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Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Trafficking in Persons, Especially Women and Children: Challenges, International Legal Frameworks, and Future Policy Directions

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Abstract. *Trafficking in persons (TIP), particularly involving women and children, remains one of the most pervasive forms of transnational organized crime and a serious violation of fundamental human rights. Despite the widespread adoption of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), trafficking networks continue to evolve by exploiting globalization, digital technologies, migration flows, armed conflicts, and socioeconomic inequalities. These developments have exposed significant limitations in existing national legal frameworks and cross-border law enforcement mechanisms, highlighting the urgent need for more effective international cooperation. This paper examines strategies for combating trafficking in persons through an integrated framework that combines human rights principles, technological innovation, and transnational criminal justice approaches. Employing a qualitative doctrinal and normative legal research methodology, the study analyses international legal instruments, scholarly literature, policy documents, and reports issued by international organizations, including the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The research further explores emerging technological tools, including artificial intelligence, big data analytics, blockchain technology, digital forensics, and cross-border information-sharing systems, in strengthening prevention, victim identification, criminal investigations, and international prosecutions. The findings indicate that combating trafficking in persons requires a multidimensional and victim-centred approach that extends beyond conventional criminal justice responses. Effective international cooperation depends on harmonized legal frameworks, enhanced mutual legal assistance, joint investigation teams, intelligence sharing, capacity-building initiatives, and the integration of*

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advanced digital technologies while ensuring compliance with international human rights standards. Furthermore, sustainable anti-trafficking efforts require stronger public-private partnerships, regional collaboration, and coordinated governance among states, international organizations, civil society, and the private sector. This paper concludes that strengthening international cooperation through a human rights-based, technology-driven, and transnational criminal justice framework provides a more comprehensive and sustainable strategy for preventing trafficking in persons, protecting victims, prosecuting offenders, and disrupting transnational trafficking networks. Such an integrated approach contributes significantly to the achievement of Sustainable Development Goal (SDG) 16 on peace, justice, and strong institutions, as well as SDG 5 on gender equality.

Keywords: *Artificial Intelligence; Criminal Justice; Digital Technology; Human Rights; International Cooperation; Palermo Protocol; Transnational Organized Crime; Victim Protection; Trafficking In Persons; Women And Children.*

1. Introduction

Trafficking in persons (TIP), particularly involving women and children, remains one of the most pressing global challenges to international law, human rights, and transnational criminal justice. Unlike conventional crimes confined within national borders, trafficking in persons is inherently transnational, involving complex networks that exploit legal loopholes, porous borders, technological advancement, and socio-economic vulnerabilities to facilitate the recruitment, transportation, transfer, harbouring, and exploitation of victims.¹ The globalization of migration, armed conflicts, economic inequality, climate-induced displacement, and rapid digital transformation have further enabled organized criminal groups to expand their operations across jurisdictions while simultaneously complicating law enforcement efforts and victim protection mechanisms.²

¹ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (adopted 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319 art 3.

² Anne T. Gallagher, *The International Law of Human Trafficking* (Cambridge University Press 2010) chs 1–2.

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The United Nations identifies trafficking in persons as both a grave violation of human rights and a form of transnational organized crime requiring coordinated international responses.³ Women and children continue to represent the most vulnerable groups affected by trafficking. Women are disproportionately subjected to sexual exploitation, forced labour, domestic servitude, and forced marriage, while children increasingly become victims of forced labour, online sexual exploitation, child begging, forced criminality, illegal adoption, and organ trafficking.⁴ These evolving patterns demonstrate that trafficking has transformed from traditional physical exploitation into sophisticated criminal enterprises increasingly facilitated through digital technologies and transnational financial networks.

The adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the Palermo Protocol) in 2000 marked a significant milestone in the development of international anti-trafficking law.⁵ The Protocol establishes the first universally accepted legal definition of trafficking in persons and obliges States Parties to criminalise trafficking, protect victims, promote international cooperation, and implement preventive measures.⁶ It further recognizes that trafficking cannot be effectively addressed solely through domestic criminal legislation, but instead requires comprehensive international collaboration encompassing mutual legal assistance, extradition, information exchange, border management, judicial cooperation, and victim assistance.

Despite the widespread ratification of the Palermo Protocol and significant legislative reforms undertaken by numerous States, implementation remains uneven across jurisdictions. Anne T. Gallagher argues that although the Protocol has fundamentally shaped the global legal framework against trafficking, disparities in national legal systems, institutional capacities, political commitment, and resource allocation continue to undermine its effectiveness.⁷ Moreover, differences in legal definitions, evidentiary standards, and prosecutorial practices often impede successful cross-border investigations and prosecutions, thereby enabling trafficking networks to exploit jurisdictional fragmentation.⁸

³ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (United Nations 2002).

⁴ United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2024*.

⁵ Prabha Kotiswaran, *Transnational Criminal Law in a Globalized World: The Case of Trafficking in Persons* in Gregory Shaffer and Ely Aaronson (eds), *Transnational Legal Ordering of Criminal Justice* (Cambridge University Press 2020).

⁶ United Nations (n 1).

⁷ United Nations (n 1) arts 5–10.

⁸ Gallagher (n 2) chs 2 and 9.

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The contemporary trafficking landscape has also been transformed by technological innovation. Digital platforms, encrypted communication applications, cryptocurrencies, artificial intelligence, and social media have become instrumental tools used by traffickers to recruit victims, advertise exploitative services, transfer illicit profits, and evade detection.⁹ At the same time, these technological developments provide unprecedented opportunities for governments and international organizations to enhance anti-trafficking measures through artificial intelligence, predictive analytics, biometric identification, blockchain verification, digital forensics, and integrated intelligence-sharing systems. Nevertheless, the deployment of these technologies raises important legal and ethical concerns relating to privacy, data protection, algorithmic bias, cybersecurity, and compliance with international human rights obligations.¹⁰

Consequently, combating trafficking in persons requires a multidimensional framework that integrates three mutually reinforcing approaches: a human rights-based approach that prioritizes the dignity and protection of victims; a technology-driven approach that strengthens prevention, detection, and investigation; and a transnational criminal justice approach that reinforces international cooperation among States and international institutions. Rather than viewing these approaches as competing paradigms, they should be understood as complementary components of an integrated global governance framework capable of responding to increasingly sophisticated trafficking networks.

Although extensive scholarship has examined trafficking from legal, criminological, sociological, and human rights perspectives, relatively limited research has comprehensively analysed the intersection between human rights protection, emerging technologies, and transnational criminal justice cooperation within a single analytical framework. Existing studies frequently address these dimensions independently, resulting in fragmented policy recommendations that inadequately reflect the multidimensional character of contemporary trafficking. This paper therefore seeks to bridge this gap by examining how international cooperation may be strengthened through the integration of human rights norms, technological innovation, and transnational criminal justice mechanisms.

Accordingly, this paper aims to analyse the effectiveness of existing international legal frameworks governing trafficking in persons, evaluate the contribution of emerging technologies in combating trafficking, and propose policy recommendations for strengthening international cooperation through harmonised legal standards, enhanced institutional

⁹ Kotiswaran (n 5).

¹⁰ OHCHR (n 3).

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coordination, and victim-centred criminal justice responses. It is argued that only through integrated international governance founded upon human rights principles, technological innovation, and effective transnational criminal justice cooperation can the international community effectively prevent trafficking, protect victims, prosecute perpetrators, and dismantle transnational trafficking networks.

2. Research Methods

This study employs a normative legal research (doctrinal legal research) methodology to examine the international legal framework governing the prevention and suppression of trafficking in persons, particularly women and children. Normative legal research focuses on the systematic analysis of legal norms, principles, doctrines, and institutions through the examination of primary and secondary legal materials rather than empirical field observations. The approach is particularly appropriate because the principal objective of this research is to evaluate the adequacy of international legal instruments, analyse the effectiveness of existing mechanisms of international cooperation, and formulate recommendations for strengthening global responses to trafficking in persons through human rights, technological innovation, and transnational criminal justice approaches.

The research adopts statutory, conceptual, comparative, and case approaches. The statutory approach examines binding international legal instruments regulating trafficking in persons, including the United Nations Convention against Transnational Organized Crime (UNTOC), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and other relevant international human rights treaties. These instruments are analysed to identify the normative obligations imposed upon States concerning prevention, protection, prosecution, and international cooperation.

The conceptual approach analyses fundamental legal doctrines relating to human rights protection, transnational organized crime, international criminal justice, victim-centred protection, due diligence obligations, and international cooperation. Particular attention is given to the integration of human rights principles into anti-trafficking policies and the evolving relationship between criminal justice responses and international human rights law. The study further examines contemporary concepts concerning digital governance, artificial intelligence, cybersecurity, and technological accountability as emerging dimensions of anti-trafficking governance.

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The comparative approach evaluates legal and institutional practices adopted by various jurisdictions and international organisations in combating trafficking in persons. Comparative analysis is conducted to identify best practices concerning mutual legal assistance, extradition, joint investigation teams, intelligence sharing, victim protection mechanisms, and the utilisation of digital technologies in criminal investigations. This comparative perspective facilitates the identification of legal harmonisation strategies capable of strengthening cross-border cooperation against trafficking networks.

The case approach complements the foregoing analyses through the examination of selected judicial decisions, reports, and institutional practices developed by international organisations and regional bodies. Decisions and reports issued by the United Nations Office on Drugs and Crime (UNODC), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Organization for Migration (IOM), the International Labour Organization (ILO), and the International Criminal Police Organization (INTERPOL) are examined to evaluate the implementation of international legal obligations and the practical challenges encountered by States in combating trafficking in persons.

The research relies on primary, secondary, and tertiary legal materials. Primary legal materials comprise international treaties, conventions, protocols, customary international law, and other authoritative legal instruments. Secondary legal materials include scholarly books, peer-reviewed journal articles, commentaries, legal doctrines, policy papers, and reports published by international organisations. Tertiary legal materials, including legal dictionaries, encyclopaedias, and official databases, are consulted where necessary to clarify legal terminology and support doctrinal interpretation.

3. Results and Discussion

3.1. Historical Evolution of Trafficking in Persons

TIP is not a contemporary phenomenon but rather a crime with deep historical roots that have evolved alongside changes in political systems, economic structures, migration patterns, and international law. Although modern trafficking is frequently associated with transnational organised crime, its origins can be traced to historical practices of slavery, forced labour, and human exploitation that existed for centuries across different civilizations. Understanding the historical evolution of trafficking is essential because it demonstrates how contemporary legal frameworks have gradually shifted from regulating migration and suppressing slavery to adopting a comprehensive human rights-based and criminal justice approach.

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Historically, the earliest manifestations of trafficking were closely connected to slavery. Ancient civilizations, including those of Mesopotamia, Greece, Rome, and Egypt, institutionalised slavery as an accepted economic and social institution. Individuals captured during wars, indebted persons, and vulnerable populations were frequently bought and sold as commodities to provide labour, military service, domestic work, and sexual exploitation. During this period, slavery was generally regarded as lawful under domestic legal systems and formed an integral component of economic production rather than being recognised as a violation of human rights.

The transatlantic slave trade between the sixteenth and nineteenth centuries marked one of the largest systems of organised human exploitation in recorded history. Millions of Africans were forcibly transported across the Atlantic Ocean to Europe and the Americas under brutal conditions to satisfy labour demands in agriculture, mining, and plantation economies. Although the legal and historical context differs from contemporary trafficking in persons, scholars generally acknowledge that many characteristics of modern trafficking—including coercion, transportation, exploitation, commodification of human beings, and financial profit—can be traced to historical systems of slavery.¹¹ Consequently, contemporary international anti-trafficking law has developed upon the legal and moral foundations established by the global movement for the abolition of slavery.

The nineteenth century witnessed significant changes in international legal attitudes towards slavery and human exploitation. The abolitionist movement led to the adoption of numerous bilateral and multilateral agreements aimed at suppressing the slave trade. These developments eventually culminated in the Slavery Convention 1926, adopted under the auspices of the League of Nations, which required States to prevent and suppress slavery and the slave trade in all their forms.¹² The Convention represented one of the earliest international legal instruments recognising that the exploitation of human beings required coordinated international action rather than isolated domestic regulation.

During the late nineteenth and early twentieth centuries, international concern gradually shifted towards the phenomenon then described as the white slave traffic. This concept referred primarily to the recruitment and transportation of women and girls for purposes of

¹¹ Kevin Bales, *Disposable People: New Slavery in the Global Economy*, 1–28; Gallagher (n 2), 13–20; Jean Allain, *The Legal Understanding of Slavery: From the Historical to the Contemporary*, 3–18.

¹² Slavery Convention (adopted 25 September 1926, entered into force 9 March 1927) 60 LNTS 253 arts 1–2; Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (adopted 7 September 1956, entered into force 30 April 1957) 266 UNTS 3.

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prostitution across national borders. Although the terminology reflected contemporary social and political attitudes and has since become obsolete, these early legal initiatives represented the first international recognition that cross-border exploitation of women required collective legal responses. Several international agreements were consequently adopted, including the International Agreement for the Suppression of the White Slave Traffic (1904) and the International Convention for the Suppression of the White Slave Traffic (1910).¹³

Following the establishment of the United Nations after the Second World War, international legal developments increasingly framed trafficking within the broader context of universal human rights. The adoption of the UDHR in 1948 declared that no one shall be held in slavery or servitude and affirmed the inherent dignity and equal rights of all human beings.¹⁴ These principles were subsequently reinforced by the ICCPR, which expressly prohibits slavery, servitude, and forced labour, and by specialised human rights treaties protecting women and children from exploitation.

An important milestone was the adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949). Unlike earlier treaties that focused primarily on cross-border prostitution, the 1949 Convention reflected a broader understanding that trafficking constituted a violation of human dignity regardless of the consent of exploited persons. Nevertheless, the Convention remained largely limited to sexual exploitation and did not comprehensively address other forms of trafficking that later became increasingly prevalent.¹⁵

From the 1970s onwards, the rapid expansion of international migration, globalisation, and organised crime significantly transformed trafficking patterns. Economic liberalisation, improvements in international transportation, technological advancement, armed conflicts, and widening socio-economic disparities created favourable conditions for criminal organisations to expand trafficking operations across national borders. Exploitation increasingly extended beyond prostitution to include forced labour, domestic servitude, debt bondage, forced marriage, illegal adoption, child soldier recruitment, forced criminality, and organ

¹³ International Agreement for the Suppression of the White Slave Traffic (signed 18 May 1904, entered into force 18 July 1905) 1 LNTS 83; International Convention for the Suppression of the White Slave Traffic (signed 4 May 1910, entered into force 8 August 1912) 211 CTS 45; Gallagher (n 2), 21–32.

¹⁴ Universal Declaration of Human Rights (n 25) arts 1 and 4; International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 art 8.

¹⁵ Convention (n 44); Gallagher (n 2) 32–39.

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removal. Consequently, trafficking evolved into a multidimensional transnational crime requiring more comprehensive legal responses.¹⁶

The adoption of the CEDAW in 1979 further strengthened international obligations concerning the protection of women against trafficking. Article 6 requires States Parties to suppress all forms of trafficking in women and exploitation of prostitution.¹⁷ Similarly, the Convention on the CRC 1989 and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography reinforced international obligations to protect children from exploitation and trafficking.¹⁸ These treaties established that trafficking should be understood not only as a criminal offence but also as a manifestation of discrimination, violence, and violations of children's rights.

A decisive transformation occurred with the adoption of the UNTOC and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2000. For the first time, the international community adopted a universally accepted legal definition of trafficking in persons based on three constituent elements: the act (recruitment, transportation, transfer, harbouring, or receipt of persons), the means (force, coercion, fraud, deception, abuse of power, or abuse of vulnerability), and the purpose (exploitation).¹⁹ The Palermo Protocol also expanded the concept of exploitation beyond prostitution to include forced labour, slavery.

3.2. Contemporary Patterns of Human Trafficking

The nature of TIP has undergone profound transformation over the past two decades. While traditional forms of trafficking—primarily involving cross-border recruitment for sexual exploitation and forced labour—continue to exist, globalization, technological advancement, increased international migration, armed conflicts, and socio-economic disparities have significantly diversified the forms, methods, and geographical scope of trafficking.²⁰ Contemporary trafficking is no longer confined to physical transportation across international borders but increasingly occurs within domestic jurisdictions and through digital environments,

¹⁶ Louise Shelley (n 36), 37–61; Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery*, 23–49.

¹⁷ Convention (n 13) UNTS 13 art 6.

¹⁸ Ibid arts 34–36; *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (adopted 25 May 2000, entered into force 18 January 2002) 2171 UNTS 227.

¹⁹ United Nations (n 1); Protocol (n 44) UNTS 319 arts 3–5.

²⁰ Louise Shelley (n 36), 37–61.

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reflecting the adaptability of transnational criminal networks to emerging economic opportunities and technological innovations.²¹

One of the defining characteristics of contemporary trafficking is its multidimensional nature. The Palermo Protocol defines trafficking broadly to include recruitment, transportation, transfer, harbouring, or receipt of persons through coercive or deceptive means for the purpose of exploitation.²² Consequently, trafficking encompasses multiple forms of exploitation extending far beyond prostitution, including forced labour, domestic servitude, slavery or practices like slavery, forced marriage, child exploitation, forced criminality, organ removal, and other exploitative practices.²³ This broad legal definition reflects the evolving reality that traffickers continuously diversify their criminal activities to maximize financial gains while minimizing legal risks.²⁴

Despite this diversification, sexual exploitation remains the most frequently detected form of trafficking worldwide. According to successive reports issued by the UNODC, women and girls continue to constitute most victims identified for sexual exploitation.²⁵ Criminal organizations increasingly exploit online platforms, social media applications, encrypted messaging services, and digital advertising to recruit, control, and market victims.²⁶ The digitalization of sexual exploitation has expanded traffickers' operational capacity by reducing geographical barriers, facilitating anonymity, and enabling rapid communication with prospective victims and clients. Consequently, law enforcement agencies face increasing challenges in identifying perpetrators and preserving digital evidence across multiple jurisdictions.²⁷

Alongside sexual exploitation forced labour has emerged as one of the fastest-growing forms of trafficking. Victims are frequently recruited through deceptive employment offers and subsequently subjected to exploitative conditions in sectors such as agriculture, fisheries, construction, manufacturing, mining, hospitality, domestic work, and maritime industries.²⁸ Migrant workers are particularly vulnerable because of irregular migration status, language barriers, debt bondage, confiscation of identity documents, and dependence upon labour

²¹ UNODC (n 4).

²² Protocol (n 44) UNTS 319 art 3.

²³ United Nation (n 1) art 3(a).

²⁴ Gallagher (n 2), 29–52.

²⁵ UNODC (n 4).

²⁶ INTERPOL (n 19).

²⁷ United Nations Office on Drugs and Crime, *Toolkit to Combat Trafficking in Persons* (United Nations 2008).

²⁸ International Labour Organization (n 19),

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intermediaries.²⁹ These conditions create significant power imbalances that facilitate prolonged exploitation while discouraging victims from seeking assistance from public authorities.³⁰

Children represent another highly vulnerable category of trafficking victims. Contemporary trafficking increasingly targets children for purposes extending beyond sexual exploitation, including forced labour, forced begging, illegal adoption, child marriage, recruitment into armed groups, online sexual exploitation, and forced participation in criminal activities such as drug distribution, theft, cyber fraud, and financial scams.³¹ International concern has grown regarding the expansion of online child sexual exploitation, where offenders utilize live-streaming technologies, encrypted communication platforms, and anonymous digital payment systems to exploit children remotely while avoiding physical contact with victims.³² These developments demonstrate that technological innovation has fundamentally altered traditional understandings of child trafficking by creating entirely new modalities of exploitation.³³

Another significant contemporary pattern is the increasing feminization of vulnerability. Although trafficking affects individuals of all genders, women and girls continue to experience disproportionate risks due to gender inequality, discrimination, poverty, limited educational opportunities, gender-based violence, and unequal access to economic resources.³⁴ Humanitarian emergencies, armed conflicts, forced displacement, and refugee movements further exacerbate these vulnerabilities by disrupting social protection mechanisms and increasing dependence upon informal migration channels.³⁵ Consequently, trafficking should be understood not merely as a criminal phenomenon but also as a manifestation of structural inequality and social injustice.³⁶

The globalization of migration has likewise transformed trafficking dynamics. Large-scale international migration has generated complex migration corridors linking countries of origin, transit, and destination.³⁷ While migration itself is neither unlawful nor synonymous with

²⁹ International Organization for Migration (n 19).

³⁰ ILO (n 62).

³¹ Convention (n 52) UNTS 3 arts 34–36.

³² UNICEF, *Child Online Protection* (UNICEF 2023).

³³ UNODC (n 4).

³⁴ Convention (n 13) UNTS 13 art 6.

³⁵ UNHCR, *Global Trends: Forced Displacement in 2024* (UNHCR 2025).

³⁶ Gallagher (n 2).

³⁷ IOM, *World Migration Report 2024*.

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trafficking, irregular migration frequently creates conditions that traffickers exploit through fraudulent recruitment agencies, document forgery, debt bondage arrangements, and deceptive employment schemes.³⁸ The distinction between migrant smuggling and trafficking often becomes blurred when initially voluntary migration subsequently evolves into coercive exploitation through threats, violence, confiscation of documents, or abuse of vulnerability.³⁹ Accordingly, effective anti-trafficking strategies require integrated migration governance that protects migrants while distinguishing trafficking victims from irregular migrants.

Technological innovation has become one of the defining features of contemporary trafficking. Criminal organizations increasingly rely upon digital technologies throughout every stage of trafficking operations, including online recruitment, victim surveillance, financial transactions, transportation logistics, communication, and exploitation.⁴⁰ Social networking platforms, online gaming communities, encrypted messaging applications, cryptocurrencies, digital wallets, and anonymous online marketplaces provide traffickers with unprecedented opportunities to recruit victims across national borders while reducing operational risks.⁴¹ Artificial intelligence has further increased the sophistication of fraudulent recruitment advertisements, identity manipulation, and online deception.⁴² These developments have contributed to the emergence of what scholars increasingly describe as cyber-enabled trafficking, in which digital technologies function not merely as facilitating tools but as integral components of trafficking operations.⁴³

Another emerging pattern concerns the growing involvement of organized criminal networks operating across multiple jurisdictions.⁴⁴ Contemporary trafficking organizations increasingly function as decentralized criminal enterprises that cooperate with document forgers, money launderers, cybercriminals, corrupt public officials, and migrant smuggling networks. Rather than maintaining rigid hierarchical structures, these criminal groups frequently adopt flexible network-based models that enable rapid adaptation to law enforcement interventions.⁴⁵ Such organizational flexibility complicates criminal investigations because trafficking activities

³⁸ Palermo Protocol art 3.

³⁹ Anne T Gallagher and Fiona David, *The International Law of Migrant Smuggling* (Cambridge University Press 2014).

⁴⁰ UNODC (n 4).

⁴¹ INTERPOL (n 60).

⁴² UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021).

⁴³ United Nations (n 16).

⁴⁴ Louise Shelley (n 36).

⁴⁵ United Nations (n 1).

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become dispersed among multiple actors performing specialized functions across different countries.

Financial considerations remain central to contemporary trafficking patterns. Trafficking has become one of the world's most profitable illicit markets due to relatively low operational costs, continuous exploitation of victims, and comparatively limited risks of criminal prosecution.⁴⁶ Unlike narcotics or firearms, trafficked persons may be exploited repeatedly over extended periods, generating recurring profits for criminal organizations.⁴⁷ Increasing reliance upon cryptocurrencies, electronic payment systems, and transnational money laundering mechanisms has further complicated efforts to identify illicit financial flows and confiscate criminal assets.⁴⁸ Consequently, financial investigations have become indispensable components of contemporary anti-trafficking strategies.

The COVID-19 pandemic further accelerated changes in trafficking patterns. Lockdowns, economic recession, school closures, unemployment, and increased reliance on digital technologies created new vulnerabilities that traffickers rapidly exploited. International organizations reported increased online recruitment, cyber-enabled sexual exploitation, labour exploitation within informal sectors, and heightened risks for women, children, migrants, and refugees.⁴⁹

3.3. Drivers of Trafficking in Persons

TIP is driven by a complex interaction of structural, economic, political, social, technological, and institutional factors that operate across domestic and international contexts. Rather than resulting from a single cause, trafficking emerges from the convergence of vulnerabilities affecting individuals and communities with opportunities exploited by organized criminal groups. Accordingly, understanding the drivers of trafficking is essential for developing effective prevention strategies and strengthening international cooperation. Contemporary scholarship increasingly recognizes that trafficking should be understood not merely as a criminal phenomenon but also because of governance failures, socio-economic inequalities, weak legal institutions, and the unintended consequences of globalization.⁵⁰

⁴⁶ UNODC (n 4).

⁴⁷ Kevin Bales, *Disposable People* (3rd edn, University of California Press 2012).

⁴⁸ Financial Action Task Force (FATF), *Financial Flows from Human Trafficking* (2022).

⁴⁹ United Nations Office on Drugs and Crime, *The Effects of the COVID-19 Pandemic on Trafficking in Persons and Responses to the Challenges* (United Nations 2021); IOM (n 71).

⁵⁰ Gallagher (n 2).

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One of the most significant drivers of trafficking is poverty and economic inequality. Individuals living in conditions of chronic poverty frequently face limited employment opportunities, inadequate access to education, and insufficient social protection, making them particularly susceptible to deceptive recruitment practices. Traffickers exploit economic desperation by offering fraudulent employment, educational opportunities, marriage arrangements, or migration pathways that ultimately result in exploitation. In many developing countries, unemployment and income disparities encourage individuals to seek employment abroad through informal recruitment channels, thereby increasing their vulnerability to forced labour, debt bondage, and other forms of exploitation.⁵¹

Closely related to poverty is the phenomenon of irregular migration. International migration has become an essential feature of globalization, generating substantial economic and social benefits for both origin and destination countries. However, restrictive immigration policies, limited legal migration pathways, and increasing border controls have encouraged many migrants to rely upon irregular migration channels. Criminal networks frequently exploit these circumstances by offering transportation, documentation, and employment services that subsequently evolve into trafficking through coercion, deception, abuse of vulnerability, or debt bondage. Consequently, migration itself does not cause trafficking; rather, trafficking flourishes where migrants are deprived of legal protection, labour rights, and effective access to justice.⁵²

Another critical driver is gender inequality and discrimination. Women and girls continue to experience disproportionate vulnerability due to unequal access to education, employment, property ownership, healthcare, and political participation. Structural discrimination, gender-based violence, forced marriage, and harmful cultural practices further increase their susceptibility to trafficking. The CEDAW recognizes that trafficking is closely linked to systemic discrimination against women and obliges States Parties to suppress all forms of trafficking and exploitation of prostitution.⁵³ Therefore, combating trafficking requires not only criminal law enforcement but also broader efforts to promote gender equality, women's empowerment, and equal economic opportunities.

Children constitute another particularly vulnerable group because of their physical, psychological, and economic dependence on adults. Family poverty, inadequate birth registration, school dropout, child labour, orphanhood, family separation, and weak child

⁵¹ UNODC (n 4).

⁵² IOM (n 2).

⁵³ Convention (n 13) UNTS 13, art 6.

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protection systems significantly increase children's exposure to trafficking. Armed conflicts, humanitarian crises, and forced displacement further intensify these risks by disrupting education, social services, and family structures. The CRC requires States to protect children from all forms of economic exploitation, sexual exploitation, abduction, sale, and trafficking while ensuring that the best interests of the child remain a primary consideration in all public policies.⁵⁴

Armed conflict, political instability, and humanitarian emergencies represent increasingly significant drivers of trafficking. Wars, civil unrest, terrorism, and state fragility generate large-scale displacement, weaken law enforcement institutions, and create governance vacuums readily exploited by organized criminal groups. Refugees, asylum seekers, internally displaced persons, and stateless populations frequently face heightened risks of forced labour, sexual exploitation, forced recruitment into armed groups, child marriage, and other forms of abuse. Humanitarian crises resulting from natural disasters and climate change likewise increase vulnerability by disrupting livelihoods and compelling affected populations to adopt risky migration strategies.

The expansion of globalization has simultaneously facilitated economic development and created new opportunities for transnational organized crime. Advances in transportation, international trade, financial liberalization, and communication technologies have significantly reduced the costs associated with cross-border movement of people, goods, services, and capital. While these developments promote legitimate global integration, they also enable trafficking networks to operate across multiple jurisdictions with increasing efficiency. Criminal organizations exploit differences in labour standards, immigration policies, criminal legislation, and institutional capacities to maximize profits while minimizing the risk of detection.⁵⁵

Technological innovation has emerged as one of the defining drivers of contemporary trafficking. Digital technologies increasingly facilitate every stage of trafficking operations, including victim recruitment, communication, transportation, financial transactions, exploitation, and concealment of criminal activities. Social media platforms, online recruitment websites, encrypted messaging applications, digital payment systems, cryptocurrencies, and artificial intelligence enable traffickers to identify vulnerable individuals, establish false identities, advertise fraudulent employment opportunities, and coordinate international

⁵⁴ Convention (n 65) UNTS 3, arts 19, 32–36.

⁵⁵ Louise Shelley (n 36).

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operations with unprecedented speed and anonymity. Cyber-enabled trafficking has therefore become one of the most rapidly evolving forms of transnational organized crime.⁵⁶

Equally important are institutional weaknesses and governance failures. Weak rule of law, corruption, inadequate border management, ineffective labour inspections, insufficient victim protection mechanisms, and limited criminal justice capacity create favourable conditions for trafficking networks. Corruption among public officials may facilitate the issuance of fraudulent travel documents, permit irregular border crossings, obstruct criminal investigations, or enable traffickers to avoid prosecution. Furthermore, fragmented legal systems and inconsistent implementation of international obligations often hinder cross-border investigations and reduce the effectiveness of international cooperation.

The demand side also plays a crucial role in sustaining trafficking. Persistent demand for inexpensive labour, commercial sexual exploitation, domestic workers, illicit adoption, and transplantable organs creates profitable markets that incentivize organized criminal groups to continue trafficking operations. Consequently, international anti-trafficking policies increasingly emphasize the importance of addressing demand alongside traditional supply-side interventions. The Palermo Protocol explicitly encourages States Parties to adopt measures designed to discourage demand that fosters all forms of exploitation associated with trafficking in persons.⁵⁷

Climate change has recently been recognized as an emerging driver of trafficking. Rising sea levels, prolonged droughts, floods, environmental degradation, and declining agricultural productivity contribute to forced displacement, food insecurity, and economic instability. Communities affected by climate-induced displacement frequently experience increased vulnerability due to loss of livelihoods and reduced access to governmental protection. Although climate change does not directly cause trafficking, it significantly amplifies existing vulnerabilities that traffickers exploit during migration and displacement.

From a theoretical perspective, these diverse drivers demonstrate that trafficking in persons cannot be adequately explained through a single analytical framework. The Human Rights Approach highlights structural discrimination, poverty, and violations of fundamental rights that create vulnerability to exploitation. Transnational Organised Crime Theory explains how organized criminal networks capitalize on these vulnerabilities through sophisticated transnational operations motivated by financial profit. International Cooperation Theory

⁵⁶ UNODC (n 4); INTERPOL (n 60).

⁵⁷ United Nations (n 54) UNTS 319, art 9.

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further demonstrates that no State can effectively address these drivers independently because many originate beyond national borders and require coordinated responses involving governments, international organizations, civil society, financial institutions, technology companies, and local communities. Consequently, addressing the root causes of trafficking requires integrated strategies combining social protection, poverty reduction, gender equality, safe migration governance, technological regulation, institutional strengthening, and effective international cooperation.

Considering these multidimensional drivers, prevention must remain the cornerstone of global anti-trafficking policy. Preventive strategies should extend beyond criminal prosecution to encompass inclusive economic development, universal access to education, labour market regulation, gender-responsive public policies, child protection systems, anti-corruption initiatives, climate resilience, and digital governance. Only by addressing both the structural vulnerabilities that place individuals at risk and the systemic conditions that enable organized criminal networks to operate can the international community effectively reduce trafficking in persons in a sustainable manner.

3.4. Emerging Challenges

The rapid evolution of TIP presents increasingly complex challenges for governments, international organizations, and law enforcement agencies. Contemporary trafficking is no longer limited to conventional cross-border recruitment and physical exploitation but has become deeply intertwined with digital technologies, transnational financial systems, geopolitical instability, and emerging forms of organized crime. These developments have fundamentally altered both the operational methods of traffickers and the legal, institutional, and technological responses required to combat them. Consequently, anti-trafficking strategies must continuously evolve to address emerging threats while maintaining compliance with international human rights standards.

One of the most significant contemporary challenges is the digital transformation of trafficking in persons. Advances in information and communication technology have enabled traffickers to utilize social media platforms, encrypted messaging applications, online recruitment websites, live-streaming services, and anonymous communication channels to recruit, transport, exploit, and control victims across multiple jurisdictions. Unlike traditional trafficking methods that relied heavily on physical intermediaries, digital platforms significantly reduce operational costs while increasing the anonymity and geographical reach of criminal organizations. Victims are frequently recruited through fraudulent employment advertisements, fake modelling

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agencies, online romantic relationships, educational opportunities, and deceptive migration offers disseminated through digital platforms.⁵⁸

The emergence of artificial intelligence (AI) has further transformed trafficking dynamics. AI technologies provide substantial opportunities for governments and law enforcement agencies to identify trafficking patterns through predictive analytics, facial recognition, natural language processing, image analysis, and anomaly detection within financial transactions and online communications. Machine learning algorithms can assist investigators in identifying suspicious recruitment activities, detecting online child sexual exploitation materials, analysing criminal networks, and prioritising high-risk cases. However, these technological innovations also create new risks. Criminal organizations increasingly employ AI-generated content, deepfake technology, automated chatbots, and sophisticated phishing techniques to deceive victims and evade detection. Consequently, technological competition between law enforcement agencies and criminal networks has become an increasingly important feature of contemporary anti-trafficking efforts.⁵⁹

Another significant challenge concerns the growing use of cryptocurrencies and digital financial systems. Contemporary trafficking networks increasingly rely upon cryptocurrencies, electronic payment systems, digital wallets, and decentralized financial technologies to facilitate cross-border transactions, launder criminal proceeds, and conceal financial flows. These technologies provide greater anonymity and reduce dependence upon conventional banking systems, thereby complicating financial investigations and asset recovery. Although blockchain technology offers opportunities for improving transaction transparency and supply chain accountability, the pseudonymous nature of many digital assets presents significant regulatory and investigative challenges. Effective anti-trafficking strategies therefore require enhanced cooperation among financial intelligence units, central banks, cryptocurrency exchanges, and international law enforcement agencies.

The expansion of the dark web has further complicated efforts to combat trafficking in persons. Hidden online marketplaces enable traffickers to advertise exploitative services, exchange forged documents, distribute child sexual abuse materials, recruit victims, and communicate securely through encrypted networks. The anonymity provided by dark web technologies significantly limits traditional surveillance techniques and often requires specialised cyber-forensic expertise. Consequently, law enforcement agencies increasingly depend upon advanced digital investigations, undercover cyber operations, international

⁵⁸ UNODC (n 4).

⁵⁹ United Nations Office on Drugs and Crime (n 61); INTERPOL (n 19).

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intelligence sharing, and cross-border judicial cooperation to identify perpetrators operating within anonymous online environments.

A related challenge is the increasing convergence between trafficking in persons and cybercrime. Organized criminal groups frequently integrate trafficking operations with identity theft, online fraud, document forgery, ransomware, financial cybercrime, and money laundering. This convergence reflects the growing diversification of criminal enterprises, whereby trafficking constitutes only one component of broader transnational criminal portfolios. Such integration complicates criminal investigations because different offences frequently fall under separate legal frameworks, institutional mandates, and investigative authorities. Accordingly, governments must adopt integrated approaches that combine expertise in cybercrime, financial investigations, border security, and human trafficking.

Another emerging challenge concerns the relationship between climate change, environmental degradation, and forced displacement. Increasingly severe natural disasters, prolonged droughts, flooding, rising sea levels, and declining agricultural productivity contribute to large-scale migration and humanitarian crises. Populations displaced by environmental factors often experience heightened vulnerability due to the loss of livelihoods, weakened community protection mechanisms, and dependence upon informal migration routes. Traffickers frequently exploit these vulnerabilities by offering fraudulent employment, transportation, or relocation opportunities that ultimately result in forced labour or sexual exploitation. International organizations have therefore recognised climate-induced displacement as an emerging factor requiring greater attention within global anti-trafficking policies.⁶⁰

Armed conflicts and humanitarian emergencies continue to generate significant trafficking risks. Contemporary conflicts have demonstrated how armed groups, terrorist organizations, and transnational criminal networks exploit institutional collapse, weak governance, and population displacement to recruit victims for forced labour, sexual slavery, child soldiering, forced marriage, and other forms of exploitation. Refugees and internally displaced persons often lack documentation, legal status, and access to employment, making them particularly vulnerable to trafficking throughout migration routes and within destination countries. These developments highlight the necessity of integrating anti-trafficking measures into humanitarian responses, peacebuilding initiatives, and refugee protection frameworks.

The persistent fragmentation of international legal systems also remains a major obstacle. Although the Palermo Protocol has significantly harmonized the legal definition of trafficking in

⁶⁰ International Organization for Migration (n 19)); UNHCR (n 69).

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persons, substantial differences continue to exist among national criminal laws regarding victim identification, evidentiary standards, corporate liability, compensation mechanisms, and sentencing policies. Variations in legal definitions may impede extradition requests, mutual legal assistance, and joint investigations because dual criminality requirements are not always satisfied. Furthermore, disparities in institutional resources and technological capabilities contribute to unequal enforcement capacities among States, thereby creating opportunities for traffickers to relocate operations to jurisdictions with weaker legal frameworks.

Another important challenge involves balancing law enforcement objectives with the protection of human rights. Governments increasingly employ digital surveillance, biometric identification, artificial intelligence, and extensive data-sharing mechanisms to strengthen anti-trafficking investigations. While these technologies enhance investigative efficiency, they also raise legitimate concerns regarding privacy, data protection, algorithmic bias, due process, and discriminatory profiling. The OHCHR has consistently emphasised that anti-trafficking measures must remain fully consistent with international human rights obligations, ensuring that technological innovation does not undermine the dignity, autonomy, and fundamental freedoms of victims or vulnerable populations.⁶¹

The increasing involvement of the private sector presents both opportunities and challenges. Technology companies, financial institutions, recruitment agencies, transportation providers, hospitality businesses, and global supply chain actors possess substantial capacity to detect and prevent trafficking. Nevertheless, inadequate corporate due diligence, insufficient labour monitoring, and weak supply chain transparency may inadvertently facilitate exploitative practices. Consequently, contemporary anti-trafficking governance increasingly incorporates business and human rights principles, encouraging corporations to identify, prevent, mitigate, and remedy trafficking-related risks throughout their operations and supply chains.

Finally, one of the greatest long-term challenges concerns the sustainability of international cooperation itself. Although significant progress has been achieved through UNODC, INTERPOL, IOM, ILO, ASEAN, the Council of Europe, and numerous bilateral agreements, effective cooperation continues to be constrained by geopolitical tensions, national security considerations, sovereignty concerns, resource limitations, and inconsistent implementation of treaty obligations. Emerging technologies require even greater cooperation regarding cyber investigations, digital evidence preservation, artificial intelligence governance, financial intelligence, and transnational regulatory standards. Without sustained political commitment

⁶¹ OHCHR (n 3); United Nations (n 1) UNTS 319.

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and institutional coordination, trafficking networks will continue to exploit jurisdictional fragmentation and technological asymmetries.

This circumstance indicates that the emerging challenges associated with trafficking in persons demonstrate that contemporary trafficking is increasingly multidimensional, technologically sophisticated, and globally interconnected. Traditional criminal justice responses remain indispensable but are no longer sufficient in isolation. Effective responses require integrating technological innovation with human rights safeguards, strengthening international legal harmonisation, enhancing cyber capabilities, improving financial intelligence, promoting responsible private-sector engagement, and reinforcing international institutional cooperation. Addressing these emerging challenges is therefore essential for developing resilient, adaptive, and victim-centred anti-trafficking strategies capable of responding to the evolving nature of transnational organised crime in the twenty-first century.

4. Conclusion

TIP, particularly involving women and children, remains one of the most persistent and complex transnational challenges confronting the international community in the twenty-first century. As demonstrated throughout this study, trafficking has evolved beyond conventional forms of cross-border exploitation into a highly adaptive and technology-enabled enterprise operated by sophisticated transnational organized criminal networks. Globalization, digital transformation, irregular migration, armed conflicts, socio-economic inequalities, and institutional weaknesses have collectively reshaped both the patterns of trafficking and the mechanisms required to prevent, investigate, and prosecute trafficking offences. Consequently, combating trafficking can no longer rely solely upon traditional domestic criminal justice approaches but instead requires an integrated framework grounded in international cooperation, human rights protection, technological innovation, and transnational criminal justice. This study has demonstrated that the international legal framework established through the UNTOC, the Palermo Protocol, core international human rights treaties, ILO conventions, and regional anti-trafficking instruments provides a comprehensive normative foundation for combating trafficking in persons. Nevertheless, significant implementation gaps remain. Variations in domestic legal systems, institutional capacities, victim identification procedures, digital investigation capabilities, and cross-border cooperation continue to hinder the effective realization of international obligations. The persistence of these challenges confirms that the effectiveness of international legal instruments ultimately depends upon coordinated implementation, institutional commitment, and sustained international collaboration rather than treaty ratification alone. From a

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theoretical perspective, this research demonstrates that no single analytical framework adequately explains the multidimensional nature of trafficking in persons. The HRBA explains trafficking as a serious violation of fundamental rights requiring victim-centred protection, access to justice, and the elimination of structural vulnerabilities such as poverty, discrimination, gender inequality, and unsafe migration. Transnational Organized Crime Theory explains how organized criminal networks exploit globalization, technological innovation, jurisdictional fragmentation, and illicit financial systems to maximize criminal profit while minimizing legal risk. International Cooperation Theory further demonstrates that effective anti-trafficking governance depends upon sustained collaboration among States, international organizations, law enforcement agencies, judicial institutions, financial regulators, private-sector actors, and civil society. The integration of these three theoretical perspectives provides a more comprehensive understanding of trafficking than any individual theory in isolation.

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