

Human Trafficking Beyond Borders:
A Comparative Analysis between the Netherlands
and the People's Republic of China

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Executive Summary

Human trafficking is a widespread and intricate worldwide issue that still takes advantage of millions of weaker people worldwide. It is a multi-billion-dollar industry that thrives on deception, coercion, and systemic vulnerabilities within national and international governance structures. The International Labor Organization (ILO) estimates that approximately 50 million people are trapped in modern slavery, with 27.6 million in forced labor and 22 million in forced marriage. The trafficking industry generates over \$150 billion in illicit profits annually. Despite initiatives to stop it, trafficking is hard to measure and effectively dismantle because it is a covert activity. Trafficking can take many different forms, such as organ harvesting, child trafficking, forced labor, and sexual exploitation. Both developed and developing nations are impacted by the issue, which transcends social, economic, and geographic boundaries. The issue has been made worse by the growth of globalization, which has made it easier for victims and traffickers to travel across international borders and given traffickers new resources for recruiting through illegal networks and digital platforms. The purpose of this thesis is to investigate the issue of human trafficking by closely comparing two countries: China and the Netherlands. Despite having different political and economic structures, historical, legal, and socioeconomic factors make it difficult for both nations to eradicate human trafficking. By examining these countries, the study aims to draw attention to the factors that support human trafficking as well as the advantages and disadvantages of different anti-trafficking initiatives.

This thesis will dive into the theoretical aspects of human trafficking, defining and exploring in detail the characteristics of the different forms that trafficking can take. It will analyze the phenomenon from both the victims' side and the traffickers' side, through theoretical lenses, utilizing the most well-known theories such as the Routine Activities Theory, the Structural Violence Theory, the labeling Theory and the describe the various Push and Pull Factors that stimulate transnationality.

At the same time this paper aims at differentiating as well as mirroring two sister phenomena: huma trafficking and human smuggling. Human smuggling entails the movement of migrants illegally with consent from the migrants for a financial profit. Trafficking does not, there is no consent whatsoever along with the dynamics of trafficking.

These specifics are exemplified thanks to the case studies chosen which show how intertwined and often mistaken these two different events are.

Human trafficking has long been a problem in the Netherlands, a country renowned for its progressive policies and robust legal frameworks, especially in the sex and labor sectors. Although the legalization of prostitution in 2000 was meant to protect sex workers and regulate the industry, it unintentionally left gaps that traffickers have taken advantage of. Under false pretenses of legitimate employment, victims—many of whom are migrants from Eastern Europe, Africa, and Asia—are frequently forced into prostitution. By means of international partnerships, law enforcement campaigns, and victim support programs, the Dutch government has taken action against human trafficking such as the National Action Plan. Significant obstacles are presented by organized crime involvement, victim identification challenges, and enforcement gaps. Apart from sex trafficking, labor trafficking is also becoming a bigger issue, especially in industries like domestic work, hospitality, and agriculture. Many migrant workers enter the nation illegally, making them susceptible to exploitation. They may endure unfavorable working conditions, unpaid wages, and threats of deportation. Stronger cross-border cooperation and policy enforcement are required to combat trafficking, which is made more difficult by the Netherlands' dual role as a transit and destination nation.

The National Referral Mechanism, which expedites victim identification and support, is one of the policies measures the Netherlands has put in place to combat human trafficking. An essential function of the Dutch Coordination Centre against Human Trafficking (CoMensha) is data collection, case monitoring, and victim support. Local governments have been urged to take preventative action, such as enhancing migrant worker housing and conducting focused inspections of high-risk industries. Notwithstanding these initiatives, it is still difficult to guarantee that victims feel secure enough to come forward because many are afraid of legal action, deportation, or trafficker reprisals. To improve long-term outcomes for trafficking survivors, government agencies and civil society organizations must work together and adopt more victim-centered strategies.

In contrast, China faces a distinct set of trafficking challenges that stem from demographic imbalances, rapid industrialization, and strict governmental controls.

A major gender gap was exacerbated by the long-standing One Child Policy (1979–2015), which increased demand for forced marriages and bride trafficking. Women are regularly trafficked into China as brides from neighboring nations like North Korea, Vietnam, and Cambodia, frequently under false pretenses or coercion. Additionally, forced labor is still a major problem, especially in China's extensive manufacturing sector even in government-led projects like the BRI Initiative. People, including members of ethnic minorities and rural migrants, are reportedly exposed to exploitative working conditions in sectors ranging from electronics to textiles. Indeed, this has caused countries like the United States to place sanctions and embargoes on specific products suspected to be produced in such conditions.

Notwithstanding government initiatives to combat human trafficking, such as the adoption of national action plans and legislative changes like the National Action Plan, difficulties continue because of stringent media regulation, little participation from NGOs, and the repression of independent research. The cultural stigmas associated with trafficking survivors further discourage people from seeking help, and victim assistance programs continue to fall short.

Crackdowns on organized crime networks, increased border security and improved interagency cooperation are some of China's anti-trafficking initiatives. Although the Ministry of Public Security has taken the lead in efforts to break up trafficking networks and save lives, it is challenging to evaluate the complete effects of these programs due to the opaqueness of data reporting. The lack of adequate victim rehabilitation programs and the cultural stigmas attached to trafficking survivors deter people from seeking assistance. Furthermore, the issue of human trafficking is made worse by internal migration within China, as rural workers who migrate to urban areas in search of work are frequently taken advantage of by dishonest employers who confiscate their identification documents and subject them to cruel working conditions. China's strategy is still primarily state-driven, which restricts the ability of foreign organizations and activists to address the problem, in contrast to the Netherlands, where international cooperation is crucial to anti-trafficking initiatives.

The intricacies of human trafficking and the variety of strategies required to effectively combat it are highlighted by the comparison between the Netherlands and China. Despite having a robust civil society, a transparent legal system, and international collaboration, the Netherlands faces challenges with enforcement and policy gaps that allow trafficking to continue. Contrarily,

China has more state authority over the application of the law, but it also faces serious obstacles because of its lack of transparency, restrictions on civil society involvement, and use of forced labor. Nevertheless, despite these distinctions, both countries face similar challenges, including those related to identifying victims, prosecuting traffickers, and tackling the socioeconomic causes of trafficking. Cross-border criminal networks continue their illegal operations by exploiting lax enforcement and lapses in immigration laws. Because migrants frequently end up in precarious situations while looking for better economic opportunities, the exploitation of migrant populations continues to be a major concern.

Over time, important agreements and conventions aimed at preventing human trafficking have been added to the international legal framework surrounding this crime. With its widely recognized definition, emphasis on victim protection, and emphasis on international collaboration, the Palermo Protocol, which was adopted in 2000, continues to be the most comprehensive international instrument addressing human trafficking. Other important legal tools include the International Labour Organization's (ILO) conventions on child trafficking and forced labor, as well as the United Nations Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others (1949), which adopted an abolitionist position on prostitution. Notwithstanding these frameworks, enforcement is still uneven, and many countries have difficulty successfully enforcing and maintaining anti-trafficking laws.

Efforts to combat human trafficking at the national and international levels are further undermined by corruption, ineffective bureaucracy, and insufficient funding.

Beyond merely taking legal action, combating human trafficking necessitates a comprehensive, multifaceted strategy. Stronger labor protections, economic assistance programs for disadvantaged groups, and extensive education campaigns are all essential components of prevention strategies. Effective identification and response to trafficking cases requires specialized training for law enforcement agencies. Furthermore, more international cooperation is required to break up trafficking networks, improve intelligence exchange, and harmonize cross-border victim protection protocols. In order to guarantee that survivors have access to legal, medical, and psychological support, governments must also give priority to victim rehabilitation and reintegration programs. With digital platforms increasingly serving as tools for both trafficking and anti-trafficking initiatives, the role of technology in combating trafficking is another important area for investigation. Through the use of artificial intelligence,

big data analytics, and cyber monitoring, law enforcement can monitor trafficking activities and take action before victims are exploited further.

With billions of dollars made annually from the illegal trafficking industry, the economic impact of human trafficking cannot be ignored. It is crucial to address both supply and demand factors because trafficking flourishes in environments where there is a high demand for commercial sex and cheap labor. Holding businesses responsible for human rights abuse in their supply chains requires increased awareness among consumers and businesses regarding ethical labor and sourcing practices. Governments can contribute by enforcing more stringent laws on sectors of the economy that are at high risk of using forced labor and by encouraging ethical labor practices. Moreover, lowering a person's susceptibility to human trafficking requires tackling underlying issues like poverty, illiteracy, and gender inequality. The socioeconomic inequalities that push people into precarious situations will be exploited by trafficking networks if these root causes are not addressed.

In the end, this study emphasizes the critical need for ongoing initiatives to stop human trafficking by bolstering international collaboration, strengthening enforcement systems, and improving victim protection initiatives. Traffickers are still able to operate with impunity despite the existence of legislative frameworks, enforcement gaps, and systemic weaknesses. In order to create the political will required to put into place effective anti-trafficking measures, public awareness and advocacy are essential. In order to address this holistically, governments, corporations, civil society organizations, and individuals all have a part to play.

This thesis seeks to contribute to continuing conversations and efforts to create more potent prevention, intervention, and prosecution strategies by illuminating the realities of human trafficking and offering workable solutions. A concerted international effort is needed to combat human trafficking, with justice, human rights, and dignity at the center of every endeavor.

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Introduction

If you type human trafficking into Google's search bar, most likely what will pop up are the websites of those organizations actually working to combat it, such as UNODC, Europol, and Homeland Security. Although no factual news of human trafficking will appear, this occurs also on other sources of media, as it is often perceived as too complex to portray to a general audience. Part of this is extremely true: human trafficking is an extremely difficult and complex event to comprehend, and its nature makes it hard to portray and convey correctly; therefore, most of the time, this problem is obviated by not portraying it. On the other side, not sharing information in regard only risks posing harm to the population as given no information means not educating on the phenomenon and having the audience acknowledge its occurring.

Human trafficking is a topic that is indeed newsworthy but hidden.

Its transnational nature has been worsened by globalization, which has made it easier to move victims across borders and avoid stricter legal networks, as well as exploit the internet to recruit new traffickers as well as victims. Nonetheless, each country is affected differently depending on a series of factors: geography, political and legal systems, economic situation, and culture.

The aim of this thesis is to highlight how widespread the phenomenon of human trafficking is, how it can be found in all sorts of systems and how often many similarities can be found simultaneously. The choice of analyzing the Netherlands and China stands within this aim.

These two countries come from opposite backgrounds: the Netherlands represents a highly developed democratic nation with a well-established legal framework against China, which is the world's second-most populous country and an authoritarian state with a rapidly industrializing economy. These distant contexts bring up different issues and facts of human trafficking and therefore require differential treatment. Although it is extremely curious how both countries face specific difficulties in controlling human trafficking due to legislative decisions made in the past: legalizing prostitution in 2000 for the Netherlands and the One Child Policy in 1979 for the People's Republic of China.

Indeed, the Netherlands still faces challenges with sex trafficking and forced labor in spite of its robust anti-trafficking legislation and international collaboration. Despite being meant to control the sex industry and safeguard workers, the legalization of prostitution in 2000 has inadvertently opened up gaps that traffickers take advantage of. Victims are frequently forced into sex work and labor exploitation under the pretense of legitimate employment, especially migrants from Eastern Europe, Africa, and Asia. Furthermore, the Netherlands is a major participant in European and international anti-trafficking initiatives since it is a transit and destination nation for trafficked persons. On the other hand, China's one-child policy (1979–2015) has contributed to severe gender imbalances, fueling bride trafficking and the abduction and sale of women and children for forced marriages. These issues, combined with strict media control, limited transparency, and restricted NGO activity, make China's response to trafficking particularly complex.

By examining their different legal frameworks, government responses, socio-economic consequences, and international commitments, this research seeks to identify best practices, highlight gaps in enforcement, and assess the effectiveness of global anti-trafficking efforts.

This paper will first provide a general outlook on the phenomenon at hand—defining it, describing its subcategories, and the theories that are mostly used to study it. It will then go on to provide an analysis and resume the various international treaties and covenants that have been signed and ratified to combat and prevent human trafficking, such as the Palermo Protocol and the UN Convention Against Transnational Organized Crime (UNTOC), and how they aid in shaping national policies and improving cross-border cooperation. The central chapters of this paper will deal with the two case studies of the Netherlands and China, respectively. Both chapters will be structured in the same way, addressing the history of the country regarding human trafficking, the main types and their incidence, the social and economic effects and lastly, how the government has and is responding to this transnational crime.

The last chapter will instead focus on the comparison between the two, considering all factors evaluated. Ultimately, this comparative analysis highlights the broader challenges of addressing human trafficking, emphasizing the need for stronger enforcement mechanisms, greater victim protection programs, and enhanced international cooperation. Overall, this thesis aspires at raising awareness about an incredible strategically implemented crime and showcase how close it is to us even though it may seem invisible.

1. The Phenomenon of Human Trafficking

1.1 Defining the Phenomenon

The following sections will deal with the concept of human trafficking as it is today and will attempt to give the reader a detailed analysis of this multifaceted phenomenon; including a geopolitical assessment as to where Human trafficking has a higher risk of occurrence.

1.1.1 Modern Day Slavery

The phenomenon of Human Trafficking has been present within society since the dawn of time; only hiding under different names and definitions.

What was first known as slavery in the cradle of society has now developed into a global event that encompasses all sorts of exploitation.

Thinking about it, the transatlantic slave trade dates to the 1400s, a time when more than 12.5 million people were sold and transported to Europe and the Americas from countries like Ghana, Sierra Leone, or the Ivory Coast (Stickle, Hickman, & White, 2020). Indeed, imagining an existing commercial route still existing for such a purpose today is horrific, although the lack of awareness and understanding has led to a delay in policies and consensus regarding unanimous definition and protocol.

The political community has gone through a lengthy process historically and socially, which will be further investigated within this paper, regarding the definition of human trafficking. Not only, the term slavery itself is often misleading as it is connected to the concept of *ownership*, incorporating the idea of physical possession of a person as well as control over it. Nonetheless, there are several types of violations of one's human rights covered by the term modern-day slavery or human trafficking that do not necessarily include ownership or slavery in its historical sense (Koettl, 2009).

<i>Year</i>	<i>Event</i>
1444	The first recorded sale of African slaves in Portugal
1482	Portugal builds the first permanent slave trade post in modern-day Ghana
1510	Slaves arrive at Spanish Colonies in South America via Spain
1518	Slaves shipped directly from Africa to the Americas for the first time
1777	1800 Abolition of slavery in Vermont, Massachusetts, and New Hampshire; US
1780	Peak of the Transatlantic slave trade
1792	Slavery was outlawed in Denmark's colonies in the West Indies
1807	The Abolition of Slave Trade Act was passed in Britain, although slavery still
1811	exists.
1819	Spain abolished slavery, although it continues to exist in Cuba
1833	Portugal abolishes slavery in the northern hemisphere
1848	Abolition of Slavery Act passed in Britain; slavery is gradually outlawed
1858	France abolishes slavery
1863	Portugal abolishes slavery in its colonies
1888	Emancipation and Proclamation of the abolishment of slavery in the US
1900	Slavery is abolished in Brazil
1904	Slavery is abolished in Sudan and Cuba
1942	International Agreement for the Suppression of the White Slave Traffic, UN
1948	Slavery abolished in Ethiopia
1949	The UN adopted the Universal Declaration of Human Rights, including the prohibition of slavery and servitude.
1956	UN Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others.
1964	The Immoral Traffic Prevention Act was passed in India.
2000	Civil Rights Act, US – outlawing discrimination based on race, color, religion, sex or national origin
2000/2003	Trafficking Victims Protection Act, US
	Palermo Protocol, UN

Figure 1.1 Historical Events leading to the abolition of slavery (Stickle, Hickman, & White, 2020)

The first real step was done in the year 2000 when national governments came together to draft and publish the Palermo Protocol which entails a comprehensive view and understanding of the issue of human trafficking. For clarity purposes the Palermo Protocol's definition will be applied as constant throughout this paper, defining human trafficking as "[...] the recruitment, transportation, transfer, harboring or receipt of persons, **by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.** Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices like slavery, servitude or the removal of organs." (United Nations Convention against Transnational Organized Crime and the Protocols Thereto, 2000).

Indeed, firstly it is essential to understand what exploitation and consensus are in order to understand why there is so much difficulty in coming to a simplistic conclusion or the concept of human trafficking.

Exploitation can, indeed, be perpetrated by private actors, state actors, or even the government itself. Usually, exploitation involves coercion and/or deception – so-called hard threats –, although there are many means through which victims can become such. In this case, victims are forced to perform certain acts against their will, which fall into a category prosecutable by criminal law. Although there are some loopholes, for instance, individuals can be lured into exploitation (namely surreptitious exploitation) by providing misleading information to keep them in a perpetual position of dependency.

Not all exploitation is nonconsensual, however. Some victims of exploitation allow themselves to be exploited because they have no other viable options. In such cases, victims are not coerced by physical threats, fraud, or deception, but rather by a form of "economic coercion", what is often called a "soft threat". This can be the case in communities that rely on wages from only one – or perhaps very few – employers in poorly diversified regions (Koettl, 2009).

The difference between soft and hard threats will be explained in depth in the following sections of the current paper.

1.1.1 Global Slavery Index & TIP

Another issue that must be dealt with when taking on the issue of describing and analyzing human trafficking is the question of quantification. Since human trafficking is something that cannot be diluted into solely numbers due to its complex nature and often unreliable sources it is extremely difficult to quantify. Unfortunately, it is hard to perceive phenomena and define them as real until they are given a number (Lebaron, Pliley, & Blight, 2021).

Nonetheless, NGOs and governments have been trying their best to describe numerically such a phenomenon with the intent of raising awareness and giving a platform from which to start and counteract.

The first tool that is mostly used is the Global Slavery Index (GSI), a report published by the Walk Free Foundation that provides a comprehensive estimate of modern slavery around the world. Through the application of four key elements – prevalence, vulnerability, and government responses – it measures the extent of slavery across the globe and creates a ranking with the countries surveyed.

Prevalence is determined according to the number of people living in conditions that qualify as modern slavery; including (but not only) forced labor, debt bondage, and forced marriage. Currently, the first place for this item is held by North Korea.

Vulnerability is obtained through the analysis of risk factors that make individuals more exposed to modern slavery such as poverty, inequality, discrimination, and conflict. Currently, the first place for this item is held by South Sudan.

Government Response evaluates the effectiveness of government policies in combating modern slavery. Currently, the first place for this item is held by the United Kingdom.

The aim of GSI is to raise awareness about the issue at hand and drive global action by attempting to provide accountable and reliable data (Walk Free, 2023). Not only is it also used as a tool to advocate stronger anti-slavery policies and to hold responsible government when found lacking. Additionally, the GSI contributes to the United Nations Sustainable Development Goal #8 – Decent Work and Economic Growth – more specifically, aiding at target 8.7 which states the following:

Take immediate and effective measures to eradicate forced labor, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of child labor, including recruitment and use of child soldiers, and by 2025 end child labor in all its forms (United Nations, Goal 8, 2023).

Today, according to the GSI Report of 2023 there were about 50 million people living in modern slavery on any given day in 2021 of which 12 million were children (Walk Free, 2023). The report is drafted by surveying 25 countries with over 42, 000 respondents, obtaining data covering 167 countries and covering 161 government responses (Stickle, Hickman, & White, 2020).

Another essential tool in quantifying the phenomenon of human trafficking is the Trafficking In Persons Report (TIP) which was drafted by the US Department of State.

The TIP Office was established in 2001, and the first report was published in 2002 it ranks the country based on the extent of government action taken to combat trafficking in accordance with the standards of the Trafficking Victims Protection Act of 2000 (TVPA) (U.S. Department of Justice, 2023). Countries are then ranked among four Tiers, with Tier 1 being countries mostly active in the battle and Tier 3 being countries that have taken no action at all. The Tiers are meticulously described as follows:

Tier 1: Countries that are not necessarily free of trafficking, but they are considered to be fully aligned with the TVPA's minimum standards to eliminate human trafficking.

Tier 2: Countries that do not meet the TVPA minimum standards but are implementing substantial efforts to align and comply with the standards.

Tier 2 Watchlist: Countries whose response to combat trafficking is not to scale with the levels of trafficking in the country. This rating can represent a decrease in the effective prosecution of traffickers, a lack of assistance and support to victims, or even a degree of government involvement in human trafficking.

Tier 3: Countries that fail to meet the TVPA's minimum standards – and are also not making significant efforts to do so. To note is that tier 3 countries may be restricted from access to nonhumanitarian, nontrade-related foreign assistance funding and participation in educational and cultural exchange programs at the determination of the U.S. President.

The TIP is an extremely powerful tool which has aided the global community immensely, even spurring countries in adapting their policies and improve their effort to prevent and combat human trafficking (International Justice Mission, 2024; Stickle, Hickman, & White, 2020). For the sake of transparency and the intent of giving a comprehensive resume of the topic, both the GSI and TIP have been used to select the case studies analyzed further in this thesis.

1.1.2 Types of Human Trafficking

As explained in above section “Modern Day Slavery”, different kind of exploitation exist, being differentiated by threat and profit.

Throughout the subsequent sections the main types of trafficking will be explained, providing real life cases specific to each type.

1.1.3.1 Sex Trafficking

Sex Trafficking and prostitution are often thought to be linked, motive of why many countries wonder whether it is a safe choice to legalize prostitution or if it promotes trafficking within the sector.

Although, prostitution entails one fundamental concept, the selling of a sex act can be considered prostitution only if there is an assumption of consent, which is why this

phenomenon is often described as a victimless crime – since it is criminalized in most countries. Indeed, there are cases in which prostitutes are consenting to this lifestyle and other cases in which they are not, which is when we can call it as part of Sex trafficking (Stickle, Hickman, & White, 2020).

"The recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act" is one definition of sex trafficking. Even though human trafficking has been a problem for a long time, rigorous research on accurate statistics on the overall number of people being trafficked is still lacking. There are several reasons for this, such as the fact that trafficking is a covert, illegal, and extremely lucrative activity, the extreme marginalization and invisibility of the vulnerable people involved, and the absence of comprehensive anti-trafficking laws (Brooks & Heaslip, 2019).

An extremely interesting example is the case of Nigerian women who are transported directly from their country – usually through the Mediterranean route – to be sold into sexual slavery through the application of religious rites which are done with the intent of making as complaint as possible – so called *juju* rites. Women and girls are, therefore, either smuggled or legally brought to Europe, with the threat of defying a religious oath if they do not comply with the orders and rules that are given and, most likely, that misfortunes will occur not only to them, but to their families as well (Msuya, 2019).

This is a clear exemplification of debt bondage, which is only one of many tactics of coercion through which traffickers subdue their victims.

Indeed, sex traffickers may approach families living in dire conditions of poverty and offer to purchase girls or women, promising them a better life in a richer nation.

Traumatic bonding is another strategy, in which the victim is instilled with a deep-seated fear and a sense of gratitude for being given the opportunity to live. Victims who are economically or socially vulnerable are frequently recruited by traffickers and/or pimps. These include women and girls who are vulnerable to poverty, social exclusion, drug abuse, domestic violence, a history of child sexual abuse, dysfunctional families, academic failure, or criminal activity. Innumerate and illiterate people, women with physical disabilities, and orphans may also be included. Usually, guerrilla pimping or deception are used to find victims.

In order to lure girls with small gifts of money, clothing, shelter, food, and drugs that make them feel obligated or indebted to the pimp, finesse pimping uses psychological tricks, compassion, and kindness. Guerrilla pimping is the practice of recruiting and enslaving victims through the use of violence, threats, intimidation, or aggression. It is extremely difficult for women and girls to leave the sex trafficking industry once they are involved. Legal obstacles may arise for victims, as traffickers may seize or confiscate all immigration and citizenship documents. Other obstacles that women and girls may encounter to keep them from fleeing the sex trafficking ring include lack of funds, fear, language barriers, and inadequate knowledge. In numerous regions across the globe, legacy sex trafficking has become a societal norm, therefore a continuous cycle generation after generation (Deshpande & Nour, 2013).

1.1.3.2 Labor Trafficking

According to the ILO Forced Labor Convention, 1930 (No. 29), forced or compulsory labor is:

"All work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily." Three components make up this definition:

Any kind of labor that takes place in any industry, sector, or activity, including the unorganized sector, is referred to as work or service. A wide range of penalties used to force someone to work are referred to as *menace of any penalty*.

Involuntariness: The phrase "offered voluntarily" describes a worker's free and informed decision to accept a position as well as their right to resign at any moment. This is not the case, for instance, when a recruiter or employer makes false promises to persuade a worker to accept a position that they otherwise would not have (ILO, IOM, & WalkFree, 2022).

At this moment, there are 27.6 million people that find themselves in a situation of forced labor and of these 3.9 million are in State-imposed form of forced labor, therefore opening the discussion to when the government is part of the issue.

Forced labor occurs everywhere in the world. Over half of the world's population (15.1 million) lives in Asia and the Pacific, with the nations of the Arab States (0.9 million), Africa (3.8 million), the Americas (3.6 million), and Europe and Central Asia (4.1 million) following

closely behind. However, when expressed as a percentage of the population, this regional ranking transforms significantly. According to this metric, the Arab States have the highest rate of forced labor (5.3 per thousand), followed by Central Asia and Europe (4.4 per thousand), the Americas and Asia and the Pacific (both at 3.5 per thousand), and Africa (2.9 per thousand). As shown by data, regardless of a nation's level of wealth, forced labor is a problem. Over half of all forced labor takes place in high-income or upper-middle-income nations. When population is taken into consideration, low-income countries have the highest rates of forced labor (6.3 per thousand), followed by high-income countries (4.4 per thousand). The private sector is where the majority of forced labor takes place. Private actors are responsible for 86% of cases of forced labor, with 23% occurring in forced commercial sexual exploitation and 63% occurring in the private economy in sectors other than commercial sexual exploitation. The remaining 14% of those engaged in forced labor are subject to state-imposed labor. Forced labor affects almost every aspect of the private sector (Koettl, 2009).

Services (not including domestic work), manufacturing, construction, agriculture, and domestic work are the five industries that account for the majority of all adult forced labor (87%). Even though their shares are smaller, other sectors still employ hundreds of thousands of people. These include adult laborers compelled to engage in mining and quarrying activities, such as digging for minerals, fishermen ensnared in forced labor on fishing vessels, individuals compelled to beg on the street, and those compelled to engage in illegal activities (Walk Free, 2023).

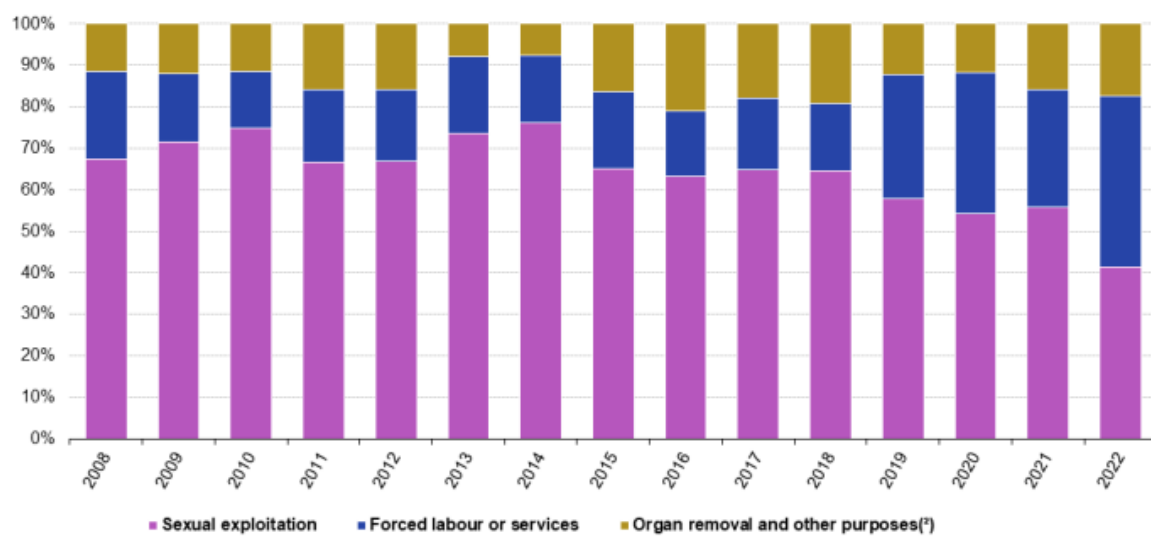
It must be noted that forced labor, when analyzed within the private sector, is highly gendered. Women in forced labor are much more likely than their male counterparts to be in domestic work, while men are much more likely to be in the construction sector. There is a difference in the methods of coercion as well when it comes to gender; women are more likely to be coerced through wage non-payment and abuse of vulnerability, and men through threats of violence and financial penalties. Women are also more likely than men to be subjected to physical and sexual violence and threats against family members.

Overall multiple forms of coercion are used to force people who are exploited for forced labor to work against their will. The most prevalent type of coercion, which affects 36% of people in forced labor, is the systematic and dehumanizing withholding of wages by abusive employers to keep employees in a job out of fear of losing accrued earnings. One in five people

who were forced to work endured the abuse of vulnerability through the threat of termination. Although they are less frequent, more extreme forms of coercion such as forced confinement, physical and sexual abuse, and deprivation of necessities are by no means insignificant (ILO, IOM, & WalkFree, 2022).

It is worth noting that within the EU in 2022, forced labor and sexual exploitation have reached almost equal percentage.

Forms of exploitation for registered victims of trafficking in human beings⁽¹⁾
(%, EU, 2008-2022)



⁽¹⁾ Calculated on responding countries and on known values. No adjustments were made.

More than one form of exploitation can be recorded for a victim.

⁽²⁾ Organ removal and other purposes including use for benefit fraud, criminal activities and forced begging.

Source: Eurostat (crim_thb_vexp)

eurostat

Figure 1: Forms of exploitation for registered victims of trafficking in human beings, 2008-2022
(Eurostat, 2024)

1.1.3.3 Child Trafficking

Explain that child trafficking is within one a whole subsection of human trafficking which encompasses all sorts of exploitation at a pejorative grade legally as it is done upon minors who by law cannot, in most cases give informed consent.

Nonetheless around 35% of detected victims are underage, according to UNODC's 2022 report, although due to its hidden nature the data is variable.

The numbers are indeed recorded through several different streams of information, starting off with data coming from child welfare such as the number of cases of children reported missing. For Instance, the National Center for Missing and Exploited Children (NCMEC) stated that in 2023, 19% of those children who were reported missing were likely to be victims of child sex trafficking (Stickle, Hickman, & White, 2020).

As explained for “general” trafficking, it can happen anywhere, it is a not a geographically exclusive issue, although there are areas in which is most probable or more likely to encounter this crime. Regarding Child Trafficking these areas tend to be concentrated in Central America, the Caribbean, North Africa, the Middle East, and Sub-Saharan Africa. Not coincidentally, these areas are also more subjected to extreme weather events and conflict, which were found to be moderators of child trafficking, meaning that they increase the likelihood of children of being separated by their families and/or guardians and consequently fall into the hands of traffickers (UNODC, Trafficking In Persons, 2020).

A special mention must be made to the techniques applied by traffickers to lure in these young victims. If beforehand threats like coercion or debt bondage were discussed, when it comes to child trafficking, the involvement is much more mental. Usually victims of child trafficking are minors who already find themselves in situations of vulnerability and therefore traffickers pose as friends or as guides, promising them to help them out; creating intimate relationships with the victims to gain their trust and build a bond that can difficulty be broken – therefore with no need to resort to kidnapping, as less than 10% of child trafficking cases involve it - and potentially lead to what is known as Stockholm Syndrome (PolarisProject, 2020). Stockholm syndrome is a psychological response to being held captive. Individuals with Stockholm syndrome form a psychological connection with their captors and begin sympathizing with them.

Many medical professionals consider the victim's positive feelings toward their abuser a psychological response — a coping mechanism — that they use to survive the time spent in the hands of their captors (ClevelandClinic, 2022).

Although there is also another possibility through which traffickers handle their recruitment, which is directly through families. Indeed, keeping a condition of vulnerability stable and the concept of generational trafficking, it is not, unfortunately, uncommon for families to sell children for sex in exchange for money, drugs, or something of value (PolarisProject, 2020). A clear example of this peculiar dynamic is the case of forced marriage, which only recently has been included within the umbrella of trafficking, although it is highly present. As a matter of fact, 22 million out of 50 million victims of modern slavery are entrapped in a forced marriage (ILO, IOM, & WalkFree, 2022).

Forced Marriage it occurs when one or both people are forced to marry against their will or forced to stay in the marriage against their will. Meanwhile child marriage adds the variable of age to the formula and is often referred to as early marriage or child brides (Stickle, Hickman, & White, 2020).

This is again, a phenomenon that is highly gendered, as girls are more likely to be subjected to this practice as they are up to three times more probable to experience sexual violence. For this specific subset of trafficking, there are precise states to focus on as they encompass almost the entirety of these cases; 65 percent of forced marriages are found in Asia and the Pacific. Arab States have the highest prevalence, with 4.8 out of every 1,000 people in the region in a forced marriage.

Despite what the data lets transpire the United Nations condemns such practice as a human rights and child rights violation and it is indicated through the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women (ILO, IOM, & WalkFree, 2022).

Lastly, there is a highly specific case encompassed by child trafficking which is the unlawful recruitment or use of children—through force, fraud, or coercion—by armed forces as combatants or other forms of labor; commonly known as child soldiers. The armed forces of the government, paramilitary groups, or rebel organizations may be the perpetrators. Many minors are kidnapped and employed as fighters. Others are forced to serve as spies, messengers, cooks, porters, guards, or servants. Commanders and male warriors may rape or force young girls to "marry." Armed groups frequently sexually abuse or exploit both male and

female child soldiers, and these children suffer the same severe physical and psychological effects as those of child sex trafficking (Office to Monitor and Combat Trafficking in Persons, 2021).

1.1.3.4 Organ Harvesting

Organ Harvesting is known as a medical procedure usually done post-mortem to patients who had previously given consent for their organs to be excised and given to other patients who might need it. Unfortunately, that is not always the case.

According to the Trafficking in Persons Protocol, it is illegal to traffic individuals for the purpose of removing their organs. The Protocol only addresses trafficking in organs when an individual is trafficked for the purpose of organ removal; it does not fully address trafficking in human organs because it does not include the transfer of organs (for profit) alone.

Therefore, organ trafficking can be understood as a crime that involves the movement of people in order to harvest organs or to give illegally harvested organs (UN, 2008).

Organs are provided by organized networks that connect "donors," who are frequently from developing nations where organ trafficking organizations target vulnerable groups and individuals, with recipients from "demand countries," which are primarily in Europe, North America, and the Near East. In order to collect and distribute organs, organ traffickers also exploit armed conflict, refugees and displaced people, and the breakdown of the rule of law. Since the beginning of the Syrian crisis, up to 20,000 organ sales have taken place throughout Syria, according to estimates from Syrian officials.

An example of this horrific practice can be found in Iraq, the so-called Islamic State group (IS) has been harvesting and selling the organs of combatants, hostages, and prisoners. The harvesting of organs from "apostates" for the purpose of "transplanting healthy organs into a Muslim person's body in order to save the latter's life or replace a damaged organ" is alleged to have been approved by IS in that context. Additionally, there have been reports of illegal marketplaces selling human organs within IS-controlled areas, and bodies with signs that their organs were taken by force have been found in IS-controlled areas.

Trafficking of organs has also been a result of other conflicts, such as the Kosovo crisis of 1998–99. In fact, a Council of Europe inquiry found that militants from the Kosovo Liberation Army (KLA) were executing hostages before extracting their kidneys from cadavers and utilizing them as a source of organs in the aftermath of the fight. In accordance with these accounts, organ harvesting and trafficking has become a commonplace crime that both the living and the dead must face during times of armed conflict, regardless of the reasons behind it (Martial, 2023). Therefore, trafficking in individuals for the purpose of removing organs is not the same as trafficking in organs. Currently, the only international agreement requiring states to enact laws against organ trafficking is the Santiago de Compostela Convention (SCC), which is the Convention against Trafficking in Human Organs of the Council of Europe. By making it illegal to purposefully remove human organs from living or deceased donors without their consent (or, in the case of deceased donors, without their consent being permitted by domestic law) or when that consent was acquired in exchange for "financial gain or comparable advantage" for the donor or a third party, the SCC criminalizes organ harvesting (UN, 2008).

It examines the criminal responsibility of all parties involved in organ trafficking, from procurement to transportation and transplantation, whether acting alone or in concert with a criminal organization. The donor and recipient are exempt, assuming that their actions are driven by necessity. This is not to mean that organ recipients won't face criminal charges; in fact, practically all nations make it illegal for patients to purchase organs through transplant tourism.

Transplant tourism includes all those patients who travel across jurisdictional borders to obtain illegal transplant from a paid donor, and it is considered a subtype of trafficking in persons in the 2008 Declaration of Istanbul on Organ Trafficking and Transplant Tourism. In these cases, usually the donor is willing to give his or her organs for a financial fee, although exploitation of economic vulnerability exceeds the consensus given, as it is assumed that the consensus is not given on a voluntary and autonomous basis. However, the SCC does not control such behavior (Stickle, Hickman, & White, 2020).

1.2 Transnationality & Human Trafficking

The concept of transnationality refers to *the state of simultaneous embeddedness in multiple locales and the apparent fluidity of movement between them* (Huang, 2009), an event extremely common in the era of globalization and often tied to the phenomenon of migration and trafficking.

Throughout this section the connection between transnationality and human trafficking will be explored, focusing on the role of organized crime and its advent in this business as well as differentiating the often-mislabeled phenomena of transnational migration.

1.2.1 The Role of Organized Crime

According to UNODC when talking about organized crime it is a must to refer to it as an enterprise to all effect with a criminal scope which works rationally to profit from illicit activities.

The key term in this endeavor is organized, which includes acts that are exclusively planned and rational which, consequently, reflect the effort of groups of individuals. Its continuing existence is maintained through corruption of public officials and the use of intimidation, threats or force to protect its operations (UNODC, Organized Crime Markets, 2020).

In history when hearing the word organized crime one would think immediately about mafia, wrongly so, as mafia deal in the business of private protection and extortion solely. Nonetheless with the rise of globalization, mafias have evolved into networks – often overseas - that are comparable and semi-equal to organized crime. For instance, by the late 20th century, Albanian organizations became highly present in Italy, often cooperating with Italian Mafia and controlled most of the vice trade in London.

The newfound transnational nature of such organizations led to a whole new category of crimes, ergo Transnational Organized Crime (TOC), which encompasses all those criminal organizations that cross national borders and consequently involve the territories and laws of at least two countries. To be specific, what being brought across borders could range from drugs, laundered money, antiques, illicit goods, weapons and even *people* (Williams, 2023). The nature of human trafficking which as per definition includes “the transportation, the

transfer, harboring or receipt of persons” falls immediately under the category of transnational organized crime. We know that human trafficking can occur at a local, regional, and national level, but it is far more common for it to be implemented across borders; since is “safer” for the traffickers to conceal what is being actually done. The presence of networks facilitates such a process, and it is fundamental for a successful trafficking ring; the connections between recruiters, transporters and exploiters allow it and expedite it. (UNODC, s.d.). This can be exemplified by the case study of Nigerian mafias who, since the 1980s, have developed into an extensive network all over Europe for the trafficking of women – controlling almost all of the prostitution market in Southern Italy – and globally for the selling of heroine, cocaine and methamphetamine (Williams, 2023).

Sex and labor trafficking, have an estimated revenue of about \$236 billion according to ILO’s official report (Koettl, 2009). Overall, according to INTERPOL, the revenues from TOCs are estimated in billions and their modus operandi resembles exactly the ones applied by legitimized international businesses. TOCs function with hierarchies, through strategic alliances, and defined operating models; the same as a legal business would do. It is to be noted though that “members of organized crime groups often share a common link, for example geographical, ethnic or even blood ties” which is an essential element of differentiation and notability (INTERPOL, s.d). Therefore, the realization of the extensive and global nature of organized crime as a whole, led to the drafting of the United Nations Convention against Transnational Organized Crime, which became effective in 2003.

The Convention allowed for the definition of criteria regarding organized criminal groups which include the following:

1. A structured group of three or more people.
2. The group exists for a period of time.
3. It acts in concert with the aim of committing at least one serious crime.
4. To obtain, directly or indirectly, a financial or other material benefit.

The Convention has near universal adherence, representing the overwhelming majority of the world's nations. The definitions make clear that the size of an organized criminal group can be quite small (although some organized criminal groups can be large), and it does not

have to exist for a long period of time (although some do). Significantly, the seriousness of the crimes committed by these groups, and their profit-driven nature, are defining elements.

The Convention covers only transnational crimes, which are planned, executed, or have effects across national borders. This broad definition of transnationality acknowledges the complexity of the issue and sets the stage for broad international cooperation.

According to the convention an offence is considered transnational if it fulfills the following:

1. It is committed in more than one State;
2. It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
3. It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
4. It is committed in one State but has substantial effects in another State.

Overall TOCs are surely a security threat both at an individual level – drug and human trafficking related violence – as well as at a social level – government corruption, impunity, collusion with state authorities. Not to mention that TOCs negatively affect the efforts at conflict resolution and peacemaking that are made at a regional and global level (UNODC, Definition in Convention, 2018).

1.2.2 Migrant Smuggling

The Organized Crime Convention has a Protocol that covers both human trafficking and migrant smuggling, which are distinct offenses with different legal solutions. However, because they can happen in the same places and impact the same individuals, these two offenses are frequently misconstrued. For example, because smuggled migrants are more likely to become victims of human trafficking, what may start out as migrant smuggling may turn into human trafficking. However, in order to create suitable crime prevention and criminal justice

response, investigators and prosecutors in particular need to be aware of the differences between the basic aspects of these two offenses (UNODC, Definition in Convention, 2018).

Migrant smuggling has its own separate Protocol to the Organized Crime Convention titled "Protocol against the Smuggling of Migrants by Land, Sea and Air" (the Smuggling of Migrants Protocol), which supplements the United Nations Convention against Transnational Organized Crime Convention.

The purpose of the Protocol is to "prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants" (article 2, Smuggling of Migrants Protocol).

One of the main objectives of the Protocol is to protect migrants from exploitation by smugglers, who would take advantage of migrants' needs and lack of alternatives. The criteria to define an event as smuggling of migrants is found as follows within the Protocol.

- *(a) "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.*
- *(b) "Illegal entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State.*

(UNODC, Trafficking In Persons, 2020)

There is no trustworthy worldwide figure on the number of people who are smuggled annually because it is a covert activity. An estimated USD 5-5.7 billion was exchanged for at least 2.5 million migrants in 2016, according to UNODC estimates (UNODC, 2018).

The amount of migrant smuggling is indicated by data for particular migration pathways. According to regional patterns, smuggling accounts for the majority of the estimated 3 million unauthorized entry into the United States annually. In 2023, 292,985 migrants traveled to Bulgaria, Cyprus, Greece, Italy, Malta, and Spain along the Mediterranean and Western African Atlantic route. Most of these migrants are thought to have employed

smuggling services. Tens of thousands of people are smuggled into, though, and out of Malaysia, Thailand, and Indonesia each year from parts of Southeast Asia and Myanmar, according to the UNODC (UNODC, Trafficking In Persons, 2020).

Migrant smuggling is, therefore, also considered a Transnational Organized Crime, being a business worth as much as USD 10 billion or more per year, given that routes from West, East and North Africa to Europe, and South America to North America generate approximately USD 6.75 billion a year. To be noted, all these numbers are indeed uncertain as smuggling has a hidden nature which makes it extremely complicated to obtain reliable data (Migration Data Portal, 2024). According to UNODC (2018), smugglers along particular routes made the following annual revenue estimates for 2016 or prior: The total amount of smuggling into the European Union is USD 320–550 million for the three Mediterranean routes, USD 1-1.5 billion for land routes from sub-Saharan Africa to North Africa, and USD 45.5 million for various routes to South Africa; USD 9–22 million for sea routes from the Horn of Africa to the Arabian Peninsula; USD 3.7–4.2 billion for land routes to North America; USD 192 million (in 2010) for land routes from neighboring countries to Thailand; and approximately USD 300 million for land routes from South-West Asia to Turkey (Migration Data Portal,2024).

Human Trafficking and Migrant Smuggling share therefore several similarities and it can be understood why they are often used as interchangeable terms; nonetheless they are distinct phenomena, defined by the concept of consensus.

Individuals who desire to migrate and must do so illegally agree to do so – even though it is not an informed consent, individuals who are trafficked do not so willingly on the other hand. The reasons why both events occur are also similar, but this is due to their interconnection, which means that an individual unfortunately is not relegated to only experiencing one of the two.

Indeed both structural factors such as: *economic elements* (globalization, poverty, migration patterns), *social elements* (gender discrimination, social inequality), *ideological elements* (racism, xenophobia, gender and cultural stereotyping), and lastly *geopolitical elements* (war, civil strife); and proximate factors, ergo: *legal and policy aspects* (poor law enforcement, inadequate legal regimes), *rule of law* (corruption, organized criminal activities, smuggling,

trade in arms and drugs), and *inadequate partnership between civil society and state* (weak education system, low awareness, poor accountability of state organizations) (Cameron & Newman, 2008) spur movement either within or out of one's state. These factors will be more clearly explained in the next section.

1.3 Why does Human Trafficking happen?

In the sections beforehand we have investigated the various definitions, types and contexts within which the phenomenon of human trafficking occurs, now I strongly believe is fair to dive into the why such an event still occurs at such a high rate globally.

In order to obtain a full picture of all the elements at play, the current subsection will be divided into two: the victims' point of view and the traffickers.

Indeed, as specified before human trafficking is a business, an illegitimate one, but still a fully functioning business with a non-slim revenue to account for, consequently the stakeholders to be analyzed are both the seller (traffickers), the product (the victims) and the clients, which although will be integrated as a condition to reason *why* of the traffickers.

1.3.1 The Victims' Side

It is often common to hear the question *of how they ended up in such a situation if they did not want to?*

Well, the answer is not as easy as one might think. Experts in the field have developed several theories that try to explain all the factors that come into play when explaining how someone found him/herself being trafficked.

Throughout this section I will attempt to exemplify these theories in order to provide as fair analyses as possible.

Structural Violence Theory

Structural violence theory (1969), developed by sociologist Johan Galtung, refers to a form of violence that arises from social structures and institutions, causing harm by systematically depriving people of their basic needs and restricting their potential for well-

being. Unlike direct physical violence, structural violence is embedded in the social, economic, and political systems that create and perpetuate inequality, marginalization, and injustice.

In this theory, harm results from an imbalance in power and resources, leading to disparities in access to healthcare, education, economic opportunities, and social services. Structural violence is often invisible or normalized, as it is built into the frameworks of society, and it disproportionately affects marginalized and disadvantaged groups. Addressing structural violence requires systemic changes that target the root causes of inequality and aim to create fairer, more equitable institutions.

Structural violence theory, developed by sociologist Johan Galtung, examines how social structures and institutions can harm individuals by preventing them from meeting their basic needs. Estourgie (2016) uses this theory to illustrate how poverty, lack of education, gender inequality, and economic disparities contribute to human trafficking. Structural violence makes certain populations—often in impoverished or politically unstable regions—especially vulnerable to exploitation because they lack social, economic, and political power.

Estourgie (2016) argues that human trafficking is deeply connected to these structural inequalities. Individuals in marginalized groups may have limited access to resources and opportunities, making them easy targets for traffickers. According to this theory, combating human trafficking requires addressing these root causes, such as improving educational opportunities, promoting gender equality, and reducing poverty.

Sociologist Johan Galtung created the structural violence theory in 1969, which describes a type of violence that results from organizations and societal systems that injure people by consistently denying them their basic needs and limiting their capacity for well-being.

In contrast to overt physical violence, structural violence is ingrained in the political, social, and economic structures that produce and uphold injustice, marginalization, and inequality.

According to this hypothesis, inequalities in access to social services, healthcare, education, and economic opportunities are caused by an imbalance of power and resources. Because structural violence is ingrained in societal structures and disproportionately impacts

marginalized and underprivileged people, it is frequently unnoticed or accepted. Systemic adjustments that address the underlying causes of inequality and work to establish more just and equitable institutions are necessary to address structural violence. Consequently, this theory suggests that certain populations often in impoverished or politically unstable regions—are especially vulnerable to exploitation because they lack social, economic, and political power.

Structural Violence theory is extremely visible in human trafficking as it offers an explanation as to why individuals might be more likely to fall into the trap of traffickers. Indeed, individuals in marginalized groups often have limited access to resources and opportunities, therefore making them more appealing to traffickers and making themselves open to their offers (Estourgie, 2016).

Victims of human trafficking often find them in already disadvantaged situation compared to the average person and therefore their only way out is indeed jumping into the arms of a stranger who promises them a better life.

This approach holds that tackling these underlying issues—such as expanding educational opportunities, advancing gender equality, and lowering poverty—is necessary to prevent human trafficking (Meshelemiah & Lynch, 2019).

Push & Pull Factors

The Push & Pull Factor Theory is often mentioned when discussing migration, but, again, migration and human trafficking are interrelated phenomena therefore the same theories are applicable.

Push factors are the circumstances or traits in a person's native nation that motivate them to leave. People usually try to get out of these unpleasant or challenging situations. Conventionally, push factors consist of:

1. Economic hardship: People frequently look for better economic conditions abroad when they can't find work in their own country due to low earnings, a lack of

employment prospects, or unstable economic situations. People from areas with high unemployment rates, for instance, might leave their own country in quest of employment that will allow them to earn a steady income.

2. **Political Instability and Conflict:** People may feel frightened in their own nation due to unrest brought on by wars, political repression, and bad governance. People may migrate to nations with more freedom and security because of civil wars or authoritarian regimes.
3. **Environmental Factors:** People are also compelled to relocate due to resource constraint, climate change, and natural disasters. Community can be ended by floods, droughts, or other environmental problems, particularly those that rely on agriculture or natural resources.
4. **Social Pressures:** People may be compelled to look for settings where they can experience equality and personal freedom due to discrimination based on sexual orientation, religion, or ethnicity.

The advantageous circumstances of a destination nation that draws migrants are known as pull factors. These elements frequently stand for favorable experiences and opportunities that migrants think is possible in their new country.

Important pull factors consist of:

1. **Economic Opportunities and Jobs:** In some industries, migrants are drawn to areas with high labor demand, greater employment prospects, and higher earnings. People looking to better their quality of life are frequently drawn to nations with growing economies or labor shortages.
2. **Political Stability and Safety:** People from insecure areas are drawn to an atmosphere of safety that is produced by a stable political system and the rule of law. People seeking freedom and security are frequently drawn to developed nations with democratic institutions.
3. **Quality of Life and Social Services:** Social welfare, education, and access to high-quality healthcare are important pull factors. Countries with more easily accessible and high-quality services attract a lot of people.
4. **Social networks and family reunification:** Having friends, family, or established groups of people with similar cultural backgrounds might help make moving less

intimidating. Well-established social networks can facilitate integration and offer initial support.

5. Freedom and Individual Rights: People looking for a more open and inclusive society are drawn to nations that protect individual liberties including equal rights and freedom of speech.

These elements, both push and pull, in nowadays society must be intended and seen as a package, meaning that they do not function individually, they have an interconnected dynamic.

They create complex scenarios which favor migration and consequently the probability of ending up in the hands of traffickers.

A few examples are:

1. Economic and Social Interplay: Economic hardships may be exacerbated by political instability, creating both a strong push and a powerful pull for countries with economic growth and stability.
2. Globalization and Access to Information: With the rise of digital media and improved communication, potential migrants can easily research and visualize life in other countries. This accessibility to information can intensify both push factors (by highlighting the contrast between the two countries) and pull factors (by making opportunities seem more attainable).
3. Environmental and Economic Migration: Climate change-related disasters in one's home country may also push people to migrate to regions with more sustainable economic opportunities, blending environmental and economic factors.

Again, victims of human trafficking are spurred to leave by the allure of something better meanwhile being trapped in a context where they are suffering or are not able to live safely (Meshelemiah & Lynch, 2019).

Routine Activities Theory

The Routine Activities Theory was formulated in 1979 by Cohen and Felson and it acknowledges the importance of location and opportunity.

This theory extends the understanding of why traffickers obtain the chance to enroll a victim. For instance, when the environment is disorganized, it is more likely that routine activities will lead to criminal behaviors.

With routine activities the structural patterns of people's daily activities are intended and when the organization of an environment changes then a new configuration of activities occurs. This scale of events led the experts to theorize that the newly established structural pattern could influence the trends observed in rates of certain types of crime, in particular crimes against persons or property.

Therefore, Cohen and Felson have identified three main elements through which analyze this above referenced change: (a) a potential offender with the capacity to commit a crime; (b) a suitable target or victim; and finally (c) the absence of guardians capable of protecting targets and victims (Mirò, 2014).

No question when these items all come into place, they make it extremely easy for traffickers to be successful. To put it briefly, an environment of greater opportunity resulted from an increase in suitable targets and a decrease in capable guardians to prevent crimes due to the growing number of available objects, the increase in unguarded homes, and the increased likelihood of direct contact between individuals or their property and offenders.

This provides a framework for concrete and customized crime analysis and makes it easier to implement actual policies and practices meant to change the essential components that enable a crime to occur and, consequently, prevent it. This is because it is based on criminal events, on the distribution and grouping in space and time of the minimal elements that make them up, rather than on the pursuit of offenders' motivations (Stickle, Hickman, & White, 2020).

Globalization as a Theory

Estourgie (2016) uses globalization theory to explain how interconnected economic and social systems both can facilitate and hinder human trafficking. Globalization, with its increased movement of goods, services, and people, has created more opportunities for trafficking networks to expand across borders.

At the same time, globalization allows for international collaboration and information sharing, making it possible to coordinate anti-trafficking efforts. Estourgie (2016) argues that while globalization has facilitated trafficking, it also provides tools for fighting it—such as international partnerships, treaties, and technological advances for tracking and disrupting trafficking operations.

The phenomenon of globalization is not a theory per se, but it substantially contributed to all the structural changes that have been mentioned in the previous theories, making it almost a moderator of the relationship between changes and traffickers.

Indeed, due to the increased flow of people, products, and services brought about by globalization, trafficking networks now have greater opportunities to grow internationally. In the global economy, labor trafficking is frequently caused by the need for inexpensive labor, especially in sectors like manufacturing, domestic work, and agriculture.

On the other hand, globalization has allowed coordination of anti-trafficking initiatives between countries and partnerships to combat it (Estourgie, 2016).

1.3.2 The Traffickers' Side

The Labeling Theory

Labeling theory is a sociological theory based in understanding criminal behavior when a criminal is named as such and emerged in the 1960s and 1970s from two sociologists named Howard Becker and Edwin Lemert (Crewe & Guyot-Diangone, 2016). This theory sought to untangle the inherent criminality of an individual versus the impact of labels on the criminalization of those deemed deviant (Crewe & Guyot-Diangone, 2016; Restivo & Lanier, 2013). Lemert posited that the act of labeling and creating stigma around what is or can be considered deviant behavior only serves to further marginalize and force conformity to criminal status, as internalizing the label and stigma alters one's view of self and their social roles (Crewe & Guyot-Diangone, 2016). This further marginalization and conformity is called secondary deviance, which is associated with a shift in self-concept and social expectations, increased association with deviant peers, and an alter in the psychic structure (Crewe & Guyot-Diangone, 2016; Restivo & Lanier, 2013). Labeling theory has also been applied to

mental illness, where it is called modified labeling theory. Modified labeling theory is essentially the same as labeling theory, in which the labeling of an individual with a mental illness or as mentally ill often has a negative effect and causes social withdrawal (Crewe & Guyot-Diango, 2016; Davis, Kurzban & Brekke, 2012).

In the 1960s and 1970s, two sociologists named Howard Becker and Edwin Lemert developed the labeling theory, a sociological theory that focuses on understanding criminal conduct when a criminal is identified as such. This idea aims to distinguish between the impact of labels on the criminalization of those who are considered deviant and the underlying criminality of an individual. According to Lemert, the process of stigmatizing and labeling behavior that is or may be deemed deviant only works to further marginalize people and compel them to conform to criminal status since internalizing the stigma and label changes how they see themselves and their place in society.

Secondary deviance, which is linked to a change in social expectations and self-concept, a rise in the number of deviant peers, and a change in the psychological structure, is this additional marginalization and conformity. Modified labeling theory is the name given to the application of labeling theory to mental illness. In essence, modified labeling theory is the same as labeling theory, which holds that calling someone mentally ill or having a mental illness frequently has detrimental effects and leads to social disengagement.

Some forms of human trafficking, especially sex trafficking, involve criminal activity on the victim's part, and result in the criminalization of the victim rather than the trafficker (Dempsey, 2015). In these cases, the victim may begin to fit into the traditional model of labeling theory and view themselves as a deviant criminal, thus perpetuating their involvement in trafficking because they believe this is a lifestyle they chose. This is evidenced by some victims having extensive criminal backgrounds, serving time for prostitution and drug charges, and thinking of themselves as willing participants in prostitution and drug trafficking (Meshelemiah & Lynch, 2019), before they are rescued and identified as victims. Hoyle,

Bosworth, and Dempsey (2011) highlight the power of the label "victim" in a person's ability to leave their trafficker, seek supportive services, and move forward with their lives. They also explore the notion of an "ideal" victim through the definitions of trafficking that exist and the images of modern-day slavery that are showcased in the world. In some ways, the

creation of a victim label through the media that is available is invalidating to those whose lived experience with trafficking may be seen as complicit or not fit the image of slavery (Hoyle, Bosworth, &

Dempsey, 2011). Victims may not believe they are deserving of services unless they were “forced enough” and see other victims who fit the kidnapped and forced narrative as more deserving of services (Brunovskis & Surtees, 2012, p. 34). Labeling theory exemplifies the power of self-perception as well as the perceptions of law enforcement and service agencies in ensuring victims are correctly identified and receive appropriate services.

Certain types of human trafficking, particularly sex trafficking, entail illegal action on the part of the victim, which leads to the victim—rather than the trafficker—being criminalized. Because they think this is a lifestyle they chose, the victim may start to conform to the conventional paradigm of labeling theory and see themselves as deviant criminals, continuing their engagement in trafficking. This is demonstrated by the fact that, prior to being rescued and recognized as victims, several victims had lengthy criminal histories, served time for drug and prostitution offenses, and believed they were consenting participants in drug trafficking and prostitution.

According to Hoyle, Bosworth, and Dempsey (2011), the term "victim" has significant influence on a person's capacity to flee their trafficker, look for assistance, and resume their lives. Through existing definitions of human trafficking and the depictions of contemporary slavery that are displayed globally, they also examine the idea of an "ideal" victim. In some respects, the media's establishment of a victim label invalidates those whose actual experiences with human trafficking can be interpreted as complicit or as not fitting the definition of slavery. Unless they were "forced enough," victims might not think they deserve assistance, and they could think that other victims who fit the story of being kidnapped and coerced are more worthy of receiving them. This circle of beliefs only leads to an advantage to the traffickers as it almost makes the self-identified victims more compliable (Meshelemiah & Lynch, 2019).

To ensure that victims are accurately identified and given the right services, labeling theory serves as an example of the power of self-perception as well as the perceptions of law enforcement and service agencies.

Rational Choice Theory

The Rational Choice Theory was originally formulated by the philosopher Adam Smith in 1776 when he proposed that human nature's tendency toward self-interest resulted in prosperity; and was then revisited various times by Cornish and Clark (1986,2003). The theory posits, when applied at a sociological level, that individuals make decisions based on a cost-benefit analysis, where they weigh the potential risks against the rewards.

Therefore, the main premise is that all behavior is intentional and rational which means that traffickers act with the assumption that they are gaining the maximum benefit while reducing the potential risks associated with the risky behavior at hand.

It must be noted that even within this theory, the context must be taken into consideration as it changes what the traffickers believe to be true and rationally act upon it consequentially.

Additionally, this theory can complement Marlow's hierarchy of needs (Meshelemiah & Lynch, 2019) with the variable of crime specificity. More precisely the authors believe that different needs foster the commitment of different crimes. For instance, rape may be the consequence of need for control and/or sexual gratification, for human trafficking, financial gain is the driving force, meanwhile the consequences are not felt due to the lack of prosecution of human traffickers.

As stated, before trafficking and migration are incredibly connected even when it comes to rationally deciding whether it is worth it to commit a crime; traffickers go where people want to leave from. Country of destinations are usually countries with a higher quality of life and consequentially with stricter immigration laws, therefore those who want to get in get more desperate in dire times, ergo becoming bait for traffickers. Traffickers are perfectly aware of these dynamics while knowing that penalties and the risk of apprehension are extremely low due to weak enforcement and the complexity of the crime (Stickle, Hickman, & White, 2020).

Rational choice theory posits that individuals make decisions based on a cost-benefit analysis, where they weigh the potential risks against the rewards. Traffickers, according to Estourgie (2016), exploit rational choice processes to profit from vulnerable individuals, seeing them as low-risk, high-reward commodities. The profitability of trafficking, coupled with weak

enforcement in some regions, leads traffickers to perceive the risks of apprehension and punishment as minimal compared to the financial benefits.

To disrupt this rational choice, stronger law enforcement and harsher penalties are advocated for to increase the risks traffickers face, as well as improved international collaboration to dismantle trafficking networks. By making trafficking more costly and risky, policymakers can deter traffickers from engaging in this illegal activity.

Push & Pull Factors Theory & Globalization Theory

The Push and Pull Factors Theory and the phenomenon of globalization do not change much when seen from the trafficker's point of view as the elements stay the same, but they just have an opposite effect.

For instance, the push and pull factors spur traffickers to choose from which pool to fish victims from and where to establish their network within the countries of destination most wanted.

Meanwhile the phenomenon of globalization expedites this process through the formation of international network and therefore creating a pathway – countries of transition – between country of origins and the destination chosen.

Overall, they are not an explanation as to why traffickers commit such crimes, but more of an understanding of how much the context they act upon aids facilitates their work, which, on the other hand, incentivizes it even more.

2. Chapter 2: International Legal Framework

This second chapter will explore the legal developments that were made throughout the years in order to combat and extricate the phenomenon of human trafficking. I will start with a more general overview of the provisions, and then I will dive in detail to what specifically is addressed to human trafficking and its types.

2.1 UN Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others.

The UN Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others is an international treaty adopted by the United Nations General Assembly on December 2, 1949, and came into force on July 25, 1951. Commonly known as the 1949 Convention, it was one of the earliest efforts to address human trafficking and exploitation on an international level. It was born through the advancement and adjournment of its predecessors, which include the International Agreement for the Suppression of the "White Slave Traffic" (1904), the International Convention for the Suppression of the Traffic in Women and Children (1921), and the International Convention for the Suppression of the Traffic in Women of Full Age (1933). Building on these precedent treaties, the Convention focuses primarily on the suppression of human trafficking, particularly targeting the forced prostitution and sexual exploitation of women and children, with the aim of establishing a more cohesive and coherent international legal framework. The specific purposes are as follows:

1. Eliminate human trafficking, especially for the purpose of prostitution and sexual exploitation.
2. Suppress the exploitation of prostitution in all forms.
3. Protect the human rights and dignity of those who may be vulnerable to trafficking and exploitation.
4. Establish an international standard of legal measures to support the fight against trafficking and exploitation.

As it might transpire from these points, the Convention aggressively stands against prostitution and considers it an act inherently incompatible with human dignity, regardless of the individual's consent.

In order to achieve its honorable goal, the Convention states several different provisions, addressing the various aspects that allow prostitution and human trafficking as a whole to exist and prosper.

The first one is most obvious, ergo, the criminalization of trafficking and exploitation of prostitution.

The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

(1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

(2) Exploits the prostitution of another person, even with the consent of that person.

Again, it starts off by making clear its stance regarding the act of prostitution regardless of the presence of consent. It takes on an abolitionist approach, focusing on eliminating demand for prostitution, criminalizing brothels, and not recognizing consent as such. Indeed, there are debates as to whether an individual engaging in prostitution voluntarily does so out of necessity or want. In the first case, then consent is considered not present as it is done to counteract the lack of bare necessities for living. A discourse that is extremely similar to the one made in regard to the topic of migrant smuggling, showing once again how much these phenomena are interrelated.

The Convention, following the first Article, immediately calls in Articles 2 and 3 for the forbidding of financing prostitution, therefore criminalizing anyone who profits off the management of sex hotels or those who pay for their services. In conjunction with this provision, the convention urges state parties to repeal any laws or regulations that somehow legally enable or license prostitution, as it defines it as “state-supporting exploitation.”.

Additionally, for the first time, the Convention dedicates specific articles to the protection and rehabilitation of victims.

It must be noted that all the above-mentioned provisions cannot be worked efficiently without cooperation at an international level, which they advocate for, starting with Article 8,

where an international effort is called for the suppression of trafficking through joint investigations and facilitation for the extradition of offenders (*UNTC*, n.d.).

The 1949 Convention, being the first of its kind, had of course limitations and several criticisms. Starting from the failure of understanding the complexity of sex trafficking and the differentiation between voluntary sex work and forced, therefore limiting the autonomy of those who consensually engaged in sex work. Not to mention the lack of inclusion of different kinds of human trafficking. Indeed, the crime is limited to sex trafficking, not mentioning or acknowledging the existence of labor or organ trafficking.

This centered approach led to the exclusion of a large section of victims of human trafficking and to challenges for countries that already had specific regulations regarding sex work. Different legal frameworks could interfere with the implementation of provisions of the Convention. Indeed, there are solely 25 signatories' states and a mere total of 83 countries who are party to the Convention, due to the clash with the convention's stringent abolitionist stance (General Assembly resolution 317 (IV), 1949). Nonetheless, it has laid out the basis for future conventions and treaties in regard to human trafficking as a whole, which I will explore in this chapter.

2.2 The Slavery Convention and Supplement

The first time in history that slavery was approached as a human rights issue to be resolved was in 1807 with the British Abolition Slavery Act, then in 1863 the US's Emancipation Proclamation was enforced, which proclaimed freed the 3 million slaves still present among the states.

Then, in 1919, the creation of the League of Nations led to the birth of the Temporary Slave Commission in 1924, which was responsible for the exploration and appraisal of the existence of slavery at a global level. Once it was ascertained that slavery was still highly prevalent worldwide, the Commission made a recommendation to the League of Nations, which resulted in the Slavery Convention of 1926.

The Slavery Convention was amended by the Protocol Amending the Slavery Convention, which took place at the Headquarters of the United Nations on 7 December 1953 and then entered into force in 1955 (Human Rights Commitment CA, 2015).

The convention was designed to ban slavery and slave trade in all its forms while simultaneously creating concrete measures that state parties would agree to pursue the above stated goal.

Unfortunately, due to the historical time the Convention was drafted in, its work had to come to a halt due to the development of World War II. They were then resumed in 1949, when it was found by an Ad Hoc Committee of Experts on Slavery, appointed by the UN Economic and Social Council—that the 1926 convention was not doing enough, neither from a theoretical nor practical point of view, and consequently recommended the addition of a supplementary convention.

The Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery was added through a 1956 United Nations treaty to the 1926 Slavery Convention, building on the text itself and the ILO Forced Labor Convention of 1930. This Supplementary Convention is particularly relevant since it expanded the definition of slavery itself, contained in Article 1, to include debt bondage, serfdom, servile marriage, and child servitude. Like the 1926 Slavery Convention, slave trafficking, enslavement, and giving others into slavery are also prohibited by the Supplementary Convention, which officially entered into force on April 30, 1957 (Conference of Plenipotentiaries convened by Economic and Social Council resolution 608 (XXI), 1956).

The main provisions can be resumed within a few articles, starting with the definition of slavery in Article 1¹. The convention also requires the signatories to intercept slave traffic both in their lands and waters and to, consequentially, enact anti-slavery legislation through law enforcement mechanisms with the aim of suppressing it completely as stated in Article 2. Keeping this same goal in mind, Article 5 requires signatories states to implement and

¹ *the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, and the definition of slave trade as to include all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged; and, in general, every act of trade or transport in slaves.* (Human Rights Commitment CA, 2015)

promulgate severe penalties for slave trading, slaveholding, and enslavement (Human Rights Commitment CA, 2015).

It is clear how this convention paved the way for both the understanding and the drafting of present resolutions combating human trafficking, which, as we have stated before, is often related to the appropriation and/or selling of human individuals, ergo slaves.

In order to monitor the implementation of the Convention, state parties agree, through Article 7, to communicate with each other and to the Secretary General “any laws and regulations which they may enact with a view to the application of the provisions of the present Convention” and, of course, regarding the Supplementary Convention (Conference of Plenipotentiaries convened by Economic and Social Council resolution 608(XXI), 1956). Given that the responsibility solely rests up to the States, it has been criticized as to its lack of assurance and guarantee of implementation of the Convention, particularly in comparison to more recent instruments to combat human trafficking.

2.3 The Palermo Protocol

The most known tool in combating Human Trafficking is the Palermo Protocol, a framework drafted as the result of the UN Convention against Transnational Organized Crime the 15th of November 2000 in Palermo, Italy. The Protocol was then adopted by the general Assembly Resolution 55/25, and it entered into force on 25 December 2003, becoming officially the first global legally binding instrument with an agreed definition on trafficking in persons. The purpose is to aid convergence in national approaches regarding the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases. Also, the Protocol was set up to protect and assist the victims of trafficking in people with full respect for their human rights (United Nations, 2000).

The Palermo Protocol is divided into three separate protocols, each focused on a specific area related to organized crime:

1. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol itself).

2. The Protocol against the Smuggling of Migrants by Land, Sea and Air.
3. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms.

In this section, for the purpose of this paper, I will focus solely on the first one.

As briefly stated above the goal of the protocol is to combat human trafficking, specializing on the first mandate, the goal “restricts” to a specific subset of vulnerable groups, ergo women and children. This is since even though anyone can be a victim of human trafficking, women and children are at more risk than their male counterparts to be victims of this crime, indeed about 74% of recognized victims are female (migration data portal). Therefore, the designated objectives by the first mandate are as follows:

- To prevent and combat trafficking in persons, especially of women and children.
- To protect and assist victims of trafficking with full respect for their human rights.
- To promote cooperation among nations to meet these objectives effectively.

In order to complete the above stated goals, it is essential to first define human trafficking, which is one the provisions of the Protocol. Indeed, as you may recall, the definition provided by the Palermo Protocol is the one being used throughout this paper as stated in the first section of the paper – Modern Day Slavery.

The signatories of the protocol commit to several other provisions that all aim at the completion of the goals set. The provisions are as follows:

1. Criminalization of the act through creation of domestic laws intended to prosecute traffickers and as well as those activities trafficking-related such as organizing, participating or attempting to trafficking someone.
2. Protecting the victims and providing them with assistance – medical, psychological, legal and housing services. This provision includes the implantation of policies as well to establish automatic mechanisms within the authorities that do not allow delays in the delivery of the above-mentioned assistance. Additionally, it urges the application of temporary residence permits to be released to identified victims of

human trafficking under the principle of non-refoulment established by the Geneva Convention of 1951 (UNHCR - The UN Refugee Agency, n.d.).

3. Prevention of human trafficking through the development of specific programs to raise awareness and educate on the subject; meanwhile transversally educating on the root causes of the phenomenon like poverty, lack of education, and gender discrimination.
4. Emphasis on international cooperation between countries in law-enforcement since, as defined in the previous section, human trafficking is a transnational organized crime, therefore it occurs across different borders. The best strategy is consequently to have a standardized and coherent front to combat it.

The Palermo Protocol has been ratified by 182 countries, who have, therefore, accepted the terms of the protocol itself, although there are definitely some issues in the implementation of some of the above stated points (*OHCHR Dashboard*, n.d.).

In order to monitor the compliance of the signatories the United Nations Office on Drugs and Crime (UNODC) provides reports and country assessments periodically as it also required by the Protocol itself. Countries are also encouraged to create multi-agency task forces and to collaborate with international NGOs to reach more comprehensive and effective responses.

Nonetheless, not all countries are at the same level when it comes to implementing the protocol. Different economic availabilities, resources, policies and culture all come into play when it comes to resolving and combating a such multi-faceted crime like human trafficking. It is obvious that countries that find themselves in an unstable situation will forcibly struggle more to maintain a coherent strategy plan, respecting the Protocol (General Assembly resolution 55/25, 2000).

Additionally, there may be some more worrisome cases where government and authorities themselves are corrupted and contributing – either actively or passively- to the maintenance of human trafficking within their countries. This occurs mostly for an economic benefit or a political one such as for the case for China which this paper will dive in later on.

2.4 ILO Convention

The International Labor Organization Conventions are a set of legally binding treaties designed, at an international level, to protect workers' rights and promote decent work conditions worldwide by the ILO itself, which is a United Nations agency founded in 1919. Throughout the years the ILO has drafted and adopted more than 190 conventions and recommendations which guide countries in work-related thematic areas such working hours, child labor, forced labor, and freedom of association, discrimination in the workplace, occupational safety, and health. Obviously, all of these conventions have been ratified by different countries and address very specific issues. Although taken altogether they form the core labor standards.

The Core ILO conventions, indeed, are eight in total - eleven considering adjunct annexes - and represent the most essential labor standards without which there would be violations of human rights within the workplace (*Ratifications of Fundamental Conventions*, n.d.). I will now go over them very briefly to provide an overview of what is present and active at this moment and how they are connected to the phenomenon of human trafficking. The first set deals with the definition and abolition of forced labor itself.

Forced labor, according the Convention No. 29 (1930) 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* with, although some limitations such as the exclusion of forced labor as a result of compulsory military service laws for work of a purely military character, the normal civic obligations of the citizens of a fully self-governing country, work as a consequence of a conviction in a court of law, work done due to cases of emergency, - that is to say, in the event of war or of a calamity or threatened calamity- and, minor communal services of a kind (*Convention C029 - Forced Labour Convention, 1930 (No. 29)*, n.d.).

Convention No. 105 was then drafted in 1957 as an expansion on No. 29, explicitly prohibiting forced labor such as:

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.
- (b) as a method of mobilizing and using labor for purposes of economic development.
- (c) as a means of labor discipline.
- (d) as a punishment for having participated in strikes.
- (e) as a means of racial, social, national or religious discrimination.

(Convention C105 - Abolition of Forced Labour Convention, 1957 (No. 105), n.d.)

These two conventions are applicable to the section of Forced Labor Trafficking discussed in the first chapter since it provides guidelines to identify the crime. The second set of Conventions deals with guidelines regarding Child Labor, which is strictly related to the entire subset of human trafficking of minors.

First, thanks to Convention No. 138, we have an existing definition of what a minor is and what is the minimum age for employment².

Based on this above-mentioned Convention, in 1999 a specific new one was drafted regarding the specifics of Child Labour Worst Forms.

This convention specifically calls for the complete elimination of the worst forms of child labor in which are included: slavery, trafficking for sexual purposes, forced labor, child soldiering and any work that might result in a health hazard for children - mentally and/or

² *The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.*

[...] national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

(Convention C138 - Minimum Age Convention, 1973 (No. 138), n.d.)

physically. The last set of conventions³ which I will go over are concerning the topic of Discrimination in terms of remuneration and employment.

Convention No. 100 was created in 1951 and calls for equal pay of equal values in terms of:

Remuneration as of including the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment; equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex (Convention C100 - Equal Remuneration Convention, 1951 (No. 100), n.d.).

The definition of equal remuneration allows us to transition to the definition itself of discrimination as exemplified in the 1958 Convention (No.111). Discrimination is here explained as *any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.* Additionally, it leaves some reins to the countries themselves to add to the list any element or behavior which might be included as discriminatory in the list above.

Of course, both Conventions spur for the elimination of these acts and the creation of policies and activities by the predisposed governing body.

The inclusion of these conventions with ILO aids us in comprehending the demographic picture that I have briefly painted in the first chapter regarding the phenomenon of human trafficking. Indeed, it is not a case that those most vulnerable to trafficking, namely children and women, also fall within those categories that are often most discriminated against in terms of remuneration and fair treatment. For instance, solely in Europe, the gender pays gap stands

³ for purposes of clarity, it must be noted that two other core conventions are present which are respectively

Convention No.87 - Freedom of Association and Protection of the Right to Organise Convention - and Convention No.98 - Right to Organise and Collectively Bargaining Convention. Although as they are not strictly related to the main topic of this thesis they will not be explained in depth as for the others (*Convention C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), n.d.*).

at 10.7% as of 2021 and has not been under big variations over the last decade, with a staggering difference in employment, with 69.3% of women across the EU being employed, compared to 80% of their male counterparts (*The Gender Pay Gap Situation in the EU*, n.d.).

If this is the situation in first-world countries where culturally and politically several advancements have been made to close the gap, we can only imagine where less developed countries could stand and how human trafficking can exploit this situation based on theories described in the previous sections. As of today, only 23 countries have ratified all the core conventions of the ILO, therefore it is of ILO utmost priority to promote the need for such conventions and spur countries to not only ratify them but also implement the guidelines and provisions outlined in the texts (*Ratifications of Fundamental Conventions*, n.d.).

The implementation of provisions is actuated through several methods starting from the government itself enforcing the policies and guidelines ratified at a national level and later inspecting and overseeing its coherence and maintenance throughout time. ILO as well plays a role in monitoring the compliance with the protocols through a system of inspections and sanctions. Countries are indeed required to submit a report on their work in relation to the implementation of the conventions which will be reviewed by a Committee of Experts on the Application of Conventions and Recommendations. If this were not enough, ILO representatives can also, when deemed necessary, proceed with country visits and can also receive direct complaints from the workers, which could prompt formal investigations consequently.

Nonetheless, there are issues faced by ILO in both the ratification of its conventions, indeed only 23 countries have ratified the core conventions with their annexes and adjournments, and their practical application due to structural deficiencies (*Ratifications of Fundamental Conventions*, n.d.). Limited resources, informal and unregulated sectors and political and economic pressures all become players to take into consideration when countries try to apply the guidelines given. They might play as positive moderators, but more times than others end up being solely an obstacle.

2.5 The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) is a key international treaty adopted by the United Nations General Assembly in 1966. It seeks to ensure the protection of

civil and political rights for individuals around the world. The ICCPR is part of the broader International Bill of Human Rights, alongside the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ICCPR entered into force on March 23, 1976, when the necessary 35 States had become parties to it in accordance with Article 49⁴. As of today, there are 172 countries as signatories of the Covenant, making it almost universal. The purpose of the Covenant is, as briefly stated before, to ensure the protection of civil and political rights of each individual.

Talking about civil and political rights, it is intended those freedoms such as:

1. Freedom from discrimination
2. Right to equality between men and women
3. Right to life
4. Freedom from torture
5. Freedom from slavery
6. Right to liberty and security of person
7. Right to be treated with humanity in detention
8. Freedom of movement
9. Freedom of non-citizens from arbitrary expulsion
10. Right to fair trial

⁴ The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession. (ref.)

11. Right to recognition before the law
12. Right to privacy
13. Freedom of religion and belief
14. Freedom of expression
15. Right of peaceful assembly
16. Freedom of association
17. Right to marry and found a family
18. Right of children to birth registration and a nationality
19. Right to participate in public affairs
20. Right to equality before the law
21. Minority rights

These rights are explained thoroughly in the first sections of the Covenant (Articles 1-27) (General Assembly resolution 2200A (XXI), 1966). Of specific interest to this paper are those articles that defend freedoms that are inherently related to the crime of human trafficking (*International Covenant on Civil and Political Rights*, 2022)

Article 6

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without

Article 8	<i>his free consent to medical or scientific experimentation.</i>
	<i>No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.</i>
	<i>No one shall be held in servitude.</i>
Article 9	<i>No one shall be required to perform forced or compulsory labour⁵</i>
	<i>Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.</i>

Table 2: "Articles within the Covenant which protect rights hindered by the crime of human trafficking

Meanwhile, the second half of the Covenant (Article 28-53) provides all the procedures that must be followed for monitoring and the enforcing of compliance. The Covenant was also

⁵ (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community; (iv) Any work or service which forms part of normal civil obligations

promulgated through the addition of two optional protocols⁶. The treaty obligates state parties to respect and ensure these rights for all individuals within their territory and subject to their jurisdiction, regardless of nationality. Although, under Article 4, derogation provisions are provided, ergo that under exceptional circumstances—war, natural disasters, pandemics—state parties may decide to derogate certain rights temporarily, with the exclusion of the non-derogable rights, which are Articles 6, 7, 8, 11, 15, 16, and 18. These range from the right to life, freedom from slavery, prohibition of torture, freedom of thought, and right to recognition as a person before the law. The ICCPR ensures compliance with these obligations through the creation of the Human Rights Committee (HRC), which consists of 18 independent experts who meet regularly to examine reports submitted by state parties on their implementation of the Covenant. The HRC also takes into consideration individual complaints, which are allowed through the adoption of the First Optional Protocol, entered into force in 1976, and, if necessary, it can issue General Comments that interpret and clarify the scope and obligations of states under the treaty.

(i) *Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;*

(ii) *Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;*

(iii) *Any service exacted in cases of emergency or calamity threatening the life or wellbeing of the community; (iv) Any work or service which forms part of normal civil obligations.*

As for all the legal frameworks that we have been analyzing, Covenant implementation is often a challenge in those countries where there is weak law enforcement and a lack of judicial independence. Nonetheless, the Covenant stood as a launching platform for the creation of various human rights frameworks, such as the European Convention on Human Rights, the

⁶ First Optional Protocol (1966): Allows individuals to file complaints about violations of their rights directly to the Human Rights Committee after exhausting domestic remedies.

Second Optional Protocol (1989): Aimed at the abolition of the death penalty. States that ratify this protocol commit to not carrying out executions and to take all necessary steps to abolish the death penalty within their jurisdiction.

American Convention on Human Rights, and the African Charter on Human and Peoples' Rights (General Assembly resolution 2200A (XXI), 1966).

2.6 Legal Framework Concerning the Trafficking of Women

As exemplified in the first chapter, women are part of the subsection of the population that I found to be extremely vulnerable to the phenomenon of human trafficking and violence in general; therefore, there are legal instruments that are solely specific to them. This was done to stimulate the international community to think about policies for the protection of women and as well to reflect on their existing and current policies—if any present—to prevent harm coming to this specific group.

This section will explore the most known and effective convention drafted to eliminate violence against women, ergo the Convention on the Elimination of All Forms of Discrimination against Women.

2.6.1 The Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women took place on December 18th, 1979, and it was the culmination of decades of work by the United Nations Commission on the Status of Women, which was established in 1946 to monitor discrimination and promote equal rights among both sexes.

The Convention entered into force as an international treaty on September 3rd, 1982, and currently, 189 states have signed the Convention, making it almost universal. However, it must be noted that when governments become state parties to the Convention, they are allowed to enter reservations regarding particular aspects of the convention that might be conflictual with cultural, political, and/or social elements of their country.

Nonetheless, by ratifying the CEDAW Convention, states commit to:

- Recognize discrimination and inequality.
- Recognize the need for state action.
- Honor the articles of the Convention.
- They are willing to be held accountable at national and international levels.

The convention is constantly updated to include new insights to combat the past and new issues that are presented to the CEDAW's Committee through the formulation of general recommendations by the committee (UN General Assembly, 1979). Once ratified, the Convention does not automatically fall into place with the country's legal system and confers women's rights, but it must be actively deployed by the lawmakers and law enforcement of the state.

The spirit of the Convention is indeed rooted within the goals of the United Nations—Sustainable Development Goal 5, gender equality—to reaffirm the utter importance and faith in fundamental human rights. The Convention, throughout its 30 articles, presents not solely a list of duties that must be taken on but an agenda for action by countries to guarantee the application and enjoyment of those rights. In its preamble, the Convention states unequivocally that "there is still widespread discrimination against women" and highlights how this prejudice "violates the principles of equality of rights and respect for human dignity."

Discrimination is described as "any distinction, exclusion, or restriction made on the basis of sex...in the political, economic, social, cultural, civil, or any other field" in Article 1. The principle of equality is positively affirmed by the Convention, which requires States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men" in Article 3 (UN General Assembly, 1979). The central part of the convention covers three different dimensions of women's lives; civil rights and legal status, reproductive rights, and cultural values.

The most extensive focus is on women's legal status. Since the 1952 passage of the Convention on the Political Rights of Women, there has been continued concern over the fundamental right to political participation. Therefore, it restates its provisions in Article 7 of the current document, which guarantees women the right to vote, to occupy public office, and to perform public functions. Article 8 guarantees women the equal right to represent their nations in international forums. Article 9, which guarantees women's statehood regardless of their marital status, incorporates the 1957 Convention on the Nationality of Married Women. By tying women's legal status to marriage, the Convention highlights the fact that women are often dependent on their husband's nationality rather than being independent individuals. The

rights of women to be free from discrimination in economic, social, and educational activities are upheld under Articles 10, 11, and 13, respectively. The condition of rural women, whose unique challenges and crucial economic contributions, as mentioned in Article 14, call for greater consideration in policy planning, is given particular weight in these demands. Article 15 demands that any measures intended to limit women's legal competence "be deemed null and void" and affirms the full equality of women in civil and business concerns. Ultimately, the Convention revisits marriage and family relationships in Article 16, stating that men and women have equal rights and responsibilities concerning choosing a partner, having children, exercising personal freedom, and controlling resources.

The convention then moves to a rather debated topic, women's reproductive rights. The statement that "the role of women in procreation should not be a basis for discrimination" in the preamble establishes the tone. The Convention frequently raises concerns about the connection between discrimination and women's reproductive roles. Article 5, for instance, calls for "a proper understanding of maternity as a social function" and demands that both sexes bear full responsibility for raising children. As a result, maternity protection and childcare provisions are declared important rights and integrated into every section of the Convention, including those about employment, family law, health, and education. Society must provide social services, particularly childcare centers, that enable people to balance work, family obligations, and civic engagement. Maternity protection "shall not be considered discriminatory," and special measures are advised as stated in Article 4. The Convention upholds women's reproductive autonomy as well; it is noteworthy since it is the only human rights pact that addresses family planning. According to article 10.h., states parties must incorporate family planning advice into the curriculum and create family codes that protect women's rights "to decide freely and responsibly on the number and spacing of their children and to have access to the information, education, and means to enable them to exercise these rights" (article 16. e).

The last point, cultural values, aims at expanding the knowledge in regards to how harmful cultural traditions and stereotypes can be when it comes to gender relations, analyzing them under the scope of human rights. Indeed, certain cultural elements can give birth to a multitude of legal, political, and economic constraints on the advancement of women. The Convention's preamble emphasizes "that a change in the traditional role of men as well as the role of women in society and the family is needed to achieve full equality of men and women"

concerning this interdependence. Accordingly, state parties are required to endeavor to eradicate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5) by changing social and cultural patterns of individual behavior. Additionally, to eradicate stereotypes in the sphere of education, Article 10.C. requires that textbooks, school curricula, and instructional strategies be revised.

Lastly, all of the Convention's provisions affirming the equal responsibilities of both sexes in family life and their equal rights regarding education and employment strongly target cultural patterns that define the public realm as a man's world and the domestic sphere as a woman's domain. When taken as whole, the Convention offers a thorough framework for combating the different factors that have led to and perpetuated sex-based discrimination.

The last section of the Convention—Articles 17 to 30 — deals with the methods of monitoring and implementation of the Convention itself. The Committee monitors the implementation of the Convention on the Elimination of Discrimination against Women (CEDAW). In union with the creation and monitoring of the Committee, states are also required to submit a national report to it every 4 years, indicating the measures they have adopted to attain the objectives of the Convention. The CEDAW then discusses each country's reports and takes further action, if necessary, with the country's representatives. The Committee also makes general recommendations to the States parties on matters concerning the elimination of discrimination against women (UN General Assembly, 1979).

2.7 Legal Framework Concerning the Trafficking of Children

As exemplified in the first chapter, children are part of the subsection of the population that are found to be extremely vulnerable to the phenomenon of human trafficking and violence in general; therefore, there are legal instruments that are solely specific to them. This was done to stimulate the international community to think about policies for the protection of children and as well to reflect on their existing and current policies—if any present—to prevent harm coming to this specific group.

This section will explore the most well-known and effective conventions drafted to protect and advocate for children's rights.

2.7.1 The Convention on the Rights of the Child and its Optional Protocols

In 1978, the Commission on Human Rights put forth a draft of a Convention on the Rights of the Child for consideration by a working group of Member States, agencies, and intergovernmental and non-governmental organizations. This draft then came to its completion in 1989, when the United Nations Convention on the Rights of the Child came into force with the promise to protect every child and fulfill their rights.

The main and significant concept in this treaty is that children are not just objects who belong to their parents and for whom decisions are made, or adults in training. Instead, they are unique people with rights as human beings. According to the Convention, childhood is a unique, protected period of life that lasts until the age of eighteen and is distinct from adulthood. During this time, children must be given the opportunity to grow, study, play, develop, and thrive with dignity. The Convention has changed the lives of children and has become the most extensively approved human rights convention in history, with 196 countries having ratified it (General Assembly resolution 44/25, 1989).

The convention consists of 54 articles, which can be divided into three sections: the first, from Article 1 until Article 41, enunciates a list of political, economic, social, and cultural rights to which children are entitled; the second section, from Article 42 until 45 - identifies the bodies appointed to implement and monitor the Convention as well as the procedures that must be followed; the last section, starting at Article 46 and ending with Article 54, defines then the ratification procedures for the states. More specifically, for the states to correctly implement the convention, the UN Committee on Children's Rights has identified four main pillars to act upon.

Article 2: Non-Discrimination	The rights sanctioned by the Convention apply to all children without distinction between nationality, sex, or religion.
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Article 3: Primary Consideration	The interests of a child must always take priority in every decision concerning that child.
Article 6: Right to life, survival, and development	States parties shall ensure, to the maximum extent possible, the survival and healthy development of the child.
Article 12: Respect and hearing of the child's opinion	All children have the right to express their views freely in all matters affecting themselves. Their opinion must be heard and taken into consideration.

(General Assembly resolution 44/25, 1989)

Despite this progress, the Convention has yet to be fully implemented, nor is it well known and understood. Millions of children's rights continue to be violated when they are denied proper health care, nourishment, education, and safety from violence. Childhoods are still cut short when youngsters are forced to quit school, work hazardous jobs, marry, fight in wars, or be imprisoned as adults. In addition, global changes, such as the rise of digital technology, environmental change, prolonged conflict, and mass migration, are completely changing childhood. The legal frameworks that aim at protecting them must be updated in synchronicity with these changes.

This is the main reason for the existence of the optional protocols, which complement and add to the treaty.

They are 'optional' because the responsibilities may be more onerous than those in the original agreement, requiring States to decide whether to be bound by them. Optional Protocols are treaties, with the option of signing, ratifying, or accession (The Children and Young People's Commissioner Scotland, 2021).

The first Optional Protocol was adopted on the 25th of May 2000, and it concerns the protection of children from sale, prostitution, and pornography. This protocol draws special attention to the criminalization of these serious violations of human rights and attempts to emphasize the underlying necessity of raising public awareness and international collaboration in combating them. It enhances the Convention by outlining comprehensive criteria for States to end child sexual exploitation and abuse, as well as protecting minors from being sold for non-sexual purposes such as other forms of forced labor, unlawful adoption, and organ donation.

The Protocol defines the offenses of "selling of children," "child prostitution," and "child pornography." It also imposes obligations on governments to criminalize and punish conduct associated with these crimes. It punishes not only those who give or deliver children for sexual exploitation, the sale of organs or children, or forced labor, but also anybody who accepts the child for these purposes. Protocol also safeguards the rights and interests of minor victims. Governments must offer legal and other assistance to kid victims. This commitment includes prioritizing the child's best interests in all contacts with the criminal justice system. Children must also be provided with the necessary medical, psychological, logistical, and financial support to aid in their rehabilitation and reintegration. As a supplement to the Convention on the Rights of the Child, the text of the Optional Protocol must always be interpreted following the principles of non-discrimination, best interests of the child, survival and development, and child participation. This protocol is currently ratified by 178 states (*OHCHR Dashboard*, n.d.; General Assembly A/RES/54/263, 2000).

The second Optional Protocol was amended on the same date as the first one, but it entered into force only two years later, in 2002. It concerns the involvement of children in armed conflict and the consequent need for their protection. The Protocol requires states to "take all possible steps" to ensure that members of their armed services under the age of 18 do not directly participate in hostilities. States must also raise the minimum age for voluntary recruitment into the armed forces from 15 to 18, but no minimum age is required. However, the Protocol reminds States that children under the age of 18 are entitled to special protection, and hence any voluntary recruitment under the age of 18 must include adequate safeguards. It also prohibits compelled recruiting for those under the age of 18. Additionally, states must also take legal action to prevent independent armed organizations from recruiting and utilizing

youngsters under the age of 18 in wars. Currently, 173 countries have ratified this Protocol (*OHCHR Dashboard*, n.d.; General Assembly resolution A/RES/54/263, 2000).

The last Optional Protocol deals with the issue of communication coming straight from the children. It was adopted on the 19th of December 2011, but it entered into force in 2014. This Protocol authorizes the Committee on the Rights of the Child to consider complaints about a child's rights being violated. Children from countries that have ratified the Protocol can use the treaty to seek justice if the national legal system has failed to provide a solution to the breach. The Committee can accept complaints from children, groups of children, or their representatives against any state that has ratified the Protocol. The Committee can also initiate investigations into significant or systemic violations of children's rights, and states can file complaints against one another if they agree to this approach. 50 countries have, now, ratified this Optional Protocol (*OHCHR Dashboard*, n.d.; General Assembly resolution A/RES/66/138, 2011).

2.7.2 ILO's Convention 182

Always, in relation to children's rights, it is essential to mention ILO's Convention 182, which is strictly related to child labor, more specifically to the definition of the labor itself and what children are allowed to perform.

It was adopted on June 17, 1999, during the 87th International Labor Conference with the goal of prohibiting the worst forms of child exploitation, defining the "worst forms" as those that are especially harmful to the child's well-being, development, and safety. Included in this category we can find child trafficking as defined in the first chapter, therefore encompassing all the various methodologies of servitude, from forced labor to sexual exploitation. Forced Labor, within this convention, is strict as a child can never be coerced into performing any act against his will; therefore, there cannot be any use of violence, threats, or other forms of pressure to obtain his or her consensus. This concept is valid for the crime of commercial sexual exploitation, including child pornography and prostitution, and for the phenomenon of child soldiers. Additionally, for the first time, the international community outlines the limits of hazardous work to exposure to toxic substances, dangerous machinery, or other risks to their health, safety, or morality.

In order to eliminate the above-mentioned forms of labor, the convention urges countries to develop tailored national policies in line with the provisions given by the convention itself, targeting the specific needs of the state. The provisions defined by the ILO are also expressed through the following: international collaboration to limit the possibility of transnational crimes occurring, monitoring and inspecting child labor through law enforcement and mandatory reporting, and providing protection and rehabilitation for the victims, such as access to healthcare, education, and social support programs. Lastly, the convention calls for an effort to raise public awareness in regard to the topic of child labor and children's rights (*Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)*, n.d.).

Fortunately, 187 countries have ratified Convention 182, making it almost universal, allowing for a bigger impact at a global level (*OHCHR Dashboard*, n.d.). In terms of impact, the aim of the convention is also included in the 2030 Agenda for Sustainable Development of the United Nations, specifically Goal 8.7, which calls for the elimination of all forms of child labor by 2025, reinforcing international commitments such as ILO Convention 182.

2.8 Legal Framework Concerning Foreign Victims

Given the transnational nature of the phenomenon at hand, it feels essential to dedicate a section to those who fall within the category of migrants. Indeed, migration and human trafficking are closely related, and therefore the process of migration can often translate into the crime of human trafficking due to the close networks between smugglers and traffickers. Since the issue of migration is often debated due to the socio-economic impact on the receiving countries, there are a few conventions that regulate such phenomena.

This section will explore the most well-known and effective conventions drafted to protect and advocate for migrants' rights.

2.8.1 Convention Relating to the Status of Refugees

In years after the First World War (1914–1918), for the first time, the phenomenon of refugees was witnessed. Therefore, governments developed a set of international agreements in order to

provide travel documents for those who needed to escape the country, therefore the first recognized refugees of the century; as we know, unfortunately they will be followed by an enormous increased number with World War II. Indeed, the international response was to create a set of guidelines, laws, and conventions to protect the basic human rights of those who were forced to flee their country in fear of conflict and persecution. In 1921, the League of Nations started this process and, after WWII, culminated it with the 1951 Convention, also known as the Convention on the Status of Refugees.

This specific Convention aims at protecting and declaring the rights of those forced to flee their countries for extraneous circumstances that put their lives at risk and consequently render their lives in their home country unlivable. The core principle is the one of *non-refoulement*, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. The document also provides clear requirements according to which a person can classify as a refugee and therefore be eligible for international protection⁷.

The phenomenon of human trafficking is, indeed, included, as it puts at risk one's life from every point of view and therefore classifies as a criterion for requesting international protection. Additional protocols also give specific directions when someone is found to be a victim of trafficking. The convention specifies the fundamental minimum requirements for the treatment of refugees, such as the right to housing, a job, and education while displaced, allowing them to live a dignified and independent existence.

It also defines a refugee's obligations to host countries and excludes some groups of people, such as war criminals, from receiving refugee status and specifies the legal requirements of the states that have signed one or both of these agreements.

⁷ According to the first Article of the Convention, a refugee is someone who, "owing to well-founded fear of being persecuted for reasons of **race, religion, nationality, or membership in a particular social group or political opinion**, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it." (UNHCR - The UN Refugee Agency, n.d.)

2.8.2 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force on July 1st, 2003, and there are currently 58 state parties to it. The Convention establishes guidelines for each state's legal system as well as its judicial and administrative processes. States that ratify or accede to the Convention commit their governments to implementing its provisions by taking the required actions. Additionally, they commit to making sure that migrant workers who have had their rights infringed upon can obtain successful redress. Therefore, the convention aims at protecting and supporting migrants throughout the entire migration process, from leaving their country to their integration in the new one (General Assembly resolution 45/158, 1990).

In line with the purpose of this thesis, I will focus on the section concerning the various difficulties that may be encountered by migrant workers upon arrivals, as they are strictly connected to their chances of falling victims of human trafficking.

Migrant workers are particularly susceptible to racism, xenophobia, and prejudice. They are frequently the object of mistrust or animosity in the areas where they live and work. The purposeful linkage of migration and migrants with crime is a particularly harmful trend, as it implicitly fosters and condones xenophobic hate and violence. Migrants, for example, face criminal charges for entering borders irregularly. Migrants in irregular situations are frequently referred to as "illegal," implying that they are outside the reach and protection of the law. Migrant workers have also been known to be excluded from working-condition rules and denied the right to participate in trade union activity. According to Article 25 of the Convention, all migratory workers and their families must be treated equally with nationals of the state of employment in terms of salary, working conditions, and employment terms.

Article 31 of the Convention requires States Parties to protect the cultural identity of all migratory workers and members of their families and to not hinder them from preserving cultural ties with their country of origin (General Assembly resolution 45/158, 1990). Furthermore, living circumstances for migrant workers are frequently inadequate. They

confront major housing issues, and while contributing to social security schemes, they and their families do not usually receive the same benefits and access to social services as host country nationals. According to Article 27 of the Convention, all migrant workers and members of their families shall be treated equally with citizens in terms of social security, as long as they meet the legal conditions. Article 28 guarantees individuals the right to obtain any medical care that is urgently required for the preservation of their life or the prevention of irreversible harm to their health.

It must be mentioned that migrants often struggle with creating a community for themselves as they often leave their family in the state of origin. According to Article 44 of the Convention, States Parties must support the reunification of migrant workers who are in a normal position with their spouses or persons who have a relationship with the migrant worker that has the same effects as marriage. Furthermore, when families remain together, it is frequently stated that migrant children, who are studying in a different language and adjusting to a new environment, cannot be expected to perform at the same level as their peers unless extra measures are taken to overcome these challenges (General Assembly resolution 45/158, 1990).

On the other hand, local parents' concerns that migrant children may lower general educational standards have become a contentious topic in some states. According to Article 30 of the Convention, each child of a migrant worker has the basic right to an education on the same basis as nationals of the state concerned.

All the above-referenced items taken together paint a difficult picture for those who choose to leave their country in conjunction with restrictive immigration policies. There is often an involuntary push toward illicit channels of migration and/or towards illicit markets to better their own financial situation.

The Convention seeks to improve and, eventually, put an end to the above-mentioned mechanisms.

3. Human Trafficking in the Western Hemisphere: Evidence from the Netherlands

3.1 Human Trafficking in the Netherlands

The Netherlands are an utterly peculiar case when it comes to the phenomenon of human trafficking due to the actual legalization of prostitution, which made matters—at a legal and social level – in need of a more precise and narrower definition of what human trafficking is.

Indeed, the definition of trafficking in human beings is restricted to the exploitation of prostitution in comparison to the UN proposal, which covers a wider range of fields as exemplified in the previous chapter. Forming a legal stance, Article 250a of the Dutch Penal Code distinguishes punishable and non-punishable forms of exploitation of prostitution. Punishable is forced bringing or keeping of people in prostitution; bringing or keeping of minors in prostitution (be it voluntarily or not); or bringing persons from other countries in prostitution (be it voluntarily or not). According to Article 250a, it is also punishable to make profit from the circumstances. Article 250a was introduced on the first of October 2000 and replaced the older articles 250ter (traffic in women) and 250bis (ban on brothels). Consequently, since 2000, prostitutes have been identified as independent workers who must register with the Chamber of Commerce and pay income tax to legally perform their work. In instituting this measure, the government was attempting to bring its official stance into accordance with a reality in which prostitution was already tolerated. Indeed, in the Netherlands, prostitution was never legally criminalized. This official legalization was aimed at eliminating illegal exploitation, handicapped criminal enterprise, and improving the working conditions of prostitutes.

Nonetheless, illegal prostitution, ergo when women had been either forced into prostitution, were illegal (no residence status), were minors, or worked in ‘illegal sex establishments’ is still condemned by the law (Vandekerckhove, et al., 2001).

Currently, there are an estimated 5,000 people who are victims of human trafficking annually in the Netherlands, of which 4,858 were reported between 2019 and 2023, witnessing an increase from the previous years: 791 in 2021 and 814 in 2022. This decrease in the number of registered victims between 2019 and 2021 could be linked to the COVID-19 pandemic, due to reduced travel movements and limitations in detection, according to researchers.

Meanwhile, the often-poor living and working conditions of migrant workers, including undocumented workers, became especially visible during the COVID-19 pandemic and led to an increase in the proportion of presumed victims of trafficking for labor exploitation. This occurred due to the incredibly high number of individuals who became jobless due to the pandemic, which led to living within a poverty condition.

Additionally, according to the data, there are about 65 anonymous reports that could not be processed due to incomplete information in 2023. Of these numbers, 60% were trafficked for sexual exploitation, 30% for labor exploitation, and 10% for forced criminality. It must be noted that these categories are not mutually exclusive.

The Netherlands are predominantly a country of destination for victims of trafficking, but it has been recovered more and more data regarding the increasing presence of Dutch victims, making the Netherlands a country of origin as well. Indeed, around 20% of the presumed victims were Dutch citizens, while the top five countries of origin for foreign victims were Nigeria, Poland, Romania, Bulgaria, and Hungary.

According to the authorities and specialized NGOs, the real scale of human trafficking in the Netherlands could be much higher than the above-mentioned figures suggest (Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen, 2024). For instance, the Research and Documentation Centre of the Ministry of Justice and Security (WODC) estimated that the annual number of victims of human trafficking is around 5,000, roughly equally divided between female and male victims and between victims of sexual exploitation and other forms of exploitation. According to this estimate, cases of child trafficking and forced labor, most notably of Dutch nationals, are less likely to be detected. A report by the NGO CKM on forced criminality in 13 municipalities concluded that in 2020/2021 there might have been up to 2,500 potential victims of THB for forced criminality, compared to only 68 registered presumed victims (Vandekerckhove, et al., 2001). Nonetheless, the Netherlands remains a country included in the first Tier of the USDOS Report of Human Trafficking 2024, as the government is actively working towards the reduction and prevention of this phenomenon (USDOS, 2024).

I will go more into depth regarding such work in the last section of this chapter.

3.2 Most Common Practices

3.2.1 The Legalization of Prostitution

As it was introduced before, the process of legalizing prostitution was extremely complex and debated, as the Netherlands were the first European country to do so.

The aim was not only to legalize the adult and voluntary prostitutes who possess a valid municipality permit. Meanwhile, every certified sex worker must submit an income tax declaration and pay taxes. On the other hand, a parallel goal of the legislation was to contribute to the governmental efforts for combating organized crime by introducing harsh punishments for offenders who use violence, who exploit minors, and who are involved in trafficking of humans for sexual exploitation. The overall intention of the law was to offer European sex workers social security and protection from criminal gangs. However, together with new developments concerning prostitution as a normal profession, other, more negative aspects became clear. The most important being that sex workers from outside the EU were excluded from such a law. Those non-European women who were working in legal brothels were banned from working in a legal environment. Two consequences could be expected as a result: either that they would leave the country for their homeland or for another European country, or that they would disappear into the illegal circuit, becoming vulnerable to illegal entrepreneurs and various forms of criminal activities.

For instance, in research on clandestine prostitution in Amsterdam in 2004, East European and West African women prevailed. "Migrant women who are involved in the sex industry are either constructed as being "legitimate" victims and, to be so defined, must present themselves as trafficked women, or they are seen as accomplices and deported to their country of origin if possible." Indeed, of all sex workers in the Netherlands, the largest group consists of non-EU women: the statistical data varies from 65 to 80 percent; however, the media's representation of the issue at stake is often controversial and highly negatively polarized.

The media and various NGOs are spreading in the Netherlands images of non-European women as victims of human trafficking. On the other hand, the Dutch media repeatedly present the migrant sex workers as 'illegal' and even 'criminal,' associated with other illicit activities, such as drugs and arms trafficking, violent robberies, etc. Such a 'black and white' picture, which is often reduced to a 'victims-offenders' presentation, is no longer relevant in the

complex context of migrations and new forms of prostitution in the 21st century. Within this chapter, I will dive more into the connection between migration and human trafficking in the Netherlands scenario.

There are several different types of prostitution in the Netherlands, including window prostitution, prostitution in brothels and official sex clubs, escort prostitution, 06 prostitution (which includes call girls), sex services in massage and beauty parlors, couple clubs and saunas, home prostitution, and streetwalking. This last one is thought to be the most hazardous and susceptible to organized crime and exploitation. The difference between voluntary and forced prostitution is crucial. For social workers and non-governmental organizations. While independent sex workers, or "fallen women," choose prostitution as their career and are thus deserving of all bad things, naive girls who are coerced into prostitution are said to require their protection and assistance. There have been significant questions raised in the literature regarding forced and voluntary prostitution. Nonetheless, various writers demonstrated that a large number of women consciously chose to engage in prostitution and see themselves as self-sufficient entrepreneurs. The widely held belief that a female prostitute is a victim of human trafficking was also contested. In particular, in the case of voluntary sex work, a combination of being a victim (either of pimps or of poor socio-economic conditions in their native countries) and an offender (often associated with illicit behavior and illegal status) may lead to confusion and, therefore, demands much more detailed analysis on the part of 'story-makers' as well as politicians, assistant services, and researchers. It would be wrong, on the other hand, to claim that all sex workers (legal and illegal) are working voluntarily in the Netherlands, enjoying rights and privileges. Diverse cases concerning forced prostitution that took place in the last year's show that the human trafficking for sexual exploitation phenomenon, though exaggerated in the media, does exist in the Netherlands (SiegelRozenblit, 2009).

According to the data of Van Dijk (2002) on prostitution-related human trafficking in the Netherlands during the period 1997-2000, 25% of offenders appeared to be women. Research on different ethnic groups of sex workers in the Netherlands showed that most of them arrived to improve their economic situation and to support families and children who remained at home in their native countries. There are about 25.000–28.000 sex workers in the Netherlands. About 20% works in window prostitution (4.000 sex workers). In 2005-2006, approximately 8.000 prostitutes worked in Amsterdam: from them, 25% (2000) in window

prostitution, 25% in sex clubs, 49% in escort and at home, and 1% in street prostitution (Siegel-Rozenblit, 2009).

Researchers from the Dutch Verwey Jonker Institute attempted to estimate the impact of the law for the first time in 2001–2002. They came to the conclusion that, similar to the pre-2000 situation, prostitutes in the Netherlands who lacked legal status were still operating in hard-to control sectors like streetwalking and escort (call) work a year after the law was introduced. They were also present in sex clubs and licensed window prostitution. In 2006, the Regio plan carried out a fresh assessment of the legislation and its application. The conclusion was that the Dutch sex industry still involved minors and illegal immigrants despite the efforts of law enforcement. Due to their lack of "territorially organized" status and consequent exclusion from municipal license policies, escorts and call services in particular were very challenging to regulate. Additionally, it appears that a new generation of sex workers entered the illegal market and used mobile phones and websites to advertise and interact with their clients. Interviews with licensed sex workers regarding their social standing in Dutch society revealed that nothing had changed since the new law was implemented. The perception of an independent sex worker remained unfavorable and frequently linked to criminality, and they did not receive greater respect or acceptance. A paradoxical situation emerged, according to recent research from the Ministry of Justice's Scientific Research and Documentation Center: "where commercial operation was previously prohibited and is now legalized, prostitutes and operators feel that the regulations have become stricter, whereas in practice it is a matter of stricter enforcement." Licensed sex shops are inspected by the police more frequently than unlicensed ones. Thus, the number of "illegal foreign nationals" is lower in unlicensed businesses (Siegel-Rozenblit, 2009). However, research into the illegal sector is still nearly impossible. Estimating the prevalence of forced and voluntary prostitution is extremely challenging, especially in covert clubs and escort services.

3.2.1.1 Sex Trafficking

Having briefly explained the process of legalizing prostitution, I will now dive into one of the main branches of human trafficking that have been found within the Netherlands: sex trafficking.

Dutch antihuman trafficking policies predominantly focus on uncovering situations of sex trafficking. This is probably due to the fact that, in the Netherlands, the offense of human

trafficking originally (from 1911 to 2005) only referred to sexual exploitation. Indeed, prostitution and sex trafficking are often used wrongly and interchangeably. The legalization of prostitution, needless to say, has brought many opponents and many debates claiming that the supply and demand for prostitution will rise and reach a higher equilibrium, and even that will lead to an increment in sex trafficking rates. Although an implicit and consequent goal of the legalization of prostitution was to, indirectly, minimize sex trafficking through the legal protection given to prostitutes and the penalties given to those who do not comply with the new legalized regime of sex work.

Unfortunately, this goal was only partially accomplished as the ban did not cover certain areas of the development of sex trafficking rings, such as the dynamic between “pimps” and prostitutes or its spatial nature—trafficking was before often solely analyzed in relation to migration; meanwhile, it has now increasingly been found within a nation’s borders.

Indeed, law enforcement investigations revealed that human trafficking was still thriving behind the legal façade of legalization. The ban had indeed impacted highly the work of the business owners through the various regulations put in place, but it had forgotten the inner workings of such a world. Pimps were (and are) still actively engaged coercively in prostitutes lives through ways of manipulation, exploiting their social relationships, and using verbal, financial, and physician intimidation. To add to the complexity of this issue, often these tactics are placed within the context of a personal relationship or even, worse, a financial one, where one part—the prostitute—is in debt or co-dependent on the other—the pimp. Such trafficking practices are not only possible in an illegal prostitution sector but also in a legalized sector. An example is that the heart of the prostitution sector in Amsterdam is known as the ‘Red Light District, named after the red lights illuminating the windows of the brothels behind which scantily dressed prostitutes put themselves on clear display. A recent study in the Amsterdam Red Light District found that the interviewed respondents (police officers, social workers, and prostitutes) claimed that hardly any prostitute worked without a pimp. Theoretically, however, several favorable conditions supporting independent prostitution are available (Huisman & Nelen, 2014). A highly known case occurred in 2007, and it is known as the *Sneep case*. This mediatic operation, which was then recognized as an organized crime activity, was the first sneak peak of the illegal world that was developing beneath the legalization of prostitution. It happened in the Red Light District in Amsterdam; there were about 120 women, of whom 78 were identified as victims of human trafficking. Indeed,

although they rented windows at licensed brothels through which the pimps gained access to the women, demanding a compensation of at least €1,000 a day through excessive violence. It has been reported that some women were forced to have breast enlargements and to carry tattoos of the names of the pimps who 'owned' them. The suspects originated from Turkey but came from Germany to set up business in Amsterdam (Huisman & Nelen, 2014).

This case was used to indeed sustain the idea that legalization may have provided a legitimate distribution market for victims of human trafficking.

The *Sneep* case is a case of transnational crime as there was a movement across several borders before settling in the Netherlands, which is what is most associated when thinking about human trafficking. Nonetheless, human trafficking is not excluded by being a crime that does not need to be across different countries. Domestic human trafficking usually targets victims—mostly women within sex trafficking—who find themselves trapped in situations of economic deprivation and/or social marginalization and who do—to some extent—comply with the explanatory push and pull factors.

The Netherlands have encountered, as a matter of fact, a very specific dynamic of human trafficking within their country that has been known as "loverboys." The term "loverboys" is used to define human traffickers who exploit children or minors at large by entering a relationship with them and creating the illusion of a loving intimate relationship with them, making them compliant to their wishes and demands. Although many argue this is no new development—it is the classic interaction between pimps and prostitutes—these recruitment methods are considered trafficking in human beings under the Dutch legal definition. Much attention in the media and politics was paid to this phenomenon from the nineties of the previous century to present times (Ministerie van Justitie en Veiligheid, 2020).

3.2.2 Forced Labor

As stated in the previous chapter, about 30% of those identified as victims of human trafficking were trafficked with for labor exploitation. Of these, about 70 % are males (*Report: Human Trafficking Victims in the Netherlands Becoming Less Visible*, 2019). The sectors where exploitation occurs are those where there is a high demand for low-skilled, cheap labour. The catering industry stands out as well as the retail sector, concerning mostly small businesses such as small textile and laundry businesses. Agriculture as well has been found to be a crime scene, specifically horticultural work in greenhouses. In the Netherlands, this industry is

notorious for relying on immigrant labour, especially from Eastern Europe. The case files largely concern businesses owned by the native Dutch who employ immigrants from Eastern Europe working and residing in the Netherlands legally.

The silver lining of it is that the number of victims per investigation seems to be rather limited in most cases. Only in 21% of the cases was there a large number of victims, more than two. This is probably due to the type of business where the crime took place; indeed, these are often small and only with a handful of employees. Another interesting characteristic of labor trafficking in the Netherlands is that the employers usually have not been involved in crime before, and they are not related to any crime organization. If they were suspected of other crimes, they were crimes closely related to trafficking, such as the illegal employment of immigrants, document fraud, or human smuggling (Van Meeteren & Heideman, 2021).

In the following section, I will investigate the link between labor trafficking and migrant smuggling, which is highly present in the Netherlands.

3.2.2.1 Migrant Smuggling and Trafficking

Migrant smuggling and trafficking are not the same phenomenon, but they definitely are linked.

Taking into account that we are at a time, historically, where migration is at its peaks, it must be considered that illegal ways of entering or exiting a country will increase as well. Within the case of Europe as a whole, its strategic geographical position makes it prone to be a clue destination for anyone coming from the Middle East, Northern Africa, and Eastern countries. Indeed, with the heightening of conflicts in Israel and Palestine, the war between Russia and Ukraine, and the worsening of living conditions due to climate change, inflation, and crime in rural areas of Africa, migration has reached an extreme peak (Van Meeteren & Wiering, 2019).

For the Netherlands, this meant not only trying to contain migration as a legal phenomenon but facing the other side of the coin, ergo illegal migration and its consequences. In the area of labor migration and trafficking, for instance, the found data is not encouraging. There has been a notable increase in victims from Africa, particularly Nigeria and Uganda. Tens of thousands of refugees, mostly women and children, fleeing Russia's full-scale invasion of Ukraine reside in the Netherlands and remain vulnerable to exploitation, including human trafficking. For instance, the number of asylum seekers registered in the Netherlands increased

in 2022 when 47,991 persons applied for asylum, compared to 36,620 in 2021. In particular, between the outbreak of the war in Ukraine on 24 February 2022 and October 2022, the Netherlands has registered more than 80,000 arrivals from Ukraine (mostly women and children), with currently 140,000 Ukrainians residing within the country. In 2022, Comensha registered 51 presumed Ukrainian victims of THB (two for sexual exploitation and 49 for labour exploitation) (Netherlands, *United States Department of State*, 2024). Additionally, a significant number of unaccompanied children have gone missing and are vulnerable to exploitation. Labor traffickers increasingly exploit children and young adults in criminal activities, including drug trafficking. Traffickers are overwhelmingly male, and the majority are Dutch and younger than 30 years old.

Labor trafficking occurs for a variety of reasons, and migration is the sole incipit. A link between poverty and exploitation has, for example, been found. Placing it in the context of migration, it is often seen that family members in the country of origin who depend on their income may pressure migrant workers, creating an imperative to work and avoid losing their job. Furthermore, due to increasing migration restrictions, migrants may take increasingly dangerous and more costly migration routes, arriving with debts to be repaid. While dependency on migrant smuggling does not apply to regular migrants, scholars have noted that the fees recruitment agencies charge can create similar effects (Naval et al., 2024). Therefore, migration is induced by their, most probable, weak social-economic position in their country of origin and then transformed into trafficking when migrants become actively recruited through family and friends already residing in the host country.

This is not to say that relatives become traffickers, but they become a bridge between the two due to the conception of migration itself and the consequences that come with it. For instance, people may accept exploitation as a means to an end. It has been demonstrated that migrants, who may not be aware that their working conditions constitute human trafficking, may view them as an essential step in their upward labor market mobility. They consciously agree to it as a condition of the agreement. Furthermore, migrant workers may still find employment conditions that are perceived by external parties as exploitative appealing because they provide opportunities to acquire and receive training in particular skills that will help them advance in the labor market. Thus, exploitative situations are seen by some as a typical and acceptable part of migration processes.

On the other hand, employers/traffickers recruit migrants as they are perceived as extremely hardworking and more loyal and reliable prepared *to work longer hours due to their lack of choice and the large volume of available labour at the low end of the labour market* (Naval et al., 2024). Since it can be advantageous for employers to establish semi-compliant work environments where migrant workers are legally resident but violate employment restrictions, they may even favor legal migration among recent arrivals. Employers can cut costs by breaking labor laws and avoiding fines for illegal employment when there is semi-compliance, which is very difficult for the state to regulate.

After arriving, workers frequently rely on their employers or middlemen for housing, insurance, and food. In certain situations, the trafficker also keeps the workers' passports. The victims' low social standing exacerbates and maintains this multiple dependency situation. It is challenging to increase low-skilled labor migrants' access to information about their labor rights because they frequently do not speak the language of the country they are visiting and have a small social network that is primarily made up of other migrants (Van Meeteren & Heideman, 2021).

A very specific case in the Netherlands occurred in 2019 regarding a chain of Chinese restaurants that was then later found to be connected to migrant smuggling and human trafficking for labor exploitation. Chinese immigrants have been long present in the Netherlands since the early 1900s, as sailors in Dutch merchant fleets, although after World War II, Dutch-Indonesians ex-military personnel and repatriates from former colony Indonesia arrived, increasing the commercial demands of Southeast Asian cuisine. This demand opened up a gap in the gastronomic business and spurred the establishments of several Chinese restaurants, which consequently had a need for personnel.

This is the reason why this route was opened up through the managers of the restaurant locally recruiting in China staff to send over to the Netherlands to work through family and friends' connections. At present, there are almost 2,000 Chinese restaurants in the Netherlands (Van Meeteren & Wiering, 2019).

Nonetheless, the working conditions did not meet the minimum standards whatsoever. A study conducted in 2019 has shown through an analysis of qualitative investigative files that Chinese immigrants often were required to work between 12 and 16 hours a day, six to seven

days a week, with minimal or no breaks; they were paid far below the legal minimum wage, with some receiving as little as €3-€5 per hour or being paid a lump sum irrespective of hours worked, which was justified as per to cover costs of accommodation, food, and transportation despite having to live in substandard, overcrowded housing. Additionally, it is not uncommon for these traffickers to exploit the practice of debt bondage, having therefore the laborers “tied to them” until their debt is paid off. If all these conditions are not enough to maintain control over the victims, migrants are often subjected to threats of deportation, physical violence, or harm to family members back home.

Lastly, but not by importance, the lack of a formal contract leaves the immigrant defenseless if they wanted to prove the abuse they have been subjected to (Van Meeteren & Wiering, 2019).

3.3 Social & Economic Effects

Human trafficking is a phenomenon that affects society as a whole, including the socioeconomic aspect of it. At a social level, those affected are mostly, obviously, the victims.

Human trafficking has an impact on the individuals it victimizes in all areas of their lives. Abuse and violence, including physical, sexual, and psychological abuse, deprivation and torture, forced substance use, manipulation, economic exploitation, and abusive living and working conditions, can occur at any stage of the trafficking process. Trafficking typically entails chronic and recurring trauma, in contrast to the majority of other violent crimes. According to research and documentation, men, women, and children are subjected to specific exploitative conditions that lead to physical harm, disabilities, and even death. People who have been trafficked are particularly vulnerable to HIV infection for a variety of reasons. Posttraumatic stress disorder, anxiety, depression, alienation, disorientation, aggression, and trouble focusing are among the traumas that victims of human trafficking endure. Research suggests that trauma exacerbates throughout the trafficking process and can continue long after any exploitation is over. Despite receiving the same detrimental treatment as adults, child victims are particularly susceptible to human trafficking due to their youth, immaturity, and inexperience; abusive behaviors that could, for instance, impede their future physical development; and ongoing victimization due to attachment, developmental, and social challenges. Trafficking victims may exhibit behaviors that are hard for outsiders to understand,

and victims may struggle to understand what has happened to them or to discuss it with or explain it to others. Victims may come across as uncooperative, irritable, hostile, aggressive, or ungrateful to those in their immediate vicinity, including those who provide support. Their lives have been demonstrated to be significantly and persistently impacted by the stigma associated with them as victims, which includes the trauma they endure as individuals as well as the potential for physical rejection from family and/or the community. The long-term effects of human trafficking on an individual are complicated and contingent on a variety of factors, and recovery is not guaranteed. Revictimization is frequently an additional effect of the encounter (European Commission, 2020).

Revictimization has been found to be connected with the perpetual cycles of poverty and exclusion, which makes victims still extremely subjectable and prone to accept the conditions that come with illegal work and trafficking. Additionally, as exemplified through the Chinese Restaurants case beforehand, often exploitation is seen as the “price to pay”—in particular amongst migrants—to enter the country and access their new life, therefore normalizing it for themselves and future generations.

This entails a constant cycle of violence and social exclusion perpetuated mostly among the most vulnerable and already marginalized groups. Additionally, it causes discussion at a political level, which, as a consequence, sparks discussion and polarization of the topic among the population. Since it involves transnational movement of people, one important related area of debate is migration policy as well as the human rights aspect. Politicians often end up using extreme narrative framing to foster their agenda within the above-mentioned areas, possibly creating negative feelings for those marginalized groups, leading to a heightening of xenophobia, racism, and exclusion from the social and professional sphere of the host country. Indeed, the relevance of increased border control is noted, as is the status attributed to those who do not enter a state legally. An unintended consequence of efforts directed principally at illegal migration can be the non-identification and victimization of trafficked persons. The systemic obstacles to be overcome in the event that a trafficked person from another state is identified in one state, as well as the particular migration issues that countries of origin and destination face that can directly affect human trafficking are described (UN.GIFT & UNODC, 2008).

Furthermore, trafficking victims, in particular those involved in labor trafficking, may end up bulging certain areas of the host country's labor market. Specifically, the most affected

areas are the same mentioned before where trafficking for labor can go undetected and there is no need for specific academic preparation—agriculture, retail, hospitality, and construction. Most often, there are jobs that are not sought by natives since they are less secure and offer fewer financial prospects, although the lack of need of employment in these sectors fosters a feeling of saturation and anger in the population as it gives an answer to why they are not able to find a job. That, consequently, pushes further the trafficked's societal marginalization, as it categorizes them as “job-stealers”.

Meanwhile, the real reasons can be found in phenomena such as the ‘educational gap’; ergo, when local jobless are well-educated young people with high professional and social aspirations who can wait to enter highly qualified, rewarding, and stable jobs, although there is still a social need for un- or semiskilled workers to function properly (Van Liemt, 2004). Economically, human trafficking definitely brings out a shadow in a country's economy.

Firstly, the revenues made through trafficking circulate internally, maintaining a sort of circular economy within criminal organizations while undermining legal economic activity. Indeed, the revenues that are made only aid in prospering illicit activities, resulting in unfair competition and suppressed wages, affecting legal workers. Furthermore, it damages the economy by costing the country's government millions each year in order to sustain integration and rehabilitation programs for the victims as well as for border control not only on the mainland but also for the ex-colonies.

For example, the Royal Netherlands Marechaussee embedded officers in the Sint Maarten police anti-trafficking unit to alleviate staffing constraints, and the Netherlands continued to support a regular anti-trafficking training opportunity for border protection officials in Sint Maarten. From 2021 through 2028, the Kingdom of the Netherlands continued to invest up to €16 million (\$17.7 million) in border security measures in Aruba, Curaçao, and Sint Maarten. The Dutch authorities sent Dutch law enforcement personnel to Aruba, Curaçao, and Sint Maarten, as well as the BES islands, and they trained coast guards and customs officials there. According to observers, the countries did not fully utilize this program, and many law enforcement officials were not familiar with the seconding system (*Netherlands, United States Department of State, 2024*).

To give a number to these costs, a study was done by the European Commission to analyze the impact of human trafficking on society within the European Union, rounding the

cost of human trafficking in human beings to 312 756 euros per victim, based on the average of all European countries (Great Britain included), for a total of 3 700 524 433 euros. Furthermore, these costs are based on the number of victims registered with the authorities in 2016; it would have been higher if victims not registered with the authorities had been included. Some items, additionally, were identified as likely to increase costs, but data could not be found to support their inclusion (for example, the repetition of violence and injuries) (European Commission, 2020).

Meanwhile, looking at the other side of the coin, researchers have shown that economic shocks in the victims' countries of origin increase their risks of becoming involved with trafficking and that such involvement leads to a lack of economic opportunities for themselves and future generations as well. When applied to victims who are minors, the effects are even more major, resulting in a lack of access to education (*Economic Shocks and Human Trafficking Risks: Evidence From IOM's Victims of Human Trafficking Database*, n.d.).

3.4 Government Response to the Phenomenon

The country of the Netherlands is classified, as mentioned in the introduction of this chapter, as a Tier 1 country according to the US Department of State, which means that the government is actively taking on new policies and projects to prevent and prosecute trafficking in human beings.

Law enforcement activities against human trafficking were continued by the government. Sex trafficking and labor trafficking were made illegal by Article 273f of the Criminal Code, which also stipulated that trafficking crimes involving an adult victim could result in up to 12 years in prison or a fine of up to €87,000, while crimes involving a child victim could result in up to 15 years in prison or a fine of up to €87,000. In terms of sex trafficking, these punishments were appropriate and severe enough, matching those imposed for other serious offenses like rape. Knowingly soliciting a victim of sex trafficking was made illegal by Article 273g, which carried fines or imprisonment of up to six years for soliciting a child victim of sex trafficking and up to four years for soliciting an adult victim. In order to increase criminal liability for making money off of human trafficking offenses and other labor violations, the government drafted changes to the criminal code. The amendments were still pending at the end of the reporting period, but a government advisory council raised some

concerns about them, pointing out that one of the provisions criminalizing benefiting from work done by "serious disadvantage" may be ambiguous and confusing with other administrative provisions that deal with similar acts (*Netherlands - United States Department of State*, 2024). The enactment of the "2022 Act Criminalizing the Abuse of Prostitutes Who Are Victims of Human Trafficking" introduced penalties for knowingly soliciting services from trafficking victims. Offenders face up to four years' imprisonment or fines when the victim is an adult, and up to six years' imprisonment or fines when the victim is a child.

Moreover, under Article 248b, the government regularly prosecutes child sex trafficking crimes as child sexual abuse, which carries less severe punishments. According to Article 286f of the BES criminal code—the Netherlands in the Caribbean—sex and labor trafficking are crimes that carry sentences of six to fifteen years in prison.

The national police also had dedicated anti-trafficking officers, and regional police units maintained specialized teams with trained anti-trafficking detectives and experts, including financial investigators. Judges and prosecutors with expertise in combating human trafficking heard and tried cases. According to observers, the Dutch Expertise Center in Human Trafficking and Migrant Smuggling, which functioned as the law enforcement knowledge sharing body, and regional anti-trafficking police units lacked the resources necessary to handle the complexity of human trafficking investigations. In order to enhance cooperation, the government established a coordination framework for prosecutors, national police, and regional police units to work together on trafficking investigations. Anti-trafficking training was still provided by the government to law enforcement; it was institutionalized as a component of all agencies' regular professional curricula.

A human trafficking module was included in the basic training for all new police recruits, and anti-trafficking police officers underwent further training. Professionals who have direct contact with potential victims are required by law to complete victim identification training. Specialized training in the application of the anti-trafficking law and trauma-informed care for victims was still provided to judges, prosecutors, and defense lawyers (*Netherlands - United States Department of State*, 2024).

Nonetheless, there are still complexities in the identification of victims of labor exploitation due to the lack of evidence and procedural hurdles, therefore leading to a missed prosecution of their traffickers.

In order to solve these issues, the Group of Experts on Action against Trafficking in Human Beings urged the Dutch authorities to increase the efforts made in regulating recruitment and temporary work agencies as well as develop more detailed legislative measures for those sectors where labor trafficking has been found more often (Council of Europe, 2023).

The government of the Netherlands has developed a National Action Plan, which was published in 2018 with the aim of creating an integrated approach to human trafficking. The plan focuses on prevention, prosecution, prevention, and protection; more specifically, it delves into five main lines of action: further development of the basic approach to combating trafficking in human beings; further development of the approach to combating labour exploitation; the prevention of victimhood and perpetrator; and strengthening the municipal approach to combating trafficking in human beings and sharing knowledge and information (*Netherlands*, n.d.). This plan encompasses public awareness campaigns, targeting vulnerable populations with the intent of educating them about trafficking risks and legal rights.

The government also implemented a specific national referral mechanism for child victims, emphasizing the need for specialized procedures to identify and support trafficked children effectively. It serves as a vital tool for coordination between law enforcement, NGOs, and government bodies. Measures, for integration and physical and psychological assistance have been put in place through the project Youth Care Netherlands, as well as Nidos, which are specific residences for victims of human trafficking that provide ongoing secure protection (*Netherlands*, n.d.).

The report recommended the development of a national referral tailored for child victims of trafficking. This initiative aims to address the unique vulnerabilities and needs of child victims within the legal framework.

At an international level, the Netherlands has implemented several liaison offices focusing on human trafficking that have been placed in Poland (with accreditation for Hungary), Croatia (with accreditation for Slovenia, Bosnia and Herzegovina, and Montenegro), and Italy. In order to maximize the benefits of having local liaison officers for human trafficking, the police want to take advantage of their significant contributions.

Through UN agencies and non-governmental organizations, the Netherlands hopes to support victims of human trafficking in both their countries of origin and transit, as well as build the capacity of locally involved actors like prosecutors. Additionally, the Dutch missions

serve as coordinators and advisors on the ground. Furthermore, the Netherlands are at the forefront of European efforts in combating human trafficking thanks to their active collaboration in the following projects:

- *Empact* - the European Multidisciplinary Platform Against Criminal Threats program on human trafficking, a security initiative to look into and stop human trafficking. In 2018, the Ministry of Justice and Security made money available for the sub-projects Financial Investigation and Chinese Human Trafficking, which are led by the Dutch police.
- *Compass* - a regional program of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime (UNODC) in West Africa and the Sahel, with 12 partner countries. These programs assist both the countries of origin and transit in establishing a legal framework to combat human trafficking and smuggling, as well as in identifying and prosecuting those who engage in such activities.
- *Dutch Caribbean Initiatives*—a project that extended the national lines of prosecution and prevention of human trafficking to the Dutch territories in the Caribbean.

(Netherlands, n.d.)

These legislative and practical developments reflect the Netherlands' ongoing commitment to strengthening its legal framework to combat human trafficking, addressing both prevention and prosecution, and ensuring adequate support mechanisms for victims.

4. Human Trafficking in Eastern Hemisphere: Evidence from China

4.1 History of Human Trafficking in China

The People's Republic is no stranger to the phenomenon of human trafficking. On the other hand, it occurred as early as the Warring States period (476–221 BC), when prisoners of war were victims of it. Slaves were regarded as the lowest class individuals who could be lawfully bought and sold during Imperial China (221 BC–1911 AD), when the rulers separated their subjects into various socioeconomic classes based on their identity, status, and occupation in order to strengthen the dynasty's autocracy. However, there was also unlawful human

trafficking that involved threats, inducements, deception, and kidnapping, despite efforts by authorities to restrict the practice. Meanwhile, during the whole Imperial period, illegal human trafficking coexisted with legal human trafficking. To lessen famine, rulers even promoted the sale of people during the Western Han Dynasty (206 BC–24 AD). Although the Eastern Han Dynasty (25–220) forbade the trafficking of persons, human trafficking persisted in later dynasties. Notable is the fact that human trafficking has been a legal as well as a professional job in the Tang (618–907) and Song (960–1234) dynasties. It then saw its peak in the Yuan Dynasty (1271–1368), when possessing young women trafficked from Korea was seen as a symbol of identity and power (Shuai & Liu, 2023). Indeed, women could be purchased from markets or even procured through a network of families as an exchange marriage with a negotiated price. Even the sale of a child was legalized by the Qing Code through the sign of a “white contract” (which meant it was drafted privately) or “red contract” (registered and stamped with the local magistrate’s red seal) to document the sale that specified the rights of both buyer and seller. The statute of the Qing Code (*Dà Qīng Lǚ Lì* 1644-1912) during the Qing Empire forbade many forms of the sale of persons, but, unfortunately, it also included provisions that allowed the practice to continue. For instance, to justify the selling of children, families and traffickers have used the excuse of starvation, downplaying their act as benevolent towards the child; in these cases, they were acquitted by magistrates. Although the Qing Code contained numerous laws to limit these practices: Statute 79 proscribed any person from selling stray children of unidentified origin into slavery; Statute 367 forbade any person from selling a wife by criminalizing the sale of marriage through a dowry as well as the sale of prostitution; and Statute 275 prohibited abduction and abduction for the purpose of selling. Illegal was also selling commoners or wives to be forced into slavery or prostitutes, and even the act of deceiving for the purpose of sale was outlawed. Additionally, Statute 115 imposed strokes of bamboo as a form of punishment for any head of household who arranged the marriage between a slave and a daughter of honorable birth. The issue of slavery and human trafficking was brought to the throne in 1906 with the aim of defending the country’s image and relations with foreign states as foreign nations look upon those that tolerated slavery as barbarous peoples.”(Dong, 2019). Three years later, another official delivered the same cause and requested the throne to prohibit slavery on the basis that it was fundamentally incompatible with the government’s reform agenda. Then, the Constitutional Commission proposed ten regulations for the abolition of slavery and after the approval of the Emperor, the imperial edict of 1910 was promulgated to abolish slavery and realize the legal equality of people in the territory. The edict criminalized the sale and purchase of human beings, including the sale of

oneself or children, on account of poverty and nullified all legal contracts (Dong, 2019). These provisions were included in the 1915 Provisional New Criminal Amendment Ordinance during the Republic of China's rule (1912–1949) (Shuai & Liu, 2023). Although it was unable to ensure legislative implementation and enforcement, it did mark a starting point on the adoption of national legal reforms. For instance, during the early Republic, a revised version of the Qing Code was used as the provisional criminal code of China.

Meanwhile, the legislative reforms that took place after 1928—following the Nationalist Party's consolidation and under the leadership of Chiang Kai-shek—were of a republican stamp and were all rooted in creating laws guaranteeing full legal equality for everyone. Finally, then the republican government criminalized the trafficking of women by abduction with the intent “that an indecent act may be committed against her or that carnal knowledge may be had of her.” Nonetheless brokers and local intermediaries were often able to find new solutions to bypass the restrictive controls and perpetuate the supply of domestic, reproductive, and sexual activities, while local courts advocated leniency in the prosecution process (Dong, 2019). In 1949, the founding of the People's Republic of China (PRC) and the establishment of the Maoist era (until 1977) led to an advancement in social civilization. As people became more conscious of gender equality and human rights, a decrease in the practice of trafficking was witnessed. This was also due to the implementation of the household registration system, the 1950 Marriage Law, the closure of brothels, and the eradication of prostitution (Dong, 2019). Consequently, China had almost completely eradicated human trafficking by the 1960s. Nevertheless, because of the Economic Reform Policy (1978) and the One-Child Policy (1979), which widen the gap between urban and rural areas and make gender inequality worse, human trafficking has resurfaced (Shuai & Liu, 2023). The fueling of trafficked victims' vulnerability can also be found complicit with the country's internal migration, which is strictly regulated by the *hùkǒu* registration system, limiting migrants' access to governmental benefits, employment opportunities, and social or other services in the cities (Dong, 2019).

Unless there are special circumstances, anyone found guilty of trafficking in persons, whether male or female, faces a minimum sentence of five years in prison under the 1979 PRC Criminal Law. By the early 1980s, human trafficking-related crimes had increased at an unprecedented rate. A policy to severely crack down on criminal activities, including human trafficking, was proposed by Deng Xiaoping in 1993 in response to a notable increase in crime (Shuai & Liu, 2023).

Safe to say, therefore, that human trafficking still exists in China, and it has grown to be a severe issue that poses a particular risk to women and children living in rural or impoverished areas. For instance, women frequently sought to better their lives in urban areas by getting married and/or finding work. Nonetheless, they were vulnerable to human trafficking, especially for the purpose of sexual exploitation, because of their restricted social and economic opportunities. Their concern led to the 1991 *Decision of the National People's Congress Standing Committee Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children*, which included special provisions on the trafficking of women and children. Since women and children are regarded as the primary targets of human trafficking, they are the only groups legally recognized as victims of human trafficking in China today. This is because the PRC's new Criminal Law of 1997 removed the section on trafficking in "persons." Although the characteristics of human trafficking have changed in the last few years. For instance, committing a crime has changed from being a personal job to being recruited by a company; crime scenes have progressively expanded from a few strategic locations to the entire nation and even abroad. In addition, the targets of trafficking have become more varied, with the share of adult men getting higher. Individuals have given way to gangs and even organized groups as offenders (Shuai & Liu, 2023). As a result, it appears that fighting human trafficking in China is more difficult and demanding than before.

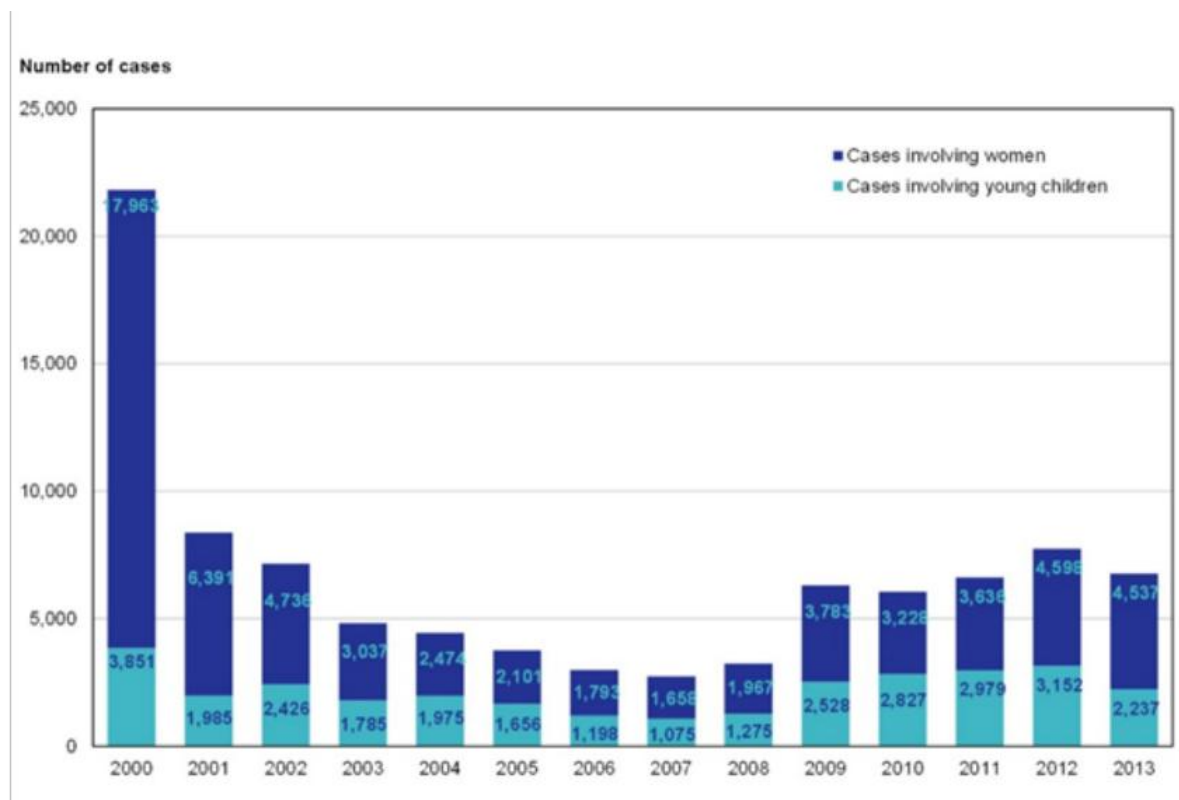


Figure 2: Number of trafficking cases involving young children and women, 2000-2013 (Zheng, 2018)

4.2 Most Common Practices

4.2.1 Sexual Exploitation

Taking into consideration Chinese cultural tradition and values, it comes as no surprise that women are the most targeted groups when it comes to sexual exploitation. For instance, China's feudal patriarchal and patrilineal system constantly exposed women to subordination by their family's male-dominant figure. The role of women during the Qing was especially marked by a rigid set of legal rules and social values, more so if considering Confucian virtues such as filial piety, righteousness, and female chastity. It was indeed argued that Chinese women, during the Qing and Republican periods, "belonged to" rather than "belonged in" the family because women were considered property of the male-dominated household. These beliefs improved solely during the Republican period, but their effects were long-term and still visible today (Dong, 2019).

Human trafficking of women in China has become a lucrative business that is still expanding due, not only to the country's history but also to governmental decisions such as the One Child policy and a defective legal system that does not meet the international standards for combating human trafficking. Indeed, the efforts of the governments are resulting solely in enhancing the aspect of gender as a vulnerability factor for women through their policies and culture. Research indicates that trafficking and prostitution are "gendered systems" resulting from "structural inequality between women and men," highlighting that "men generate the demand while women constitute the supply." (Dong, 2019).

Additionally, women's inferior status in Chinese society is also reflected in the five classics of the Confucian view of a woman: inferior by nature, she was dark as the moon and changeable as water, jealous, narrow-minded, and insinuating. She was indiscreet, unintelligent, and dominated by emotion. Her beauty was a snare for the unwary male, the ruination of state (Dong, 2019). Nonetheless, efforts were made; indeed, under Mao Zedong's

rule, women were granted the legal right to vote, employment, marriage, education, and inheritance rights. Even the problem of prostitution under Communism notably decreased. Nevertheless, the transition from a planned economy under Communism to a free market economy in 1979 under Deng Xiaoping regrettably brought a setback to women's equality, the re-emergence of prostitution, and the abduction of women for sexual exploitation and forced marriages. For instance, prostitutes were educated in labor camps during the Mao era, which were officially known as Women's Labor Training Centers. Since 1978, when economic reform was implemented, brothels have been functioning in nightclubs, KTV lounges, and massage parlors. Foreign investors, middle aged businessmen, male government officials, entrepreneurs, and police officers make up most of the visitors to these locations. The sole difference between street prostitution and brothels is where they are located and how they draw clients: in street prostitution, women "work" on the streets until a client approaches them, whereas in brothels, clients may more easily contact women since they are confined to a single area (Dong, 2019).

Sex exploitation and trafficking were also confirmed through a series of cases of human smuggling along the border with North Korea. Indeed, North Korean women often rely on brokers to facilitate their travel in the territory, only to end up sold into a Chinese household or forced into the sex work. Cases of North Korean women being trafficked into forced marriages or sexually exploited by their alleged husbands or other acquaintances were investigated in the UN Commission of Inquiry Report. Additionally, research revealed that Russian, Mongolian, and Vietnamese girls were trafficked into forced marriage and exploitative situations, as were Chinese youngsters, especially the "left-behind children"—those under the care of family members in rural areas. Overall, not surprisingly, most of the victims of modern society come from disillusioned and vulnerable circumstances. To prevent victims from fleeing, traffickers confiscate their passports or other identifying documents once their targets from neighboring countries arrive in the destination country. Other coercive techniques to make victims afraid and obedient include rape, threats against family members, and the use of violence and threats (Dong, 2019). These strategies allow traffickers to use these victims to satisfy their sexual demands, which leads to them working underground in brothels, on the streets, or as forced brides—a topic that I will explain in depth in the following subsection. Furthermore, sexual exploitation and prostitution of Chinese women do not stop at the border. Indeed, it is extremely common to see Chinese women engaging in sex work—voluntary or involuntarily—overseas.

One peculiarity of the phenomenon of sex trafficking in China is that it occurs mostly within the country; it is not a transnational issue, although this does not mean that there were not reported cases. Indeed, qualitative studies have discovered that often Chinese prostitutes are found overseas willingly. Despite the use of violence or threats, those interviewed all acknowledge that they entered this line of work consensually and chose to go abroad to do it due to, most times, a lack of work opportunities, financial hardship, and cultural stigma.

Although the global sex trade, in this case, shares some aspects of sex trafficking, such as the leaning on pimps, “boyfriends, madams, and overall small criminal organizations by the women. This often leads authorities to conflate the two and, unfortunately, propose and enact inefficient legislation to combat human trafficking. These are also found to be based on, once again, morals and ethics rather than empirical research, therefore doing more damage than good (Chin & Fincknauer, 2012).

4.2.2 The Bride Market

Another phenomenon that is worth noting is the phenomenon of the bride market. Indeed, it is not uncommon in Asian culture to propose arranged marriages for one’s son or daughter consensually, but, unfortunately, it is not always the case, as it may be forced upon one of the parties, transforming the practice of arranged marriage into a violation of human rights, ergo a forced marriage.

In the Chinese context, it must be taken into consideration the implementation of the One Child Policy from 1979 to 2015, as the country has been in a demographic decline since then, accompanied by a gender gap among the population, as there are more males than females due to a preference for male children during the policy as they could carry on the family line. It is estimated that a quarter of Chinese men in their late 30s will still be unmarried by 2030, considering that the minimum legal age for males to marry in China stands at 22 years old—20 for women (Cordeiro, 2022). This, combined with a demographic predominance of males over women, led to a selective game of women becoming more and more selective. This caused men, usually from poorer and rural areas, to go to the south of the country to find someone. Although this often means relying on middlemen and individual brokers to find them a wife, usually from even poorer and unstable communities. According to data, most trafficked

individuals are from the provinces of Henan, Anhui, Hunan, Sichuan, Guizhou, and Yunnan. After that, they are sold into forced marriages in Shandong, Zhejiang, Inner Mongolia, and Jiangsu. The Congressional Executive Commission's 2017 Report on China states that women from other nations—including those in Africa, the Americas, Russia, North Korea, Laos, Nepal, Vietnam, Cambodia, Myanmar, and Nepal—are also vulnerable to being sold into forced marriages and sexual exploitation in China (Dong, 2019).

Women's Rights without Frontier estimates that between 30 and 40 million "bare branches" exist in China and that the community's expectations and pressure on men to find wives have not done anything to stop bride trafficking. The issue of money has become a barrier to getting married; in fact, Chinese men typically give local women a costly traditional bride price, which is comparable to a dowry. However, because it is a less expensive option in the "marriage squeeze," men who cannot afford it resort to traffickers to buy abducted brides from other regions. Despite the high demand for women in rural areas, it is a common practice for rural families to give away their baby girls. This creates a vicious cycle of gender imbalance in many parts of China, which is both interesting and contradictory (Dong, 2019).

Forced marriage or marriage trafficking can almost be considered a unique subset of human trafficking itself as it encompasses different kinds of violence. Indeed, according to Quek's theory, marriage trafficking contains a matrix of violence that encompasses both sex and labor trafficking and includes more severe and complex forms of exploitation: domestic violence (sexual and physical violence), labor exploitation, and reproductive exploitation. What differentiates domestic violence from sex trafficking are the conditions in which it is actuated: durability, individualization, and privacy. Sexual and physical abuse in marriage trafficking typically lasts a lifetime or at least decades for a woman who is unable to flee. The private nature of violence within marriage means that sexual and physical violence in marriage occurs in a private, domestic sphere that is neglected and considered off limits to anyone but the couple. Moreover, labor servitude is another aspect of marriage trafficking, which translates into women bearing the double burden of being responsible for both domestic and agricultural work and sometimes even becoming the main source of work and income for the family. This event is of course present in consensual marriage, but it has been normalized to the point of being invisible and in forced marriages. This aspect is even more persistent and proves that

marriage as an institution plays an important role in the construction and rethinking of the gendered division of labor, including the naturalization of unpaid work done by wives.

Lastly, women in forced marriages are subjected to reproductive slavery. This form of exploitation occurs through reproductive pressure by their husbands and husbands' families, who promise them rights to which they are entitled, such as returning to their home country to visit family, in exchange for bearing and raising children. These children also build an emotional and moral barrier for trafficked victims, dampening their willingness to run away or seek help (Liang, 2023). A famous instance is the traffic between China and Vietnam (Liang, 2023). In fact, the geographically unequal distribution of capital, coupled with the China-Vietnam border, causes economic migration. While there are more job opportunities and labor shortages in China because of workers moving to coastal cities for employment, labor is relatively plentiful in Vietnam, but capital is limited, and wages are relatively low. As a result, many Vietnamese travel to China in pursuit of better employment prospects. Furthermore, reciprocal trade, primarily in low-cost consumer goods made in China and agricultural products made in Vietnam, is linked to the high volume of cross-border movement of people (Liang, 2023).

Growing demand has led to the establishment of sizable border markets, particularly on the Chinese side, where trafficking crimes are common when Vietnamese women go to China to sell their agricultural goods. Lastly, Vietnamese women are increasingly crossing the China-Vietnam border in pursuit of better employment and livelihood opportunities, contributing to the feminization of migration flows along the entire border as often as traffickers lure women across the border by promising them fictitious employment. Due to its proximity to Vietnam, ease of access, frequent cross-border trade, and the opening of the border since the late 1990s, Guangxi province on the Chinese side has been a major destination and transit province for Vietnamese migrants to China in recent years. According to Zhao (2003), passports and airline tickets are frequently not needed, making it simple for people on both sides of the border to cross. Legally, the unofficial crossing routes have been investigated because of poor border management and corruption, which has made crossing the border easier, therefore exposing individuals to human trafficking at a higher rate (Liang, 2023).

4.2.3 Forced Labor

Forced labor is an affliction of Chinese society, as it is extremely widespread. It entails the exploitation of national citizens and foreign migrants as well within the private sector as well as the public one (Modern Slavery in China | Walk Free, n.d.).

Indeed, the state of China is included in the third tier of the Department of State due, among other things, to the lack of significant effort in combating human trafficking, in particular in relation to forced labor. Indeed, it has been found evidence of government policies of widespread forced labor, making the state complicit in allowing this violation of human rights. For instance, the government continued mass arbitrary detention and imprisonment of Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other ethnic and religious minority groups in the Xinjiang Uyghur Autonomous Region (Xinjiang) under the guise of “vocational training” and “deradicalization.” (China - United States Department of State, 2025). The government also attempted to force the repatriation and internment of religious and ethnic minority groups living abroad through an intensifying campaign of transnational repression, including surveillance, harassment, threats against individuals and their family members, and extradition requests, making them more vulnerable to the government's policy or pattern of widespread forced labor. In addition, authorities continued to implement the policy or pattern of widespread forced labor in other provinces and targeted other religious minorities under their auspices. As part of a purported “poverty alleviation” and “labor dispatch program” that included overt coercive elements, the government also reportedly persisted in assigning ethnic Tibetans, Uyghurs, and members of other ethnic and religious minority groups to manufacturing and vocational training positions.

According to reports, PRC (People’s Republic of China) nationals were forced to work on Belt and Road Initiative (BRI) projects or other infrastructure projects associated with the PRC in a number of countries in Asia, the Middle East, Africa, and Europe. PRC authorities reportedly failed to adequately monitor relevant recruitment channels, contracts, and labor conditions, and PRC diplomatic services frequently failed to identify or support those who were exploited (China - United States Department of State, 2025).

On the other hand, within the private sector, there are several reports of students placed into production line jobs masked as internships, with cases recorded in automobile and electronics factories. There is ample evidence of forced labor and abuse in the fishing industry, including on longline fleets operating in distant waters, industrial trawl fleets flying the Ghanaian flag

that are run by Chinese corporations, and Chinese vessels engaging in illicit fishing in Somali waters. In addition to other abuses at sea, fishermen have reported being denied wages, starved, subjected to physical and sexual violence, having their freedom restricted, and being held in debt bondage (Modern Slavery in China | Walk Free, n.d.).

The following sections will explore more in depth the biggest cases of proven forced labor within the People's Republic of China: the BRI initiative and re-education camps.

4.2.3.1 Forced Labor: The Hidden Cost of China's Belt and Road Initiative

Initiated by the People's Republic of China, the Belt and Road Initiative (BRI) aims to improve regional integration, increase trade, and stimulate economic growth by connecting Asia with Africa and Europe through land and maritime networks. China's President Xi Jinping came up with the name in 2013. He was inspired by the idea of the Silk

Road, which was a network of ancient trade routes that linked China to the Mediterranean via Eurasia for centuries during the Han Dynasty 2,000 years ago. In the past, the BRI was also known as "One Belt One Road." The Belt and Road Initiative (BRI) consists of two parts: the Silk Road Economic Belt, which is a land-based route that connects China to Southeast Asia, South Asia, Central Asia, Russia, and Europe; and the 21st-century Maritime Silk Road, which is a sea route that connects China's coastal regions with Southeast and South Asia, the South Pacific, the Middle East, and Eastern Africa, until it reaches Europe (Belt and Road Initiative (BRI), n.d.). Even though the BRI offers enormous potential for development, participating nations are frequently burdened with unmanageable debt. The Belt and Road Initiative (BRI) ensnares developing countries in a vicious cycle of debt, large loan amounts, and reliance on China, resulting in economic vulnerability, limited economic returns, and loss of sovereignty. The Belt and Road Initiative was first marketed as a development aid program, but it has often resulted in political and economic setbacks for many countries, highlighting the need for more sustainable and equitable investment practices. It has been revealed consistent and institutionalized trends of labor abuse and exploitation, violent coercion and threats, excessive workloads, and wage manipulation in BRI-affiliated projects. Some examples that were recalled through qualitative studies were events of confiscation of passports

upon arrival—preventing workers from returning home; wage theft and deceptive recruitment—ergo delayed payments, refusing payments or deductions; poor working and living conditions, usually in labor camps where proper safety protocols are not met; and lastly, legal and visa issues—workers can be sent abroad with improper visas, which can lead to legal problems within the country of residence at the moment (China Labor Watch, 2022). For instance, according to reports, Chinese migrants are being trafficked into Chinese cyber-scam schemes that are based in Cambodia. Along China's Belt and Road Initiative (BRI), a significant infrastructure project aimed at extending China-linked trade and investment throughout Asia, Africa, and Europe, Chinese nationals are also tricked into exploitative jobs. According to a 2021 report, Chinese employers on BRI projects in Algeria, Indonesia, Jordan, Pakistan, Serbia, Singapore, and other nations. Usually recruited under false pretenses from rural areas, the workers were forced to sign fictitious contracts, pay outrageous fees, and receive erroneous visas that restricted their ability to seek assistance once they were abroad. Throughout the pandemic, this mistreatment persisted, forcing workers to work in environments where they were at high risk of infection or to isolate themselves with no way to get home (Modern Slavery in China | Walk Free, n.d.).

A case study was found in the nickel industry, which is crucial for China's electric vehicle (EV) supply chain and therefore fundamental within the BRI project. Again, due to a lack of safety regulations, there are extremely high injury and fatality rates in Indonesia's nickel smelters and factories. Furthermore, cases of debt bondage have been witnessed within these factories in Indonesia, where workers may take on loans to secure employment but then encounter difficulties in repaying them. Lastly, intimidation and threats are often used to suppress requests or protests for better and fairer treatment and wages by workers (China Labor Watch, 2022).

4.2.3.2 PRC's Education Centers

Forced labor in the PRC is often extracted under the pretense of poverty alleviation and vocational training, which is a Chinese Communist Party (CCP)-promoted program to improve living conditions in "ethnic areas." (Against Their Will: The Situation in Xinjiang, n.d.). It is exacted by the CCP as a means of racial and religious discrimination; political coercion and education; and as punishment for holding views ideologically opposed to the state. The primary

means of doing so are the forced relocation of detainees and former detainees to factories within or near "re-education camps" in the Uyghur Region and factories across China, as well as the transfer of rural residents to work on farms and in factories. Indeed, while the Uyghur region in China's northwest is nominally autonomous, the Communist Party has consistently appointed Han Chinese to the post of party secretary, the top political position. Uyghurs officially make up about 45 percent of Xinjiang's population, with Han Chinese at about 42 percent. What sets the region apart from other provinces is the Xinjiang Production and Construction Corps (XPCC), a paramilitary unit that oversees economic output as well as law and order. As a matter of fact, researchers have referred to the entity as a colonial agency (Modern Slavery in China | Walk Free, n.d.).

The XPCC uses Uyghur forced labor to run several farms, factories, and businesses out of its prisons that make coal, cotton, textiles, bricks, plastics, agriculture, and other goods. According to reports, Han Chinese prisoners in the XPCC system are also made to perform forced labor. On top of that, reports of forced sterilization and involuntary ethnic integration have emerged in the last few years, with an estimation up to 1.5 million Uyghurs believed to have been sent to internment camps, with also reports of women accused of sex work being made to work in "education centers," people with drug addictions in rehabilitation facilities, and people convicted of political offenses being forced to work in the general prison system. Oppressive conditions must be endured by Uyghurs who are imprisoned in camps and made to labor in factories. Uyghur inmates in one internment camp in Kashgar, Xinjiang, are made to labor as textile production workers. They are underpaid, unable to travel, and have little to no contact with their relatives. Visits and family communication are closely watched and may be interrupted if permitted. The Uyghur workers are required to learn Mandarin and go through ideological indoctrination when they are not working (Against Their Will: The Situation in Xinjiang, n.d.).

This labor scheme has been defined as "high-quality development." In the sense of aiming at assimilating Muslim groups to the best of Chinese culture and ethics, the PRC is doing so by rendering it impossible to return to their traditional lives by making the camps and the practice of forced labor less visible and harder to grasp at a conceptual level. For instance, even at a global level, forced labor has been linked solely to the production of cotton, tomatoes and tomato products, peppers and seasonal agricultural products, seafood products, polysilicon production for solar panels, lithium for electric vehicle batteries, and aluminum for batteries,

vehicle bodies, and wheels. The 2023 work plan for one Xinjiang County will, additionally, continue to grow and invest into an acceleration of industrial park expansion and the promotion of “labor-intensive industrial clusters,” including the “vigorous development” of “labor-intensive enterprises” such as textile and clothing producers, electronic product assembly lines and light industrial manufacturing (Modern Slavery in China | Walk Free, n.d.). Unfortunately, this issue is not restricted to only one subgroup of the population.

North Koreans have been known to be forced to work by the state in China, where the North Korean government is said to have withheld their wages. Asylum seekers and North Korean refugees in the PRC without official immigration status are, in fact, especially susceptible to human trafficking. Once in the PRC, traffickers entice, drug, imprison, or abduct certain North Korean women and force them into forced marriage, commercial sex in brothels and bars, or online sex sites. These women are also forced to work in domestic work, agriculture, restaurants, coffee shops, karaoke bars, and factories by traffickers, who are frequently Democratic People’s Republic of Korea “minders.” The “minders” allegedly limit their freedom of movement and communication, deduct money from their paychecks, and occasionally coerce them into having commercial sex with PRC clients. In order to generate revenue for its weapons development programs, the DPRK government subjects its citizens to forced labor in the PRC, presumably with the knowledge of PRC officials, according to media and non-governmental organization reports. This includes forced labor in textile factories, restaurants, hotels, seafood processing plants, and remote cyber operations, and it may involve hundreds of thousands of North Korean workers. DPRK national managers often target these workers, many of whom are women, with violence, rape, sexual harassment, and sex trafficking. There have also been reports of North Korean workers being forced to work in PRC-owned factories that produce protective medical clothing for export (China - United States Department of State, 2025).

The Tibet Autonomous Region exhibits similar abuse patterns, with reports of labor transfers taking place in the fields of agriculture, construction, textiles, and security as a way to politically indoctrinate Tibetans and discriminate against them based on their religion. Similar political indoctrination and forced prison labor practices are used by the government to subject certain Tibetans to arbitrary detention in the Tibet Autonomous Region (Tibet) and neighboring provinces. Under the guise of a quota-based “surplus labor” transfer program that was purportedly designed as a poverty alleviation measure, authorities have employed thousands

of rural Tibetans in manufacturing jobs and "military-style" vocational training across the nation. Despite the lack of arrests or enforced disappearances, observers point out that the system is comparable to coercive labor transfer programs used in Xinjiang to alleviate poverty and is probably very coercive given the government's use of organized household monitoring, which involved village-based work teams conducting door-to-door inspections, and people's relative inability to refuse participation in the highly prevalent social control system in Tibetan areas run by the central government. According to reports, some of these Tibetans are forced to work in factories by companies. According to reports, authorities also subject certain Buddhist clerics to forced labor in monasteries converted into factories and political indoctrination exercises (China - United States Department of State, 2025).

Lastly, Tibetans must pay a significant amount of the resettlement costs under the government's forced urban resettlement programs, which puts many of them in debt and increases their risk of being forced to work.

4.3 Social and Economic Effects

Human trafficking is an event that affects society from all points of view. It impacts the victims, the traffickers, the image of the country itself and its economy.

Abuse and violence, including physical, sexual, and psychological abuse, deprivation and torture, forced substance use, manipulation, economic exploitation, and abusive living and working conditions, can occur at any stage of the trafficking process and, obviously, highly impact the mental and physical health of the victims. Indeed, trafficking typically entails chronic and recurring trauma, in contrast to the majority of other violent crimes. Research and documentation indicate that certain exploitative conditions are imposed on men, women, and children, which can result in physical harm, disabilities, and even death. For a number of reasons, individuals who have experienced human trafficking are especially susceptible to contracting HIV. Human trafficking victims experience a variety of traumas, including posttraumatic stress disorder, anxiety, depression, alienation, disorientation, aggression, and difficulty focusing. Trauma may worsen during the trafficking process and persist long after any exploitation has ended, according to research. Child victims are especially vulnerable to

human trafficking because of their youth, immaturity, and inexperience; abusive behaviors that may hinder their future physical development; and ongoing victimization because of attachment, developmental, and social challenges, even though they receive the same harmful treatment as adults. Furthermore, applying these specifications to the scenario in China, due to the high rates of bride and sex trafficking at a young age, means having an increase in the disruption of communities to the practice of abduction and the consequent separation and disruption of families and communities. Not only that, but it also deepens the gender imbalances already present in Chinese society, as females are more likely to be subjected to such treatments, therefore creating discontent among the population and worsening women's consideration and condition (Dullum, 2009).

Victims of human trafficking may display behaviors that are difficult for others to comprehend, and they may find it difficult to communicate or explain what has happened to them. For those around them, including those who offer support, victims may appear uncooperative, agitated, hostile, violent, or ungrateful. It has been shown that the stigma attached to them as victims encompasses the trauma they experience personally as well as the possibility of physical rejection from family and/or the community—has a substantial and enduring impact on their lives. Recovery from human trafficking is not assured, and the long-term effects on an individual are complex and dependent on a number of variables. Revictimization is often another consequence of interaction (Shuai & Liu, 2023).

Additionally, the presence of human trafficking augments the presence of organized illicit criminal activities, when it comes to human trafficking for the purpose of forced labor. Indeed, it is extremely common for networks of organized crime to bring in people from other countries to work illegally in Chinese factories or to be sold into domestic slavery (China—United States Department of State, 2025). The above-mentioned presence of criminal organizations highly impacts the economy of the country as it is contributing to the labor market disruption by discouraging fair competition and increasing the presence of trafficking itself.

In the market for human trafficking, traffickers serve as middlemen, supplying employers who use trafficked labor with workers who possess the desired qualities. The business of the successful human trafficker is dynamic, changing as demand shifts and

populations become more vulnerable. The trafficker may never meet the ultimate users of the trafficked victims. Human traffickers exploit the gap between the apparent abundance of jobs and high wages in some places and the low wages and lack of employment opportunities in other places. Their method of business is based on Becker's idea that "people decide whether to commit crime by comparing the benefits and costs of engaging in crime." This stems from the psychological benefits of "getting away" with the completion of an illegal act. Human traffickers offer differentiated products, limiting the number and type of individuals they traffic to employers (or use as employers). This implies that every human trafficker must contend with a unique demand curve for his goods. This demand curve is partially influenced by how distinctive customers think the supplier's product is in relation to comparable goods offered by other suppliers (Wheaton et al., 2010).

Another effect is the reduction of human capital consequent to the deprivation of education and skill development opportunities. Indeed, many people from developing nations are unable to find employment in their home countries due to the unequal economic development of nations worldwide, while some developed nations with competitive labor markets need a cheap labor force. Because of this, it is simple for traffickers to bring impoverished individuals into those developed nations, where they are exploited indefinitely. In addition to being sold to families for adoption, trafficked children may also be coerced by certain gangs into engaging in illegal activities like drug trafficking, forced prostitution, theft, and forced begging (Shuai & Liu, 2023). This specific event reinforces the beginning of the cycle, ergo the presence of criminal organizations, as well as a loss in economic development of the areas these individuals are taken from, as they are not able to contribute to their areas' economies and therefore contribute to economic stagnation. Furthermore, the phenomenon of human trafficking places strain on social services by requiring significant resources for victims' rehabilitation programs, which include medical care, as well as increased law enforcement efforts against traffickers.

Lastly, the high number of reports of human trafficking affects negatively China's international trade relations, which has often led to sanctions and trade restrictions from other countries. For instance, the United States has created a List of Goods Produced by Child Labor or Forced Labor in which goods from China have been included since 2009. In particular, the 2020 edition of the list was expanded by the Bureau of International Labor Affairs (ILAB) to include five products made in China using forced labor by Muslim minorities. These goods

include gloves, hair products, textiles, thread/yarn, and tomato products. ILAB added polysilicon, a product made by Muslim minorities in China using forced labor, in 2021. ILAB included six additional products made in China using forced labor by Muslim minorities in its 2024 edition of the List of Goods. These products include aluminum, polyvinyl chloride, metallurgical-grade silicon, jujubes, squid, and caustic soda. Furthermore, Chinese auto parts that contain aluminum made with forced labor, as well as Chinese thread/yarn, textiles, and clothing made with cotton made with forced labor, are among the items that ILAB has added to the list of goods manufactured in the XUAR using input products made with forced labor.

Finally, ILAB has designated Vietnamese-made cotton clothing as a downstream product that contains cotton that was largely produced in the XUAR using forced labor in China (Against Their Will: The Situation in Xinjiang, n.d.). Specifically, the United States has instituted the Uyghur Forced Labor Prevention Act (UFLPA) in 2021, which bans imports of goods produced in whole or in part by forced labor in Xinjiang, placing the burden on companies to prove their products are free of forced labor (DHS Cracks Down on Goods Produced by China's State-Sponsored Forced Labor, n.d.). Obviously, these kinds of sanctions solely aid in straining diplomatic relationships.

4.4 Government Response to the Phenomenon

The People's Republic of China (PRC) remained on Tier 3 of the United States Department of State because its government does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government took some action to combat human trafficking despite the lack of major efforts. For example, it worked with foreign law enforcement to extradite PRC nationals suspected of human trafficking overseas and increased awareness of the dangers of forced labor in Southeast Asian online scam operations. However, the Xinjiang Uyghur Autonomous Region (Xinjiang) continued to arbitrary detain and imprison Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other ethnic and religious minority groups under the pretext of "vocational training" and "deradicalization." This was part of a government policy or pattern of widespread forced labor during the reporting period (China - United States Department of State, 2025).

The government also attempted to force the repatriation and internment of religious and ethnic minority groups living abroad through an intensifying campaign of transnational

repression, including surveillance, harassment, threats against individuals and their family members, and extradition requests. These events made them more vulnerable to the government's policy or pattern of widespread forced labor. An example is the “poverty alleviation” and “labor dispatch program” that featured overt coercive elements discussed in relation to religious minorities, such as the Muslim Uyghurs. Nonetheless, the same goes for PRC nationals who were subjected to forced labor in several countries in Asia, the Middle East, Africa, and Europe working on Belt and Road Initiative (BRI) projects or other PRC-affiliated infrastructure projects. Additionally, to worsen the situation, the government failed, for the seventh consecutive year, to report complete law enforcement data, nor did it report identifying any trafficking victims or referring them to protection services.

Abolitionist policies, on the other hand, have been adopted by the PRC, which views prostitution as a form of violence against women. Over the past few decades, China has published several laws that punish the third party involved in prostitution and outlaw it altogether. These laws are based on the idea that since prostitution deprives women of their "natural" and legal rights, no woman would choose it voluntarily. The Chinese anti-trafficking law and existing trafficking literature therefore categorize all women who are forced into prostitution as victims of human trafficking.

These series of laws include:

- The first Criminal Law adopted in 1979
- 1983 Decision of the Standing Committee of the National People's Congress on Severely Punishing Criminals Who Gravely Endanger Public Security (the 1983 Decision)
- 1991 Decision on Strictly Forbidding the Selling and Buying of Sex
- 1991 Decision on the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women and Children
- 1992 Law on Protecting the Rights and Interests of Women (Women's Law)
- Revised Criminal Law of 1997
- 1999 Entertainment Regulations.

(Dong, 2019)

These provisions aim to forbid syndicates or third parties from providing prostitution in women or any attempt to coordinate and partake in felonious behaviors with prostitutes.

Regretfully, despite the assumption that these are all-encompassing legal strategies, a few issues undermine the efficacy of these legal duties. Corruption is by far the most pervasive issue in China that contributes to the rise in both domestic and international trafficking of women. Corruption and collusion among state officials have facilitated trafficking activities within the country, as has been the case in other nations. For instance, in July 2012, the Chinese media revealed that eight girls under the age of 14 had been abducted and subjected to commercial sexual exploitation by local government officials and businessmen.

An explanation to this societal behavior has been given by scholars through the institutional anomie theory by Messner & Rosenfeld (2012), which states that an institutional structure characterized by the dominance of the economy over other, non-economic institutions tends to be conducive to high levels of crime (Wickert, n.d.). People turned to human trafficking and other forms of exploitation to profit from this institutional imbalance. Human trafficking has been shown to be a profitable enterprise. Offenders continue to be drawn to the money that human trafficking generates even though it is illegal and constitutes a grave violation of both human rights and personal freedom. As a common example of people's disregard for the law, some villagers and traffickers even claim that human trafficking should not be illegal if the victims are willing to be sold. The current Chinese law enforcement methods appear to be forgiving of human trafficking offenders, as economic pursuits dominate society. For instance, even though the PRC's Criminal Law contains numerous provisions to combat human trafficking, Article 241 allows a buyer to receive a light sentence if he did not abuse the victim or obstruct the victim's rescue. It can be defined as a *laissez-faire* attitude toward the buyer's market (Shuai & Liu, 2023).

Another example of such a dynamic is the way prostitution is seen as not a crime but only an administrative violation in China. Even though some laws forbid prostitution organization and prostitution by coercion or fraud, they are not fully enforced, which results in lax law enforcement and supports the demand for human trafficking. In conclusion, a variety of factors contribute to human trafficking, with interest-driven motivation being a key one. Through human trafficking, the objective is to realize a certain interest, whether the victim is seeking a better living environment, the seller is seeking wealth, the buyer is seeking a marriage or the cost of getting married, etc.

4.4.1 China's Action Plan to Combat Human Trafficking

The main pillar of the PRC's government response to human trafficking was and still is the implementation of numerous national and international initiatives since 2008, all of which are based on two National Plans of Action (NPAs). Prior to this, China's National Plan of Action on Combating Trafficking in Women and Children was implemented from 2008 to 2012. The most recent is China's National Plan of Action against Trafficking in Persons, which is currently being implemented (2021–2030), although it shares almost the same goals as its predecessors. Indeed, the Action Plan against Trafficking in Persons (2021-2030) called for authorities to research the need and feasibility of developing a human trafficking law but largely focused on preventing fraudulent adoption, combating cyber-facilitated sex trafficking crimes, and improving labor recruitment procedures, with an emphasis on women and girls; it contained no explicit mention of men or boys and few mentions of forced labor (China - United States Department of State, 2025). These NPAs were developed on the basis of both domestic and international laws.

The NPAs overall targeted six aspects:

- improve crime prevention mechanisms;
- combat the associated crimes and rescue trafficking victims;
- strengthen the rescue, resettlement, and rehabilitation of trafficking victims;
- improve laws, regulations, and policies;
- strengthen publicity, education, and training;
- strengthen international cooperation

Numerous steps have been taken to fully implement all the NPAs, including the issuance of prevention, prosecution, and victim protection policies by various Chinese agencies. For instance, the police currently use the MPS's opinions on fully implementing the 2013–2020 NPA as a guide or instruction. For a special anti-trafficking fund for local law enforcement, the MPS invested RMB 50 million in 2016. Furthermore, the All-China Women's Federation has started a few initiatives to stop migrant trafficking. Women in the community are being encouraged and assisted by the Ministry of Civil Affairs (MCA) to engage in community activities in order to raise their social standing and awareness of protection. To discourage human trafficking, the judicial agencies are concentrating on educating the public about antitrafficking laws.

The Inter-Ministerial Joint Meeting Mechanism (IMJMM), which was created by the PRC State Council, convenes yearly meetings to facilitate information exchange and discussion among State Council departments, coordinate anti-trafficking initiatives, and encourage the effective execution of anti-trafficking policies. The government has provided shelters with uniform operational guides and staff and managers who have received professional training. Thus, victims in these shelters can be treated well. According to reports, there are over 2300 multipurpose shelters throughout China, including at least ten shelters specifically for victims of human trafficking and eight for victims of international trafficking.

To promote anti-trafficking campaigns and raise public awareness of human trafficking, the government has employed print, television, and internet media. Many effective practices have been developed as a result of the 2009 launch of a large, nationwide anti-trafficking campaign by the MPS's Anti-Trafficking Office. For instance, a microblog that combats human trafficking offers opportunities for the government to investigate new governance models and form new cooperative relationships with online media (Shuai & Liu, 2023). Unfortunately, although the PRC has failed continuously to facilitate reports on a global scale to track the implementation of such plans and media strategies (China - United States Department of State, 2025).

5. A Comparative Standpoint between the Countries

The Netherlands and the People's Republic of China are two countries with extremely different histories and cultures; therefore, I strongly believe it is of extreme interest to compare the development of a common phenomenon such as human trafficking, which is of global interest. Furthermore, I believe that this comparison is of the uttermost importance as it shows how two countries, which are both signatories to treaties and conventions regarding human rights and human trafficking specifically, may end up with such different statuses.

	People's Republic of China	Netherlands
<i>Treaties</i>		
United Nations Convention Against Transnational Organized Crime (2000)	Signed: December 12, 2000 Ratified: September 23, 2003	Signed: December 12, 2000 Ratified: August 26, 2004
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) (2000)	Signed: December 12, 2000 Ratified: February 8, 2010	Signed: December 12, 2000 Ratified: August 27, 2005
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)	Signed: July 17, 1980 Ratified: November 4, 1980	Signed: July 17, 1980 Ratified: July 23, 1991
United Nations Convention on the Rights of the Child (CRC) (1989)	Signed: August 29, 1990 Ratified: March 2, 1992	Signed: September 26, 1990 Ratified: February 6, 1995
International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)	Signed: October 27, 1997 Ratified: March 27, 2001	Signed: December 21, 1966 Ratified: December 11, 1978
International Covenant on Civil and Political Rights (ICCPR) (1966)	Signed: October 5, 1998 Ratification Status: Not yet ratified	Signed: December 21, 1966 Ratified: December 11, 1978
Council of Europe Convention on Action Against Trafficking in Human Beings (2005)	N/A The country is not a member of the Council of Europe.	Signed: November 17, 2005 Ratified: April 22, 2010

International Treaties and Conventions ratified by both countries (UNTC, n.d.)

It is interesting seeing how these countries have, from a soft law standpoint, taken similar, if not equal, measures in combating human trafficking, but factually have gathered completely opposite results. Indeed, both countries are no strangers to human trafficking, and it is a phenomenon that has been rooted in their territories for ages, for, obviously, different reasons.

The Netherlands has long been a hub for human trafficking due to its open borders, strong economy, and status as a transit country. Individuals often voluntarily aspire to move to this country out of desire for better opportunities. Additionally, the legalization of prostitution in 2000, which was aimed at regulating the sex industry, incremented the liberal fame the Netherlands have always had. Unfortunately, though, this legislative move allowed for the creation of loopholes in the matter of trafficking. Indeed, the legalization of sex work led to protection and registration of all those involved in it, although it is extremely difficult to keep track and control that everyone is working voluntarily. The demand for commercial sex services increased the exploitation of migrants and fragile communities by criminal rings. These dynamics resonate with the push and pull theory of migration explored in the first chapter of this paper; having a series of factors that attract individuals to a certain country – the Netherlands – and, on the other hand a series of elements that push away individuals from their home country such as poverty.

Individuals are brought in illegally under false pretenses of a better life and then bonded to the sex work legally through registration. Similar patterns are witnessed in the sector of forced labor, always due to the demand for cheap labor and the difficulties encountered in entering the country legally due to the strict migration policies.

The demand for cheap labor is extremely high in China too, although the situation is slightly different due to the different migration patterns, which tend to be intranational rather than international. That is due to the rapid industrialization of the country and the numerous new projects that require a higher number of workers, such as the BRI initiative that was discussed in the previous chapter. Not only that, but PRC is also accused of discriminating based on religious beliefs and of constraining religious minorities to labor camps, which are defined as state-imposed forced labor, making the state complicit in advancing labor trafficking. This is not to say that victims of human trafficking are not smuggled from outside the country, but it is extremely common as well for Chinese nationals to get trapped into job positions that later reveal themselves to be pertaining to the category of forced labor.

The same goes for the sex industry. Indeed, in China, sex work is still illegal in the eyes of the law, even though factually it often goes unpunished and is often seen as a small violation regardless of its actual punishable status. This is most likely a consequence of the rooted cultural bias in Chinese tradition that sees women as less valuable than males and sexual exploitation, a crime that is mostly committed by females, is seen as less emergent. This discrimination lies

within a constant gender imbalance nurtured throughout the years and field by policies such as the One Child Policies. Meanwhile in the Netherlands, the legalization of prostitution was done to give dignity to consensual and protected sex work as well as used as a tool to monitor the situation and aim at preventing and combating exploitation.

The most common forms of human trafficking can also be a point of comparison for these two countries, as they share the kind of trafficking with the most incidence but under different facades of it. Sex trafficking for example, in the Netherlands is an issue due to the regulated scenario of sex work in the country, which has involuntarily backfired and created a gray area for traffickers and smugglers to cooperate and exploit loopholes. Indeed, victims mostly come from foreign countries and reach the Netherlands through illicit pathways. The main countries of origin that reach the Netherlands are Nigeria, Poland, Romania, Bulgaria, and Hungary, although a 20% of victims have been found to be of Dutch nationality.

On the other hand, the People's Republic of China addresses sex trafficking mostly through a subcategory of it, which is bride trafficking. As exemplified in the previous chapter, selling women and even more often little girls with the purpose of marriage, which entails all sorts of exploitation, from labor to sexual and even reproductive slavery. The creation of this type of trafficking was created through the gender imbalances that resulted due to the one-child policy. Girls were sold or given away to have a boy who could maintain the family name. The countries of destination for this practice are Vietnam, Myanmar, and North Korea.

When applied to minors, in particular, this scenario reflects the routine activity theory of Cohen and Felson which attempts to explain why and how trafficker act. China's bride market is a perfect example of it. Traffickers are given an opportunity and the capacity to commit such crime due to the business market that the government has created and have access to a pool of probable victims – orphanages and rural areas with an abundance of young girls- therefore are perfectly able to traffic with little to no consequences. Therefore, one main difference between the two countries is that one is a country of origin and the other a country of destination. Although it must be noted that the current predicaments that both countries face with sex trafficking are a result of legislative measures implemented in the past.

Meanwhile, in both countries, the phenomenon of child trafficking, both for purposes of sexual and labor exploitation, is present. In China, mostly within the bride trafficking business. In the Netherlands, it is more transversally diffused along the phenomenon of human

trafficking. Nonetheless, human trafficking still has social and economic effects on both countries, although despite being similar, they vary slightly due to their structural differences in the legislative, governmental, and economic branches. Once again, socially, trafficking in the Netherlands is heavily linked to the legalized sex industry. The victims experience severe physical and psychological trauma, social stigma, and challenges reintegrating into society; this is valid for China as well. Trauma has indeed long-lasting effects on the victims, not solely from a physical and mental point of view, but socially, it impedes them from getting out of this vicious cycle, and the chances of being re-victimized are higher when they struggle to integrate within society. This endangerment of re-victimization is augmented also by the social marginalization caused by the stigma of trafficking as well as the polarized convictions—in the Netherlands in particular—that surround the migratory sphere.

Not only that, allowing reintegration within society stands extremely to the governments and the rehabilitation programs put in place. In the Netherlands, for instance, the government has implemented a robust legal framework to combat human trafficking, actively working with the European Union, Interpol, and the United Nations to improve law enforcement coordination and victim protection. Prosecution, prevention, and victim aid are the main focuses of Dutch anti-trafficking policies, which are strongly supported by legislation such as Article 273f of the Dutch Criminal Code, which makes all types of human trafficking illegal. To find and assist victims, law enforcement organizations like the Royal Netherlands Marechaussee (military police) and national police units collaborate with non-governmental organizations like CoMensha. Therefore, it is safe to say that the Netherlands' approach is victim centered.

Meanwhile, China's political system, labor laws, and demographic issues are all intricately linked to the country's human trafficking issue and are a reflection of the effort the government has put into combating this crime. China's victim protection systems are still mainly under state control and are not very effective. Due to restrictive immigration laws and restricted access to non-governmental organizations, many victims of human trafficking, especially foreign women who are trafficked into China for forced marriage, find it difficult to obtain social or legal support. Furthermore, independent investigations into the scope of trafficking are challenging due to the Chinese government's strict censorship of reports pertaining to trafficking. China's lack of transparency and government restrictions on research and reporting impede wider international collaboration, even though it does participate in some international cooperation to combat cross-border trafficking, especially with neighboring countries in

Southeast Asia. China's approach is tied to the economic situation of the country and consequently, the programs implemented are rooted in a business rather than humane dynamic. These imbalances coincide with the structural violence theory explored in the first chapter which states that systemic inequalities and discriminations such as the ones China is accused of nurture violence, further inequalities and injustices.

Both nations are economically impacted by trafficking-related financial burdens, but the effects vary depending on the nation. Starting with a similarity in process. Both economies indeed are impacted by the shadow market that criminal organizations foster through the continuous supply of trafficked individuals. In the Netherlands, as authorities attempt to control the sex trade and dismantle trafficking networks, the illegal nature of trafficking raises the costs of victim rehabilitation programs, social services, and law enforcement. Legitimate businesses are also weakened by the underground economy and the productivity loss of trafficked workers. This event is especially pertaining to labor trafficking. On the other hand, China's handling of human trafficking, especially in connection with forced labor, has significant international economic repercussions. Strict trade restrictions on products suspected of being made using forced labor in Xinjiang have resulted from the Uyghur Forced Labor Prevention Act (UFLPA), which was passed by the US in 2021. Similar to this, companies connected to forced labor have been subject to import restrictions and sanctions by the European Union and other Western nations, which has resulted in a decrease in foreign investment and supply chain disruptions for Chinese exports.

While both countries experience economic damage from trafficking, the Netherlands' approach leans more toward enforcement and victim protection, while China's trafficking-related economic strain stems primarily from international scrutiny, trade embargoes, and reputational damage. Notwithstanding these obvious distinctions, China and the Netherlands share similar difficulties in thwarting networks of underground trafficking, addressing migrant vulnerability, and policing sectors of the economy that profit from forced labor. While the Netherlands actively attempts to prevent trafficking through legal oversight and collaboration with international organizations, China's state-controlled legal system and press restrictions make independent investigations into trafficking more challenging. Both nations suffer from organized crime's involvement in trafficking operations, albeit with varying degrees of government response. Furthering this point, The Netherlands are situated, politically, within the European bubble as a liberal democracy, therefore they are in a context that values certain

principles, and the defense of human rights is a priority. Consequently, human trafficking is a surely included as an element of importance and opportunity for collaboration among all European countries. A precise policy framework has been instituted such as the EU Anti-trafficking directive which establishes a minimum rule concerning the definition of criminal offences and sanctions, a common provision to strengthen victim's protection, assistance and support, as well as prevention and the key actors to fight against the crime (Eurostat, 2024). Therefore, despite Netherlands own concerns and initiatives regarding human trafficking, the country can count on support – ideologically and even financially if needed – by the European community. At the same time, it is also influenced by the European community itself as to be part of it, it must share ideals and principles.

On the other hand, the People's Republic of China are not embedded in a similar context, but they are quite on their own. China is ruled by a one-party authoritarian dictatorship. The state, ergo the government, of the People's Republic of China is entirely under the monopolistic control of a single ruling political party, the CCP, the Chinese Communist Party. The institutions of state and party are nominally separate, and China is sometimes referred to as a “dual track” political system, in which separate roles are maintained for state and party positions. However, the party is completely intertwined with the state system, all important positions of government are held by CCP party members, and party leadership positions always take precedence over state leaders who are theoretically at the same level. The existence of a Chinese state separate from the CCP is therefore only nominal, and the phrase “party-state” is often used to more accurately refer to the Chinese regime (Asia Society, n.d.). Consequently, when it comes to issues that affect society as whole such as huma trafficking it becomes of utter importance for their resolutions to be a priority for the party, if they are not or if their presence generates a positive outcome for the party, then they will hardly be dealt with. Both countries also have to deal with international economic forces that influence how they respond to human trafficking; for the Netherlands, this means striking a balance between legal sex work and anti-trafficking initiatives. Meanwhile for China, it means negotiating trade restrictions and international sanctions related to human rights violations.

The Netherlands also places significant emphasis on prosecuting traffickers, with specialized anti-trafficking task forces and courts handling such cases. However, despite these measures, challenges remain, particularly in regulating the legalized sex industry, which inadvertently allows traffickers to exploit legal loopholes. The government has tightened

licensing requirements for brothels and increased oversight of high-risk businesses to prevent sex trafficking, yet undocumented migrants remain highly vulnerable due to their precarious legal status. Additionally, the Netherlands actively engages in international cooperation, sharing intelligence and best practices with EU member states to combat transnational trafficking networks. Considering the importance of international cooperation and opinion, it could be interesting as of the future to see the PRC and Europe collaborate under this aspect. Perhaps creating tailored conventions and treaties to accommodate both the main goal of combating human trafficking as well as the differences between the cultures. As it was exemplified before, indeed China has ratified several treaties but has not necessarily honored them, therefore creating new ones with a more modern optic could be a successful method for both China and Europe to maintain the current diplomatic relationship and improve it as well as rendering common the combat of human trafficking. From a financial point of view, an inverse maneuver could be done. Redirecting the embargoes and sanctions that the US have applied to certain products in China. Indeed, this has not shown a decreased rate of human trafficking, therefore a more cooperative approach should, maybe, be tried, keeping in mind the PRC is a country that is driven by mainly economic interest. The goal should be to create new accords that favor such an economy as well as favor an increase of protection of human rights.

Hypothetically the case of Chinese restaurants in the Netherlands mentioned in Chapter 3, could be used as a bridge between the two to foster collaboration through the implementation of a specific task force to understand the route taken by the smugglers and the methods applied by the traffickers once in the country. Through the insights gained from the taskforce, new formative material can be detracted for both countries as well and there would be constant communication between the two, fostering even furthering cooperation and peace.

Despite their vastly different governance models, both China and the Netherlands face shared challenges in combating trafficking. Both governments struggle with hidden trafficking networks, particularly involving undocumented migrants. Furthermore, both nations face difficulties in fully eradicating sex trafficking and labor exploitation, despite their legal frameworks.

In the end, human trafficking in both nations show how systemic vulnerabilities, economic demand, and a lack of enforcement drive exploitation globally, necessitating more concerted international efforts to stop trafficking in all its manifestations. Ultimately, the effectiveness of each country's anti-trafficking efforts is shaped by its political system, legal structures, and

commitment to international cooperation, with the Netherlands leading in enforcement and victim protection, while China remains under scrutiny for human rights violations linked to state-controlled labor practices.

Conclusion

Millions of people are impacted by human trafficking, which continues to be one of the most serious human rights violations in the world. China and the Netherlands, two nations with different political structures, legal systems, and socioeconomic circumstances, have been the subjects of this study. Although combating human trafficking presents formidable obstacles for both countries, there are notable differences in their strategies, execution of policies, and methods of enforcement. This study sheds light on the intricate interactions between economic, social, and legal elements that influence the fight against human trafficking by analyzing these distinctions and similarities.

By passing comprehensive laws and policies to combat human trafficking, the Netherlands has established itself as a leader in proactive anti-trafficking measures. There are two sides to the nation's legalized prostitution model, which was implemented to control the sex industry and safeguard workers. Although it permits supervision and labor safeguards, it has also produced gaps that traffickers take advantage of. In cities like Amsterdam, the red-light districts have developed into both legal sex work hotspots and trafficking hotspots.

In order to combat human trafficking, the Dutch government has implemented a number of measures, such as rigorous licensing regulations for brothels, heightened police supervision, and collaborations with non-governmental organizations and global organizations. However, despite these efforts, undocumented migrant workers, particularly those from Eastern Europe, Africa, and Asia, remain highly vulnerable to trafficking, both in the sex industry and labor sectors such as agriculture, construction, and domestic work. Trafficking is still a source of revenue for organized crime networks, which smuggle people into the nation under false pretenses and use them for debt bondage, exploitation, and coercion.

The Netherlands' law enforcement has been very responsive, actively pursuing traffickers and dismantling criminal groups. To improve cross-border cooperation, the nation collaborates closely with Interpol, the European Union, and human rights organizations. To aid survivors in reintegrating into society, the Netherlands has also made investments in shelters,

legal aid, victim rehabilitation programs, and psychological support. Despite these steps, there are still issues, especially with addressing the exploitation of migrant workers with irregular legal status and stopping sex trafficking within the framework of legalized prostitution. The Netherlands continues to improve its laws to guarantee that human trafficking is reduced, and victims receive sufficient assistance, maintaining its Tier 1 status, according to USDOS, even though it still has an open and well-regulated system.

On the other hand of this paper, we have the People's Republic of China. The policies of this country are strongly impacted by state control, internal migration patterns, and economic goals, in contrast to the Netherlands, where anti-trafficking initiatives concentrate on regulation and victim protection. The claim that human trafficking in China involves forced labor enforced by the government is one of its most controversial features. In the Xinjiang Uyghur Autonomous Region, Uyghur Muslims and other ethnic minorities have reportedly been forced to work as part of "re-education programs" and "poverty alleviation measures." Due to the strong international reaction to these allegations, trade restrictions, economic sanctions, and increased scrutiny from international organizations have all been implemented. Several human rights organizations, including the United States and the European Union, have denounced these practices, and laws like the Uyghur Forced Labor Prevention Act (UFLPA) prohibit the importation of goods made in Xinjiang using forced labor. In addition to forced labor, China faces the challenges of child trafficking, bride trafficking, and sex trafficking, all of which are influenced by distinct socioeconomic factors. One of the biggest gender disparities in the world exists in China because of the one-child policy (1979–2015) and strong cultural preferences for male offspring. Furthermore, China's legal response to human trafficking is less transparent, and many reports indicate that government authorities often suppress investigations, restrict press coverage, and limit NGO involvement. Despite having ratified international agreements like the United Nations Convention Against Transnational Organized Crime and the Palermo Protocol, China's actual implementation of anti-trafficking legislation is still uneven. Cross-border smuggling and underground trafficking rings have been the target of crackdowns, but the government's lack of collaboration with independent groups has cast doubt on the legitimacy of these initiatives. A further factor contributing to the crisis is the absence of organized victim rehabilitation programs and legal assistance for victims of human trafficking.

What stems from this comparative analysis is that both countries have issues dealing with the phenomenon of human trafficking and both still face the long-term consequences of

this crime. The Netherlands, with its strict migration policies, created an unintended loophole for traffickers through the legalization of prostitution, although its government is actively implementing specific policies to tackle it. Indeed, the brought disruption of the labor market, the lowering of wages and additional expenses for law enforcement are still weighting on the country's economy, as well as reputational difficulties due to the choice of maintaining sex work activities legal, despite knowing their connections to trafficking and smuggling.

Meanwhile, China deals with difficulties stemming from its lack of active implementation of policies against trafficking. The country has been subjected to embargoes and sanctions because of several claims that found it guilty of enforcing forced labor, although these have not seem to generate the desired impact. Inherently, China and the Netherlands are two extremely distant countries; from a geographical point of view to a cultural one, they do not share anything. Nonetheless, they both find themselves dealing with hardships in combating and preventing the phenomenon at hand.

Human trafficking is indeed an extremely faceted global issue; it encompasses all spheres of a country's society: politically, economically, legally, and culturally. It is intertwined with these elements and spending on its grade it impacts them continuously. Even the geography of the country affects the incidence and the handling of human trafficking. In order for both countries to decrease their rates of human trafficking, it is extremely important that the governments acknowledge the necessity to improve legislation and create new ones to tackle the weak points of their own country. Migrants and sex work regulation and protection for the Netherlands and transparency within its legal and political institutions in China.

I strongly believe that international cooperation is a must for the above-referenced goals to be achieved. For the Netherlands, a more comprehensive outlook on migration could be done in collaboration with the EU institutions and its neighboring countries, such as Belgium and Germany. Indeed, despite not being a major issue within their countries, they still foster passage to the Netherlands, involuntarily and possibly aiding smugglers in bringing individuals to the Netherlands with the purpose of being trafficked. More efforts and collaboration could be implemented with Frontex and the EUAA in order to recognize potential victims of trafficking and traffickers at the entrance of the country.

For the People's Republic of China, depending on international cooperation would mean engaging with international organizations such as the ILO and Interpol by ratifying their conventions and treaties regarding human trafficking. Additionally, China would need to collaborate with the neighboring countries that are also highly impacted by human trafficking, such as Vietnam and Myanmar. Although, most important of all, I believe that China should first and foremost address its cultural imbalances regarding gender that come from a long line of discriminatory policies and legislation that were and still are rooted into a popular belief that males are to be regarded more than females. If this is not properly addressed, the proper political choices cannot be made, as they would be well retained by the population as, as of now, the main concern of the government in the first place is the economy of the country. As stated, before in this document, the Chinese government is mostly interested in the economic revenues brought by human trafficking and therefore lacks in providing victim-centered protection and rehabilitation systems.

Hopefully, in the future, through the proper application of the last Chinese National Action Plan, with a set deadline of 2030, the country will be able to be moved up from Tier 3 as it is now according to USDOS criteria. Meanwhile, the Netherlands will continue to maintain its place as a frontrunner in fighting human trafficking, bettering itself and offering new models for the rest of the countries struggling with the transnational crime of human trafficking.

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