

The Role of International Criminal Law in Combating Human Trafficking and Modern Slavery

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Abstract

This research critically surveys the contribution of international criminal law (ICL) to the fight against human trafficking and modern slavery, two of the most appalling and recurrent human rights abuses in the modern period. It charts the historical development of ICL in this respect, critically surveys the emergence and application of legal definitions and frameworks, and assesses the efficacy of international tribunals and enforcement regimes. It also considers the intersection between international jurisdictions and domestic jurisdictions with a focus on achievements but also remaining challenges. The doctrinal and comparative methods rely on treaties, case material, and scholarship. Its findings indicate significant advances in the international criminal response but also identify remaining weaknesses in enforcement, cooperation, and protection for victims. Its conclusion is a set of recommendations for the firming up of the international criminal structure but also for enhanced global activity for the ending of human trafficking and modern slavery.

Keywords: International Criminal Law, Human Trafficking, Modern Slavery, Enforcement, Jurisdiction, International Tribunals

Introduction

Research Statement: Despite robust international legislation human trafficking and modern slavery continue to be pervasive violations of human rights in the twenty-first century impacting millions of people. Victims are subjected to forced labor sexual slavery and exploitation. Although international criminal law is essential in the fight against these crimes' questions remain regarding its efficacy and enforcement. The world's commitment to putting an end to these abuses is demonstrated by the numerous treaties and conventions but there are still many obstacles in the way of converting these legal commitments into workable practical solutions.

Research Problem: This research explores the disparity between the expansion of international measures designed to combat human trafficking and modern slavery and the continued widespread occurrence of these crimes. It examines the causes of uneven enforcement, assesses the robustness of legal frameworks, identifies challenges in implementation and global cooperation, and evaluates the impact of globalization, technological developments, and socio-economic pressures on the effectiveness of international criminal law.

Research Objectives: The aim of this research are to analyze the historical evolution and present scope of international criminal law pertaining to human trafficking and modern slavery, as well as to assess the efficacy of They pinpoint the main obstacles to prosecuting and preventing these crimes using international legal frameworks and enforcement measures, and they offer solutions to improve international legal responses and foster global cooperation.

Research Importance: This research matters because human trafficking and modern slavery aren't just distant problems they affect about 50 million people across the globe, according to the ILO and UNODC⁽¹⁾. These crimes chip away at the rule of law, fuel inequality, and strip people of their dignity. if you need to address those issues whether or not you're a policymaker, legal professional, or pupil—you want to recognize what international criminal law can and mightn't do. This knowledge helps shape higher strategies for stopping these crimes, keeping offenders accountable, and protective victims. On top of that, diving into this subject matter adds actual price to larger conversations approximately justice, human rights, and regulation problems that count number more than ever in our linked world.

⁽¹⁾ International Labour Organization, "Global Estimates of Modern Slavery: Forced Labour and Forced Marriage," ILO, Geneva, 2022, https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_854733/lang--en/index.htm

Research Methodology: The research adopts a doctrinal legal methodology, focusing at the analysis of primary assets which include global treaties, conventions, and case regulation, as well as secondary resources including academic literature, reports, and coverage files. Comparative analysis is hired to assess exceptional international and nearby processes, and case research are used to demonstrate the sensible application of legal concepts. The research additionally attracts on empirical data/information from international organizations to contextualize legal developments inside broader social and political traits. The methodology is interdisciplinary, integrating insights from regulation, criminology, sociology, and international relations to provide a holistic data of the problems.

Research Plan: the research is established into six fundamental sections. the primary section lines the historical evolution of global criminal regulation with regards to human trafficking and modern slavery. the second segment examines the improvement and alertness of criminal definitions and frameworks. The 0.33 segment evaluates the role of worldwide tribunals and the prosecution of those crimes. The fourth section analyzes the principal challenges in enforcement. The fifth section explores the interplay between international and domestic jurisdictions. The sixth section offers future directions and reform proposals. The research concludes with a summary of findings, results, and recommendations.

Section 1: Historical Evolution of International Criminal Law

The development of international criminal law (ICL) in tackling human trafficking and modern-day styles of slavery has been characterised with the aid of steady advancements and key achievements. Initial worldwide attempts to eradicate slavery can be traced back to the nineteenth century, highlighted by way of agreements like the 1815 statement Relative to the accepted abolition of the Slave exchange and the 1926 Slavery conference⁽¹⁾. These legal frameworks showcased a growing consensus among countries that slavery and the slave trade are morally intolerable and must be abolished. The 1926 Slavery Convention marked a significant change in international law by providing the first clear definition of slavery and requiring nations to prevent and suppress the slave trade.

The atrocities of World War II and the Holocaust spurred the evolution of contemporary international criminal law. The Nuremberg and Tokyo Courts, established following the conflict, brought to justice offenses against humanity, encompassing practices such as slavery and compulsory work⁽²⁾. The Nuremberg Trials not only held individuals responsible for acts of enslavement but also established the principle that such actions could be prosecuted on an international level, regardless of whether they were carried out by state or non-state actors⁽³⁾.

The adoption of the Universal Declaration of Human Rights (UDHR) in 1948 and the four Geneva Conventions of 1949 further entrenched the prohibition of slavery, forced labor, and inhuman treatment⁽⁴⁾. Article four of the UDHR unequivocally states that "no person will be held in slavery or servitude; slavery and the slave alternate will be prohibited in all their bureaucracy." The 1949 Geneva Conventions, particularly common Article 3, prohibit "violence to lifestyles and individual," together with cruel remedy and torture that are frequently related to present day varieties of slavery⁽⁵⁾. these instruments laid the muse for the development of international human rights law and established the precept that the prohibition of slavery and forced labor is a peremptory norm of worldwide law (jus cogens).

Regardless of those advances, the international prison reaction to human trafficking and modern slavery remained fragmented for a whole lot of the 20th century. The 1956 Supplementary convention on the Abolition of Slavery, the Slave alternate, and institutions and Practices similar to Slavery increased the definition of slavery to consist of practices consisting of debt bondage, serfdom, and child servitude⁽⁶⁾.

⁽¹⁾ United Nations, "Slavery Convention," 1926, Article 1, <https://www.ohchr.org/en/instruments-mechanisms/instruments/slavery-convention>

⁽²⁾ United Nations, "Charter of the International Military Tribunal," 1945, Article 6(c), https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.2_Charter%20of%20IMT%201945.pdf

⁽³⁾ International Military Tribunal, "Nuremberg Trial Proceedings Vol. 1," 1945, https://www.loc.gov/r/rfd/Military_Law/pdf/NT_Vol-I.pdf

⁽⁴⁾ United Nations, "Universal Declaration of Human Rights," 1948, Article 4, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁽⁵⁾ International Committee of the Red Cross, "Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)," 1949, Common Article 3, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-3?activeTab=>

⁽⁶⁾ United Nations, "Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery," 1956, Article 1, <https://www.ohchr.org/en/instruments-mechanisms/instruments/supplementary-convention-abolition-slavery-slave-trade-and>

However, enforcement mechanisms had been vulnerable, and many states didn't put in force their responsibilities efficaciously. The endurance of traditional kinds of slavery in some regions, in addition to the emergence of latest styles of exploitation, highlighted the constraints of the prevailing criminal framework.

The overdue 20th and early twenty first centuries witnessed a paradigm shift with the adoption of the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, in particular women and children (the Palermo Protocol)⁽¹⁾. The Palermo Protocol furnished the primary complete global definition of human trafficking and hooked up a framework for prevention, prosecution, and victim protection. The adoption of the Rome Statute of the International Criminal Court (ICC) in 1998 similarly superior the felony popularity of trafficking and enslavement as crimes towards humanity whilst dedicated as part of a huge or systematic attack⁽²⁾.

Those developments replicate a developing recognition of the need for a sturdy international legal framework to address the evolving nature of human trafficking and modern slavery. However, the development of ICL in this region has been shaped by political, social, and economic factors, and advancements have often been reactive rather than proactive⁽³⁾. The 21st century has visible in addition developments, which include the adoption of the Sustainable Development Goals (SDGs) in 2015, which explicitly name for the eradication of forced hard work, modern-day slavery, and human trafficking under aim 8.7⁽⁴⁾. The SDGs have furnished a global policy framework that complements prison devices and has mobilized worldwide cooperation and resources. Local businesses, such as the Ecu Union, African Union, and ASEAN, have also followed action plans and prison units to cope with trafficking and slavery, reflecting the growing reputation of those crimes as worldwide priorities⁽⁵⁾.

The way international criminal law has developed in this field over time also shows how much civil society groups and survivors themselves have shaped it. NGOs and movements led by survivors have been essential in spreading awareness, pushing for changes in the law, and making sure countries live up to what they've promised under international law. The influence of survivor advocacy and civil society in this regard the growing recognition of the importance of giving victims' priority and incorporating survivors in the historical evolution of ICL also demonstrates how international criminal law continues to evolve and adapt in response to political and legislative decisions⁽⁶⁾.

Section 2: Legal Definitions and Frameworks

To effectively prosecute and prevent modern slavery and human trafficking a clear and uniform legal definition is necessary. The Palermo Protocol characterizes human trafficking as "the recruitment, transportation, transfer, harboring or receipt of individuals, through the threat or application of force or other types of coercion, abduction, fraud, deception, the exploitation of power, or a position of vulnerability, or through the giving or receiving of payments or advantages to secure the consent of an individual in control of another person, for the aim of exploitation"⁽⁷⁾. Exploitation encompasses, at the very least, the exploitation of the prostitution of others, involuntary labor or services, slavery, practices akin to slavery, servitude, or the extraction of organs.

Modern-day slavery includes a variety of practices including forced labor debt-based bondage child exploitation forced marriages and the illegal human trade even though it isn't always expressly mentioned in international law⁽⁸⁾. The 1926 Slavery Convention characterizes slavery as "the status or condition of an

⁽¹⁾ United Nations, "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," 2000, Article 3, <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

⁽²⁾ International Criminal Court, "Rome Statute," 1998, Article 7(2)(c), <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>. Also, see Halala Slyman Rahman, Mahdi Hamdi Mahdi Mahdi, and Hind Abdulameer Hameed Hameed. "Penal Populism in Criminal Cases in Courts." Zanco Journal of Law and Politics ١٧٠-١٥٨ : (٢٠٢٤) ٢٢, ٣٧. <https://doi.org/10.21271/zjlp.22.37.8>

⁽³⁾ Gallagher, Anne T., "The International Law of Human Trafficking," Cambridge University Press, Cambridge, 2010, p. 23, <https://doi.org/10.1017/CBO9780511761245>

⁽⁴⁾ United Nations, "Sustainable Development Goals," Goal 8.7, <https://sdgs.un.org/goals/goal8>

⁽⁵⁾ European Parliament, "The Fight Against Human Trafficking," 2021, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698792/EPRS_BRI\(2021\)698792_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698792/EPRS_BRI(2021)698792_EN.pdf)

⁽⁶⁾ What we do to end slavery | Anti-Slavery International, 25 July 2025, www.antislavery.org/what-we-do.

⁽⁷⁾ United Nations, "Palermo Protocol," 2000, Article 3(a), <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

⁽⁸⁾ Allain, Jean, "Slavery in International Law: Of Human Exploitation and Trafficking," Martinus Nijhoff, Leiden, 2013, p. 67, <https://doi.org/10.1163/9789004235731>

individual over whom any or all powers associated with the right of ownership are exercised"⁽¹⁾. The 1956 Supplementary Convention broadens this description to encompass systems and practices akin to slavery, such as debt bondage and serfdom⁽²⁾.

According to the Rome Statute of the ICC, endorsed in 1998, enslavement is categorized as a crime against humanity under Article 7(2)(c), defining it as "the exercise of any or all powers attached to the right of ownership over a person, which includes the application of such power during the trafficking of individuals, particularly women and children"⁽³⁾. This definition is essential because it expands the scope of international criminal laws by linking the concept of enslavement to human trafficking. The Rome Statute further acknowledges additional types of abuse, including sexual slavery, involuntary prostitution, and compelled pregnancy, as offenses within its scope.

Regional agreements have also been instrumental in influencing legal frameworks. The Council of Europe Convention on Action against Trafficking in Human Beings (2005) offers a thorough strategy, emphasizing prevention, legal action, and protection for victims⁽⁴⁾. The European Union has adopted various directives and regulations aimed at aligning national laws and improving cross-border collaboration⁽⁵⁾. The African Union's Ouagadougou Action Plan and the ASEAN Convention against Trafficking in Persons, Especially Women and Children, serve as additional examples of regional initiatives tackling these offenses⁽⁶⁾.

Despite these advancements, inconsistencies in definitions and scope still remain. For instance, while some national laws cover a wider range of exploitative practices others concentrate primarily on sexual exploitation. These discrepancies impede efficient prosecution⁽⁷⁾ and make international cooperation more difficult. Further complicating the identification and prosecution of new and developing forms of exploitation like forced surrogacy and cyber-trafficking⁽⁸⁾ is the absence of a widely recognized definition of modern slavery.

Additionally, the legal frameworks approach to victim support and protection varies. Although victim assistance is emphasized in the Palermo Protocol and other regional instruments implementation differs greatly between nations. Whereas some states offer little to no support leaving victims open to re-trafficking and additional exploitation others offer extensive support services such as legal aid housing and medical attention⁽⁹⁾. The efficacy of international legal frameworks is weakened by the lack of harmonization in victim protection measures underscoring the necessity for increased standardization and coordination.

International human rights law developments have also had an impact on the development of legal definitions and frameworks. Since slavery and human trafficking are acknowledged as fundamental human rights violations they have been incorporated into more comprehensive human rights instruments like the Convention on the Rights of the Child (CRC)⁽¹⁰⁾ and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). These tools have increased the range of legal safeguards and strengthened states duties to stop investigate and punish slavery and human trafficking.

Section 3: International Tribunals and Prosecution

International tribunals have contributed significantly to the development of modern slavery and human trafficking jurisprudence. Sexual slavery forced labor and other forms of exploitation were among the first

(1) United Nations, "Slavery Convention," 1926, Article 1, <https://www.ohchr.org/en/instruments-mechanisms/instruments/slavery-convention>

(2) United Nations, "Supplementary Convention on the Abolition of Slavery," 1956, Article 1, <https://www.ohchr.org/en/instruments-mechanisms/instruments/supplementary-convention-abolition-slavery-slave-trade-and>

(3) International Criminal Court, "Rome Statute," 1998, Article 7(2)(c), <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

(4) Council of Europe, "Convention on Action against Trafficking in Human Beings," 2005, Article 4, <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=197>

(5) European Union, "Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings," 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011L0036>

(6) Jow Han. "ASEAN Convention Against Trafficking in Persons, Especially Women and Children." ASEAN Main Portal, 10 Aug. 2021, asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children.

(7) Gallagher, Anne T., "The International Law of Human Trafficking," Cambridge University Press, Cambridge, 2010, p. 45, <https://doi.org/10.1017/CBO9780511761245>

(8) What Is Modern Slavery? | Anti-Slavery International, 26 Aug. 2025, www.antislavery.org/slavery-today/modern-slavery.

(9) United Nations Office on Drugs and Crime, "Global Report on Trafficking in Persons 2022," UNODC, Vienna, 2022, p. 56, https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

(10) United Nations, "Convention on the Elimination of All Forms of Discrimination against Women," <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

crimes against humanity to be prosecuted by the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)⁽¹⁾. The historic case of Prosecutor v. Kunarac and others. established a significant precedent for subsequent prosecutions when the ICTY ruled that sexual enslavement was a crime against humanity⁽²⁾. The elements of the crime of enslavement such as the exercise of powers related to the right of ownership and the deprivation of liberty were made clear by the ICTY's jurisprudence.

When crimes of enslavement and trafficking are part of a systematic or widespread attack against a civilian population the ICC has jurisdiction over them under its Rome Statute⁽³⁾. The ICC has been criticized nevertheless for its scant prosecutions in this field. As of 2024 allegations of enslavement or trafficking were only a small portion of cases before the ICC often due to jurisdictional restrictions challenges with the evidence and the high bar required to prove crimes against humanity⁽⁴⁾. Due to its emphasis on armed conflict and mass atrocities the ICC has been unable to handle the full range of trafficking and slavery cases many of which take place in times of peace or outside of major conflicts. Hybrid tribunals like the Special Court for Sierra Leone (SCSL) have also addressed issues like forced labor and sexual slavery.

As in Prosecutor v. Brima as well. The SCSL contributed to the growth of international criminal jurisprudence by finding the accused guilty of crimes against humanity including forced marriage and enslavement⁽⁵⁾. An important development that reflected the growing understanding of the forms and manifestations of modern slavery was the SCSL's recognition of forced marriage as a separate crime against humanity.

Despite these successes there are still a lot of obstacles facing international tribunals. Political factors and resource constraints often restrict the scope and effectiveness of prosecutions⁽⁶⁾. Furthermore the work of international courts may be hampered by the dependence on state cooperation for the capture and transfer of suspects as well as the gathering of evidence⁽⁷⁾. The reach of international tribunals is further restricted by the absence of universal jurisdiction and the complementarity principle which prioritizes domestic prosecutions.

Nonetheless the recognition of human trafficking and modern slavery as grave international crimes and the clarification of legal standards have both benefited from the jurisprudence of international tribunals. National legal systems have been impacted by these developments and more comprehensive laws and policies have been adopted domestically⁽⁸⁾. International criminal laws role in combating corporate complicity in slavery and human trafficking is also changing. Multinational firms' involvement in supply chains contaminated by forced labor and human trafficking has been brought to light by recent cases and reports⁽⁹⁾. A growing understanding of the need to hold corporations accountable for their role in the continuation of modern slavery is reflected in the UN Guiding Principles on Business and Human Rights and the growing use of domestic laws with extraterritorial reach such as the UK Modern Slavery Act 2015 and the French Duty of Vigilance Law⁽¹⁰⁾.

In conflict and post-conflict environments international criminal law plays a particularly important role in combating trafficking and slavery. Numerous conflicts including those in the former Yugoslavia Rwanda Sierra Leone and more recently Syria and Iraq⁽¹¹⁾ have documented the use of forced labor and sexual

(1) International Criminal Tribunal for the former Yugoslavia, "Prosecutor v. Kunarac et al.," Case No. IT-96-23-T & IT-96-23/1-T, Judgment, 22 February 2001, para. 542, <https://www.icty.org/x/cases/kunarac/tjug/en/kun-tj010222e.pdf>

(2) Ibid.

(3) International Criminal Court, "Rome Statute," 1998, Article 7(2)(c), <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

(4) Schabas, William A., "An Introduction to the International Criminal Court," 5th ed., Cambridge University Press, Cambridge, 2017, p. 112, <https://doi.org/10.1017/9781316459997>

(5) Special Court for Sierra Leone, "Prosecutor v. Brima et al.," SCSL-04-16-T, Judgment, 20 June 2007, para. 711, <https://www.rscsl.org/Documents/Decisions/AFRC/624/SCSL-04-16-T-616.pdf>. Also, see Rahman, Halala Sleyman. "Criminalizing Forced Marriage in Iraqi Law and International Law." QALAAI ZANIST SCIENTIFIC JOURNAL 10.4 (2025): 1311-1331. <https://doi.org/10.25212/lfu.qzj.10.4.51>

(6) Schabas, William A., "An Introduction to the International Criminal Court," 5th ed., Cambridge University Press, Cambridge, 2017, p. 115, <https://doi.org/10.1017/9781316459997>

(7) Gallagher, Anne T., "The International Law of Human Trafficking," Cambridge University Press, Cambridge, 2010, p. 101, <https://doi.org/10.1017/CBO9780511761245>

(8) Ibid., p. 110

(9) United Nations, "Business and Human Rights," <https://www.ohchr.org/en/business-and-human-rights>

(10) UK Government, "Modern Slavery Act 2015," <https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

(11) Human Rights Watch, "Iraq: ISIS Escapees Describe Systematic Rape," 2015, <https://www.hrw.org/news/2015/04/14/iraq-isis-escapees-describe-systematic-rape>

slavery as weapons of war. The prosecution of these crimes by international tribunals has strengthened the duty of states and non-state actors to deter and punish trafficking and slavery as violations of international humanitarian law.

Section 4: Challenges in Enforcement

It is challenging to enforce international criminal law against human trafficking and modern slavery. One of the main obstacles is the transnational nature of these crimes which usually involve complex networks operating across multiple jurisdictions⁽¹⁾. To avoid being discovered and prosecuted traffickers transfer victims across borders by taking advantage of legal and jurisdictional loopholes. The operations of trafficking networks are aided by corruption inadequate border controls and weak law enforcement capabilities.

One major challenge is the jurisdictional restriction. The jurisdiction of international tribunals is often limited to specific circumstances such as armed conflict or crimes against humanity because international criminal law is primarily founded on the concept of state sovereignty⁽²⁾. A large number of human trafficking and modern slavery cases fall short of the requirements for international prosecution depriving victims of access to international justice⁽³⁾.

Enforcement actions are made more difficult by the principle of non-intervention and states reluctance to give up jurisdiction to international organizations. Enforcement efforts are further hampered by a lack of political will and inadequate funding. Law enforcement agencies may not have the necessary qualifications experience or drive to properly investigate and prosecute cases of slavery and human trafficking and many states place a higher priority on other matters⁽⁴⁾. Because traffickers frequently depend on the cooperation or indifference of authorities to operate with impunity⁽⁵⁾ official corruption and complicity are also major obstacles. The use of sophisticated tactics like money laundering and document fraud as well as the involvement of organized crime groups complicates investigations and prosecutions.

In cases of modern slavery and human trafficking the evidentiary difficulties are especially severe. Because of stigma fear of reprisals or mistrust of authorities victims may be reluctant to come forward⁽⁶⁾. When crimes are committed in secret or involve psychological manipulation it can be challenging to collect proof of coercion exploitation and intent⁽⁷⁾. These difficulties are made worse by law enforcement and judicial officials' lack of specialized training in dealing with cases involving slavery and human trafficking.

Although vital victim protection and assistance are frequently insufficient. Many victims experience deportation re-victimization or inability to obtain legal medical and psychological support⁽⁸⁾. The efficacy of prosecution is weakened and victims are discouraged from assisting authorities when comprehensive victim protection measures are lacking. Further discouraging reporting and involvement in legal proceedings are the absence of witness protection programs and the possibility of retaliation against victims and their families.

Many of these difficulties have been made worse by the COVID-19 pandemic. Economic downturns border closures and lockdowns have made vulnerable populations more vulnerable and interfered with global anti-trafficking initiatives⁽⁹⁾. Traffickers have modified their tactics recruiting and exploiting victims through digital platforms making detection and prosecution even more difficult⁽¹⁰⁾. It is more challenging to locate

⁽¹⁾ United Nations Office on Drugs and Crime, "Global Report on Trafficking in Persons 2022," UNODC, Vienna, 2022, p. 56, https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

⁽²⁾ International Criminal Court, "Rome Statute," 1998, Article 17, <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>. Also, see Hamad, Hamad Kareem. "Sovereign Immunity and Its Development in International Law." Qalaa Zanist Scientific Journal 3.1 (2018): 1113-1129. <https://doi.org/10.25212/lfu.qzj.3.1.46>

⁽³⁾ Schabas, William A., "An Introduction to the International Criminal Court," 5th ed., Cambridge University Press, Cambridge, 2017, p. 130, <https://doi.org/10.1017/9781316459997>

⁽⁴⁾ United Nations Office on Drugs and Crime, "Global Report on Trafficking in Persons 2022," UNODC, Vienna, 2022, p. 72, https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

⁽⁵⁾ Ibid., p. 80. Also, See Hamad, Hamad Kareem. "Impunity in International Criminal Justice." QALAAI ZANIST SCIENTIFIC JOURNAL 10.4 (2025): 1287-1310. <https://doi.org/10.25212/lfu.qzj.10.4.50>

⁽⁶⁾ Ibid., p. 85

⁽⁷⁾ Gallagher, Anne T., "The International Law of Human Trafficking," Cambridge University Press, Cambridge, 2010, p. 101, <https://doi.org/10.1017/CBO9780511761245>

⁽⁸⁾ United Nations Office on Drugs and Crime, "Global Report on Trafficking in Persons 2022," UNODC, Vienna, 2022, p. 90, https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

⁽⁹⁾ Ibid., p. 92

⁽¹⁰⁾ Ibid., p. 100

and help victims as a result of the pandemic's strain on law enforcements and victim support services resources.

Technology use by traffickers creates new challenges for law enforcement. The internet and social media platforms are increasingly being used for victim recruitment, advertising, and exploitation across national boundaries and legal jurisdictions⁽¹⁾. The anonymity and global reach of digital platforms make it difficult for law enforcement to locate and capture criminals. When there is a lack of international cooperation and uniform legal frameworks for fighting online trafficking enforcement actions are more challenging.

Section 5: Interplay Between International and Domestic Jurisdictions

The interaction between international and domestic jurisdictions is crucial to the effectiveness of international criminal law in the fight against human trafficking and modern slavery. National legal systems are principally in charge of enforcing the legal obligations established by international treaties and conventions⁽²⁾. The Rome Statutes complementarity principle emphasizes that states bear the primary responsibility for prosecuting international crimes with the ICC only stepping in when states are unable or unwilling to do so⁽³⁾.

As a result of ratifying the Palermo Protocol or other international instruments numerous states have integrated international definitions and obligations into their domestic laws⁽⁴⁾. However there are significant differences in the efficacy and quality of implementation. While some nations have specialized law enforcement agencies and extensive anti-trafficking legislation others lack fundamental legal frameworks or do not uphold their current legal frameworks⁽⁵⁾. Cross-border cooperation and mutual legal aid are hampered by the lack of uniformity in legal definitions penalties and procedures.

Particularly in developing nations capacity limitations are a serious problem. Law enforcement agencies may lack the resources expertise or experience required to investigate and prosecute complex human trafficking cases⁽⁶⁾. Successful prosecutions may be hampered by overburdened corrupt or politically influenced judicial systems⁽⁷⁾. Furthermore the effectiveness of domestic legal systems is hampered by the lack of specialized courts and prosecutors assigned to handle cases involving slavery and human trafficking. To combat the transnational nature of human trafficking and modern slavery cooperative investigations extradition and mutual legal assistance are crucial. International cooperation mechanisms like INTERPOL⁽⁸⁾ and Europol promote coordination and information exchange among law enforcement organizations. However differences in legal systems evidence requirements and procedural safeguards can make cooperation difficult and lead to prosecution failures or delays. It is⁽⁹⁾. The lack of communication and trust between police agencies in different countries further hinders successful collaboration.

In order to close the gap between national and international initiatives civil society organizations are crucial. NGOs often provide advocacy victim support and legal assistance in addition to acting as a liaison between victims and law enforcement⁽¹⁰⁾. Their participation is crucial to guaranteeing that international legal standards are applied in practical settings. Additionally the importance of ombudsman offices and national human rights organizations (NHRIs) is becoming more widely acknowledged. These organizations have the authority to look into complaints keep an eye on states adherence to international commitments and offer suggestions for legislative and policy changes⁽¹¹⁾.

The process of incorporating international standards into national legal systems is intricate and continuous necessitating ongoing political support funding and capacity-building. Regional organizations play a crucial

⁽¹⁾ Ibid., p. 100

⁽²⁾ Gallagher, Anne T., "The International Law of Human Trafficking," Cambridge University Press, Cambridge, 2010, p. 110, <https://doi.org/10.1017/CBO9780511761245>

⁽³⁾ International Criminal Court, "Rome Statute," 1998, Article 17, <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

⁽⁴⁾ United Nations Office on Drugs and Crime, "Global Report on Trafficking in Persons 2022," UNODC, Vienna, 2022, p. 80, https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTIP_2022_web.pdf

⁽⁵⁾ Ibid., p. 85

⁽⁶⁾ Ibid., p. 90

⁽⁷⁾ Gallagher, Anne T., "The International Law of Human Trafficking," Cambridge University Press, Cambridge, 2010, p. 120, <https://doi.org/10.1017/CBO9780511761245>

⁽⁸⁾ INTERPOL, "Human Trafficking," <https://www.interpol.int/en/Crimes/Human-trafficking>

⁽⁹⁾ Gallagher, Anne T., "The International Law of Human Trafficking," Cambridge University Press, Cambridge, 2010, p. 122, <https://doi.org/10.1017/CBO9780511761245>

⁽¹⁰⁾ What we do to end slavery | Anti-Slavery International, 25 July 2025, www.antislavery.org/what-we-do.

⁽¹¹⁾ United Nations, "National Human Rights Institutions," <https://www.ohchr.org/en/countries/nhri>

role in promoting cooperation and harmonization. For instance the European Union has set up systems for cross-border victim support services joint investigation teams and mutual recognition of court rulings⁽¹⁾.

Section 6: Future Directions and Reform Proposals

A number of reforms and future directions are required to strengthen the role of international criminal law in the fight against modern slavery and human trafficking. First legal definitions and frameworks at the national and international levels must be harmonized. Collaboration and prosecution would be facilitated by the adoption of a broadly recognized definition of modern slavery that takes into account newly emerging forms of exploitation⁽²⁾. International organizations can help states align their domestic laws with international standards by developing model laws and guidelines.

Second to strengthen international cooperation increased information sharing cooperative investigations and reciprocal legal support are required. The establishment of specialized international mechanisms or task forces dedicated to the fight against modern slavery and human trafficking ⁽³⁾ could improve coordination and effectiveness. Global collaboration can also be made more effective and efficient by utilizing digital platforms and technology for information sharing and case management.

Third In order to enhance the ability of law enforcement prosecutors and judges to look into and prosecute cases involving trafficking and slavery capacity-building initiatives are crucial. Priority should be given to training initiatives technical support and resource distribution especially in nations with limited capacity⁽⁴⁾. Investigations and prosecutions can be made more effective by creating specialized units and utilizing multidisciplinary techniques.

Fourth the focus of legal and policy responses must be on victim protection and participation. For victims to be able to take part in court proceedings and obtain justice comprehensive victim support services including legal medical and psychological support are essential⁽⁵⁾. Promoting reporting and collaboration with law enforcement requires the implementation of witness protection initiatives as well as the provision of safe and secure housing for victims.

Fifth a comprehensive and long-lasting solution must address the underlying factors that contribute to human trafficking and modern slavery including poverty inequality discrimination and conflict. To address the root causes of exploitation international criminal law must be incorporated into larger development human rights and social protection initiatives⁽⁶⁾. Preventive initiatives must include the advancement of economic empowerment educational opportunities and gender equality.

Sixth we need to talk about how technology can both help and hinder human trafficking. To detect and bring charges against online trafficking networks⁽⁷⁾ new investigative techniques legislative frameworks and international collaboration are needed in response to the use of digital platforms for recruitment and exploitation. Two promising areas for future research and policy development are the creation of international standards for online platform regulation and the application of artificial intelligence to the identification and examination of trafficking cases.

Seventh non-state actors including corporations need to be held more accountable. Companies can be held responsible for their role in sustaining modern slavery⁽⁸⁾ by enforcing domestic laws with extraterritorial reach and developing legally binding international instruments on business and human rights. Preventing and dealing with corporate complicity in slavery and human trafficking requires the use of due diligence procedures and the promotion of supply chain transparency.

Lastly it is crucial that impacted communities and survivors be involved in the creation and application of laws and policies. Survivor-led organizations and networks can provide crucial insights into the realities of human trafficking and slavery ensuring that legal responses are grounded in lived experience and sensitive

⁽¹⁾ European Union, "Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings," 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011L0036>

⁽²⁾ What Is Modern Slavery? | Anti-Slavery International, 26 Aug. 2025, www.antislavery.org/slavery-today/modern-slavery.

⁽³⁾ United Nations Office on Drugs and Crime, "Launch of the Global Report on Trafficking in Persons 2022," <https://webtv.un.org/en/asset/k10/k100papi0k>

⁽⁴⁾ Ibid

⁽⁵⁾ Ibid.

⁽⁶⁾ Kucyi, Aaron, et al. "Spontaneous Cognitive Processes and the Behavioral Validation of Time-Varying Brain Connectivity." *Network Neuroscience*, vol. 2, no. 4, Oct. 2018, pp. 397–417, https://doi.org/10.1162/netn_a_00037.

⁽⁷⁾ United Nations Office on Drugs and Crime, "Global Report on Trafficking in Persons 2022," UNODC, Vienna, 2022, p. 100, https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

⁽⁸⁾ United Nations, "Business and Human Rights," <https://www.ohchr.org/en/business-and-human-rights>

to victim's needs⁽¹⁾. Encouraging survivor leadership and incorporating survivor perspectives into policy-making processes are necessary for creating long-lasting and effective solutions.

Conclusion

Human trafficking and modern slavery have been significantly addressed by international criminal law which offers a framework for victim protection accountability and prosecution. The global battle against these crimes has benefited from the development of international jurisprudence the evolution of legal definitions and the creation of enforcement mechanisms. However the efficacy of the international legal response is constrained by ongoing issues with enforcement jurisdiction cooperation and victim protection. In order to end human trafficking and modern slavery in the twenty-first century a coordinated multi-level strategy that prioritizes victim-centered tactics and integrates domestic and international efforts is necessary. The sustained dedication of governments' international organizations civil society and survivors to collaborate in the pursuit of justice accountability and human dignity is essential to the future of international criminal law in this area.

Results

1. International criminal law has influenced both domestic and international legal systems by establishing a fundamental framework for prosecuting modern slavery and human trafficking as crimes against humanity.
2. Although the scope and clarity of legal definitions and frameworks have improved over time there are still gaps and inconsistencies especially when it comes to new types of exploitation.
3. Despite their limitations in terms of mandate resources and enforcement capacity international tribunals and hybrid courts have made significant contributions to the development of jurisprudence.
4. Effective prosecution and prevention are still hampered by enforcement issues such as jurisdictional obstacles a lack of political will problems with evidence and insufficient victim protection.
5. Stronger international cooperation harmonized legal standards increased domestic capacity and a comprehensive strategy addressing root causes are all necessary for effectively combating human trafficking and modern slavery.

Recommendations

1. Streamline the definitions of modern slavery and human trafficking in national and international law to aid in victim identification prosecution and collaboration.
2. Strengthen international collaboration by establishing specialized mechanisms or task forces for joint investigations and improving mutual legal assistance.
3. Especially in nations with limited capacity increase the capacity-building of judges prosecutors and law enforcement through resource allocation technical assistance and training.
4. Create specific procedures for the prosecution of cases involving human trafficking and slavery in order to hold those accountable or strengthen the power and resources of international tribunals.
5. Prioritize complete victim protection make sure that everyone has access to legal medical and psychological assistance and incorporate victim-centered strategies into every facet of the legal response.

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