

International Perspective on Human Trafficking Crime

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Abstract:

This research paper focuses on human trafficking, which is considered as a highly sensitive issue in the international law. It targets the most vulnerable and needy segments of society in the countries facing security, economic, and social instability, such as women, children, youth, and graduates who hope to find a better life elsewhere. However, this makes them an easy prey for traffickers, leading to a serious and profound impact on the exporting and importing countries even the transit states; in spreading the organized crimes on the one hand, and increasing social ills resulted from this crime. Consequently, all efforts of the subjects of international law, including countries and organizations, are jointly responsible for halting this crime by enacting international agreements aimed at international, territorial and bilateral cooperation. These agreements seek to punish resolutely the offenders by dismantling these professional gangs and creating legal arsenals for prohibiting, criminalizing, pursuing, and extraditing.

Key words: Organized crime, human trafficking, international cooperation, international agreements.

Introduction

The crime has developed with the development of societies over time. Its development was influenced by a set of social, economic and political variables. In every era, some criminal forms and types emerge on the local, regional and international area related to that era and to the society where these crimes find a suitable environment to spread and penetrate its social, economic and political structure, in order to be a tool of destruction and devastation for this society.

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With the rise of globalization, a range of new and created criminal phenomena have emerged, which are related to a numerous organized criminal gangs. It may extend to other societies geographically close to this community. Globalization has facilitated and provided diverse options for these criminal gangs, giving their activities an international character that transcends countries and continents. With these options, a new type of crime has emerged on the international stage, threatening human societies, delaying their development, and leading to negative consequences on all social, economic, health, and political levels.¹

Every scientific study has a goal or a set of goals aiming at achieving it through this prepared study, which seeks to understand and investigate some aspects of the human trafficking phenomenon that are unknown to many members of society. We tried to achieve a set of goals represented in identifying the most prominent factors that lead smugglers to be victims of this crime and to contribute to raising awareness of the danger looming over vulnerable categories in society, along with enacting legal arsenal to increase the protection mechanisms.

And to work on highlighting the legal definition of human trafficking crime in the international agreements and national legislation, after identifying the nature of human trafficking crimes and outlining the legal mechanisms for combating them.

Consequently, we should use the mechanisms of international cooperation to halt this crime.

The importance of this study also stems from its addressing an important topic related to protecting a vulnerable segment of society that deserves respect, care, and investment in its energies from a serious criminal phenomenon that has become a major challenge to contemporary criminal policy at present. Notably, the gangs and the organized criminal networks are behind the acceleration and remarkable spread of human trafficking crimes. These gangs have not been deterred by the weakness of those categories or their circumstances.

- In terms of the proposal's newness and the gaps it presents, which must be filled legislatively in order to stop this type of crime.

- Since the topic discusses a very recent criminal phenomenon, indeed, a pressing issue, the legal and legislative arsenal has not yet covered all its aspects due to its profound impact on human dignity and rights.

To address this topic, a descriptive and analytical approach is adopted, describing this crime and analyzing international legal texts related to human trafficking, particularly the United Nations Convention against Transnational Organized Crime and all subsequent supplementary agreements, as well as the common international solutions to halt and deter this crime.

Therefore, the following questions are asked:

What is the human trafficking crime? And how effective are international efforts in combating it?

To answer these questions, we have divided the present research into two-part plan. We have discussed the nature of the human trafficking crime, while the second section focuses on international efforts to combat this crime.

1- The concept of the Human Trafficking Crime

It is not an exaggeration to say that human trafficking is a stain on humanity, as its perpetrators view human beings as goods to be bought and sold. This constitutes a flagrant violation of human rights, inherently degrading human dignity and humanity, and carrying within it negative repercussions for humanity in general, and consequently for societies in particular.

Hence, the first heading (the concept of the human trafficking crime) and the second heading (its most important characteristics) are addressed.²

1.1 Defining the human trafficking crime

There is no universally agreed-upon definition of the term "trafficking in persons," and this is considered as an obstacle to the efforts to combat these crimes and reduces the ability to prosecute and punish traffickers. However, the currently accepted definition is that found in the paragraph (a) in Article 3 of the United Nations Protocol to prevent, suppress and punish trafficking in persons, completing the United Nations Convention against Transnational Organized Crime.³

Jurisprudence has defined human trafficking as "all legal and illegal acts that reduce a human being to a mere commodity or victim, to be traded by intermediaries and professionals across national borders with the intent of exploiting them in low-wage work, sexual activities, or similar activities, whether this is done with the victim's consent, against their will, or in any other form of slavery."⁴

The trafficking crime has three elements: the commodity, the trafficker, and the market. These will be discussed as follows:

A. The commodity: it is the person being trafficked, who can be sold, drafted, transported, sheltered, or received in any country other than their country of origin, for the purpose of exploitation.⁵

This latter is achieved through the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability, or by giving or receiving money or benefits to obtain the consent of a person who has control over another person for the purpose of exploitation.⁶

This "commodity" person is exploited either through forced labor after providing him with legal and legitimate work, but without obtaining fair compensation for this work, or

through his exploitation in prostitution and sexual exploitation, or through the physical organs removal for trafficking.

It is essential to address a sensitive point concerning the most vulnerable segments of society, generally women and children. This crime logically increases during armed conflicts of all kinds or humanitarian disasters, as refugees and internally displaced persons become targets of organized criminal networks operating in this field.⁷

BThe broker: (the trafficker) it refers to the persons and organized criminal groups who transfer and facilitate this trade, as stipulated in the Protocol to prevent and suppress human trafficking, completing the United Nations Convention against Transnational Organized Crime, delivered by the United Nations in 2000.⁸

C. It is worthy of notice, the broker is not just a normal person, but a professionally organized project like this trafficking. It is an integrated economic project with a structure similar to multinational economic projects, as the criminal network who carries out this trafficking consists mostly of brokers who take the countries that supply this commodity as their center, where they choose the victims, and among the brokers who facilitate the passage of this commodity from the country of origin to the host country, where other brokers receive these commodities and distributing them to various activities.

D. The Market: There must be a market for these human commodities, whether physical or online. This market can be categorized into several types:

1- Supply Market: This refers to the countries that export the victims, which are often poor countries suffering from political, economic, and social crises.

2- Demand Market: This refers to the importing countries, which usually act as a magnet for victims of human trafficking seeking to escape their social and economic circumstances.

3- Transit Market: This refers to the countries located between these two markets, serving as a temporary hub for gathering victims before their transfer to the demand market, also known as the importing countries.⁹

The crime of human trafficking consists of three fundamental and interrelated pillars. It begins with the legal pillar, based on national and international legal texts that criminalize the act and define its penalties.

The material pillar (*actus reus*) comprises three elements: the 'act,' which includes various forms such as recruitment, transportation, harboring, or receipt; the 'means' used to subdue the victim, such as the threat of force, abduction, fraud, or exploitation of a position of vulnerability; and the 'result,' represented by placing the victim under effective control.

The legal structure of the crime is completed by the moral pillar (*mens rea*), which takes the form of general criminal intent (knowledge and will) and specific criminal intent, namely the 'intent to exploit' in any form, whether through sexual exploitation, forced labor, slavery, or the removal of organs.¹⁰

1.2 Its characteristics

A. Human trafficking is a Transnational Organized Crime. Organized crime is defined as a group of people who engage in illegal activities for profit, and the crime of human trafficking is included in this framework. The human trafficking crime is practiced by professional criminal gangs who have made this crime the focus of their activity and a source of income as a job, aiming at huge and fast-moving cash and financial flows through various means, some of which are traditional and others are new.

B. Human trafficking is the largest legal activity in the world after arms and drug trafficking, the fastest growing and most profitable, with profits reaching unimaginable billions of dollars. This has led many arms and drug dealers to abandon their original activity and engage in human trafficking.

C. Human trafficking differs from trade in its general sense, as trade usually involves objective commodities that can be bought and sold for money. However, human trafficking deals with human beings. It raises many restrictions, as the human being is the commodity and the subject of this unique type of trade.¹¹

This crime is considered as a complicated and complex operation whose causes are entangled with many economic, political, and social factors, in addition to its connection to the level of development achieved at the national, regional, and international levels. Its material element, or its criminal activity, consists of more than one act; or it is a crime committed through various material acts, such as threats, kidnapping, fraud, or exploitation. These behaviors become a means to commit other criminal acts, such as transporting, drafting, sheltering, or receiving. In this case, we are naturally faced with a single crime, which is a complex crime of human trafficking.¹²

2- International Contributions to Combating Crime Internationally

The efforts of the international community have collaborated to combat this phenomenon through a set of international agreements to prevent human trafficking in all its forms, the most important of which is the United Nations Convention against Transnational Organized Crime of 2000 (Palermo Protocol) on the prevention and punishment of human trafficking, especially women and children, completing the United Nations Convention against Transnational Organized Crime.

Many countries have sought to criminalize this phenomenon by enacting specific legislations to combat this crime, including the US Trafficking Victims Protection Act of 2000, amended in 2003. This act authorized the United State Department to prepare an annual report on the state of human trafficking worldwide and international efforts to combat this crime. Countries that fail to take appropriate measures to comply with the minimum standards for eliminating human trafficking receive a negative evaluation in this report. This negative evaluation can lead to the withholding of humanitarian or trade aid.¹³

Indeed, many efforts have been made at various levels to confront this phenomenon, which has serious effects on all societies. The most important of these efforts can be observed as follows: in the first heading: (legal frameworks for combating human trafficking crime) and in the second heading (effective frameworks for combating human trafficking crime).

2.1 Legal frameworks for combating human trafficking crime

The problem of human trafficking has been a subject of great concern to the international community since the early 1950s. In light of the worsening of this phenomenon in most countries, the Millennium Declaration expressed the countries' determination to take measures to ensure respect for the migrants' rights and to reinforce their efforts to combat trafficking. In 2008, the Human Rights Council in the United Nations appointed a reporter, concerned in contemporary forms of slavery; including also human trafficking, especially women and children.

Previously, the United Nations and the International Labor Organization addressed this phenomenon, urging countries to suppress and prevent human trafficking through international conferences and the conclusion of international agreements. Examples include the Recommended Guidelines on Human Rights and Human Trafficking issued by the Office of the United Nations High Commissioner for Human Rights in 2000, and the Protocol to prevent, suppress and punish human trafficking, particularly, women and children, adopted in 2000, which includes binding international standards for the countries parties in this Protocol. It should be noted that this Protocol completes the United Nations Convention against Transnational Organized Crime, which has been in force since 1951.¹⁴

The importance of international cooperation emerges here, since it is considered as a prerequisite for the success of any measure to combat a crime; various forms of crime are committed across national borders, and they cannot be confront it without joint international efforts and international cooperation. Therefore, countries must help each other in combating these transnational crimes.

The increasing number of bilateral, regional, and global international agreements confirms the growing recognition that transnational crime can be effectively combated through international cooperation.

Several United Nations conventions and other regional deeds constitute the international legal framework within which countries must develop their own laws to effectively address the problem of human trafficking.

These deeds also provide a framework for the countries willing to cooperate with each other in various aspects of combating this crime; such as the Palermo Convention against Transnational Organized Crime and its Protocol to combat human trafficking.¹⁵

Whereas the legal mechanisms for combating trafficking in persons, pursuant to the United Nations Convention against Transnational Organized Crime and its supplemental Palermo Protocol, are predicated on a comprehensive strategy aimed at the criminalization of

all constitutive acts (recruitment, transportation, or harboring) and the illicit means employed. It mandates State Parties to adopt stringent national legislation to ensure the prosecution of perpetrators and the dismantling of organized criminal networks. These mechanisms further facilitate international cooperation through information exchange, extradition, and mutual legal assistance, coupled with preventive measures to safeguard victims and provide necessary rehabilitation—with specialized protections for women and children—thereby ensuring the prevention of impunity and the provision of effective legal redress.¹⁶

2.2 Effective frameworks for combating human trafficking crime

Confronting challenges focuses on the effective participation of countries and parties in the international relations, particularly international organizations. In general, the issue of combating human trafficking at the international level prompts us to ask about the possibility to implement the international legal frameworks in collaboration with countries and organizations. This crime remains a complex issue requiring international cooperation among various law enforcement agencies. INTERPOL organizes regional and international meetings in this regard and offers assistance and technical training to police forces worldwide. It also facilitates access to investigation materials in this field and provides other services for investigating and prosecuting criminals. The organization's expert group on trafficking in women for sexual exploitation meets annually to raise awareness of emerging issues and disseminate counter-trafficking programs. A specialized training program has also been launched, and the Good Practices Manual for Law Enforcement Investigators has been updated to include information on how to investigate human trafficking cases. Furthermore, Interpol has developed the HST (Human Smuggling and Trafficking) program, which provides a standardized format for reporting human trafficking cases among member countries and submitting them to Interpol's databases.¹⁷

Subsequently, all the countries prepared jointly studies on organized crime, focusing on creating a framework for exchanging information and documents about people and criminal organizations worldwide, publishing and distributing daily reports, information, and international announcements, as well as organizing conferences to study this phenomenon and strengthen cooperation among member states.¹⁸

This also highlights the need to activate the extradition framework as a formal procedural process, usually based on a treaty, leading to the return or surrender of fugitives to the jurisdiction where they are wanted. However, the provisions of these treaties vary considerably from one country to another due to a lack of uniformity in extradition practices. This has led to the necessity for the United Nations General Assembly to adopt the Model Convention on Extradition, which provides a range of precise options for interested countries to use in negotiating extradition treaties with each other.¹⁹

Conclusion

Human trafficking is the exploitation of people, whether by force or consent, for services that are criminalized by law. It is one of the most serious crimes against societies and their good social structures, especially its transnational nature. It directly affects the fundamental component of society: the person, who becomes a direct victim of all forms of this crime. It leaves psychological, moral, and physical scars that make it difficult for the victim to recover their former state before becoming the target of this dangerous criminal activity. Therefore, they require special protection, care, and assistance. This is what relevant international conventions have sought to provide, establishing specific rules and procedures to ensure such assistance and protection.

This research paper focuses on the international perception of the possibility of addressing the human trafficking crime in all its forms through the international frameworks enshrined in international law, including the issue of the relative effectiveness of international frameworks given the difficulties and challenges they face in terms of implementation. Nevertheless, various stakeholders strive at multiple levels, based on respect for and application of the principle of cooperation within the limits permitted by the circumstances of the countries.

It is possible to study and evaluate the difficulties and challenges faced by various international frameworks in order to promote various aspects of international, judicial and legal cooperation in the field of combating human trafficking, not only in terms of prevention and protection but also in terms of suppression, although some of the challenges related to addressing some issues in this context are difficult, especially due to their connection and clash with social, economic and political contexts, particularly the issue of the difficulty of formulating standards within national legal systems, with challenging international requirements.

According to the above-mentioned, we can conclude with some of the results we observed, as follows:

- 1- The human trafficking crime is a blatant violation of human rights, and it is one of the most severe crimes for its victims.
- 2- The relatively limited results achieved within the framework of international criminal cooperation, including mutual legal assistance between countries and international organizations, given the scale of the human trafficking phenomenon, confirm that there is still a long way to go in terms of the degree of repression.
- 3- The issue of combating human trafficking has received considerable attention and a positive response from the international community as a whole, given the extreme seriousness of this type of crime. Despite the weak effectiveness of some international frameworks in terms of implementation, the parties in international relations have been able to converge towards unifying the goal of suppression.
- 4- International agreements play a major role in protecting victims of human trafficking and helping them to be rehabilitated and reintegrated into societies, but the measures contained in legal texts are still inadequate to this day.

Therefore, we deemed it necessary to offer several suggestions, focusing on the following points from the perspective of our study:

1. The necessity for member states of international conventions related to combating human trafficking to fully adhere to all their provisions, particularly those concerning rules and procedures for international cooperation.
2. States should work more diligently on internal solutions to reduce the temptations that lure victims into the methods of enticement that lead to human trafficking.
3. Increased awareness campaigns by civil society organizations are crucial, especially among vulnerable groups who are easily deceived and manipulated, to educate them about the dangers of succumbing to the allure of organized crime gangs, which can lead them to become victims of these criminal organizations.

Footnotes:

¹ Khaled Ben Salim El-Harbi, victims of human trafficking of children, Hamid publishing and distribution house, 2014 - Jordan - P 3.

² Hamid Sayed Mohamed Hamid, human trafficking as a transnational organized crime with reasons, repercussion, strategic views, National Center for Legal Publications, 2013 - Cairo - P.13.

³ Ali Ben Djaza El-Assimi, Criminal protection for people with disabilities (handicaps) against human trafficking - Comparative study - Library of Law and Economy, 2014 - Riyadh, P 24.

⁴ DJEBIRI Yacine, Human organs' trafficking - comparative study between Islamic jurisprudence and Algerian law - the new university house, 2015, Iskandariyah - P. 48.

⁵ Souzi Adeli Nached, Human trafficking between Hidden economy and Formal economy, Legal publications of El-Halabi, 2008, Beirut - P. 17.

⁶ Mohamed Amine El-Romi, the organized crime, Legal books house, 2010, Egypt - P. 41.

⁷ Hamid Sayed Mohamed Hamid, op. cit - P. 20.

⁸ Souzi Adeli Nached, op. cit - P. 17.

⁹ Ali Ben Djaza El-Assimi, op. cit - P. 71 – 72.

¹⁰ Article 3: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), 2000.

¹¹ Hamid Sayed Mohamed Hamid, op. cit - P. 19.

¹² Bahia El-Affer; Human trafficking crime and mechanisms for combating it in the Algerian Legislation, PhD thesis - Faculty of Law and Political Sciences, 2022 - University of Oran 2 Mohamed Ahmed - P 18.

¹³ Tallal Arffifan Echarfat: Human trafficking crimes - comparative study; (Jordan: Wael for Publication and distribution house, 2012) P. 9 and 10.

¹⁴ Emir Faradj Youcef: Combating the human trafficking crime according to the reality, law, documents, and international protocols, university publications house, 2016, Iskandariyah - P. 108 – 109.

¹⁵ Mohamed El Amine El-Bachari: the standards of the united nations in the field of criminal justice and prohibiting crime. Center of academic studies and researches Naif El Arabiya for security Sciences, 1998 - P. 40 – 50.

¹⁶ The United Nations Convention against Transnational Organized Crime (UNTOC) is cited as 2225 U.N.T.S. 209, adopted by General Assembly resolution 55/25 on November 15, 2000. The associated Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, is documented as 2237 U.N.T.S. 319, adopted by the same resolution.

¹⁷ Akroum Adel: the international organization of criminal police and organized crime - comparative study, without publication, (Iskandariyah: new university house, 2013) P. 278.

¹⁸ El-Affer Bahia; op. cit P. 123.

¹⁹ Hattab Abdennour: International standards to combat the human trafficking and its accordance with national regulations, Master's degree thesis, 2011, University Ibn Khaldoun Tiaret, P. 51.

References:

Agreements:

- 1- United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 29 September 2003) .
- 2- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), 2000

Books:

- 1- Akroum Adel: the international organization of criminal police and organized crime - comparative study, without publication,: new university house, 2013, Iskandariyah
- 2- Ali Ben Djaza El-Assimi, Criminal protection for people with disabilities (handicaps) against human trafficking - Comparative study - Library of Law and Economy, 2014, Riadh.
- 3- DJEBIRI Yacine, Human organs' trafficking - comparative study between Islamic jurisprudence and Algerian law: the new university house, 2015, Iskandariyah.
- 4- Emir Faradj Youcef: Combating the human trafficking crime according to the reality, law, documents, and international protocols, university publications house, 2016, Iskandariyah.

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- 5- Hamid Sayed Mohamed Hamid, human trafficking as a transnational organized crime with reasons, repercussion, strategic views,: National Center for Legal Publications, 2013, Cairo
 - 6- Khaled Ben Salim El-Harbi, victims of human trafficking of children, Hamid publishing and distribution house, 2014, Jordan
 - 7- Mohamed Amine El-Romi, the organized crime, Legal books house, 2010, Egypt
 - 8- Mohamed El Amine El-Bachari: the standards of the united nations in the field of criminal justice and prohibiting crime. Center of academic studies and researches Naif El Arabiya for security Sciences, 1998
 - 9- Souzi Adeli Nached, Human trafficking between Hidden economy and Formal economy, Legal publications of El-Halabi, 2008, Beirut.
 - 10- Tallal Arffifan Echarfat: Human trafficking crimes - comparative study; Wael for Publication and distribution house, 2012, Jordan.

Theses :

- 1- Bahia El-Affer; Human trafficking crime and mechanisms to combat it in the Algerian Legislation, PhD thesis - Faculty of Law and Political Sciences, University of Oran 2 Mohamed Ahmed. 2022.
- 2- Eveline Gnangbé Boissarie, Combating against human trafficking, a global approach under construction of the space CEDEAO, PhD thesis, doctoral school of law, public law .
- 3- Hattab Abdenmour: international standards to combat the human trafficking and its accordance with national regulations, Master's degree thesis - University Ibn Khaldoun Tiaret, 2011.