe has laid much of the foundation for the implementation of international law, this source could be considered a comprehensive guidebook for the field of combating trafficking through the mechanisms of international law. Unfortunately, the focus of the book pertains to women and sexual exploitation, and does not provide much information regarding other trafficked persons.

Beydoun, Khaled Ali. 2006. "The Trafficking of Ethiopian Domestic Workers into Lebanon: Navigating Through a Novel Passage of the International Maid Trade." *Berkeley Journal of International Law* 24:1009-1045.

Annotation: Although this article highlights human trafficking between Ethiopia and Lebanon, it also speaks to cases throughout the world that are similar. Lebanon is an example of a state that has ratified the Trafficking Protocol, but has not yet implemented domestic legislation. Beydoun's article depicts the problems with states, like Lebanon, that rely on cheap labor to sustain their economy. The focus of this article is the trafficking of women and girls, and the unique aspects of trafficking in Lebanon. The sex tourism industry thrives in Lebanon because tourists from the region visit due to the less restrained lifestyle and availability of prostitutes. As there are not as many publications regarding trafficking in the Middle East, Beydoun provides an interesting insight to the complexities of the trafficking issue in this region.

Boczek, Boleslaw Adam. 2005. International Law: A Dictionary. Lanham: The Scarecrow Press, Inc.

Annotation: Although Boczek provides a thorough and navigable guide to international law, it may not be the most decipherable resource for someone unfamiliar with international law. In fact, it may be too exhaustive for someone who is searching for basic information about international law and human rights, and too broad for research on a specific topic within human rights and international law. It is, however, a sound reference for international law research.

Bravo, Karen E. 2007. "Exploring the Analogy between Modern Trafficking in Humans and the Trans-Atlantic Slave Trade." *Boston University International Law Journal* 25 (Fall):207-295.

Annotation: This lengthy article attempts to remind scholars, policymakers, and states alike of the lessons learned from the past about the slave trade in order to combat the modern problem of human trafficking. Bravo recognizes that this is not the first article using this analogy, but she explores this comparison more deeply, depicting the economic structure of the past and present. Included in this article is an outline and explanation of the international legal instruments to combat trafficking. Bravo critiques the strengths and weaknesses of these instruments. One element that is included in this article that would be of interest to someone exploring the angles of human trafficking is section III, sub-section E, which analyzes the market-based response to human trafficking.

Cholewinski, Ryszard, Richard Perruchoid, and Euan MacDonald (eds.). 2007. International Migration Law: Developing Paradigms and Key Challenges. The Hague: T.M.C. Asser Press.

Annotation: Although this collection focuses primarily on international migration law rather than trafficking specifically, it is still a worthy source for this topic. Chapters thirteen and twenty-six are the most helpful for someone researching primarily human trafficking topics. However, the chapters regarding the regional norms are useful for clarifying the

complications of reasons for migration and trafficking within certain regions or states. This book is helpful because it deals with contemporary issues, such as the struggle between anti-terrorism measures and their affects on migration legislation.

Combating Human Trafficking: Achieving Zero Tolerance: Hearing before the Subcommittee on Africa, Global Human Rights, and International Operations of the Committee on International Relations. 2005.

http://judiciary.senate.gov/testimony.cfm?id=2613&wit_id=6203

Annotation: The hearing before the House of Representatives offers a detailed account of the dilemma of trafficked persons into the United States, and the measures that the United States is taking to combat the issue. This document provides insight to the nuances that are discussed during the development stage of international law. Since it is an actual hearing, it can be a somewhat tedious document to gather information from for research purposes. The hearing does provide a great deal of information about what measures the United States is taking to combat human trafficking.

“China Issues Plan to Combat Human Trafficking.” China Daily. 2006.

http://www.chinadaily.com.cn/china/2006-07/13/content_639918.htm

Annotation: Although this article is brief, it gives information regarding six Asian countries’ plans for combating human trafficking. Regional measures for implementing international law are becoming more common as a cooperative effort to handle transnational crimes, such as trafficking. With China at the forefront of the efforts in Asia, the cooperative efforts of Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) are likely to bring about a cohesive solution. Since a great percentage of the trafficked victims are from this region, the response of COMMIT shows the possibilities for other regions that wish to combat the problem as well. Since trafficking is most often a transnational crime, it requires cooperation between states.

Dimitrova, Dessi, and Andrew Rachlin (eds.). 2007. Marshaling Every Resource: State and Local Responses to Human Trafficking. Princeton: Policy Research Institute for the Region.

Annotation: Rachlin and Dimitrova have compiled an assortment for state and local solutions to the global problem of human trafficking. This piece is especially helpful for persons responsible for creating policy on a micro level for human trafficking. However, it is a relatively short piece and would certainly need to be used in conjunction with other sources. This source provides hard to locate information regarding policies implemented at the state level. This piece could serve as a guide to possible solutions for policy makers.

Ebbe, Obi N. Ignatius, and Dilip K Das (eds.). 2007. Global Trafficking in Women and Children. New York: CRC Press.

Annotation: International law is only included in a small section at the end of this collection. Therefore, this book should not be considered a primary resource for international law and human trafficking. However, there is a myriad of valuable information about the complexities of human trafficking issued throughout the world. Oftentimes it is necessary to understand the basics of the problem before managing the possible solutions. Ebbe and Das give numerous examples of trafficking from all over the world to highlight the problems. The focus of the book, as the title indicates, is primarily women and children.

Free the Slaves, Washington, D.C., and the Human Rights Center of the University of California, Berkeley. 2005. "Hidden Slaves: Forced Labor in the United States." *Berkeley Journal of International Law* 23:47-111.

Annotation: Researchers from Free the Slaves, and from the Human Rights Center of the University of California, Berkeley conducted surveys and interviews from 1998-2003 in the United States to compile the data for this report on forced labor. The goal of this report is to expose the practice of human trafficking and forced labor in order to try to eradicate it. The report outlines a set of recommendations for the United States government to consider enforcing in order to eliminate and protect the victims of trafficking and forced labor. Although the entire report could be useful for someone researching forced labor, sections four, five, seven, and eight are of particular interest in terms of legal measures and recommendations. This article focuses on law within the United States, not international law.

Guild, Elspeth, and Paul Minderhoud (eds.). 2006. Immigration and Criminal Law in the European Union: The Legal Measures and Social Consequences of Criminal Law in Member States on Trafficking and Smuggling in Human Beings. Boston: Martinus Nijhoff Publishers.

Annotation: This collection of articles examines the legal framework of trafficking in six European countries: France, Germany, Italy, the Netherlands, Spain, and the United Kingdom, with the final article devoted to the European Union. The authors approach the problem of human trafficking from the legal and social perspectives. For the purposes of this article, the legal cases were of particular interest. There is an emphasis of the actors within civil society. In terms of enforcement, civil society is an essential actor.

Haynes, Dina Francesca. 2007. "(Not) Found Chained to a Bed in a Brothel: Conceptual, Legal, and Procedural Failures to Fulfill the Promise of the Trafficking Victims Protection Act." *Georgetown Immigration Law Journal* 21(Spring):337-381.

Annotation: Haynes illustrates the critical problems of the enforcement of the Trafficking Victims Protection Act (TVPA) through a fictitious story of a young woman trafficked to the United States. Although the story is fictitious, it is a compilation of true accounts, compiled to effectively point out the shortcomings of the TVPA. Haynes' article is a useful, critical analysis of the TVPA and the problems that domestic legal remedies face because of the lack of consistency at the local level of law enforcement agencies. One of the goals of UN.GIFT is to strengthen the education of law enforcement agents, judiciaries, and

immigration officers throughout the world so that the trafficking victims are offered proper protection. However, UN.GIFT was not launched until nearly the same time of publication of this article. With the TVPA in the United States, and domestic legal remedies in other states all face similar problems of enforcement at the local level, and this article effectively illustrates those shortcomings.

International Organization for Migration. 2008. <http://www.iom.int/jahia/Jahia/lang/en/pid/1>

Annotation: The International Organization for Migration (IOM) has a number of resources related to migration, migration laws, trafficking, policy guidance, and protection of migrant's rights. IOM is one of the one of the most well-founded organizations in migration and trafficking issues. Included in this website is access to publications, often free upon request, and sometimes downloadable. The Counter Trafficking Modular Database provides statistics about trafficking all over the world. Since IOM currently has 122 member states, the information regarding migration and trafficking is immense. An additional resource that the IOM website provides is a section on migration law. The website section is limited, but there are links to the various publications, which are helpful for someone researching international migration law.

Kim, Kathleen, and Kusia Hreshchysyn. 2004. "Human Trafficking Private Right of Action: Civil Rights for Trafficked Persons in the United States." *Hastings Women's Law Journal* 16:1-36.

Annotation: Kathleen Kim, Director of the Human Trafficking Project at Lawyers' Committee for Civil Rights of the San Francisco Bay Area, reviews the strengths of the Victims of Trafficking and Violence Protection Act (TVPA). In comparison with the international treaties, of which the United States is only a signatory, the TVPA and immigration law are the primary mechanisms utilized in the United States to combat human trafficking. Kim provides a basic outline of the complexities of defining and combating human trafficking. The section devoted to the pros and cons of domestic civil litigation is particularly interesting in regards to how domestic law can be an effective mechanism for trafficked persons within the United States.

Lee, Maggy (ed.). 2007. Human Trafficking. Portland: William Publishers.

Annotation: This compilation includes the background of human trafficking, regional issues of human trafficking in Central Europe and Asia, and current mechanisms employed to eradicate human trafficking. The contributing authors include experts in the topic of human trafficking from all over the world, which offers a variety of perspectives in one concise volume. Although the collection could be strengthened by including a specific section devoted to international law and human trafficking, it does provide sufficient information on the topic of human trafficking. However, the volume does not offer region-specific information outside of Europe or Asia, and could not be utilized a comprehensive guide for human trafficking issues.

Legal Options to Stop Human Trafficking: Hearing before the Subcommittee on Human Rights and the Law of the Committee on the Judiciary. 2007.

http://judiciary.senate.gov/testimony.cfm?id=2613&wit_id=6203

Annotation: This hearing before the United States Senate provides a detailed account of the United States' approach to the issue of human trafficking. Not only does it document the accomplishments of the United States in regards to this problem, it also presents the recommendations of the Senate for continuing to combat this issue. This document is especially useful for someone researching the United States' approach to human trafficking. Detailed accounts such as these are helpful for states that are in the process of developing reforms and passing legislation on similar issues, in order to note what has been successful in other states.

Lehti, Martti , and Kauko Aromaa. 2006. "Trafficking for Sexual Exploitation." *Crime and Justice* 34:133-221.

Annotation: One of the major debates of the discourse of human trafficking is the issue of prostitution. In some states, prostitution is legal, which makes proving sexual exploitation of trafficked victims problematic. This article criticizes the debate at its core, asserting that all prostitutes are sexually exploited victims, regardless of the legal status of the act of prostitution. The authors assert that prostitution and trafficking are undeniably linked, and attempt to prove the link through the statistics and research in the article. Additionally, the article depicts the different legal approaches to prostitution throughout recorded history. The strength of this article is the section that refers to the shortcomings of the research in the field of human trafficking, and how the lack of consistent information is a hindrance to the elimination of the practice.

Lindo, R. Victoria. 2006. "The Trafficking of Persons into the European Union for Sexual Exploitation: Why it Persists and Suggestions to Compel Implementation and Enforcement of Legal Remedies in Non-Complying Member States." *Boston College International and Comparative Law Review* 29 (Winter):135-148.

Annotation: Lindo's article is a criticism of the European Union's adoption of legal measures to combat trafficking without substantial elements in place to actually combat the problem. Throughout the piece, she asserts that the rhetoric lacks credibility because the enforcement and prevention mechanisms are insufficient. Regions that are attempting to model the European Union's strategy could learn the shortcomings of implementation of anti-trafficking measures through articles such as this. The article focuses primarily on trafficking in terms of sexual exploitation. As an appendix, Lindo includes the United States Department of State 2005 Trafficking in Persons Statistical Summary Table, which is a helpful outline of where trafficked persons are transiting.

Mattar, Mohamed Y. 2004. "Trafficking in Persons: An Annotated Legal Bibliography." *Law Library Journal* 96:669-726.

Annotation: Mattar is an Adjunct Professor of Law and Co-Director of the Protection Project at the Johns Hopkins University School of Advanced International Studies. This compilation of resources is quite helpful for researchers seeking sources on international law and human trafficking. The list is concisely categorized and thorough, which makes it accessible and useful for any user. Articles are often written on one particular scope of human trafficking, but this bibliography includes a wide range of topics. This list of sources would be quite helpful for scholars researching the topic of human trafficking, especially if the topic is unfamiliar.

"Monitoring Compliance - UN Member States' Compliance with International Treaties on Human Rights." 1998. *UN Chronicle* 35 (Winter):44-47.

Annotation: Although this article is a bit dated, the material of this short, concise piece is still relevant and helpful for understanding the complexities of compliance with international law. It illustrates who the actors are and how each interacts with each other in the international arena. The resource should not be considered an updated source for data concerning signatories to treaties and conventions. The most accurate data can be taken directly from the United Nations' web sources. In regards to human trafficking and international law, this source provides just one piece of a greater picture, especially considering that the most relevant protocols were established after its publication.

Obokata, Tom. 2006. Trafficking of Human Beings from a Human Rights Perspective: Towards a Holistic Approach. Leiden: Martinus Nijhoff Publishers.

Annotation: Obokata is a consultant for governmental, non-governmental, and international organizations on human trafficking. He has pulled from his experiences and extensive research to provide a guide for states and those who are working towards combating human trafficking. Many authors approach the possible solutions to human trafficking from the final result, but Obokata widens the spectrum by addressing trafficking issues by identifying applicable human rights norms and principles from the beginning to the end of the trafficking process. He then outlines the states' legal obligations to address the issue of human trafficking. This piece provides a few case studies at the domestic, regional, and international levels, which aim to connect the principles that he is advocating.

Office to Monitor and Combat Trafficking in Persons. 2005. UN Commission on the Status of Women Adopts U.S. Human Trafficking Resolution. U.S. Department of State. Washington D.C. www.state.gov/g/tip/rls/fs/2005/43630.htm

Annotation: The international community must work in cooperation in order to effectively combat human trafficking. At the 2005 U.N. Commission on the Status of Women, the United States issued a proposal for a statute to further protect the rights of trafficked

women. This brief fact sheet includes the text of the adopted resolution, which links human trafficking and the sex tourism industry. Although this resolution is brief, it is an important step of the international community's recognition of the status of trafficked persons as victims, and the particular need to protect women and girls. The United States' Office to Monitor and Combat Trafficking in Persons issues a number of publications that provide updated information on human trafficking statistics, resolutions, and legislation, most of which can be found on the website. The Trafficking in Persons report is produced annually, and can be downloaded from the site, as well.

Ollus, Natalia. 2008. "The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children: A Tool for Criminal Justice Personnel." UNODC. www.ungift.org/docs/ungift/pdf/knowledge/unafei_analysis.pdf

Annotation: Ollus' short paper briefly classifies human trafficking as one of five problem types: migration, criminal, human rights, labor, and health. These categories compartmentalize human trafficking for the reader so that he or she can analyze how best to deal with human trafficking. Her main focus, however is to clarify the United Nations protocol regarding human trafficking for persons interested in the legal instruments available for combating this problem. Although this paper is short, it provides a clear, concise resource for someone who desires to work with the U.N. trafficking protocol.

Parmentier, Stephen, and Elmar Weitekamp. (eds.). 2007. *Crime and Human Rights*. San Diego: Elsevier Ltd.

Annotation: This volume is devoted to the legitimization of international law in relation to human rights violations. Although the chapters focus primarily on the human rights violations and legal mechanisms in North America and Europe, the volume is comprehensive in its approach to the criminalization of human rights violations. Perhaps the most supportive chapters in regards to human trafficking and international law are the chapters by Albrecht, Burssens and Walgrave, and Parmentier and Weitekamp.

Rassam, A. Yasmine. 1999. "Contemporary Forms of Slavery and the Evolution of the Prohibition of Slavery and the Slave Trade Under Customary International Law." *Virginia Journal of International Law Association* 39:303-352.

Annotation: Rassam's article asserts that human trafficking is a form of slavery, and therefore fits within the scope of customary international law. This link is provocative and worth considering in the case against human trafficking. If the international community considered human trafficking as a form of slavery, the legal approach would be more straightforward, as slavery is included in customary international law. Other than this particular point, much of Rassam's article is similar to other articles on human trafficking. Sections II and IV are of particular interest in terms of international law and human trafficking.

Rassam, A. Yasmine. 2005. "International Law and Contemporary Forms of Slavery: An Economic and Social Rights-Based Approach." *PA Penn State Law Review* 23:809-855.

Annotation: This article concludes that current international laws on contemporary forms of slavery and forced labor are outdated and non-responsive to the current situation regarding trafficked persons. Rassam asserts that there must be a shift from "abolition and criminalization to a more inclusive affirmation of the socio-economic rights of the enslaved in a new comprehensive multilateral instrument." Rassam defines the characteristics of contemporary slavery and illustrates the issues of contemporary slavery through examples in Thailand, India, Pakistan, and Mauritania. The remainder of the article focuses on the international instruments that can be employed to combat human trafficking, and on pointing out the shortcomings of these instruments.

Rijken, Conny. 2003. Trafficking in Persons: Prosecution from a European Perspective. The Hague: T.M.C. Asser Press.

Annotation: Rijken provides a comprehensive assessment of the European and international mechanisms for combating human trafficking, and concludes that it is necessary to include both approaches in order to effectively approach the dilemma. This volume contains detailed information regarding the legal instruments available for prosecuting cases of human trafficking more effectively, based on the concept of regional jurisdiction. Rijken not only lays out the different legal mechanisms available; she also includes an overview and analysis of these instruments, including case studies from the Netherlands.

Savona, Ernesto Ugo, Sophia Stefanizzi, and Sonia Stefanizzi. 2007. Measuring Human Trafficking. New York: Springer.

Annotation: One of the major complaints of researching and reporting human trafficking abuses is the inconsistency of the information collected. The authors of this piece attempt to compare and contrast the methods of monitoring human trafficking, including both qualitative and quantitative. Currently, there is not one standard for reporting human trafficking abuses; the authors emphasize the need to devise a consistent method in order to accurately hold states accountable to human rights standards. This source is most helpful for someone researching the data related to human trafficking.

Signatories to the United Nations Convention against Transnational Organized Crime and its Protocols. 2008. United Nations Office on Drugs and Crime.
www.unodc.org/unodc/en/treaties/CTOC/signatures.html

Annotation: This site is an accurate source for determining which states have signed and ratified the U.N. Trafficking Protocol. The United Nations Office on Drugs and Crime is charged with monitoring ratification of and compliance with the convention and treaties

related to human trafficking. Additionally, the reservations that states have regarding the treaties are listed on this site. Information about the protocols, including the date that each entered into force, and links to each of the protocols, makes this site easily accessible for research related to the protocols.

Thomas, Daniel C. 2001. "International NGOs, State Sovereignty, and Democratic Values." *Chicago Journal of International Law*. www.allbusiness.com/legal/international-law/1110447-1.html

Annotation: Thomas' concise article clearly explains the role of NGOs in the realm of international human rights reporting. Although the article does not specifically focus on human trafficking, the principles are the same in regards to compliance reporting. One of the major problems of enforcing anti-trafficking laws is a lack of monitoring and compliance. NGOs aid in the monitoring process so that the state and other international agencies, such as the U.N., are aware of non-compliance issues. NGOs, Thomas claims, are fostering a legitimization of international human rights law.

Tiefenbrun, Susan. 2007. "Updating the Domestic and International Impact of the US Victims of Trafficking Protection Act of 2000: Does Law Deter Crime?" *Case Western Reserve Journal of International Law* 38 (2):249-280.

Annotation: Tiefenbrun's article is a critical study of the Victims of Trafficking and Violence Protection Act (TVPA), its effectiveness in controlling human trafficking within the United States, as well as the international impact of the TVPA. Persons studying the effectiveness and progress of domestic law in controlling human trafficking would find this article useful, as Tiefenbrun explores the challenges and changes that have occurred as a result of implementing the TVPA. This well-organized, concise piece could be strengthened if it provided more information on the international and domestic impact of the TVPA, but overall, it is a useful piece.

United Nations. 2004. Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto. New York: United Nations.
www.unodc.org/pdf/crime/legislative_guides/Legislative%20guides_Full%20version.pdf

Annotation: Part two of the Legislative Guides is the most relevant to this article, as it focuses on the Trafficking Protocol. This guide is probably the most useful piece in understanding the protocols and the language within the treaties. The most useful distinction of the guide is defining which measures of the treaties are mandatory, and which are aspirational. Additionally, the guide indicates the relationship between the Trafficking Protocol and the Convention, since the Trafficking Protocol is supplementary to the Convention. These guides will be most useful for policymakers who intend to implement the protocols or scholars studying the legal requirements of the protocols.

United Nations Office on Drugs and Crime. 2008. "Human Trafficking: A Crime that Shames us All." www.unodc.org/unodc/en/about-unodc/speeches/2008-02-13.html

Annotation: The Executive Director of the United Nations Office on Drugs and Crime, Antonio Maria Costa, spoke at the Vienna Convention to Fight Human Trafficking in February 2008. Included in the speech, Costa demands cooperation between governments, parliamentarians, private companies, religious leaders, the media, actors and entertainers, and civil society in order to effectively combat human trafficking. Costa outlines a set of concrete goals for policymakers to implement to help eradicate trafficking.

United Nations Office on Drugs and Crime. 2006. Toolkit to Combat Trafficking in Persons: Global Programme against Trafficking in Human Beings. New York: United Nations. http://www.unodc.org/pdf/Trafficking_toolkit_Oct06.pdf

Annotation: This Toolkit is perhaps the single most useful tool for implementing a comprehensive legal strategy to combat human trafficking. Designed for policymakers, non-governmental organizations, criminal justice systems, intergovernmental organizations, and law enforcement agencies, this guidebook outlines the tools available and the most effective means for implementing those instruments. Additionally, it provides suggested strategies and partnerships for working towards eliminating human trafficking. As suggested, the approach adheres to a legal framework. The Toolkit uses the U.N. Trafficking Protocol as its primary reference, therefore making all information throughout the piece cohesive and coherent.

United Nations Convention against Transnational Organized Crime and the Protocols Thereto. 2004. New York: United Nations. www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf

Annotation: The United Nations Convention against Transnational Organized Crime and the Protocols is the primary contemporary resource for the international regulations against transnational crime. The primary protocol that is of concern for this article is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The significance of these treaties is that a definition of human trafficking was established by the international community and the trafficked persons are treated as victims, and therefore provided a certain degree of protection. This protocol is the most specific regulation in international law, which provides specific requirements for states to take legal action against trafficking as well as certain provisions to protect trafficked victims.

U.S. Department of State. 2008. Trafficking in Persons Report 2008. www.state.gov/g/tip/rls/tiprpt/2008

Annotation: The report published annually by the United States includes information regarding trafficking throughout the world. This report is useful as a prototype for other

reporting references. The Department of State is required to submit an annual report to Congress. The comprehensive report focuses on worldwide efforts to combat human trafficking. Countries are divided into Tiers of compliance to the guidelines of the TVPA: Tier 1, Tier 2, Tier 2 Watch List, and Tier 3. One of the strengths of the Trafficking Report is that it focuses on all trafficked persons, not just women and children. The Trafficking Report is accessible, thorough, and inclusive of states throughout the world. The Country Narratives section gives a brief evaluation and set of recommendations, which is a useful resource for research on various states or regions.

Van den Wijngaert, Christine, Guy Stessens, and Liesbeth Janssens, eds. 2005. International Criminal Law: A Collection of International and European Instruments. Boston: Martinus Nijhoff Publishers.

Annotation: This volume is an immense collection that provides comprehensive information in regards to international and European instruments for international law. Van den Wijngaert served as a judge on the International Criminal Tribunal for the former Yugoslavia and is an international law expert. The intended audience of the volume is students and practitioners of international law; it is not the most decipherable work for basic information, as it is very thorough. It includes the most relevant treaties, conventions, and agreements, and therefore serves as an invaluable resource for these instruments in one volume.

Victims of Trafficking and Violence Protection Act of 2000. www.state.gov/g/tip/rls/61124.htm

Annotation: The Victims of Trafficking and Violence Protection Act of 2000, often referred to as TVPA, was issued by the United States in order to have a legal remedy for human trafficking. Although it is a legal statute, the jargon is easily understood. The TVPA could easily serve as a model for other states wishing to implement similar laws. It clearly defines the United States' policy on trafficking and the measures necessary to eradicate it. Adhering to the U.N. Trafficking Protocol, the TVPA is aligned with international law, but includes a few aspects that are unique to the United States, such as reinforcement of principles of certain Supreme Court findings, United States Code, and the Declaration of Independence.

Weissbrodt, David, and Connie De La Vega, eds. 2007. International Human Rights Law: An Introduction. Philadelphia: Philadelphia University of Pennsylvania Press.

Annotation: This is a comprehensive introductory volume concerning international law and human rights. Both Weissbrodt and De La Vega are renowned authors and experts in the field of international human rights law. The book comprises three sections: an overview of the development of human rights as a domain of international law; a collection of brief summaries of each of the rights specified in the Universal Declaration of Human Rights and other critical human rights instruments; and a review of the national, regional, and international procedures for implementing human rights precepts.

Yun, Kerry E. 2007. "How Japan's Recent Efforts to Reduce Sex Trafficking can be Improved through International Human Rights Enforcement Mechanisms: Fulfilling Japan's Global Legal Obligations." *Buffalo Human Rights Law Review* 13:205-253.

Annotation: This case study is an excellent example of the type of evaluation and scrutiny that states should undergo in regards to compliance with international laws—in this particular case, human trafficking laws. Yun's article compares Japan's domestic law to international law, and analyzes the level of compliance or lack thereof. This critical analysis is thorough yet concise, and would be the ideal prototype for other domestic comparisons. Scholars and policymakers would find this article useful for comparing the legal rhetoric versus the actual implementation. This article specifically focuses on the sex tourism industry; researchers needing a more broad scope may not find this article as useful.

While human trafficking lays at the intersection of international human rights law and transnational criminal law, these two bodies of law's responses to this phenomenon [Show full abstract] remained fully separated during the whole 20th century, with discouraging results. Whereas the criminal law perspective dominated the scene, human rights law remained almost silent until 2000, when the adoption of the UN Trafficking Protocol marked a collision, but also a first reticent convergence, between these two branches of law. This paper explores the extent to which human rights law is permeating Human trafficking, also known as trafficking in persons (TIP), is a modern-day form of slavery. It is a crime under federal and international law; it is also a crime in every state in the United States. The law provides a three-pronged approach that includes prevention, protection, and prosecution. The TVPA was reauthorized through the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003, 2005, 2008, 2013, and 2017. Under U.S. federal law, "severe forms of trafficking in persons" includes both sex trafficking and labor trafficking