

GRACE CATHERINE MILES

The Regime Complex for Human Trafficking

Submitted for the LLB (Honours) Degree

Faculty of Law

Victoria University of Wellington

2016

Table of Contents

<i>I</i>	<i>Introduction</i>	2
<i>II</i>	<i>Regime Complex for Human Trafficking</i>	3
	<i>A</i> <i>Defining a Regime Complex</i>	3
	<i>B</i> <i>Formation of Regime Complex</i>	5
	<i>C</i> <i>Elements of Human Trafficking Regime Complex</i>	6
	1 <i>Law</i>	6
	2 <i>Governmental and inter-governmental organisations</i>	12
	3 <i>Private actors</i>	15
<i>III</i>	<i>Analysis of Regime Complex for Human Trafficking</i>	28
	<i>A</i> <i>Linkages in Regime Complex for Human Trafficking</i>	29
	1 <i>Nested linkages</i>	29
	2 <i>Overlapping linkages</i>	30
	3 <i>Parallel regimes / Absence of linkages</i>	31
	4 <i>Conflicting relationships</i>	32
	<i>B</i> <i>Language</i>	34
<i>IV</i>	<i>Strengths and Weaknesses of Regime Complex for Human Trafficking</i>	35
	<i>A</i> <i>Weaknesses of Regime Complex</i>	35
	<i>B</i> <i>Strengths of Regime Complex</i>	39
	<i>C</i> <i>Improvement to be Made</i>	41
<i>V</i>	<i>Conclusion</i>	42
<i>VI</i>	<i>Appendix One</i>	44
<i>VII</i>	<i>Appendix Two</i>	45
<i>VIII</i>	<i>Bibliography</i>	57

Word count

The text of this paper (excluding table of contents, footnotes, appendices and bibliography) comprises approximately 14,669 words.

I Introduction

Today more people are deprived of their freedom through enslavement than at any other time in human history.¹ Human trafficking is a significant contributor to this statistic. 27 million people are thought to currently be victims of human trafficking.² The two main purposes for human trafficking are sexual exploitation and forced labour. Sexual exploitation accounts for 79% of detected instances of trafficking, while forced labour makes up 18%.³ Human trafficking makes an estimated \$150.2 billion USD for organised criminal networks each year.⁴ This highly profitable enterprise holds little risk for its participants. Conviction rates remain low with less than 0.5% of all victims able to participate in any kind of judicial process.⁵ Human trafficking is a global problem. Almost every country is connected to the practice either as a place of origin, transit or destination.⁶ Despite the scale of the problem, human trafficking was not prioritised by the global community for many years. However, increased reporting in the 1990s saw attentions shift and the profile of human trafficking rose significantly.⁷ Human trafficking became a hot-button issue for both governments and civil society. Laws were promulgated, institutions developed and organisations formed.⁸ A global solution to the global problem was sought. There stands today a wide range of actors engaged in the task of ending the practice of human trafficking.

This paper is a survey of these current efforts. It seeks to understand how the international community has responded to the global problem. It argues that a regime complex exists for human trafficking. This is a new approach to analysing the international response to human trafficking despite much existing literature around the topic. The explosive rise in the profile of human trafficking in international law was matched by its rise in scholarly examination.⁹ There have been several themes in the writing on this topic. The first is an historical accounting of the progress of human trafficking law.¹⁰ This tells the story of the evolution from the initially narrow focus of the Slavery Convention through to the much broader Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Another focus has taken a more normative approach questioning what forms of

¹ “Slavery Today” Free the Slaves <www.freetheslaves.net>.

² “2013 Trafficking in Persons (TIP) Report – US Department of State” (2013) U.S. Department of State <www.state.gov>.

³ “Factsheet on Human Trafficking” (2010) United Nations Office on Drugs and Crime <www.unodc.org>.

⁴ “2015 Trafficking in Persons (TIP) Report – US Department of State” (2015) U.S. Department of State <www.state.gov>.

⁵ “Investigation and Prosecution” NVADER <<http://www.nvader.org/>>.

⁶ “Human Trafficking” United Nations Office on Drugs and Crime <www.unodc.org>.

⁷ Anne Gallagher and Joy Ezeilo “The UN Special Rapporteur on Trafficking: A Turbulent Decade in Review” (2015) 37(4) Human Rights Quarterly 913 at 914.

⁸ At 915.

⁹ At 914.

¹⁰ See Anne Gallagher *The International Law of Human Trafficking* (Cambridge University Press, Cambridge, 2010).

exploitation anti-trafficking measures should prohibit and what forms they should not.¹¹ There have also been critical evaluations that seek to identify the political forces at play shaping the current legal response.¹² However, there has been no attempt to embark on a descriptive exercise of the entire human trafficking regime complex, legal and non-legal. This paper takes on this task. In analysing the human trafficking response as regime complex this essay provides a novel and comprehensive look into all the elements that exist and how they work, or do not work, together.

This paper argues that the international response to human trafficking exists in the form of a regime complex. Part II introduces the concept of a regime complex. It first defines what constitutes a regime complex and explains the environmental factors that lead to its creation. It shows that the circumstances in which the human trafficking regime formed supported the establishment of a regime complex. Part II then embarks on a mapping exercise. The different elements of the regime complex for human trafficking are identified and examples are provided. The main categories identified are; the law, governmental and inter-governmental organisations, private actors and other international regimes. The differences between the approaches of each of these categories are interrogated. The variety of elements identified shows that the human trafficking regime possesses the requisite assortment of institutions and approaches for a regime complex. Part III analyses the regime complex that has been described. It investigates the ways the elements of the regime complex are connected. The four different relationships found are nested linkages, overlapping linkages, parallel regime and relationships of conflict. Part IV assesses the strengths and weaknesses of the regime complex. Particular focus is given to evaluating the role played by non-governmental organisations and their interaction with government initiatives and institutions. Two improvements are recommended to increase the overall effectiveness of the regime complex for human trafficking. The conclusion is made that a regime complex is an appropriate structure for the issue of human trafficking. The practice of human trafficking has a complex set of causes and interactions. Responding to it requires input from all these interconnected areas and a regime complex facilitates this well.

II Regime Complex for Human Trafficking

A Defining a Regime Complex

Regime complexity has been the result of the proliferation of international instruments, organisations and institutions.¹³ International regime complexes have been identified in

¹¹ See Kamala Kempadoo, Jyoti Sanghera and Bandana Pattanaik (eds) *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (Routledge, 2015).

¹² See Janie Chuang “Exploitation Creep and the Unmaking of Human Trafficking Law” (2014) 108 *American Journal of International Law* 609.

¹³ Karen Alter and Sophie Meunier “The Politics of International Regime Complexity” (2009) 7(1) *Perspectives of Politics* 13 at 13.

several different areas including climate change, forestation governance and refugees.¹⁴ In each of these instances the regime complex manifests in a different way. A regime complex is not a rigid structure that is imposed upon a certain area.¹⁵ Rather it is a description of the way in which elements of a certain subject area relate to one another. Because no single manifestation of a regime complex exists, any definition of a regime complex must be focussed on identifying the key characteristics that signal its presence. This section seeks to identify the defining characteristics of a regime complex.

The first characteristic of a regime complex is the presence of a range of elements that differ in substance and form. A regime complex is best understood as a structure comprised of many different elements. This characteristic has helpfully been described as:¹⁶

a patchwork of international institutions that are different in their character (organizations, regimes, and implicit norms), their constituencies (public and private), their spatial scope (from bilateral to global), and their subject matter (from specific policy fields to universal concerns).

The second defining feature of a regime complex is that it is held together by a series of loose linkages.¹⁷ A regime complex therefore neither has a core nor is it completely fragmented. Rather it exists somewhere between these two extremes. Each of the constituent elements addresses the issue at hand, though the manner in which they do so may vary. The result is an international response that lacks co-ordination but is not counter-productive. Such a structure has both strengths and weaknesses that are explored in relation to human trafficking in the latter part of this paper.

A third characteristic of a regime complex has not been recognised in all literature dealing with regimes complex. This characteristic is the presence of non-legal elements, as well as legal instruments, in the regime complex. International law plays a crucial role in international affairs and as such holds an important place in any regime complex. States have shown an eagerness to legally formalise agreements with the United Nations currently acting as a depository for more than 560 treaties.¹⁸ There has been a tendency to restrict regime complex analysis to multilateral institutions with a heavy focus of legally binding instruments.¹⁹ However, a regime complex that employs only a legalist lens will present a

¹⁴ Robert Keohane and David Victor “The Regime Complex for Climate Change” (2011) 9(1) *Perspectives on Politics* 7; Alexander Betts “The Refugee Regime Complex” (2010) 29(1) *Refugee Survey Quarterly* 12; L. Giessen “Reviewing the Main Characteristics of the International Forest Regime Complex and Partial Explanations for its Fragmentation” (2013) 15(1) *International Forestry Review* 60.

¹⁵ Keohane and Victor, above n 14, at 7.

¹⁶ Frank Biermann and others “The Fragmentation of Global Governance Architectures: A Framework for Analysis” (2009) 9(4) *Global Environmental Politics* 14 at 16.

¹⁷ Keohane and Victor, above n 14, at 8.

¹⁸ “Title of Multilateral Treaties in the Six Official Languages of the United Nations” United Nations Treaty Collection <<https://treaties.un.org/>>.

¹⁹ Kenneth Abbott “The Transnational Regime Complex for Climate Change” (2012) 30 *Environment & Planning C: Government & Policy* 571 at 572.

limited view of the measures being taken. Instead a wider view should be taken. States, individually or collectively, and the laws they make are only one part of a regime complex. Organisations, enforcement mechanisms and actors outside state governments are important pieces to the puzzle.²⁰ The role of non-state actors in particular should be highlighted.²¹ The work undertaken by these actors is not likely to be legal in nature as they lack the authority to create binding obligations.²² However, it can be just as effective. Non-state actors can help create norms that shape behaviour particularly in the private sphere. By moulding corporate attitudes change can be achieved without regulatory schemes.²³

A regime complex therefore is a collection of laws, organisations, actors and norms all employed to reach the end. Elements share loose linkages and linkages may only exist between certain parts of the regime. A regime complex will not create neat patterns. It lacks the integration and the cohesion. It has no core, no identifiable common foundations. Yet dissonant and completely fragmented it is not. The shared ultimate purpose and links between certain elements give the structure a degree of coherence. How a regime complex manifests, and how these linkages form, will depend on the issue at hand.

B Formation of Regime Complex

The key argument of this paper is that there is a regime complex for human trafficking. Making this argument requires establishing several things. First, it is necessary to understand what a regime complex is and how it is structured. This investigation has been carried out in the preceding section. Second, it is necessary to show that human trafficking response fits in to a regime complex structure. This section supports the assertion that a regime complex for human trafficking exists by showing that the environment in which the human trafficking regime developed was conducive to the establishment of a regime complex structure.

There are several circumstances that are conducive to the formation of a regime complex. First, a regime complex is likely to emerge in situations where there is an institutional overlap in authority.²⁴ Different institutions have different interests to pursue and vary in their methods of doing so.²⁵ The absence of a clear institutional leader directs the structure away from integration. A core does not exist because no one actor can claim to hold core responsibility. This institutional overlap is seen in the case of human trafficking. Human trafficking engages with several different areas including the criminal law, labour and migration structures, women's rights and the economy.²⁶ While political manoeuvring has prioritised certain areas over others, there is no one field that can claim a monopoly on the

²⁰ At 571.

²¹ At 571.

²² At 572.

²³ At 572.

²⁴ Matias Margulis "The regime complex for food security: implications for the global hunger challenge" (2013) 19(1) *Global Governance* 53 at 57.

²⁵ At 57.

²⁶ Jonathan Todres "Widening our lens: incorporating essential perspectives in their fight against human trafficking" (2011) 33(1) *Michigan Journal of International Law* 53 at 56.

issue²⁷. As different actors, organisations and institutions from within each of these areas has sought to provide a solution a decentralised structure has emerged; a regime complex.

Another environmental factor conducive to the creation of a regime complex is rapid change. The proliferation of institutions and organisations over a short period of time makes cohesion and co-ordination a difficult goal to achieve.²⁸ Rapid change has been a hallmark of the story of combatting human trafficking. The late 1990s saw the issue step into the spotlight.²⁹ Prior to this human trafficking was treated as a low priority in the spectrum of international human rights concerns.³⁰ The nature of human trafficking was not well understood. No dedicated international legal instrument existed.³¹ This lack of attention by the international community can partially be attributed to deficient information. The omnipresence and volume of human trafficking was not widely known.³² The turning point was the creation of The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.³³ Details about the nature of human trafficking, particularly in South East Asia and Eastern Europe, led to a more comprehensive and targeted response to human trafficking. The attention on human trafficking created by this protocol caused a proliferation in institutions, organisations and rules. The parallel establishment of these elements meant that the key benefit of incremental change was forgone. Cohesiveness is difficult to engineer when developments happen concurrently instead of one after the other. The nature of the issue and the manner in which it gained attention were both factors that helped in the construction of a regime complex.

C Elements of Human Trafficking Regime Complex

In defining a regime complex it has become apparent that a regime complex is made up of a variety of institutions that differ in substance, form and end goals. This section of the paper embarks on a mapping exercise. The different elements that exist in the human trafficking regime complex are identified. The broad categories that are surveyed are; law, governmental organisations, private actors and other regimes. Within each of these categories examples are provided. An exhaustive list of all the constituent parts of the regime complex is not realistic in an essay-format due to the volume of institutions and organisations.

I Law

It is not sufficient to identify international law, as a general category, as an element of the regime complex. Different manifestations of the law approach the issue of trafficking in different ways both thematically and structurally. This variation within the law contributes to the complexity of the regime and so the different approaches of the law must be

²⁷ Chuang, above n 12, at 611.

²⁸ Abbott, above n 19, at 587.

²⁹ Gallagher and Ezeilo, above n 7, at 914.

³⁰ At 914.

³¹ At 914.

³² At 914.

³³ At 915.

independently identified to get a fuller picture of the regime complex. As a starting point, the international law on the subject has been divided into hard law and soft law with further subdivisions signalled. Hard law is the term giving to legally binding instruments whereas soft law lacks this direct enforceability.³⁴

(a) Hard law

This section provides an example of three different types of hard law that exist in the human trafficking regime complex. These three types are regional treaties, global treaties and peremptory norms.

(i) Global law

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol) is the most significant international agreement in the area of human trafficking.³⁵ In 2000 the Trafficking Protocol was attached to the United Nations Convention against Transnational Organised Crime.³⁶ With 192 states parties it represents a global agreement with a high level of participation. This agreement represented an important shift in international understandings and attitudes towards the issue.³⁷ The capacity to engage with the practice of trafficking was strengthened as a wider and more accurate definition was established.³⁸ Previous instruments had restricted their focus to sexual exploitation of women and children. The Protocol acknowledged that exploitation could occur in a wide variety of forms and was not limited by gender or age.³⁹ The prior requirement for cross-border movement was also removed as an essential component to establish trafficking had occurred.⁴⁰ These definitional changes meant legal mechanisms were aligned with the reality of human trafficking.

The significance of the Protocol went beyond its definitional adjustments. Until that point the issue of human trafficking had resided squarely within the bounds of the international human rights regime.⁴¹ The Trafficking Protocol removed this clear delineation. The development of the Protocol in the United Nations Commission on Drugs and Crime meant that the key concerns and concepts driving the Protocol's creation were not founded in victim protection. Rather criminal law concepts such as prosecution and criminalisation dominated.⁴² The key

³⁴ Kenneth Abbott and Duncan Snidal "Hard and Soft Law in International Governance" (2000) 54(3) International Organization 421 at 422.

³⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2337 UNTS 343 (entered into force 25 December 2003); Gallagher and Ezeilo, above n 7, at 914.

³⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, above n 35.

³⁷ Gallagher and Ezeilo, above n 7, at 915.

³⁸ At 915.

³⁹ At 915.

⁴⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, above n 35, art 3.

⁴¹ Gallagher and Ezeilo, above n 7, at 914.

⁴² At 915.

articles of the Protocol create a prohibition on trafficking and facilitate prosecution when it is identified.⁴³ A new system, or a regime, had become a player in the human trafficking field.

The Trafficking Protocol requires states parties to ensure that their national legislation is capable of meeting the obligations set out in the Protocol.⁴⁴ It is this effect on national legislatures that is arguably the most effective element of the Protocol. There are only nine states today that do not have a statutory prohibition on trafficking in persons.⁴⁵ It is the national courts that carry out prosecutions and the Protocol makes sure the law provides the courts with the necessary tools. The Protocol has prompted both the introduction and amendment of domestic legislation. New Zealand and Botswana, both signatories, provide examples of the Protocol's effect. In 2014 Botswana enacted the Anti Human Trafficking Act which established criminal penalties for trafficking alongside other measures.⁴⁶ In 2015 New Zealand amended the s 98D of the Crimes Act 1961 to align itself with the Protocol's recognition of intra-border trafficking.⁴⁷

The Trafficking Protocol is therefore an integral, perhaps the most integral, part of the current human trafficking regime complex. Its role is to create a general direction to all states parties about a criminal law response to human trafficking.

(ii) Regional Law

Regional law plays an important role in the regime complex for human trafficking. Regional instruments can create targeted obligations and can ensure the obligations created at a multilateral level are fulfilled effectively.⁴⁸ Two such regional instruments are considered in this section. The Council of Europe's Convention on Action against Trafficking in Human Beings and the South Asian Association for Regional Co-operation's Convention both work towards the goal of combatting human trafficking but do so in different ways. The Council of Europe's Convention on Action against Trafficking in Human Beings (European Trafficking Convention) entered into force in 2008.⁴⁹ This regional instrument sets out a framework that is broader in scope than the Trafficking Protocol. Similar to the Protocol, the European Trafficking Convention requires states to institute national legislation and seeks to facilitate prosecution.⁵⁰ However, it goes beyond these criminal law measures. The Convention has a strong human rights theme underpinning it. Member states are required to instigate a human-

⁴³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, above n 35, art 5.

⁴⁴ Art 5.

⁴⁵ "UNODC Human Trafficking Case Law Database" United Nations Office on Drugs and Crime <www.unodc.org>.

⁴⁶ "2015 Trafficking in Persons Report: Botswana" (2015) U.S. Department of State <www.state.gov>.

⁴⁷ Crimes Amendment Act 2015, s 5.

⁴⁸ Lindsey King "International Law and Human Trafficking" Topical Research Digest: Human Rights and Human Trafficking <www.du.edu> at 88.

⁴⁹ Convention on Action Against Trafficking in Human Beings, Council of Europe Treaty Series 197 (opened for signature 16 May 2005, entered into force 1 Feb. 2008).

⁵⁰ Art 18.

rights based approach to combatting trafficking.⁵¹ The protection of the human-rights of victims is identified as a key purpose.⁵² The Convention goes further and creates prevention measures that engage with both supply and demand.⁵³ It also engages migration control measures, security procedures, privacy and gender equality principles.⁵⁴ When all these different approaches are considered the European Trafficking Convention creates a more comprehensive response to human trafficking when compared with the Trafficking Protocol.

The South Asian Association for Regional Co-operation's (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution shares some similar characteristics with the other multilateral instruments already examined.⁵⁵ Criminal law principles once again play a significant role.⁵⁶ A victim protection and prevention theme is also evident. A key theme in this instrument not so clearly evident with the European Convention is that of rehabilitation. The SAARC Convention goes beyond just providing for repatriation and instead institutes a scheme whereby the provision of 'after-care' is mandatory.⁵⁷ Explicit mention is given here to the role that non-governmental organisations might play in assisting the state with this responsibility. The implementation of the SAARC Convention in India has highlighted that the Convention requires many different types of response.⁵⁸ Nodal officers and a Regional Task Force have been set up. Legislation has been amended, campaigns to educate the judiciary have been undertaken and law enforcement capacity has been strengthened in vulnerable areas.⁵⁹

(iii) Peremptory norms

There is a small portion of human trafficking activity that falls within prohibitions created by international peremptory norms. This is the overlap between human trafficking and slavery. Slavery is "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised."⁶⁰ This definition and that of human trafficking are not mutually exclusive. Therefore, actions which equate to slavery will also satisfy the criteria for human trafficking in some cases. Slavery, and consequently certain types of human trafficking, is afforded *jus cogens* status.⁶¹ International law therefore provides a non-treaty form of binding prohibition.

⁵¹ Art 5(3).

⁵² Art 1(2).

⁵³ Arts 5-6.

⁵⁴ Arts 7 and 17.

⁵⁵ SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (opened for signature 14 May 1997).

⁵⁶ Arts 3-7.

⁵⁷ Art 9.

⁵⁸ "Launching of Web Portal on Anti Human Trafficking" (20 February 2014) Press Information Bureau Government of India <<http://pib.nic.in/>>.

⁵⁹ Above n 58.

⁶⁰ Jean Allain "The Definition of Slavery in International Law" (2009) 52 *Howard Law Journal* 239 at 240.

⁶¹ M Bassiouni "International Crimes: 'Jus Cogens' and 'Obligatio Erga Omnes'" (1996) 59(4) *Law and*

(b) Soft law

Soft law has come to inhabit an important space in the human trafficking regime complex. Soft law instruments have increased greatly in number since the profile of human trafficking rose in the 1990s.⁶² A non-exhaustive list of soft law instruments is located in Appendix One. Soft law refers to instruments that are not of a strictly binding nature. It is important as it fulfils a gap in the regime complex that hard law cannot. Hard law has done as much as it can.⁶³ Further progress will not be made by the creation and signing of new treaties and other binding obligations. The necessary frameworks already exist and generally enjoy a high level of participation. However, progress will be made by improved implementation of these pre-existing obligations and clearer delineation of national and international responsibilities for implementation.⁶⁴ This is a role that soft law can play. It also helps explain why states have opted to create soft law obligations in such high numbers. Soft law can provide the state with guidance as to how to fulfil their obligations.⁶⁵ In 2002 the United Nations High Commissioner for Human Rights initiated the Recommended Principles and Guidelines on Human Rights and Human Trafficking.⁶⁶ The Principles and Guidelines are a good example of soft law in operation in the human trafficking regime. While no binding legal obligations are created, the principles set out reflect customary rules and the norms contained in enforceable instruments.⁶⁷ These principles act foremost as a policy guide for states and other organisations seeking to set up their own structures.⁶⁸ It creates a pathway to follow. Reflecting the institution from which it comes, the Principles and Guidelines make human rights the prime consideration.⁶⁹

A different type of soft law is found in treaties.⁷⁰ Treaties can contain both hard and soft law provisions. These types of soft law obligations are non-binding. Instead they encourage the participant to work towards a particular goal. The attainment of that goal is not made mandatory.⁷¹ Articles in both the Trafficking Protocol and the United Nations Declaration on the Elimination of Violence against Women contain these sorts of obligations.⁷² A soft law obligation in the Trafficking Protocol is the promotion of human rights in general terms.⁷³ In

Contemporary Problems 63 at 68.

⁶² Gallagher, above n 10, at 140.

⁶³ “Commentary: Recommended Principles and Guidelines on Human Rights and Human Trafficking” Office of the High Commissioner for Human Rights < <http://www.ohchr.org/> > at 3.

⁶⁴ Alexander Betts “Towards a ‘soft law’ framework for the protection of vulnerable migrants” (2008) The UN Refugee Agency Policy Development and Evaluation Service < <http://www.unhcr.org/> > at 6. At 6.

⁶⁵ At 6.

⁶⁶ “Recommended Principles and Guidelines on Human Rights and Human Trafficking” Office of the High Commissioner for Human Rights < <http://www.ohchr.org/> >.

⁶⁷ “Commentary, above n 63, at 16.

⁶⁸ At 16.

⁶⁹ At 3.

⁷⁰ Gallagher, above n 10, at 72.

⁷¹ Gallagher, above n 10, at 138.

⁷² At 139.

⁷³ Anne Orford, Martin Clark and Florian Hoffmann *The Oxford Handbook of the Theory of International Law* (Oxford University Press, 2016) at 908.

ratifying the Trafficking Protocol signatories are working towards protecting human trafficking victims “with full respect to their human rights.”⁷⁴ This is an example of soft law inside an instrument that mainly uses hard law.⁷⁵ The United Nations Declaration on the Elimination of Violence against Women, a supplement to CEDAW, says that states should work towards the elimination of violence.⁷⁶ Violence includes trafficking of women.⁷⁷ The states parties are not placed under a binding obligation but the provisions help to build normative pressure to act against human trafficking.

One of the greatest growths in the international law of human trafficking in the last two decades has been in soft law that has a regional focus.⁷⁸ One such instrument is the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).⁷⁹ COMMIT is the result of the co-operation of Cambodia, China, Laos, Myanmar, Thailand and Vietnam.⁸⁰ COMMIT helps states to fulfil their international anti-trafficking obligations by allowing states to design their own implementation schemes.⁸¹ In doing this states are able to address the specific concerns of their country and provide a more effective outcome.⁸²

Bilateral soft law agreements are another way that states have sought to combat human trafficking. The aim of a bilateral agreement is different to that of a multilateral instrument. While multilateral agreements have sought to establish general frameworks, bilateral agreements seek to promote and facilitate co-operation between two states. Generally these states share the relationship of origin and destination for trafficked persons. The aim of the agreement is to improve the way these two states interact. Two bilateral agreements are examined here as examples of this. The first is the 2009 Memorandum of Understanding on Bilateral Cooperation to Eliminate Trafficking between Thailand and Myanmar.⁸³ Because the aim of this agreement is to prevent the movement of trafficked persons across the border, the agreement focusses on specific measures that aid this goal. The agreement prompts the two states to develop criteria to identify victims.⁸⁴ The exchange of data between countries during judicial proceedings is addressed as is the legal status of the victim in the

⁷⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, above n 35, art 2.

⁷⁵ Orford, Clark and Hoffmann, above n 73, at 908.

⁷⁶ *United Nations Declaration on the Elimination of Violence against Women* A/RES/48/104 (adopted 19 December 1993), art 4.

⁷⁷ Art 2.

⁷⁸ Gallagher, above n 10, at 139.

⁷⁹ “Project Document: Coordinated Mekong Ministerial Initiative against Trafficking 2004” (2014) United Nations Development Project <www.undp.org>.

⁸⁰ King, above n 48, at 89.

⁸¹ At 89.

⁸² At 89.

⁸³ “Memorandum of Understanding on Bilateral Cooperation to Eliminate Trafficking between Thailand and Myanmar” United Nations Action for Cooperation against Trafficking in Persons <un-act.org>.

⁸⁴ Art 7.

destination country.⁸⁵ The agreement has a regulatory character to it. It is providing the detail that is not present in the broader goal-focussed multilateral instruments.

The 2004 Accord between Senegal and Mali sought to stop the illicit trade and movement between the two countries.⁸⁶ However, unlike the agreement between Thailand and Myanmar, this accord is very limited in its operation due to definitional constraints. It considers only trafficking in children for the purposes of sexual exploitation.⁸⁷ Instead of the border security focus of its 2009 counterpart, the 2004 accord takes a prevention approach by seeking to address the demand for trafficked persons.⁸⁸ The accord requires the signatories to undertake a yearly survey of child trafficking.⁸⁹ This agreement also set up a mechanism for repatriation of trafficked children.⁹⁰ 74 children have been returned to their country of origin as a result.⁹¹

Soft law provides a different approach to hard law. Its focus is generally on implementation and providing the machinery necessary for states to fulfil their broad obligations. While this distinction exists between hard and soft law, the variations between differing soft law instruments should also be recognised. Soft law instruments vary in scope and reach with global, regional and bi-lateral instruments all in existence. The target of the agreements also changes. Some have a general focus while others chose specific areas such as border controls or demand. This survey of soft law shows that this one type of instrument is being used in a variety of ways to combat human trafficking.

2 *Governmental and inter-governmental organisations*

Organisations are a key element of a regime complex. This section provides examples of public organisations; these are governmental and inter-governmental organisations. Actors in the private sector are considered separately in the next section. Organisations play a role in the regime complex in a variety of ways; be it the creation and passage of hard law, the development of soft law, the gathering of information or implementing one-off initiatives. Six different organisations and organs are examined as representatives of organisations that use one of each of these methods of influence.

(a) The United Nations

The United Nations, an international organisation itself, is home to several more specific and focussed international organs. The most significant organs include the United Nations General Assembly, the United Nations Commission on Drugs and Crime, the United Nations Human Rights Council and the United Nations Economic and Social Council.

⁸⁵ Arts 16 and 18.

⁸⁶ “Trafficking in Persons Report: Senegal (Tier 2)” United States Embassy <dakar.usembassy.gov>.

⁸⁷ Above n 86.

⁸⁸ Above n 86.

⁸⁹ “Human Trafficking and Modern Day Slavery” gvNET <gvnet.com>.

⁹⁰ Susan Ellis “Uganda, Mali, Senegal, Burkina Faso, Malawi cited for good works” United States Embassy IIP Digital<usembassy.gov>.

⁹¹ Above n 90.

The General Assembly has no specific mandate for human trafficking but does provide the forum in which obligations and affirmations are created through resolution. Through resolutions of the General Assembly initiatives have also been put in place such as the World Day against Trafficking in Persons. This annual event held for the first time in 2014 is designed to raise awareness of the practice and prevalence of trafficking in all countries of the world.⁹² The remaining organisations have a more specific interest and focus on trafficking.

The UN Commission on Drugs and Crime is the setting in which the Trafficking Protocol was developed. However, the Commission's functions go beyond law-making. It gathers and archives data and information relating to the practice of trafficking and the attempts to combat it.⁹³ Among its research resources are a case law database as well as a database for legislation.⁹⁴ Information is a crucial component of any regime. It helps define the problem that needs to be addressed and assesses the effectiveness of measures taken. The significance of creating an information database that it is readily available should not be underestimated when compared with the legislative capacity of the Commission. Just like the law, information has the capacity to influence and create change.⁹⁵ The Commission has also expanded its functions to include funding. The UN Voluntary Trust Fund for Victims of Human Trafficking, which provides financial assistance to victims seeking judicial remedy, is administered by the Commission.⁹⁶

The UN Human Rights Council has put in place a number of initiatives. The establishment of the Office of the Special Rapporteur on trafficking in persons especially women and children is a direct and targeted measure.⁹⁷ The Special Rapporteur has a responsibility to report annually on the human rights aspects of human trafficking. These reports provide assessments at both the national and international levels. The responsibilities of the office also include placing human rights at the centre of efforts to combat trafficking.⁹⁸

These initiatives may differ in format and substance but they all share one common theme. That is their territorial assertion that trafficking is first and foremost a human rights issue. There is an underlying notion that human trafficking has been hijacked by different interests and needs to return to a position where the rights of the victim are paramount.⁹⁹

⁹² *Improving the coordination of effort against trafficking in person* GA/RES/68/192, LXVIII, A/RES/68/192 (2013) at 6.

⁹³ "UNODC on human trafficking and migrant smuggling" United Nations Office on Drugs and Crime <<http://www.unodc.org>>.

⁹⁴ Above n 93.

⁹⁵ Frank Laczko "Data and Research on human trafficking" (2005) 43(1) *International Migration* 5 at 10.

⁹⁶ UNODC, above n 93.

⁹⁷ "Special Rapporteur on trafficking in persons especially women and children" United Nations Human Rights Office of the High Commissioner <www.ohchr.org>.

⁹⁸ Above n 97.

⁹⁹ Commentary, above n 63, 3.

The UN Economic and Social Council has taken on different functions again from the preceding groups with the United Nations. The Council drafted Resolution 2008/33 which created soft law obligations for states to prevent human trafficking.¹⁰⁰ The preventative measures focussed on removing the social and economic factors that cause vulnerability and susceptibility to the coercive forces of trafficking.¹⁰¹ The resolution encouraged the provision of adequate housing, education and opportunities for employment.¹⁰²

(b) Other governmental organisations

The Geneva Group of Friends against Human Trafficking is an organisation with 21 member states that exists outside of the United Nations framework. Member states include Bahrain, Bangladesh, Belarus, Bolivia, Ecuador, Egypt, India, Kazakhstan, Kyrgyz Republic, Laos, Libya, Nicaragua, Nigeria, Qatar, Russia, Singapore, Tajikistan, Turkmenistan, UAE, Uzbekistan, and Venezuela.¹⁰³ This organisation has focussed on the prevention through awareness aspect of the regime complex. The Group of Friends has pursued this goal by facilitating events such the High-level Panel for Improving the Co-ordination of Efforts against Trafficking in Persons held at the UN Commission on Drugs and Crime. The Group of Friends has also lobbied for and successfully prompted action in the General Assembly with the passage of the United Nations Global Plan of Action to Combat Trafficking in Persons.¹⁰⁴ The Group of Friends is now seeking improvement in areas surrounding international co-operation, regional co-operation, the engagement of private actors and the development of coordination efforts.¹⁰⁵

Governmental organisations have also been active at the level of individual states. In the United States, the Department of State has established the Office to Monitor and Combat Trafficking in Persons.¹⁰⁶ This organisation seeks to address trafficking through three approaches; prosecution, prevention and protection.¹⁰⁷ While this is a domestic body it operates at the international level. The annual Trafficking in Persons Reports survey the efforts of other states and makes recommendations about how their efforts could be improved.¹⁰⁸ In this way a domestic department of state is acting as an international monitoring agency.

¹⁰⁰ *Strengthening coordination of the United Nations and other efforts in fighting trafficking in persons* ECOSOC Res 2008/33 (2008).

¹⁰¹ At [7].

¹⁰² At [4].

¹⁰³ “Ministerial Meeting of Group of Friends United against Human Trafficking” (23 September 2010) The Ministry of Foreign Affairs of the Russian Federation <www.mid.ru/>.

¹⁰⁴ Above n 103.

¹⁰⁵ Above n 103.

¹⁰⁶ “Office to Monitor and Combat Trafficking in Persons” United States Department of State <www.state.gov/>.

¹⁰⁷ Above n 106.

¹⁰⁸ See “2016 Trafficking in Persons (TIP) Report – US Department of State” (2016) U.S. Department of State <www.state.gov>.

3 *Private actors*

Private actors have also been identified as key players in the regime complex.¹⁰⁹ The regime complex requires their input alongside that of governments. A regime complex is made up of contributions from a variety of actors.¹¹⁰ Private actors include not-for-profit non-governmental organisations and commercial corporations. This section examines examples from each of these categories and investigates what contribution each of these actors make towards combatting human trafficking.

(a) Not-for-profit non-governmental organisations (NGOs)

NGOs currently provide the greatest contribution from the private sector. A large number of these organisations are in existence.¹¹¹ This section investigates the contributions made by NGOs. In order to do this a survey of existing NGOs was carried out. The data from this survey, which examines 178 NGOs, is included in Appendix 2. This section presents the findings of the survey. The nature of the role that NGOs play is considered. The NGOs are involved in all three key aspects of combatting the act of human trafficking; prosecution, prevention and protection.¹¹² Each of these three roles is examined. The make-up and origins of these NGOs is then contemplated.

(i) Prevention

Prevention includes a variety of tasks. Raising awareness through education aims to heighten the issue of human trafficking in the public consciousness.¹¹³ Educating people and institutions that come into direct contact with trafficking on best practice is another preventative measure. Lobbying for legislative and policy change also has this effect. Prevention also includes working with at risk persons. Awareness and education are two tools commonly employed by NGOs in this area.¹¹⁴ The aim is to educate the public at large about the existence and scale of trafficking. Organisations such as the A21 Campaign use social media to highlight successful prosecutions and rescue of victims.¹¹⁵ Tools are developed such as the South African National Human Trafficking Line to supplement and support governmental awareness efforts.¹¹⁶ NGOs can use an educated public to lobby for change and improved implementation.¹¹⁷ Prevention efforts are also seen with attempts to divert vulnerable persons away from the environments in which trafficking occurs. Freeset is one such example.¹¹⁸ Operating in the Sonagacchi district of Kolkata, India, Freeset provides

¹⁰⁹ Gallagher and Ezeilo, above n 7, at 917.

¹¹⁰ Biermann and others, above n 16, at 16.

¹¹¹ See Appendix Two.

¹¹² "Office to Monitor and Combat Trafficking in Persons", above n 106.

¹¹³ Above n 106.

¹¹⁴ See Appendix Two.

¹¹⁵ "Abolishing Injustice in the 21st Century" A21 <www.a21.org>.

¹¹⁶ Above n 115.

¹¹⁷ Suzanne Hoff "The role of NGOs in combating human trafficking and supporting (presumed) trafficked persons" (Presented at Project on Combating and Preventing Trafficking in Human Beings in Azerbaijan, Council of Europe, 2011) at 4.

¹¹⁸ "Our Philosophy" Freeset <www.freesetglobal.com>.

employment alternatives to women that would otherwise be at risk for being trafficked for the purpose of sexual exploitation. Alongside employment in the textile industry the women receive education, child care and financial literacy mentoring to move them outside of the group at risk of trafficking.

(ii) Protection

Protection refers to rescue of victims and the provision of rehabilitation and reintegration.¹¹⁹ It has been argued that NGOs are well placed to provide psychological and social support to victims after the fact.¹²⁰ NGOs are able to supplement government protection measures or step in where there is a void. Hagar International is an example of an organisation providing after care and rehabilitation to victims.¹²¹ The organisation provides a three step programme; recovery, rehabilitation and reintegration. This ensures that the trafficked person will not be re-victimised. Solid Ground International provides another example.¹²² Solid Ground International provides transitional housing that delivers restoration services and training to prevent victims from remaining vulnerable to human trafficking.

(iii) Prosecution

The act of prosecution and provision of a criminal justice system is a role that must be carried out by the state. Because of this functional incapacity prosecution is an area where NGOs have been less active.¹²³ However, there are aspects where assistance can be provided by the private sector. The process beginning with investigation through to the preparation of the prosecution case has been aided by various NGOs. NVADER is an example of one such organisation.¹²⁴ Operating in South East Asia it sends undercover law enforcement officers to gather evidence. Once sufficient evidence is gathered the national law enforcement is contacted and the two groups partner together to stage a rescue. The partnership continues in the preparation, and at times presentation, of the prosecution case at trial. International Justice Mission is another NGO that helps the prosecution of traffickers in a similar way.¹²⁵

(iv) Prevalence of prevention, protection and prosecution

¹¹⁹ “Office to Monitor and Combat Trafficking in Persons”, above n 106.

¹²⁰ Hoff, above n 117, at 4.

¹²¹ “About” Hagar International <www.hagarinternational.org>.

¹²² “What we do” Solid Ground International <www.solidgroundinternational.org>.

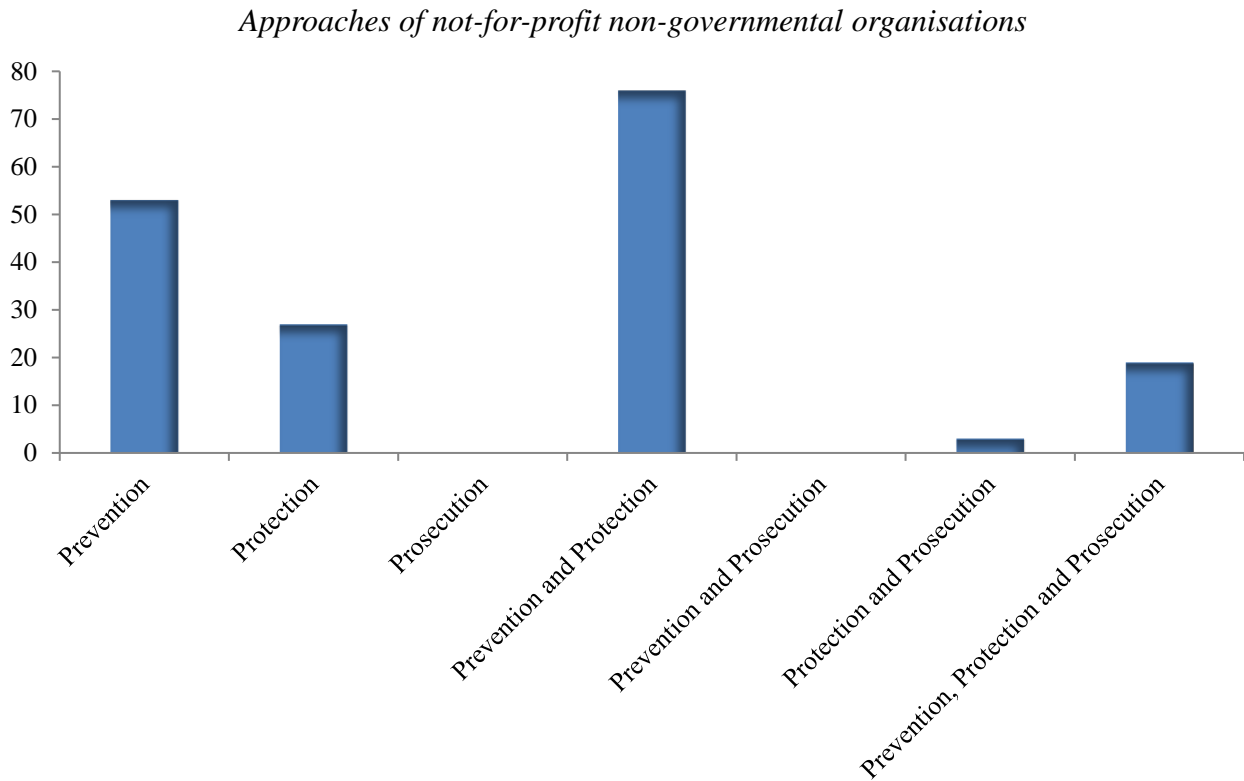
¹²³ See Appendix Two.

¹²⁴ “Our Mission” NVADER <www.nvader.org>.

¹²⁵ “How we work” International Justice Mission <www.ijm.org>.

Prevention, protection and prosecution are all roles carried out by NGOs in the regime complex for human trafficking. However, they are not carried out in equal numbers. Figure 2.2 shows the frequency with which each role is used and the various combinations employed.¹²⁶

Figure 2.2



This shows that prevention is the most common single approach used by NGOs. There is also a strong tendency to combine prevention and protection measures together. Prosecution significantly lags behind the other approaches as is expected because of the aforementioned functional deficiency of NGOs in pursuing criminal convictions.

Figures 2.3, 2.4 and 2.5 show the countries and regions that are receiving assistance in the form of prevention, protection and prosecution.

¹²⁶ See Appendix Two.

Figure 2.3

Countries/regions where prevention support is received from not-for-profit non-governmental organisation

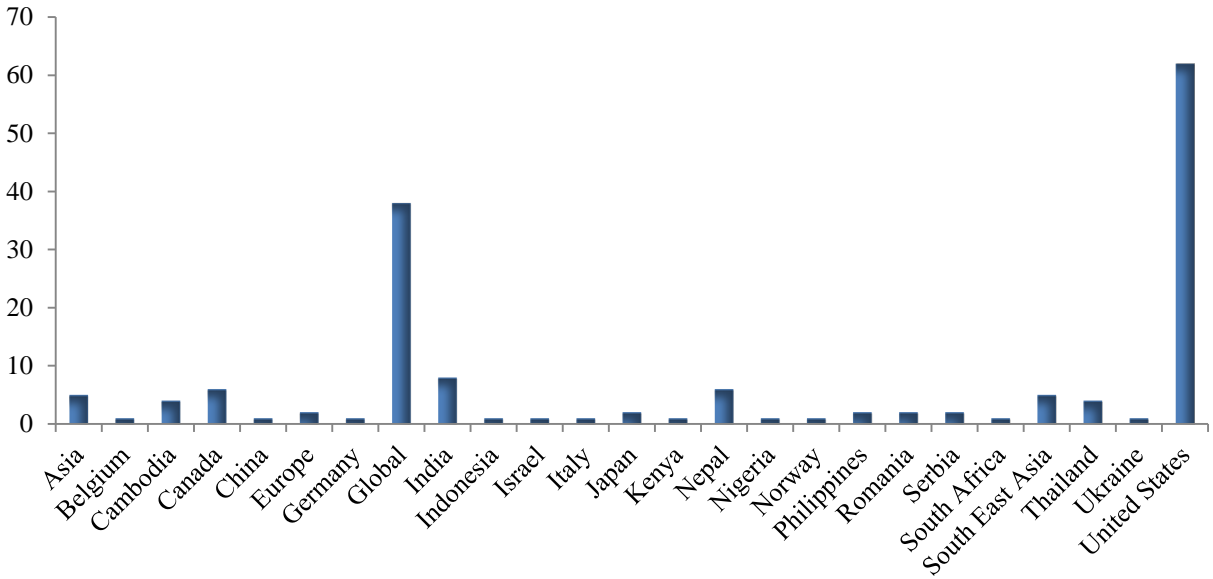


Figure 2.4

Countries/regions where protection support is received from not-for-profit non-governmental organisation

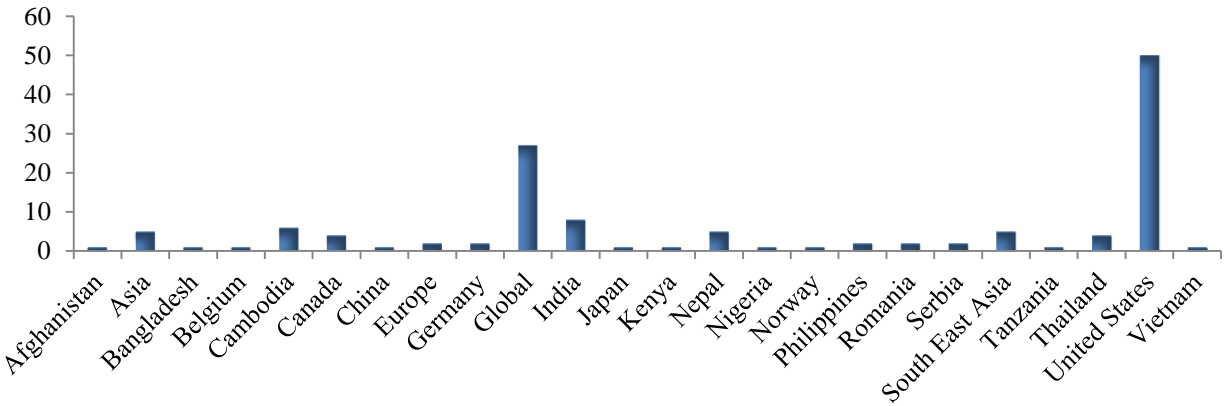
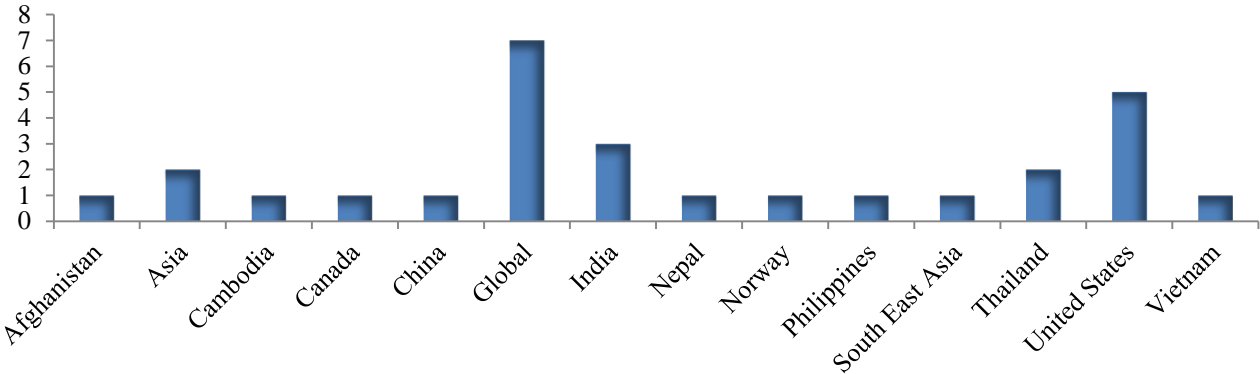


Figure 2.5

Countries/regions where prosecution support is received from not-for-profit non-governmental organisation



These graphs show an uneven allocation of support from NGOs. The country receiving the most support in relation to prevention and protection is the United States of America. The only approach that the United States does not attract most support is prosecution. The preference to focus on the other two methods in the United States might reflect the sufficiency of the current prosecutorial record. The United States records one of the highest number of convictions for human trafficking globally.¹²⁷ In 2015 297 federal convictions were secured.¹²⁸ Certain areas that have been identified as problem areas for human trafficking receive low levels of support from NGOs across all three approaches. These areas are Europe and South East Asia.¹²⁹ These areas only received an average of 7 and 13 instances of support respectively compared with 39 in the United States.

(v) Origins and recipients of NGO support

Figures 2.6, 2.7 and 2.8 show where NGO support is coming from and where it is being directed. These graphs reveal which countries and regions are contributing the most NGO aid and which areas are receiving the most.

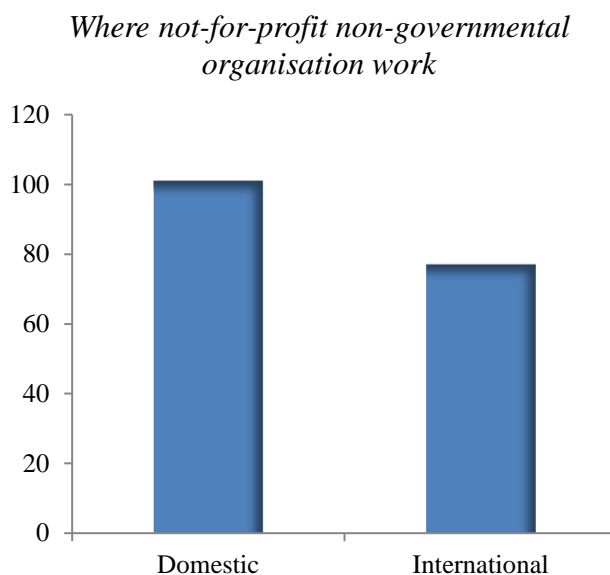


Figure 2.6

Figure 2.6 shows that the majority of NGOs are acting within state boundaries. 56.7% of NGOs surveyed focussed on addressing domestic human trafficking or raising awareness of human trafficking domestically.

¹²⁷ “2016 Trafficking in Persons (TIP) Report”, above n 109, at 388.

¹²⁸ At 389.

¹²⁹ “Project Document: Coordinated Mekong Ministerial Initiative against Trafficking 2004” above n 79, at 8.

Figure 2.7

Home country/region for not-for-profit non-governmental organisation providing support

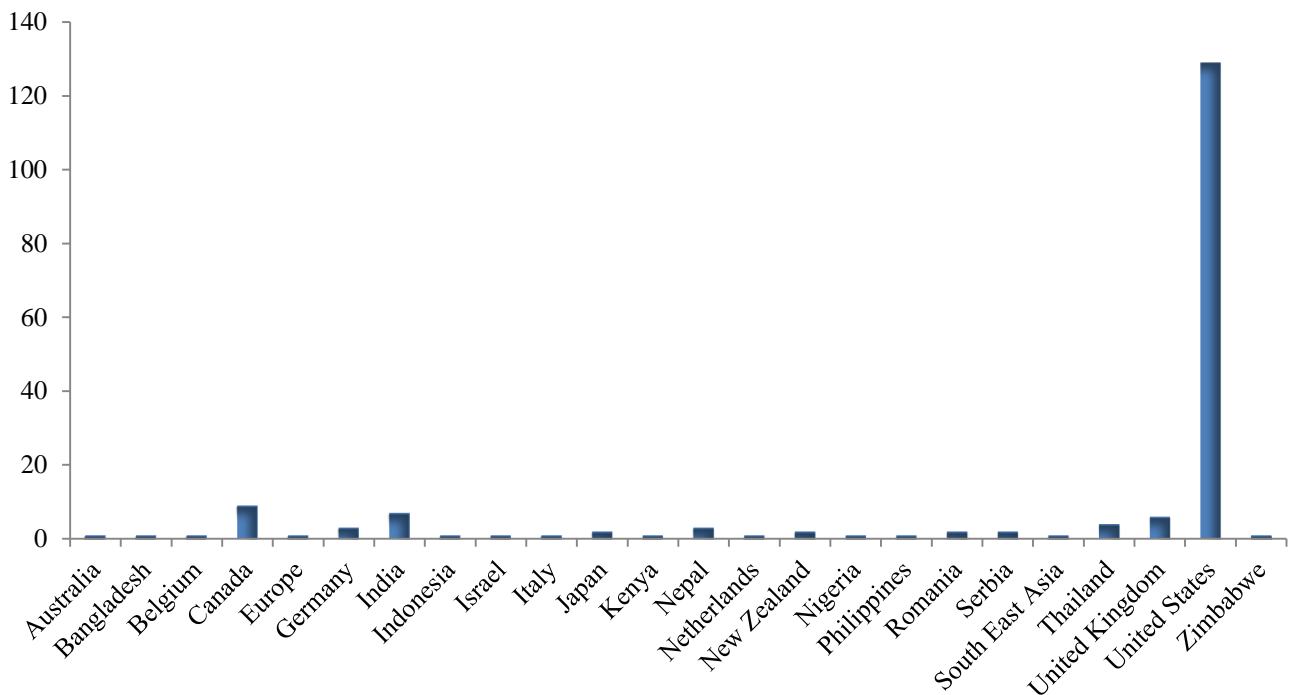
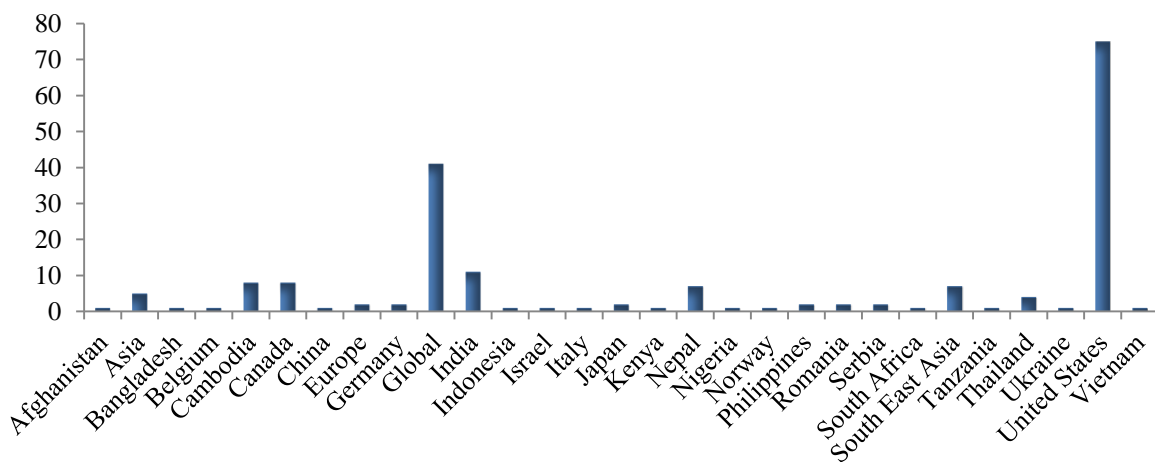


Figure 2.8

Countries/regions receiving support from not-for-profit non-governmental organisations



These graphs show that the United States of America both provides the most NGO support and receives the most support from NGOs. In figure 2.7 the home country or region refers to the place where the headquarters of the relevant organisation is located. The United States provides 72% more NGO support than it receives making it the biggest contributor of international NGO aid. The vast majority of NGOs that act across state borders originate in the United States of America. A significant portion of the remaining contribution is also

made by western and developed nations. Canada, the United Kingdom, the Netherlands, Germany, Italy, New Zealand and Australia account for 45.2% of all other NGO contributions excluding the United States of America. The provision and reception of NGO support therefore has a strong bias towards the developed world in the regime complex for human trafficking.

(b) Corporations

Corporations are another element within the regime complex for human trafficking. Corporations have a vital role to play in combatting human trafficking.¹³⁰ Corporations contribute to the practice of human trafficking. They can receive benefits from the exploitation.¹³¹ While their involvement may not be direct or conscious, it perpetuates the problem.¹³² Corporations increase the global demand for trafficked labour in three ways.¹³³ First, employers seek cheap labour to reduce production costs.¹³⁴ Low wage environments are more likely to foster trafficking practices.¹³⁵ Second, consumers demand price reduction contributing to labour exploitation and consumers also demand services.¹³⁶ Demand for services contributes to both sexual exploitation and domestic labour exploitation.¹³⁷ Third, the corporate sector engages with those directly involved with trafficking such as recruiters and transporters.¹³⁸ It is through these actors that corporations are put in contact with trafficking victims. In all three instances corporations are contributing to the problem of human trafficking.

Corporations have sought to curtail their involvement and instead play a role in the regime complex combatting human trafficking. There is currently limited participation by the business community in the regime complex when compared with the contribution made by the not-for-profit sector.¹³⁹ This is despite growing literature highlighting the importance of business involvement in creating systemic change.¹⁴⁰ The limited participation of the business community is not to say that involvement has been non-existent. Certain multi-national corporations have implemented their own individual initiatives to address human trafficking. For example Coco-Cola specifically focussed on human trafficking and has engaged in creating education and awareness campaigns.¹⁴¹ The company's efforts have

¹³⁰ Suzanne Hoff and Katrin McGauran Engaging the Private Sector to End Human Trafficking A Resource Guide for NGOs (La Strada International, 2015) at 11.

¹³¹ Anna Shavers "Human Trafficking, The Rule of Law, and Corporate Social Responsibility" 2012 9(1) South Carolina Journal of International Law and Business 39 at 40.

¹³² At 40.

¹³³ Hoff and McGauran, above n 130, at 54.

¹³⁴ At 54.

¹³⁵ At 53.

¹³⁶ At 54.

¹³⁷ At 54.

¹³⁸ At 54.

¹³⁹ At 10.

¹⁴⁰ See Hoff and McGauran, above n 129; Shavers, above n 131.

¹⁴¹ "Human Trafficking: The Global Issue in Your Backyard" (9 January 2013) Coco-Cola <www.cocacola.com>.

included recognition of the prevalence of human trafficking in global supply chains.¹⁴² Coca-Cola's Supplier Guiding Principles prohibits trade with suppliers that use victims of human trafficking.¹⁴³ A dedicated team within the company has developed Human Rights Due Diligence Checklists to help identify where problems may exist within the supply chains.¹⁴⁴ Efforts from other companies have also included evaluating and altering supply chains that may be contributing to the causative factors of trafficking.¹⁴⁵ Employees have undergone training programmes to identify the existence of trafficking within a workplace environment.¹⁴⁶ Corporations have also sought to act as a group. The Global Business Coalition against Human Trafficking represents the most significant inter-corporation contribution to the regime complex.¹⁴⁷ This private initiative focusses its effort on four key areas. First is the provision of employee education. Next is the identification of supply chains contributing to the problem followed by the identification of policies that counter sex trafficking. Finally, the initiative seeks to develop a form of best practice that can be replicated across other corporations.¹⁴⁸ However, these examples represent only sporadic involvement by the corporate sector.

4 Other international regimes

Human trafficking is a complex problem. It is caused by a range of diverse factors.¹⁴⁹ The complexity of the issue requires a multifaceted response.¹⁵⁰ A unilateral approach will not be effective. Rather the solution must respond to the myriad of causative factors by incorporating approaches from different disciplines.¹⁵¹ The regime complex for human trafficking does this. It incorporates elements and strands from other international regimes. The different international regimes work towards the common goal of combatting human trafficking. The presence and cooperation of multiple international regimes is a key indicator of a regime complex. Indeed a regime complex can be thought of as the interaction between various regimes.¹⁵² This conception sees regime complexity arising where three or more international regimes share a common subject area.¹⁵³ This section surveys six different connected international regimes and reveals how they are linked with the human trafficking regime. It shows that many different approaches make contributions to the effort to combat human trafficking.

¹⁴² "The Fight against Human Trafficking gets Personal" (11 January 2013) Coca-Cola <www.coca-colacompany.com>.

¹⁴³ "Supplier Guiding Principles" Coca-Cola <www.coca-colacompany.com>.

¹⁴⁴ "The Fight against Human Trafficking gets Personal", above n 142.

¹⁴⁵ Above n 142.

¹⁴⁶ Above n 142.

¹⁴⁷ "About gBCAT" Global Business Coalition against Human Trafficking <www.gbcat.org>.

¹⁴⁸ Above n 147.

¹⁴⁹ Kristof Van Impe "People for Sale: The Need for a Multidisciplinary Approach towards Human Trafficking" (2000) Special Issue 1 International Migration 113 at 115.

¹⁵⁰ At 115.

¹⁵¹ At 115.

¹⁵² Keohane and Victor, above n 14, at 7.

¹⁵³ Amandine Orsini, Jean-Frederic Morin and Oran Young "Regime complexes: a buzz, a boom, or a boost for global governance?" (2013) 19(1) Global Governance 27 at 29.

(a) International refugee regime

The international refugee regime has an obvious thematic overlap with the human trafficking regime. A key part of the refugee regime is the attempt to protect vulnerable peoples and prevent migrant smuggling.¹⁵⁴ Migrant smuggling and human trafficking are legally distinguishable. Migrant smuggling does not require coercion for an exploitive purpose. However, this distinction may be difficult to maintain in practice.¹⁵⁵ Migrating populations, particularly in forced migration situations, are vulnerable to trafficking.¹⁵⁶ The thematic similarity between the two regimes means efforts to combat one will often have implications for the other. The United Nations Refugee Agency (the Refugee Agency) is tasked with protecting displaced peoples.¹⁵⁷ In carrying out this responsibility the Refugee Agency has played an active role in researching and supplementing the efforts to combat human trafficking.¹⁵⁸ The Refugee Agency has acknowledged an explicit responsibility for the victim of human trafficking.¹⁵⁹ It has a duty to prevent vulnerable persons from becoming victims.¹⁶⁰ The duties of the Refugee Agency also extend to ensuring that victims, when rescued, are able to gain asylum and are afforded refugee protections.¹⁶¹ The Refugee Agency also has direct contact with human trafficking through both victims and traffickers. The areas in which the Refugee Agency is working can be the same areas where human trafficking is occurring.¹⁶² The Refugee Agency has developed policies and devoted resources because of this close nexus. The 10 Point Plan of Action and the UNHCR Trafficking Guidelines are both part of this policy response.¹⁶³ Certain officials within the Refugee Agency have been given specific human trafficking responsibilities and spend up to 35% of their time working on the issue.¹⁶⁴

Another point of connection between the international refugee regime and human trafficking is the Migrant Workers Convention of 1990.¹⁶⁵ The Convention has a general focus on protecting the rights and status of migrant workers. In doing this the Convention recognises this general protection requires combatting trafficking of migrant workers.¹⁶⁶ The Migrant Workers Committee, established under the Convention, has picked up on the human trafficking issue.¹⁶⁷ In 2008 the Committee introduced requirements for reporting to include

¹⁵⁴ “Asylum and Migration” The United Nations Refugee Agency <www.unhcr.org>.

¹⁵⁵ Gallagher, above n 10, at 74.

¹⁵⁶ Above n 153.

¹⁵⁷ Above n 153.

¹⁵⁸ Gallagher, above n 10, at 95.

¹⁵⁹ Maria Riiskjær and Anna Marie Gallagher Review of UNHCR’s efforts to prevent and respond to human trafficking PDES/2008/07 (2008) at 11.

¹⁶⁰ At 3.

¹⁶¹ At 1.

¹⁶² At 3.

¹⁶³ At 6.

¹⁶⁴ At 17.

¹⁶⁵ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families UNGA RES/45/158 (adopted 18 December 1990).

¹⁶⁶ At preamble.

¹⁶⁷ Gallagher, above n 10, at 175.

information about the presence and nature of human trafficking.¹⁶⁸ The annual reports also frequently raise human trafficking concerns.¹⁶⁹

(b) International labour regime

The international labour regime also shares a strong thematic bond with the human trafficking regime. Trafficking, for the purposes of labour exploitation, is one of the leading causes accounting for an estimated 18% of instances of trafficking.¹⁷⁰ Therefore, the institutions created to address international labour issues have the potential to effect the human trafficking response. The International Labour Organisation's Worst Forms of Child Labour Convention makes direct reference to the elimination of human trafficking as a means of eradicating child labour. Article 3 identifies human trafficking as an example of the worst forms of child labour.¹⁷¹ Furthermore, the International Labour Organisation's Forced Labour Convention uses a definition broad enough to encompass trafficking activity. Forced or compulsory labour is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."¹⁷² Human trafficking requires more specific criteria such as coercion but still fits squarely within this definition. The United Nations Global Plan of Action to Combat Trafficking in Persons makes explicit reference to both these international labour instruments.¹⁷³ The Global Plan of Action lists legal instruments related to the attempt to combat human trafficking. Both conventions from the International Labour Organisation were included in the list.¹⁷⁴ The Global Plan of Action also highlighted the importance of the International Labour Organisation's contribution to countering human trafficking. Both international regimes, labour and human trafficking, make references to each other and contribute to the work of the other. The international labour regime plays a part in the regime complex for human trafficking.

(c) International human rights regime

The international human rights regime plays a major role in the human trafficking regime. Human trafficking has historically been viewed as residing squarely within the territorial of the international human rights field.¹⁷⁵ Human trafficking is a violation of human rights. The human rights regime provides principles and institutions that are used in the trafficking context. The United Nations Human Rights Council created the Office of the Special Rapporteur on trafficking in persons. The current Special Rapporteur has emphasised the

¹⁶⁸ *Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties* HRI/Gen/2/Rev.6 (2009) at 104.

¹⁶⁹ Commentary, above n 63, at 31.

¹⁷⁰ "Factsheet on Human Trafficking", above n 3, at 1.

¹⁷¹ Worst Forms of Child Labour Convention C182 (opened for signature 17 June 1999, entered into force 19 November 2000), art 3.

¹⁷² Forced Labour Convention C029 (opened for signature 28 June 1930, entered into force 1 May 1932), art 2.

¹⁷³ United Nations Global Action Plan to Combat Trafficking in Persons A/RES/64/293 (2010).

¹⁷⁴ At preamble.

¹⁷⁵ Gallagher, above n 10, at 790.

place for human rights when responding to human trafficking. The 2015 report to the Human Rights Council highlighted this emphasising the importance of a “human rights-based and victim-centred approach to promoting and protecting the human rights of victims of trafficking.”¹⁷⁶ This is an example of the human rights regime directly inputting into the regime complex for human trafficking. Human rights legal instruments also establish norms that underpin anti-trafficking principles. The International Convention on Civil and Political Rights is an example of this. These norms include non-discrimination and the right to liberty.¹⁷⁷

It is no longer appropriate to view human trafficking as a subset of the international human right regime. Different approaches to human trafficking have been adopted as is seen with the variety of international regimes sharing a connection to the issue.¹⁷⁸ The move away from being solely in the realm of human rights has proved rather beneficial for the anti-human trafficking cause.¹⁷⁹ The international human rights regime does not readily lend itself to establishing technical and detailed measures.¹⁸⁰ These measures are necessary in building capacity and allowing states parties to fulfil their obligations. The human rights regime has largely stuck to creating broad obligations and general principles.¹⁸¹ Nevertheless, human rights remain an important input into the regime complex for human trafficking. It ensures that the rights of the victim are taken into account.

(d) International sporting events

Sports governance may lack the obvious thematic connection with human trafficking but the link does exist. Major international sporting events have been linked with increases in human trafficking. Concerns were raised about human trafficking at events such as the 2006 Football World Cup, the 2004 Olympics, the 2016 Olympic Games and the annual Superbowl in the United States.¹⁸² The concerns for human trafficking in this context relate to both labour and sexual exploitation.¹⁸³ The extent of human trafficking surrounding major sporting events is not known. No significant empirical data exists.¹⁸⁴ This is due to the inherent difficulties in exposing the illicit practice. However, there is a rational basis for making the connection. Human trafficking for the purposes of sexual exploitation occurs around major sporting events due to a sharp rise in demand in the host city.¹⁸⁵ Trafficking also has the potential to

¹⁷⁶ *Report of the Special Rapporteur on trafficking in persons, especially women and children*, Maria Grazia Giammarinaro A/HRC/29/38 (2015) at 1.

¹⁷⁷ International Covenant on Civil and Political Rights 1057 UNTS 407 (opened for signature 16 December 1966, entered into force 23 March 1976), arts 4 and 9.

¹⁷⁸ Gallagher, above n 10, at 790.

¹⁷⁹ At 793.

¹⁸⁰ At 793.

¹⁸¹ At 793.

¹⁸² “Human Trafficking and the London Olympics” Global Initiative to Fight Human Trafficking <www.stophetraffick.org>.

¹⁸³ Above n 182.

¹⁸⁴ Victoria Hayes “Human Trafficking for Sexual Exploitation at World Sporting Events” (2010) 85(3) *Chicago-Kent Law Review* 1105 at 1105.

¹⁸⁵ At 1106.

become easier for those engaging in it. The sporting event can be used to create the illusion that legitimate employment opportunities exist.¹⁸⁶ Victims may be more easily coerced and entrapped. Human trafficking for the purposes of labour exploitation may also occur due to major sporting events. These events will often require largescale construction with the result of a migratory workforce.¹⁸⁷

Despite the lack of evidence confirming the extent of human trafficking at major sporting events governments, inter-governmental organisations and non-governmental organisation have responded. In 2014 the European Union implemented a human trafficking awareness campaign.¹⁸⁸ One focus of this campaign was the susceptibility of sporting events to providing environments conducive to human trafficking.¹⁸⁹ The Office to Monitor and Combat Trafficking in Persons (OMCTP) of the State Department in the United States of America worked with several organisations in the lead up to the 2010 Football World Cup and London Olympics 2012.¹⁹⁰ In 2008 the Chinese government released Legal Guidelines for Foreigners Entering, Exiting and Staying in China during the Olympic Games.¹⁹¹ This was a preventative measure, stopping those suspected of being involved in trafficking from entering the country.¹⁹² The non-governmental organisation, Airlines Ambassadors International, has also made a contribution. It tries to prevent trafficking by increased safeguards around transportation to these events.¹⁹³ Not all organisations involved in the governance of international sporting events have engaged with the issue of human trafficking. FIFA asserts that social issues such as human trafficking are not the responsibility of a sporting body.¹⁹⁴ Overall however the governance of major international sporting events has included the issue of human trafficking. Despite the unknown scale of the practice preventative steps are being taken.

(e) International gender rights and child rights regimes

The majority of victims of human trafficking are women and children.¹⁹⁵ This is reflected in the drafting of the Trafficking Protocol. The full title is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It is estimated women and children account for 80% of all instances of trafficking.¹⁹⁶ This skewed demographic of

¹⁸⁶ At 1106.

¹⁸⁷ Jane Morse “U.S. Works to Prevent Human Trafficking at Major Sporting Events” United States Embassy IIP Digital<usembassy.gov>.

¹⁸⁸ “The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016” European Commission < ec.europa.eu>.

¹⁸⁹ Above n 188.

¹⁹⁰ Morse, above n 187.

¹⁹¹ Hayes, above n 184, at 1129.

¹⁹² At 1129.

¹⁹³ Morse, above n 187.

¹⁹⁴ “FIFA has no power to take legal action against human trafficking and forced prostitution” (13 April 2006) FIFA <www.fifa.com/>.

¹⁹⁵ Janie Chuang “Beyond a Snapshot: Preventing Human Trafficking in the Global Economy” (2006) 13(1) Indiana Journal of Global Legal Studies 137 at 141.

¹⁹⁶ At 141.

victims of trafficking, particularly for the purposes of sexual exploitation, means that gender and child rights are also drawn into the human trafficking regime. Instruments that have a general focus on gender or child rights include specific provisions for addressing human trafficking. The United Nations Convention for the Elimination of Discrimination against Women (CEDAW) and the United Nations Convention on the Rights of the Child (UNCROC) both create binding obligations and norms. Article 6 of CEDAW places a general obligation on states parties to stop trafficking of women.¹⁹⁷ Article 35 of UNCROC creates a similar duty for states parties in relation to the trafficking of children.¹⁹⁸ The International Labour Organisation’s Worst Forms of Child Labour Convention also makes direct reference to the elimination of trafficking of children.¹⁹⁹ These instruments also incorporate norms, such as non-discrimination, that underpin the human trafficking regime.²⁰⁰ While these norms may not be formalised as binding legal obligations, they exist as a sort of soft law. Improvement in areas such as discrimination makes an indirect contribution to the effort to eliminate human trafficking. One of the causes of human trafficking is gender inequality. Women are more vulnerable to human trafficking in environments where gender inequality exists.²⁰¹ Women in these situations are more likely to be subject to poverty and violence and subsequently become migrants.²⁰² This places them in a position where they are vulnerable to coercion and exploitation.²⁰³ The pursuit of equality, such as that in CEDAW, reduces vulnerability to trafficking.²⁰⁴

(f) International economy regime

The economy, both global and domestic, plays a major causative role in the creating the environmental factors that facilitate human trafficking. Empirical studies have shown that macro-causative aspects of human trafficking include lack of economic opportunity in the country of origin.²⁰⁵ Lack of economic opportunity in the country of origin is a ‘push’ factor that causes those who are vulnerable to seek prosperity elsewhere. Forced migration creates vulnerability to human trafficking. The corollary of this is that the economic strength of destination countries is a ‘pull’ factor. Human trafficking is therefore, at least in part, a result of the gap between rich and poor.²⁰⁶ Destination countries may also attract vulnerable persons due to high levels of employment opportunity. Ageing populations have caused shortages in

¹⁹⁷ Convention on the Elimination of All Forms of Discrimination against Women 1249 UNTS 13 (opened for signature 18 December 1979, entered into force 3 September 1981), art 6.

¹⁹⁸ Convention on the Rights of the Child 1577 UNTS 3 (opened for signature 20 November 1989, entered into force 2 September 1990), art 35.

¹⁹⁹ Worst Forms of Child Labour Convention, above n 170, art 3.

²⁰⁰ Convention on the Elimination of All Forms of Discrimination against Women, above n 196, art 7.

²⁰¹ Noeleen Heyzer “Combating Trafficking in Women and Children: A Gender and Human Rights Framework “ (paper presented to The Human Rights Challenge of Globalization: Asia-Pacific-US: The Trafficking in Persons, Especially Women and Children Honolulu, 13-15 November 2002) at 3.

²⁰² At 3.

²⁰³ At 3.

²⁰⁴ At 3.

²⁰⁵ Van Impe, above n 14, at 118.

²⁰⁶ At 123.

the labour workforce of certain destination countries.²⁰⁷ While this disparity in wealth and employment opportunity exists a market for migration will always exist. This leaves people vulnerable to exploitation. Global economic regimes have tried to address issues such as disparity. The Millennium Development Goals were created by the international community to address extreme poverty. The Millennium Development Goals set out eight measurable targets that include improved education, nutrition and gender equality.²⁰⁸ Improvements in all these fields would help reduce the level of vulnerability for being trafficked of people currently living in these conditions. The World Bank and the International Monetary Fund likewise seek to improve economic disparity and deprivation in a way that would have a positive influence on reducing trafficking.²⁰⁹ These are indirect contributions to the effort to combat human trafficking. Despite these efforts the contribution of the international economic regime should not be overstated. Most current approaches in the regime complex conceptualise human trafficking as an act and not as a socio-economic condition.²¹⁰ Room in the regime complex remains to have a greater focus on alleviating the underlying economic causes.²¹¹

III Analysis of Regime Complex for Human Trafficking

This section analyses the regime complex for human trafficking set out in Part II. The mapping exercise in Part II demonstrated that certain key characteristics of the regime complex are present in the international response to human trafficking. A range of elements do exist that differ in structure and form. These are legal instruments, both hard and soft, governmental organisations, private actors, other regimes and language. The elements reveal a variety of different methods employed to work towards the shared goal of ending human trafficking. Some are legal instruments while others are not. Some employ criminal law concepts while others opt for human rights considerations. Some seek to engage directly with the practice while others seek to raise awareness. Some seek to address supply while others seek to address demand. What this survey has shown is that responses to human trafficking vary greatly. There is no single or integrated approach. Rather a whole menu of options exists. This is a hallmark of a regime complex. This section seeks to investigate how the different elements of the regime complex fit together. The existence and nature of linkages is examined. Nested and overlapping linkages are found as well as the identification of parallel areas with no connection. The connecting role played by language is also considered. Language plays an important role in defining the problem of human trafficking and directing resources across the regime complex for human trafficking.

²⁰⁷ Chuang, above n 195, at 145.

²⁰⁸ “Millennium Development Goals and Beyond 2015” United Nations < www.un.org >.

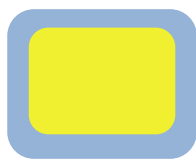
²⁰⁹ “What we do” World Bank <www.worldbank.org>; “About the IMF” International Monetary Fund <www.imf.org>.

²¹⁰ Chuang, above n 195, at 137.

²¹¹ At 137.

A *Linkages in Regime Complex for Human Trafficking*

While the international response to human trafficking may possess the requisite variety of instruments and institutions this alone does not make it a regime complex. If the different elements of the regime were to exist in isolation from one another the system would be completely fragmented. This is not a regime complex. A key characteristic of a regime complex is the linkages that exist between the various elements.²¹² It is these loose linkages that give the structure some sense of connection, albeit without high levels of coordination and coherence. Therefore, if the international human trafficking response is to be a regime complex it must exhibit these linkages between its constituent elements. The volume of instruments and institutions in the human trafficking context makes an exhaustive account of all linkages inappropriate in essay form. Rather the three types of linking relationships are identified and examples from the human trafficking context will be given for each of these three types of linkage. The three types are nested linkages, parallel regimes and overlapping linkages. Nested linkages refer to embedded connections while overlapping linkages share authority only on certain issues.²¹³ Parallel regimes refer to the lack of any substantive overlap between two elements.²¹⁴ Parallel regimes are characterised by the absence of any linkages. This investigation of linkages also identifies where conflicting relationships exist within the regime complex for human trafficking.



Nested linkages



Overlapping linkages



Parallel regimes/ absence of linkages

1 *Nested linkages*

Nested linkages refer to relationships of concentricity.²¹⁵ A specific institution or instrument is placed within the framework of a broader institution or regime within the regime complex. Because an element sits within another, the linkages between these nested institutions are likely to be strong. The most common occurrence of this linkage is seen in the relationship between global multilateral binding agreements and legislation at the national level. This form of linkage is evident in the human trafficking context. The Trafficking Protocol provides a broad multilateral framework. It creates broad obligations for states such as creating and maintaining effective statutory provisions to criminalise human trafficking

²¹² Keohane and Victor, above n 14, at 8.

²¹³ Karen Alter and Sophie Meunier “The Politics of International Regime Complexity” (2009) 7(1) *Perspectives of Politics* 13 at 15.

²¹⁴ At 15.

²¹⁵ Betts, above n 14, at 13.

activity.²¹⁶ The Trafficking Protocol is not a highly prescriptive instrument, rather it creates performance standards. It tells states what they should be achieving but does not give direction as to the specific manner and form regulation should take place.²¹⁷ This means that individual national legislatures have regulatory freedom to design prohibitions and sanctions as they see fit. The resulting national statutes are nested within the bounds of the Trafficking Protocol. The statutes exist to give effect to the Protocol's obligations. The Anti Human Trafficking Act of Botswana and amendments to the Crimes Act of New Zealand were identified in Part II as examples of this. Therefore a reasonably strong relationship exists between these elements of the regime complex for human trafficking. While linkages in a regime complex have been defined as 'loose', the existence of strong nested linkages in one area does not threaten the integrity of a regime complex. This closely coupled section of the regime will still share loose linkages or remain unconnected with other elements in the regime complex.

A further example of a nested linkage in the human trafficking regime complex is the relationship between certain governmental organisations and the instruments that they create. Inter-governmental organs such as the United Nations General Assembly, the United Nations Commission on Drugs and Crime and the United Nations Human Rights Council all act as arenas in which institutions and instruments are developed. For instance the Human Rights Council established the Special Rapporteur and the Commission on Drugs and Crime is responsible for the Trafficking Protocol.²¹⁸ Both the organisation and the resulting institutions and instruments form part of the regime complex. While the institution and the instrument it creates may use slightly different methods, the instrument still falls inside the reach of its parent body.

Nested linkages exist in the regime complex for human trafficking. The nested linkages connect the creator with the created. However, nested linkages are not present throughout the entire regime complex. Other weaker linkages are also present. This is to be expected in a regime complex as a high level of nested linkages would suggest a level of coherence and coordination that would signal the loss of regime complexity.

2 *Overlapping linkages*

Overlapping linkages exist where multiple institutions, or elements within the regime complex, claim authority over the same issue.²¹⁹ They can also occur where different instruments create multiple obligations on the same topic.²²⁰ However, these instruments and elements do not have the same focus in all areas. The substantive overlap only goes so far and

²¹⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, above n 35, art 5.

²¹⁷ See art 5.

²¹⁸ "Special Rapporteur on trafficking in persons especially women and children", above n 97.

²¹⁹ Betts, above n 14, at 14.

²²⁰ At 14.

differences in focus and method remain. This type of linkage is seen in the human trafficking context.

Multiple institutions have claimed responsibility for certain aspects of the elimination of human trafficking. Prosecution for human trafficking has been provided for by the Trafficking Protocol, regional instruments such as the SAARC Convention and certain not-for-profit non-governmental organisations. While these elements may provide for prosecution in different ways, such as support of government officials or creation of offences, they share a topical overlap. However, other substantive differences remain. Unlike the Trafficking Protocol, Freedom Firm, a not-for-profit non-governmental organisation, focusses solely on prosecution and protection of victims.²²¹ The Trafficking Protocol incorporates a wider view including prevention mechanisms.²²²

Prevention aspects have been adopted by the Trafficking Protocol, regional agreements such as the Thailand-Myanmar agreement, governmental organisations and both not-for-profit and commercial non-government organisations. Protection measures also reveal a widespread level of participation. The United Nations Human Rights Council and certain not-for-profit non-governmental organisations in particular have a keen interest in protection. Indeed many of the institutional and instrumental elements show similar efforts and methods to other elements in the regime complex. However, these elements set their focus at different levels and employ different methods of addressing the same goal.

3 *Parallel regimes / Absence of linkages*

A parallel approach exists where obligations exist alongside one another without overlap.²²³ These parallel approaches or regimes do not cross over, but are also not in conflict with each other. Rather they co-exist indifferently. This relationship can helpfully be thought of as the absence of any direct link. Thailand, for example, has legally binding obligations under both the Trafficking Protocol and the SAARC Convention. It is also subject to the soft law contained in the memoranda of understanding with neighbouring countries such as Myanmar. These obligations require different levels of action of the Thai government. The definitional scope of what constitutes trafficking changes between instruments. The multilateral agreements set out a broader definition.²²⁴ Yet the obligations do not run counter to each other. One does not require action by the state that would conflict with the underlying principles and policies of the other. Therefore parallel regimes exist where obligations that are not overlapping or conflictual come from different elements within the regime complex.

²²¹ “What we do” Freedom Firm <www.freedom.firm.in>.

²²² Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, above n 35, art 9.

²²³ Betts, above n 14, at 13.

²²⁴ See Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, above n 35, art 3.

The Trafficking Protocol is completely unconnected with the efforts of private actors, both commercial and not-for-profit. The Protocol, unlike certain soft law measures, does not contemplate or envisage a role for the private sector. The obligations it creates are placed on state governments.²²⁵ Similarly the other regimes that are interconnected with human trafficking do not all share connections with each other. Global sporting governance may share relationships with human trafficking and the international labour regime. However, it remains unconnected with issues pertaining to other economic concerns. The obligations created under the International Labour Organisation's Worst Forms of Child Labour Convention help work towards the goal of eradicating human trafficking. However, the obligations created in this instrument are different in substance from those created in the Trafficking Protocol.

The absence of linkages is an important part of establishing the existence of a regime complex. Fragmentation is part of a regime complex.²²⁶ If linkages were to exist between one element and all the others this would point to the existence of a unifying core. A unifying core negates the existence of a regime complex. A central core performs coordinating functions. It helps, usually from a top down approach, to create coherency within a regime. A regime complex does not have this. Loose linkages perform the connecting function without being involved in any attempt at achieving coherency. In the human trafficking regime there is no one element that has this level of universal connection. The human trafficking regime has no coordinating core.

4 *Conflicting relationships*

The regime complex for human trafficking provides examples where concurrent claims for authority on an issue places different elements in a dissonant or conflictual relationship. One example is the relationship between the international human rights regime and the transnational crime approach. The United Nations Commission on Drugs and Crime and the related Trafficking Protocol are underpinned by the principles of criminal justice.²²⁷ The Trafficking Protocol is not a treaty based in the human rights regime.²²⁸ The obligations contained in the Trafficking Protocol impose few requirements on states to address the human rights of victims. The primary focus of the Trafficking Protocol is addressing concerns that rise out of transnational crime and international migration.²²⁹ This non-human rights centred approach has been criticised. The United Nations Human Rights Council and the Special Rapporteur promote action that runs counter to the Trafficking Protocol's approach. Both human rights focussed institutions have explicitly advocated for the primacy of human rights in addressing human trafficking. This is seen in the 2015 report of the United

²²⁵ See art 5.

²²⁶ Keohane and Victor, above n 14, at 8.

²²⁷ Gallagher and Ezeilo, above n 7, at 915.

²²⁸ Joan Fitzpatrick "Trafficking as a Human Rights Violation: the Complex Intersection of Legal Frameworks for Conceptualising and Combatting Trafficking (2003) 24 Michigan Journal of International Law 1143 at 1151.

²²⁹ At 1151.

Nations Special Rapporteur on Human Trafficking. The Special Rapporteur states that anti-trafficking measures must be based in human rights understandings and concepts.²³⁰ Future work will be conducted under existing human rights instruments.²³¹ Proponents of a dominant human rights approach argue that criminal law initiatives have a place within the regime, but that it should be a subsidiary role to human rights considerations. These advocates not only promote their own approach but do so at the expense of other approaches. They are actively trying to reshape the regime complex and remove crime and migration as the key drivers of the international response. They assert that the primacy of criminal law concepts in the Trafficking Protocol is wrong. Measures such as border control and criminalisation are said to be ineffective, even worsening the situation.²³² This is because criminalisation can further harm the human rights of victims.²³³ Criminalisation can make the process of restoration more difficult for victims.²³⁴ Victims have a probative duty to show that they were subject to coercion in order to benefit from protective measures such as migration assistance.²³⁵ Furthermore, criminalisation can increase vulnerability to trafficking by moving illegal migration further underground.²³⁶ Migrants in these situations are more vulnerable to trafficking.²³⁷ Therefore, there are areas where the human rights regime and the transnational crime approach are in conflict.

There also remains friction within the human rights approach to human trafficking. This division comes from the way prostitution is characterised. The Human Rights Caucus, a grouping within the human rights regime, views prostitution as a legitimate occupation.²³⁸ Prostitution does not necessarily involve coercion and exploitation. Under this understanding not all prostitution will be addressed within the regime complex for human trafficking. The International Human Rights Network takes a contrary view, seeing prostitution as inherently exploitative.²³⁹ Under this thinking the regime complex for human trafficking must play a much greater role in combatting prostitution. The difference in opinion between these two human rights groupings is not just divergent, it is conflicting. Those that view prostitution as capable of existing without exploitation have expressed the need to maintain the distinction between human trafficking and prostitution.²⁴⁰ Conflating the two leads to flawed empirical data, defective methodology and creates an end goal that is much harder to achieve.²⁴¹

²³⁰ *Report of the Special Rapporteur on trafficking in persons, especially women and children*, Maria Grazia Giammarinaro A/HRC/29/38 (2015) at 16.

²³¹ At 10.

²³² Moshoula Desyllas “A Critique of the Global Trafficking Discourse and U.S. Policy” (2007) 34(4) *Journal of Sociological and Social Welfare* 57 at 67.

²³³ At 67.

²³⁴ At 67.

²³⁵ At 67.

²³⁶ At 67.

²³⁷ At 67.

²³⁸ Fitzpatrick, above n 228, at 1153.

²³⁹ At 1153.

²⁴⁰ Kempadoo, Sanghera and Pattanaik, above n 11, at 11.

²⁴¹ At 12.

B Language

Language plays a subtle but important role in the regime complex. Language is used to define the problem that exists. It sets the boundaries on what is and what is not problematic exploitation. Across the regime complex for human trafficking there is an irregular use of language. The usage of the term ‘modern day slavery’ is increasing.²⁴² The consequence of this is that human trafficking is conflated with similar yet distinct forms of human exploitation.²⁴³ Slavery and forced labour also fall within this umbrella label. This linguistic muddling weakens the ability of the international response to provide targeted solutions to the idiosyncrasies of human trafficking. Each of these three types of exploitation manifests in a different way and uses a different form of coercion. Because of this, slavery, forced labour and human trafficking all require a distinct and individually formulated response. To transfer the peremptory norm status of slavery to occurrences of trafficking may set the bar too high. It may be harder to engage with human trafficking in all its forms. Similarly, the status of slavery may be undermined. The use of ‘modern day slavery’ terminology is particularly evident within not-for-profit non-governmental organisations; however it is not solely confined to this element of the regime complex.²⁴⁴ The United Nations Special Rapporteur on Human Trafficking also uses this language.²⁴⁵ The use of this conflating language forms part of the connection between the regime complex for human trafficking and other international regimes. The involvement of forced labour and slavery strengthens the connections made with the international labour regime and the international human rights regime.

The usage of the term ‘human trafficking’ in the regime complex is also inconsistent. There remains a lack of a universal consensus as to the precise definition of this particular form of exploitation. While contemporary global legal instruments are largely aligned, differences do exist with regional instruments. The contemporary understanding of human trafficking is a broad one and is well represented in the definition set out in the Trafficking Protocol. Human trafficking is:²⁴⁶

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

²⁴² Chuang, above n 12, at 624.

²⁴³ At 610.

²⁴⁴ See “Learn” End Slavery Now <www.endslaverynow.org>.

²⁴⁵ “First decade of the mandate of the Special Rapporteur on trafficking in persons, especially women and children” Office of the United Nations High Commissioner for Human Rights <www.ohchr.org>.

²⁴⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, above n 35, art 3.

This definition targets human trafficking irrespective of gender or purpose for exploitation. It also does not require movement of the victim across a state border. However, this broad interpretation is not used by all elements within the regime complex. The SAARC Convention limits its field of operation to women and children trafficked for the purpose of sexual exploitation.²⁴⁷ This same limited conception of human trafficking is shared by a number of not-for-profit non-governmental organisations.²⁴⁸ This narrow view may help the actors that use it to provide more targeted action. Indeed this approach reflects historical understanding of human trafficking that is seen in the first multilateral agreements such as the International Convention for the Suppression of the Traffic in Women and Children 1921.²⁴⁹ This multilateral treaty drafted in the League of Nations limits its scope by gender and creates a strong emphasis on sexual exploitation.²⁵⁰

These differences in language can mean that the regime complex is inconsistent in what behaviour it is or is not targeting. While it may be acceptable, even beneficial, to provide specific focusses in some areas of the regime complex this practice should not become prevalent. Human trafficking for the purposes of sexual exploitation accounts for the majority of recorded occurrences making up an estimated 78%.²⁵¹ However, other forms of exploitation require recognition. 18% of human trafficking exploits labour capacity.²⁵² The not-for-profit sector in particular needs to be wary of the consequences of a limited field of vision.

IV Strengths and Weaknesses of Regime Complex for Human Trafficking

With the descriptive analysis complete it is evident that a regime complex exists for human trafficking. This section engages in an evaluative exercise of the regime complex. It assesses where the weaknesses of this system lie both in relation to the structure of a regime complex in general and in the specific instance of the human trafficking regime. The strengths are then considered accordingly. In completing this evaluation the areas where improvements and alterations could be made are identified.

A Weaknesses of Regime Complex

The structural weaknesses of a regime complex in general have been acknowledged.²⁵³ The establishment of a regime complex increases the number of possible focal points and can

SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, above n 55, art 1.

²⁴⁸ See “RedLight Children Campaign” Abolish Sexual Slavery <www.abolishsexslavery.org>.

²⁴⁹ International Convention for the Suppression of the Traffic in Women and Children 9 UNTS 415 (opened for signature 30 September 1921, entered into force 15 June 1922).

²⁵⁰ See art 6.

²⁵¹ “Factsheet on Human Trafficking” , above n 3, at 1

²⁵² At 1.

²⁵³ Daniel Drezner “The Power and Peril of International Regime Complexity” (2009) 7(1) Perspectives on Politics 65 at 65.

weaken a state's sense of legal obligation to any one legal mandate in particular.²⁵⁴ States may be encouraged to engage in a 'forum-shopping' exercise where they may avoid inconvenient obligations. States will not be saddled with the political cost of not engaging with an important issue if they can show interaction with some part of the regime complex.²⁵⁵ Participation may be achieved through some other means within the regime complex. The proliferation of institutions and instruments that has been the catalyst for a rise in the rate of regime complexity has also raised the transaction cost of compliance for all actors. Ensuring compliance with a greater number of institutions requires a greater pool of resources.²⁵⁶ It is also argued that the increased transaction costs are a factor in regimes complex bestowing increased strength and influence on powerful states. Only powerful states have the resource and institutional capacity to fully engage with a regime complex.²⁵⁷ This gives more relative power to such states when compared with a more compact and comprehensive international regime. Of course this may be viewed as a weakness or a strength depending on the viewpoint of the observer. These weaknesses show the inherent difficulties with any regime complex.

The regime complex for human trafficking also exhibits some specific weaknesses. The first of which is the high levels of duplication. There are many instances where multiple organisations and instruments are pursuing the same goal through the same methods. A high level of duplication is a weakness because it reduces efficiency.²⁵⁸ The same tasks are being replicated by different actors. Legal instruments at the regional and global level replicate obligations for states. States that are signatories to both the Trafficking Protocol and the European Trafficking Convention are required to establish and strengthen policies that prevent trafficking in humans by both instruments.²⁵⁹ Similarly states that are signatories to both the Trafficking Protocol and the SAARC Convention are required by both instruments to create offences to criminalise the act of human trafficking. Within not-for-profit non-governmental organisations there is a particularly large rate of replication.²⁶⁰ Different groups are indistinguishable in method and function and there is no ascertainable attempt at co-ordination within these groups. For example the Daughter Project, Door to Grace, Destiny Rescue, Freedom Place, Rapha House and She Rescue Home all provide protection to victims of human trafficking in the same way.²⁶¹ These NGOs provide accommodation for victims.²⁶² At these centres rehabilitation and reintegration is achieved through counselling and

²⁵⁴ At 66.

²⁵⁵ Betts, above n 14, at 14.

²⁵⁶ Drezner, above n 253, at 66.

²⁵⁷ At 66.

²⁵⁸ Bimal Gosh "Managing migration: towards the missing regime?" in Antoine Pécoud (ed) *Migration Without Borders: Essays on the Free Movement of People* (Berghahn Books, 2007) 97 at 111. Convention on Action Against Trafficking in Human Beings, above n 49, art 5(2); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, above n 35, art 9(1).

²⁶⁰ See Appendix Two.

²⁶¹ See Appendix Two.

²⁶² "Program" Daughter Project <www.thedaughterproject.org>.

training.²⁶³ These various NGOs are providing the same service and using the same methods to do so.

Information has been identified as a crucial force in a regime complex.²⁶⁴ However, in the case of the regime complex for human trafficking the role of information collection and communication has been taken up by several different actors. As already identified the United Nations Commission on Drugs and Crime has created and maintains databases that provide information on the practice and efforts to combat human trafficking.²⁶⁵ Gathering and dissemination of information is also carried out by organisations such as the United States State Department, through the Trafficking in Persons Reports, and by not-for-profit non-governmental organisations, particularly those focussed on education and awareness measures.²⁶⁶ With information and data coming from such a variety of sources employing a variety of collection and definitional methods there is inevitably discrepancy in the results. Large variations exist in relation to the number of victims of human trafficking. The estimate of the International Labour Organisation is that there are 2.5 million victims of human trafficking. Research conducted by social scientists suggests 27 million human trafficking exist.²⁶⁷ However, certain NGOs assert the number is even higher. One such NGO, Stop Trafficking and Oppression of Women and Children, sets the number of human trafficking victims at 35.8 million.²⁶⁸ This figure is a 1,332% increase on the International Labour Organisation's assessment. Estimates of the proportion of women in relation to the number of human trafficking victims also vary with figures ranging from 66 to 80%.²⁶⁹ The divergence in these statistics is caused by several factors. Different conceptions about what constitutes human trafficking and differences in terminology mean that different actors are counting different things.²⁷⁰ Methodology also contributes to the variation in statistics. Data is collected in different ways often in a way that does not reflect best practice.²⁷¹ The task of gathering accurate empirical data on the nature and extent of human trafficking is a complicated undertaking.²⁷² Victims of human trafficking are often part of hidden populations making identification difficult.²⁷³ These difficulties have led to a lack of information about the extent of trafficking in Africa, the Middle East and South America.²⁷⁴ Attention has instead been focussed on Europe and Asia.²⁷⁵ These regions

²⁶³ Above n 262.

²⁶⁴ See Part II.

²⁶⁵ "UNODC on human trafficking and migrant smuggling", above n 93.

²⁶⁶ "Office to Monitor and Combat Trafficking in Persons", above n 106; see Appendix Two.

²⁶⁷ "2013 Trafficking in Persons (TIP) Report – US Department of State", above n 2, at 7.

²⁶⁸ "Background" Stop Trafficking and Oppression of Women and Children <stopindia.in>.

²⁶⁹ Chuang, above n 194, at 141; "Factsheet on Human Trafficking", above n 3, at 1.

²⁷⁰ Frank Laczko "Data and Research on human trafficking" (2005) 43(1) International Migration 5 at 10.

²⁷¹ At 14.

²⁷² At 5.

²⁷³ At 6.

²⁷⁴ Chuang, above n 195, at 85.

²⁷⁵ Laczko, above n 270, at 8.

account for 79% of all research into human trafficking.²⁷⁶ Despite these difficulties better data collection should be pursued.²⁷⁷ Even in a regime complex characterised by variety, coherence is to be desired when it relates to information. Information is what helps identify and define the problem that needs to be addressed. This has implications for what solutions are pursued, where resources are allocated and which methods are employed.²⁷⁸

A further weakness of the regime complex for human trafficking is lack of participation by actors within the private commercial sector.²⁷⁹ These actors represent a key link in the chain of the international response that is missing. Human trafficking can be characterised as a criminal enterprise. However, it is not just organised criminal groups that benefit from the exploitation of trafficked persons. Legitimate companies, even entire industries, receive benefits from human trafficking both directly and indirectly.²⁸⁰ The private sector receives these benefits through a variety of ways. Supply chains in the manufacturing industry may involve persons trafficked for the purposes of labour exploitation.²⁸¹ Corporations may unknowingly directly employ trafficked persons. Private sector involvement could address the problem of the global governance gap.²⁸² The global governance gap refers to the disconnect with the international system and the private commercial sector. A significant body of law and institutions has been built up at the governmental and inter-governmental level of the international system. However, these systems do not engage with private actors. Their conduct is not monitored and there is no accountability mechanism.²⁸³ In both these areas there have been some self-initiated attempts by the private sector to provide identification training and education. Examples of these attempts by individual corporations were detailed in Part II. However, this practice has yet to become widely accepted as necessary by the corporate community.²⁸⁴

The involvement of the private sector is important for another reason. Technology has become a vital tool in combatting human trafficking. Technology can be used to aid identification efforts as part of border security roles. It has also been argued that technology has the capacity to reduce demand for trafficking for the purpose of sexual exploitation.²⁸⁵ Corporate technical knowledge can be used to remove material from the internet that has a causative link with demand for trafficked persons.²⁸⁶

²⁷⁶ At 8.

²⁷⁷ At 8.

²⁷⁸ Maggy Lee (ed) *Human Trafficking* (Routledge, 2013) at 49.

²⁷⁹ Hoff and McGauran, above n 130, at 10.

²⁸⁰ Jonathan Todres “The Private Sector’s Pivotal Role in Combating Human Trafficking” (2012) 3 *The Circuit* 80 at 80.

²⁸¹ At 81.

²⁸² Hoff and Katrin, above n 130, at 17.

²⁸³ At 17.

²⁸⁴ Hoff and McGauran, above n 130, at 10.

²⁸⁵ Todres, above n 280, at 88.

²⁸⁶ At 88.

Potential for corruption is another weakness of the current system. The international legal structure provides a satisfactory framework to which there has been a high level of adoption at the domestic level.²⁸⁷ However, the existence of an adequate legal regime does not mean that it will be effective.²⁸⁸ This is due to the interplay between the law and politics. States bear the primary responsibility for enforcing the prohibitions and sanctions relating to trafficking. However, the Trafficking in Persons Annual Reports show that a number of states, particularly destination countries for trafficking, have not been implementing these frameworks.²⁸⁹ The political will is not present or resource cost to enforce is deemed too high.²⁹⁰ Where the state is not a strong advocate for enforcement, corruption is able to flourish. There are instances where local law enforcement even aids in the protection of trafficking groups.²⁹¹

The final weakness of the regime complex for human trafficking is the failure to adequately address a causative factor. There is a gap in the regime complex structure. While the system is generally wide reaching, engaging all the different aspects of human trafficking, there have been comparatively few initiatives directed at reducing demand for trafficked persons, particularly for the purpose of sexual exploitation.²⁹² Demand for the services carried out by victims drives human trafficking.²⁹³ Damping demand will therefore work toward the reduction of human trafficking. The lack of attention on this aspect is perhaps understandable. It is a much harder goal to achieve and track quantitative progress.²⁹⁴

B Strengths of Regime Complex

There are structural advantages to the establishment of a regime complex. The first is the presence of the many and varied elements of the regime complex. A regime complex facilitates the use of many different methods and the application of different principles and theoretical understandings.²⁹⁵ This can be viewed as a weakness by creating an environment where forum-shopping can occur. However, variety is also a strength. Multiple disciplines are able to make unique contributions and target all aspects of the problem.²⁹⁶ This is desirable when the issue being addressed, such as human trafficking, is complex and nuanced.²⁹⁷ A complex problem is unlikely to be solved with a simple answer. A regime complex is able to support a nuanced response.²⁹⁸ Variety also increases engagement by actors with the issue. It

²⁸⁷ “UNODC Human Trafficking Case Law Database”, above n 45.

²⁸⁸ Commentary, above n 67, at 25.

²⁸⁹ “2016 Trafficking in Persons (TIP) Report”, above n 109, at 71.

²⁹⁰ At 71.

²⁹¹ Daniel Walker *God in a Brothel* (InterVarsity Press, Illinois, 2011) at 33.

²⁹² See Appendix Two.

²⁹³ Gergana Danailova-Trainor and Patrick Belser “Globalization and the illicit market for human trafficking: an empirical analysis of supply and demand” (Paper for International Labour Office, 2006) at 3.

²⁹⁴ At 21.

²⁹⁵ Biermann and others, above n 16, at 16.

²⁹⁶ Van Impe, above n 149, at 124.

²⁹⁷ At 122.

²⁹⁸ At 122.

provides alternative forms of engagement for states that might not have participated otherwise.²⁹⁹

An interesting dynamic of the human trafficking regime complex is the interaction between government and non-governmental actors. This relationship between public and private is a strength of the regime complex for human trafficking. Governments, at both the national and international levels, have been active in creating laws for the prevention and prosecution of human trafficking.³⁰⁰ There remain few countries where it is not illegal to engage in human trafficking. However, governments have largely been unsuccessful at mustering the resources of the state to enforce these laws.³⁰¹ A key reason for this that has already been considered is corruption within the national police, particularly in areas such as South East Asia.³⁰² This is where the interaction between civil society and government actors has been most effective. Non-governmental organisations such as NVADER have stepped into the gap and fulfilled the enforcement role.³⁰³ These groups have placed pressure on governments to address enforcement issues and increase the incredibly low rates of prosecution and conviction.³⁰⁴ This pressure is usually applied through an appeal to the moral responsibility of the state.

Non-governmental organisations have also played a role in the development of international policy and subsequent international law. Alvarez noted that, “although the impact of NGOs on legal development ebbs and flows, no one questions today the fact that international law, both its content and its impact, has forever been changed by the empowerment of NGOs.”³⁰⁵ The involvement of non-governmental organisations in the policy development process has important implications. In the traditional course of creating international law states negotiate in line with their own interests. The inclusion of non-governmental actors at this stage means a new set of interests is being heard and having an influence.

In discussing the benefits of NGO involvement in the human trafficking regime complex it must be acknowledged that the involvement of the not-for-profit sector does not come without its disadvantages. By and large the non-governmental organisations in this area come from Western countries and societies.³⁰⁶ A consequence of this is that the interventions that these groups make will be underpinned by Western concepts of criminal justice and human rights.³⁰⁷ Cultural relativism could be better served by a more diverse participation in the not-for-profit sector or focus on regional initiatives. Furthermore, the decision making role of

²⁹⁹ Keohane and Victor, above n 14, at 15.

³⁰⁰ “UNODC Human Trafficking Case Law Database”, above n 45.

³⁰¹ Above n 45.

³⁰² See “2016 Trafficking in Persons (TIP) Report”, above n 109.

³⁰³ “Investigation and Prosecution”, above n 5.

³⁰⁴ Above n 5.

³⁰⁵ Alvarez in Steve Charnovitz “Non-governmental organisations and international law” (2006) 100(2) *The American Journal of International Law* 348 at 359.

³⁰⁶ See figure 2.

³⁰⁷ Jack Donnelly “Cultural Relativism and Universal Human Rights” 1984 6(4) *Human Rights Quarterly* 400 at 406.

NGOs at the international level is not formally recognised creating a situation where NGOs are acting without an accountability mechanism.³⁰⁸

C Improvement to be Made

The evaluative exercise in this part shows that the regime complex for human trafficking possesses both strengths and weaknesses. While the weaknesses of the system may seem high in number they are not endemic. They are able to be reduced or even eliminated with alterations within the current system of regime complex. Many of the elements within the regime complex could be improved through tweaking or amendment on a larger scale. Because there are such a large number of elements in the regime complex there are many places where these improvements could be made. A comprehensive account of all possible amendments is therefore too large an undertaking. Instead, this section focusses on two amendments to the current system that could have a significant impact on the regime as a whole. These two key improvements are increasing the participation of corporations and strengthening enforcement of pre-existing obligations.

The first improvement is increasing the involvement of the commercial sector. As a contributor to the problem and holder of solutions, the private sector has much more to contribute than it currently does. One possible way to amend this deficiency is strengthening Corporate Social Responsibility (CSR).³⁰⁹ CSR requires businesses to broaden their focus beyond solely considering profitability.³¹⁰ Instead businesses must consider the social, developmental, economic, environmental and ethical consequences of their actions.³¹¹ This requires taking the interests of external actors, including victims of human trafficking, into account.³¹² Corporations would be required to inspect supply chains to ensure they are not promoting human trafficking.³¹³ While some corporations are already doing this, CSR would standardise this practice.³¹⁴ Corporations that do not adhere to CSR run the risk of censure from consumers.³¹⁵ The obligations a corporation assumes as a result of CSR go beyond those that are legally mandated.³¹⁶ This is of particular benefit in the context of human trafficking as the focus of legal instruments is largely on creating obligations that bind states instead of corporations.³¹⁷ An increase in the influence and reach of CSR would be a substantial improvement to the regime complex for human trafficking. CSR would reduce the extent to which corporations cause and perpetuate human trafficking.

³⁰⁸ Peter Spiro “Accounting for NGOs” (2002) 3(1) Chicago Journal of International Law 161 at 162.

³⁰⁹ Shavers, above n 131, at 66.

³¹⁰ At 66.

³¹¹ At 65.

³¹² At 65.

³¹³ At 58.

³¹⁴ At 68.

³¹⁵ At 68.

³¹⁶ At 66.

³¹⁷ At 71.

The second improvement to be made is strengthening political commitment to enforcement. A significant portion of national law enforcement agencies make combatting human trafficking a low priority.³¹⁸ Addressing this problem is not an easy task. The legal frameworks to address human trafficking already exist. Placing further legal obligations on states is unlikely to prompt change in the way existing obligations are implemented.³¹⁹ Enforcement is what is needed.³²⁰ Soft law has tried to address this issue. The UN Recommended Principles and Guidelines on Human Rights and Human Trafficking create pathways for states to follow in fulfilling their legal obligations.³²¹ NGOs also seek to encourage and equip governments in implementing anti human trafficking policies. NGOs do this by training officials in best practice and educating the public with the view to creating demand for action.³²² Despite these measures implementation and enforcement remains low.³²³ For instance, although Algeria has criminalised human trafficking it has not dedicated any resources to enforcing these provisions and it has not pursued any convictions.³²⁴ Burma has similarly enacted legislation to prohibit trafficking.³²⁵ Burma has prosecuted individuals for human trafficking offences.³²⁶ However, its efforts in relation to victim identification remain weak.³²⁷ This shows there is room for more to be done in strengthening political commitment to enforcement. Changing the regime complex in these ways would help provide a more effective framework for the international response to human trafficking. Any changes should not go so far as to disestablish the regime complex structure. The strengths of the regime complex show that this structure has a lot to contribute to the issue of human trafficking.

V Conclusion

The international response to human trafficking has taken the form of a regime complex. The current response to human trafficking is made up of many constituent parts and exists as a regime complex. Institutions and instruments that differ in substance and form bring different principles and methods to advance the same common goal. These elements lack the cohesive glue of an integrated core and are instead held together by a series of loose linkages. These linkages vary. Some linkages reveal the ability of certain elements to work closely alongside others or in a complementary relationship. Other linkages, and the absence of any linkages, show that particular elements are in conflict with one another. This structural arrangement of a regime complex creates both benefits and disadvantages for those combatting human

³¹⁸ Laczko, above n 270, at 12.

³¹⁹ “Commentary, above n 63, at 3.

³²⁰ See “2016 Trafficking in Persons (TIP) Report”, above n 109.

³²¹ “Recommended Principles and Guidelines on Human Rights and Human Trafficking”, above n 66.

³²² See “How we work”, above n 125.

³²³ Laczko, above n 270, at 12.

³²⁴ “2016 Trafficking in Persons (TIP) Report”, above n 109, at 71.

³²⁵ At 113.

³²⁶ At 113.

³²⁷ At 113.

trafficking. The lack of a coherent and co-ordinated ‘plan of attack’ may seem like one of these disadvantages. However, this characteristic of the regime complex allows for a wide range of methods to be employed. The involvement of not-for-profit non-governmental organisation has both positive and negative effects while the system would greatly benefit from the increased participation of the commercial private sector. While it may be easy to identify the harms caused by human trafficking, identifying a solution does not enjoy the same level of ease. Human trafficking is a consequence of many complex and nuanced realities of human society. The regime complex for human trafficking requires modification if it is to start making progress towards its end goal. However, it represents the best structural approach to address what is a problem of high complexity. In the most recent Trafficking in Persons Report by the United States State Department Vice President Kerry wrote that “there is nothing inevitable about trafficking.”³²⁸ Trafficking is a problem borne of humankind. It is capable of being eradicated. The regime complex for human trafficking shows an international commitment to proving the truth of this.

VI *Appendix One*

The following list provides examples of other soft law instruments that address human trafficking.³²⁹

- Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, 1995.
- Beijing+5 Outcome Document
- Basic Principles and Guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law
- UNICEF Guidelines on the Protection of Child Victims of Trafficking
- ASEAN Practitioner Guidelines
- Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Subregion, Yangon, 29 October 2004.
- Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT MOU)
- The Brussels Declaration on Preventing and Combating Trafficking in Human Beings
- OSCE Action Plan to Combat Trafficking in Human Beings
- EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings
- Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children
- ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003)
- Organization of American States, Conclusions and Recommendations of the First Meeting of National Authorities on Trafficking in Persons

³²⁹ List sourced from “Recommended Principles and Guidelines on Human Rights and Human Trafficking”, above n 66.

VII Appendix Two

The following table is a survey of active not-for-profit non-governmental organisations that combat human trafficking. The table shows the name of the organisation, the location of its headquarters, where it works and the type of work it does. Prevention refers to education, awareness and supporting vulnerable persons. Protection refers to rescue, rehabilitation and reintegration. Prosecution refers to assisting in preparing and presenting the case against accused traffickers. The shaded sections indicate that an organisation is undertaking that type of work.

The organisations had to meet two key criteria to be included on this list. The first was the organisation had to have a primary or significant focus on human trafficking. Organisations that generally responded to human rights concerns were not included. Second, the organisation had to have a current website or web presence. This was to ensure that the organisation was currently operating.

<i>Name of organisation</i>	<i>Prevention</i>	<i>Protection</i>	<i>Prosecution</i>	<i>Location of headquarters</i>	<i>Location where organisation is working</i>	<i>Website</i>
3Strands				US	US, Cambodia, Nepal	http://www.3strandsglobal.com/
5 Stones				US	US	http://5-stones.org/
Abolish Slavery Coalition				US	Global	http://abolishslavery.org/
Abolition Now				US	US	http://abolitionnow.com/
ABC Nepal				Nepal	Nepal	abcnepal.org
Abeni				US	US	http://www.abeni.org/
Against Our Will				US	US	http://www.againstourwill.org/
Agape International Missions				US	US and Cambodia	http://agapewebsite.org/
Anti-Slavery International				UK	Global	http://www.antislavery.org/
A21 Campaign				US	Global	http://www.a21.org/
ACT (Against Child				Netherlands	Global	http://www.

Trafficking)						againstchildtrafficking.org/
ACT Alberta				Canada	Canada	http://www.actalberta.org/
Action against Trafficking and Sexual Exploitation of Children and women, Bihar				Bangladesh	South East Asia	http://www.atsecbihar.org/
Alliance against Trafficking in Women and Children in Nepal				Nepal	Nepal	http://www.aatwin.org.np/
ASTRA				Serbia	Serbia	http://www.astra.rs/
As our Own				US	India	http://www.asourown.org/
Awareness Against Human Trafficking (HAART)				Kenya	Kenya	http://haartkenya.org/
Ban Ying				Germany	Germany	http://www.ban-ying.de/
Be Free Social Cooperative against Trafficking Violence Discriminations				Italy	Italy	http://www.befreecooperativa.org/
Be the Jam				US	US	http://www.bethejam.org/
Beauty from Ashes				US	US	http://www.beautyfromashes.org/
Better Way Imports				US	South East Asia	http://betterwayimports.com/
Bishop Outreach				US	Global	http://bishopoutreach.org/
Breaking Free				US	US	www.breakingfree.net/
California Against Slavery				US	US	http://californiaagainstsavery.org/
Called2Rescue				US	US	http://called

						2rescue.org/
Cambridge Centre for Applied Research in Human Trafficking				UK	Global	http://www.ccarht.org/
Centre to End All Sexual Exploitation				Canada	Canada	http://www.ceasenow.org/
Chab Dai				US	Global	http://chabdai.org/
Children of the Night				Canada	Canada	www.childrenofthenight.org
Citizens' Association to Combat Human Trafficking and all Forms of Gender-Based Violence				Serbia	Serbia	http://www.atina.org.rs/
Coalition Against Trafficking in Women				US	Global	http://www.catwinternational.org/
<u>Coalition to Abolish Slavery and Trafficking</u>				US	Global	http://www.castla.org/
Courage Worldwide				US	US and Tanzania	https://courageworldwide.org/
Courtney's House				US	US	http://www.courtneyshouse.org/
Covering House				US	US	http://thecoveringhouse.org/
Daughter Project				US	US	http://thedaughterproject.org/
Deborah's Gate				Canada	Canada	https://www.deborahsgate.ca/
Defender Foundation				US	US	http://defenderrescue.org/
Demand Abolition				US	US	https://www.demandabolition.org
Destiny Rescue				NZ, Australia and US	South East Asia	https://www.destinyrescue.org

Door to Grace				US	US	http://www.doortograce.org/
Durbar Mahila Samanwaya Committee				India	India	http://durbar.org/
ECPAT				Thailand	Global	http://www.ecpat.org/
eLiberare				Romania	Romania	http://www.eliberare.com/
END IT				Global	Global	http://enditmovement.com/
End Slavery Now				US	US	http://www.endslaverynow.org/
End Slavery Tennessee				US	US	http://www.endslaverytn.org/
Exodus Road				US	South East Asia	https://theexodusroad.com/
EPIK Project				US	US	http://epikproject.org/
Escape to Peace				US	US	http://www.escapetopeace.com/
FAAST International				US	Global	http://faastinternational.org/
Fair Girls				US	US and Eastern Europe	http://www.fairgirls.org/
Finding Freedom International				US	Global	http://www.findingfreedomint.org/
FIZ Advocacy and Support for Migrant Women and Victims of Trafficking				Germany	Global	http://www.fiz-info.ch/
Florida Abolitionist				US	US	https://floridaabolitionist.org/
Forever Found				US	Global	http://www.foreverfound.org/
Forgotten Children Worldwide				US	Global	https://www.forgotten

						children.org /
Forsaken Generation				US	US	http://forsaken.generation.typepad.com/
Frederick Douglass Family Foundation				US	Global	http://abolishslavery.org/
Free for Life International				US	US and Nepal	http://freeforlifintl.org/
Free Project				US	Global	http://www.thefreeproject.org/
Free the Captives				US	US	http://www.freethecaptiveshouston.com/
Free the Slaves				<u>US</u>	<u>Global</u>	http://www.freetheslaves.net/
Free Them				Canada	Canada	http://freethem.ca/
Freedom and Restoration for Everyone Enslaved				US	US	http://www.freefromht.org/
Freedom Centre				US	US	http://www.freedomcenter.org/
Freedom Firm				US/ India	India	http://www.freedom.firm.in/
Freedom Place				US	US	http://www.arrow.org/
GEMS				US	US	http://www.gems-girls.org/
Generate Hope				US	US	http://generatehope.org/
Gerakan Anti Trafficking				Indonesia	Indonesia	http://www.gerakanantitrafficking.org/
Global Alliance Against Traffic in Women				Thailand	Global	http://www.gaatw.org/
Global Centurion				US	Global	http://www.globalcenturion.org/

						rion.org/
Global Seesaw				UK	India	http://www.globalseesaw.co.uk/
Gray Haven Project				US	US	http://thegrayhaven.org/
Hagar International				US	Afghanistan, Cambodia, Vietnam	https://hagarinternational.org
Hope for Justice				US	US, UK, Norway, Cambodia	http://hopeforjustice.org/
Hope Project				US	US	http://www.hopeprojectusa.org/
Human Trafficking Awareness Partnerships				US	US	http://humantraffickingawareness.org/
Human Trafficking Centre				US	US	http://humantraffickingcenter.org/
iBranches				US	US	http://www.ibranches.org/
iEmpathise				US	US	http://iempathize.org/
Indian Rescue Mission				India	India	http://www.indianrescuemission.org/
International Justice Mission				<u>US</u>	<u>Global</u>	https://www.ijm.org/
La Strada International				Europe	Europe	http://lastradainternational.org/
Laboratory to Combat Human Trafficking				US	US	http://www.combathumantrafficking.org/
London Anti-Human Trafficking Committee				Canada	Canada	http://www.stopht.ca/index.html
Japan Network against Trafficking in Persons				Japan	Japan	http://jnatip.blogspot.co.nz/
JOY International				US	US, South East Asia	http://www.joy.org/home.aspx

Justice Network			US	Global	https://justice-network.org/
Justice Ventures International			US	China, India	http://www.justiceventures.org/
Kingsland Justice			US	US	http://www.kingslandjustice.com/
KOK			Germany	Germany	https://ssl-account.com/www.kok-gegen-menschenhandel.de/en/home.html
Lighthouse Centre for Human Trafficking Victims			Japan	Japan	http://lhj.jp/english
<u>Love 146</u>			UK US	Asia	https://love146.org/
Love True			US	US	http://www.love-true.org/
Made by Survivors			US	Asia	http://www.madebysurvivors.com/
Made in a Free World			US	Global	https://madeinafreeworld.com/
Maiti Nepal			Nepal	Nepal	http://www.maitinepal.org/
Make Way Partners			US	Global	http://www.makewaypartners.org/
Manasseh Project			US	US	http://www.manassehproject.org/
MATTOO			US	Global	http://mattoo.org/
Men Against Sexual Trafficking			US	US	http://www.menaspace-makers.org/mast/
Mercy Movement			US	Global	http://www.mercymovement.com/

Michigan Abolitionist Project			US	US	http://www.michiganabolitionistproject.org/
More too Life			US	US	https://moretoolife.org/
NASHI			Canada	Canada Ukraine	http://www.nashi.ca/
Next Generation Nepal			US	Nepal	http://www.nextgenerationnepal.org/index.php
Night Light			US	US Thailand	http://www.nightlightinternational.com/
Nomi Network			US	India Cambodia	http://nominetwork.org/
Not for Sale Campaign			US	Global	https://www.notforsalecampaign.org/
NVADER			NZ Thailand	Thailand	http://www.nvader.org/
Oasis USA			US	Global	http://oasisusa.org/
Out of Darkness			US	US	outofdarkness.org
Persons against the Crime of Trafficking in Humans (Ottawa)			Canada	Canada	http://www.pact-ottawa.org/
Polaris Project			US	Global	https://polarisproject.org/
Prajwala			India	India	http://www.prajwalaindia.com/home.html
PREDA Foundation			Philippines	Philippines	http://www.preda.org/
Prevent Human Trafficking Institute			US South East Asia	South East Asia	http://preventhumantrafficking.org/
Prerana			India	India	http://www.preranaantitrafficking.org/index.ht

						m
Project Exodus				US	US	https://sites.google.com/site/projectexodus/
Project Rescue				US	Global	http://projectrescue.com/
Rachel Project				US	US	http://www.therachelproject.org/
Rahab Ministries Thailand				Thailand	Thailand	http://www.rahabministriesthailand.com/
Rapha House				US	Cambodia	https://raphahouse.org/
Reaching Out Romania				Romania	Romania	http://www.reachingout.ro/
PAG-ASA				Belgium	Belgium	http://www.pag-asa.be/
Red Light Rebellion				US	US	http://redlightrebellion.org/
Redeemed Ministries				US	US	http://redeemedministries.com/
Redlight Children Campaign				UK	Global	http://www.redlightcampaign.org/
Refuge				US	US	http://therefugeaustin.org/
Remember Nhu				US	Global	https://remembernhu.org/?v1_0
Rescue Her				US	Global	http://www.rescueher.org/
Rescue1				US	US and Thailand	http://rescue1global.org/
Rescue Foundation				India	India, Nepal and Bangladesh	http://www.rescuefoundation.net/
Rest				US	US	iwantrest.com
Restore NYC				US	US	http://restor

						enyc.org/
Restore One				US	US	http://www.restoreonelifef.org/
Run 2 Rescue				US	US	http://run2rescue.com/
Safe CHR				US	US	http://safechr.org/
Safe House of Hope				US	US	http://safehouseofhope.org/
Saving Innocence				US	US	http://www.savinginnocence.org/
Shared Hope International				Canada	Global	http://sharehope.org/
She is Safe				US	Global	sheissafe.org
She Rescue Home				US	Cambodia	www.sherescuehome.org
Slavery Footprint				US	Global	http://slaveryfootprint.org/
SOLD Project				US	Thailand	www.thesoldproject.com
Solid Ground International				US	Global	http://www.solidgroundinternational.org/
Songs Against Slavery				US	US	http://www.songsagainstslavery.org/
Southern African Anti Human Trafficking Trust				Zimbabwe	Southern Africa	saahtt.wordpress.com
Stop India				India	India	http://stopindia.in/
Stop Modern Slavery				US	US	http://www.stopmodernslavery.org/
Stop the Traffick				UK	Global	http://www.stopthetraffick.org/
Street Grace				US	US	http://www.streetgrace.org/

Streetlight USA			US	US	http://streetlightusa.org/
SW Florida Regional Human Trafficking Coalition			US	US	http://swfl-humantrafficking.org/
Task Force on Human Trafficking, ATZUM			Israel	Israel	http://atzum.org/projects/task-force-on-human-trafficking/
Tiny Hands International			US	Asia	www.tinyhands.org
Together Let's Stop Traffick			US	US	http://www.togetherletsstoptraffick.org/
Traffick Free			US	US	http://www.traffickfree.org/
Traffick Stop			US	US	http://www.traffickstop.org/
Traffick 911			US	US	http://www.traffick911.com/
Trafficking Hope			US	Global	http://www.traffickinghope.com/
Transitions			US	US	http://www.transitionsofpa.org/
Truckers Against Trafficking			US	US	http://www.truckersagainsttrafficking.org/
Unbound			US	Global	unboundnow.org
United Against Human Trafficking			US	US	http://uaht.org/
Veronica's Voice			US	US	http://www.veronicasvoice.org/
Visayan Forum Foundation			Philippines	Philippines	http://www.visayanforum.org/wp/
We Are Cherished			US	US	http://www.wearecherished.org/

					hed.com/
WellHouse			US	US	http://the-wellhouse.org/
Wellspring Living			US	US	wellspringliving.org
Wipe Every Tear			US	South East Asia	http://wipeeverytear.org/
Women at Risk International			US	US and Asia	http://warinternational.org/
Women Trafficking and Children Labour Eradication Foundation			Nigeria	Nigeria	http://wotclerf.org.ng/
ZOE International			US	Asia	www.gozoe.org/

VIII Bibliography

A *International Treaties*

Convention on Action Against Trafficking in Human Beings, Council of Europe Treaty Series 197 (opened for signature 16 May 2005, entered into force 1 Feb. 2008).

Convention on the Elimination of All Forms of Discrimination against Women 1249 UNTS 13 (opened for signature 18 December 1979, entered into force 3 September 1981).

Convention on the Rights of the Child 1577 UNTS 3 (opened for signature 20 November 1989, entered into force 2 September 1990).

Forced Labour Convention C029 (opened for signature 28 June 1930, entered into force 1 May 1932).

International Covenant on Civil and Political Rights 1057 UNTS 407 (opened for signature 16 December 1966, entered into force 23 March 1976).

International Convention for the Suppression of the Traffic in Women and Children 9 UNTS 415 (opened for signature 30 September 1921, entered into force 15 June 1922).

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2337 UNTS 343 (entered into force 25 December 2003).

SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (opened for signature 14 May 1997).

Worst Forms of Child Labour Convention C182 (opened for signature 17 June 1999, entered into force 19 November 2000).

B *Books and Chapters in Books*

Anne Gallagher *The International Law of Human Trafficking* (Cambridge University Press, Cambridge, 2010).

Anne Orford, Martin Clark and Florian Hoffmann *The Oxford Handbook of the Theory of International Law* (Oxford University Press, 2016).

Bimal Gosh “Managing migration: towards the missing regime?” in Antoine Pécoud (ed) *Migration Without Borders: Essays on the Free Movement of People* (Berghahn Books, 2007) 97.

Daniel Walker *God in a Brothel* (InterVarsity Press, Illinois, 2011).

Kamala Kempadoo, Jyoti Sanghera and Bandana Pattanaik (eds) *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (Routledge, 2015).

Maggy Lee (ed) *Human Trafficking* (Routledge, 2013).

C *Journal Articles*

Alexander Betts “The Refugee Regime Complex” (2010) 29(1) *Refugee Survey Quarterly* 12.

Alvarez in Steve Charnovitz “Non-governmental organisations and international law” (2006) 100(2) *The American Journal of International Law* 348.

Amandine Orsini, Jean-Frederic Morin and Oran Young “Regime complexes: a buzz, a boom, or a boost for global governance?” (2013) 19(1) *Global Governance* 27.

Anna Shavers “Human Trafficking, The Rule of Law, and Corporate Social Responsibility” 2012 9(1) *South Carolina Journal of International Law and Business* 39.

Anne Gallagher and Joy Ezeilo “The UN Special Rapporteur on Trafficking: A Turbulent Decade in Review” (2015) 37(4) *Human Rights Quarterly* 913.

Daniel Drezner “The Power and Peril of International Regime Complexity” (2009) 7(1) *Perspectives on Politics* 65.

Frank Biermann and others “The Fragmentation of Global Governance Architectures: A Framework for Analysis” (2009) 9(4) *Global Environmental Politics* 14.

Frank Laczko “Data and Research on human trafficking” (2005) 43(1) *International Migration* 5.

Jack Donnelly “Cultural Relativism and Universal Human Rights “ 1984 6(4) *Human Rights Quarterly* 400.

Janie Chuang “Beyond a Snapshot: Preventing Human Trafficking in the Global Economy” (2006) 13(1) *Indiana Journal of Global Legal Studies* 137.

Janie Chuang “Exploitation Creep and the Unmaking of Human Trafficking Law” (2014) 108 *American Journal of International Law* 609.

Jean Allain “The Definition of Slavery in International Law” (2009) 52 *Howard Law Journal* 239.

Joan Fitzpatrick “Trafficking as a Human Rights Violation: the Complex Intersection of Legal Frameworks for Conceptualising and Combatting Trafficking (2003) 24 *Michigan Journal of International Law* 1143.

Jonathan Todres “The Private Sector ’s Pivotal Role in Combating Human Trafficking” (2012) 3 *The Circuit* 80.

Jonathan Todres “Widening our lens: incorporating essential perspectives in their fight against human trafficking” (2011) 33(1) *Michigan Journal of International Law* 53.

Karen Alter and Sophie Meunier “The Politics of International Regime Complexity” (2009) 7(1) *Perspectives of Politics* 13.

Kenneth Abbott “The Transnational Regime Complex for Climate Change” (2012) 30 *Environment & Planning C: Government & Policy* 571.

Kenneth Abbott and Duncan Snidal “Hard and Soft Law in International Governance” (2000) 54(3) *International Organization* 421.

Kristof Van Impe “People for Sale: The Need for a Multidisciplinary Approach towards Human Trafficking” (2000) *Special Issue 1 International Migration* 113.

L. Giessen “Reviewing the Main Characteristics of the International Forest Regime Complex and Partial Explanations for its Fragmentation” (2013) 15(1) *International Forestry Review* 60.

M Bassiouni “International Crimes: ‘Jus Cogens’ and ‘Obligatio Erga Omnes’” (1996) 59(4) *Law and Contemporary Problems* 63.

Matias Margulis “The regime complex for food security: implications for the global hunger challenge” (2013) 19(1) *Global Governance* 53.

Moshoula Desyllas “A Critique of the Global Trafficking Discourse and U.S. Policy” (2007) 34(4) *Journal of Sociological and Social Welfare* 57.

Peter Spiro “Accounting for NGOs” (2002) 3(1) *Chicago Journal of International Law* 161.

Robert Keohane and David Victor “A Regime Complex for Climate Change” (2011) 9(1) *Perspectives on Politics* 7.

Victoria Hayes “Human Trafficking for Sexual Exploitation at World Sporting Events” (2010) 85(3) *Chicago-Kent Law Review* 1105.

D Internet Materials

“2013 Trafficking in Persons (TIP) Report – US Department of State” (2013) U.S. Department of State <www.state.gov>.

“2015 Trafficking in Persons Report: Botswana” (2015) U.S. Department of State <www.state.gov>.

“2015 Trafficking in Persons (TIP) Report – US Department of State” (2015) U.S. Department of State <www.state.gov>.

“2016 Trafficking in Persons (TIP) Report – US Department of State” (2016) U.S. Department of State <www.state.gov>.

“Abolishing Injustice in the 21st Century” A21 <www.a21.org>.

“About” Hagar International <www.hagarinternational.org>.

“About gBCAT” Global Business Coalition against Human Trafficking <www.gbcat.org>.

“About the IMF” International Monetary Fund <www.imf.org>.

Alexander Betts “Towards a ‘soft law’ framework for the protection of vulnerable migrants” (2008) The UN Refugee Agency Policy Development and Evaluation Service <<http://www.unhcr.org/>> at 6.

“Asylum and Migration” The United Nations Refugee Agency <www.unhcr.org>.

“Background” Stop Trafficking and Oppression of Women and Children <stopindia.in>.

“Commentary: Recommended Principles and Guidelines on Human Rights and Human Trafficking” Office of the High Commissioner for Human Rights <<http://www.ohchr.org/>>

“Factsheet on Human Trafficking” (2010) United Nations Office on Drugs and Crime <www.unodc.org>.

“FIFA has no power to take legal action against human trafficking and forced prostitution” (13 April 2006) FIFA <www.fifa.com/>.

“First decade of the mandate of the Special Rapporteur on trafficking in persons, especially women and children” Office of the United Nations High Commissioner for Human Rights <www.ohchr.org>.

“How we work” International Justice Mission <www.ijm.org>.

“Human Trafficking” United Nations Office on Drugs and Crime <www.unodc.org>.

“Human Trafficking and Modern Day Slavery” gvNET <gvnet.com>.

“Human Trafficking and the London Olympics” Global Initiative to Fight Human Trafficking <www.stophetraffick.org>.

“Human Trafficking: The Global Issue in Your Backyard” (9 January 2013) Coca-Cola <www.coca-colacompany.com>.

“Investigation and Prosecution” NVADER <<http://www.nvader.org/>>.

Jane Morse “U.S. Works to Prevent Human Trafficking at Major Sporting Events” United States Embassy IIP Digital <usembassy.gov>.

“Launching of Web Portal on Anti Human Trafficking” (20 February 2014) Press Information Bureau Government of India <<http://pib.nic.in/>>.

“Learn” End Slavery Now <www.endslaverynow.org>.

Lindsey King “International Law and Human Trafficking” Topical Research Digest: Human Rights and Human Trafficking <www.du.edu> .

“Memorandum of Understanding on Bilateral Cooperation to Eliminate Trafficking between Thailand and Myanmar” United Nations Action for Cooperation against Trafficking in Persons <un-act.org>.

“Millennium Development Goals and Beyond 2015” United Nations <www.un.org>.

“Ministerial Meeting of Group of Friends United against Human Trafficking” (23 September 2010) The Ministry of Foreign Affairs of the Russian Federation <www.mid.ru/>.

“Office to Monitor and Combat Trafficking in Persons” United States Department of State <www.state.gov/>.

“Our Mission” NVADER <www.nvader.org>.

“Our Philosophy” Freeset <www.freesetglobal.com>.

“Program” Daughter Project <www.thedaughterproject.org>.

“Project Document: Coordinated Mekong Ministerial Initiative against Trafficking 2004” (2014) United Nations Development Project <www.undp.org>.

“Recommended Principles and Guidelines on Human Rights and Human Trafficking” Office of the High Commissioner for Human Rights <<http://www.ohchr.org/>>.

“RedLight Children Campaign” Abolish Sexual Slavery <www.abolishsexslavery.com>.

“Slavery Today” Free the Slaves <www.freetheslaves.net>.

“Special Rapporteur on trafficking in persons especially women and children” United Nations Human Rights Office of the High Commissioner <www.ohchr.org>.

“Supplier Guiding Principles” Coca-Cola <www.coca-colacompany.com>.

Susan Ellis “Uganda, Mali, Senegal, Burkina Faso, Malawi cited for good works” United States Embassy IIP Digital <usembassy.gov>.

“The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016” European Commission <ec.europa.eu>.

“The Fight against Human Trafficking gets Personal” (11 January 2013) Coca-Cola <www.coca-colacompany.com>.

“Title of Multilateral Treaties in the Six Official Languages of the United Nations” United Nations Treaty Collection <<https://treaties.un.org/>>.

“Trafficking in Persons Report: Senegal (Tier 2)” United States Embassy <dakar.usembassy.gov>.

“UNODC Human Trafficking Case Law Database” United Nations Office on Drugs and Crime <www.unodc.org>.

“UNODC on human trafficking and migrant smuggling” United Nations Office on Drugs and Crime <<http://www.unodc.org>>.

“What we do” Freedom Firm <www.freedom.firm.in>.

“What we do” Solid Ground International <www.solidgroundinternational.org>.

“What we do” World Bank <www.worldbank.org>.

E United Nations Materials

Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties HRI/Gen/2/Rev.6 (2009) at 104.
Improving the coordination of effort against trafficking in person GA/RES/68/192, LXVIII, A/RES/68/192 (2013) at 6.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families UNGA RES/45/158 (adopted 18 December 1990).

Maria Riiskjær and Anna Marie Gallagher *Review of UNHCR’s efforts to prevent and respond to human trafficking* PDES/2008/07 (2008).

Report of the Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro A/HRC/29/38 (2015) at 1.

Strengthening coordination of the United Nations and other efforts in fighting trafficking in persons ECOSOC Res 2008/33 (2008).

United Nations Declaration on the Elimination of Violence against Women A/RES/48/104 (adopted 19 December 1993).

United Nations Global Action Plan to Combat Trafficking in Persons A/RES/64/293 (2010).

F Other International Materials

Gergana Danailova-Trainor and Patrick Belser “Globalization and the illicit market for human trafficking: an empirical analysis of supply and demand” (Paper for International Labour Office, 2006).

Suzanne Hoff “The role of NGOs in combating human trafficking and supporting (presumed) trafficked persons” (Presented at Project on Combating and Preventing Trafficking in Human Beings in Azerbaijan, Council of Europe, 2011).

Suzanne Hoff and Katrin McGauran “Engaging the Private Sector to End Human Trafficking A Resource Guide for NGOs” (Paper for La Strada International, 2015)

Noeleen Heyzer “Combating Trafficking in Women and Children: A Gender and Human Rights Framework “ (paper presented to The Human Rights Challenge of Globalization: Asia-Pacific-US: The Trafficking in Persons, Especially Women and Children Honolulu, 13-15 November 2002).

G Legislation

Crimes Amendment Act 2015.