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A.G. Suerbaeva^{1*},  M.Tripkovic¹ 

¹University of Edinburgh, Scotland

(e-mail: *asuyerbayeva@gmail.com, milena.tripkovic@ed.ac.uk)

EXPLORING THE IMPACT OF GLOBAL CRISIS ON HUMAN TRAFFICKING (LEGAL ISSUES)

Abstract

Human trafficking is considered as one of the most challenging forms of exploitation due to the difficulty in accurately detecting the exact number of victims. This type of crime operates at both the domestic and international levels, affecting every country as a source, transit, or destination for trafficked individuals. This article argues that during crises such as COVID-19, armed conflicts, or climate change, traffickers have successfully adapted their *modus operandi* to exploit vulnerable populations for profit maximization. The pandemic led to a rise in cybersex trafficking in India, where traffickers targeted young children through online platforms. The war in Ukraine escalated the vulnerability of refugees, looking for safety in other countries, making them main targets for trafficking for sexual and labour exploitation. Climate change has had a devastating impact on the Venezuelan population, forcing many to seek any form of employment, thus becoming exposed to trafficking. The article identifies that an obstacle to efficiently address the issue of human trafficking occurs due to the lack of clear definition of such definition as well as the existence of gaps in both domestic and international legislations. It further examines that, during the time of crises, more stringent legal frameworks and a harmonised international response are necessary to effectively handle the strategies adopted by traffickers.

By analysing these crises, the article emphasizes the need for stronger legal frameworks and coordinated international responses to address the evolving strategies of traffickers during periods of disruptions.

Key words: human trafficking, Covid-19, war, climate change, Palermo Protocol

A.G. Суербаева¹, М.Трипкович¹

¹Эдинбург университети

(e-mail: asuyerbayeva@gmail.com, milena.tripkovic@ed.ac.uk)

ЖАҢАНДЫҚ DAҒДАРЫСТЫҢ АДАМ САУДАСЫНА ӘСЕРІН ЗЕРТТЕУ (ҚҰҚЫҚТЫҚ МӘСЕЛЕЛЕР)

Аңдатпа

Адам саудасы құрбандардың нақты санын дәл анықтаудағы қиындықтарға байланысты қанаудың ең күрделі түрлерінің бірі болып саналады. Қылмыстың бұл түрі ішкі және халықаралық деңгейде жұмыс істейді, әр елге адам саудасының көзі, транзиті немесе баратын жері ретінде әсер етеді. Мақалада COVID-19, қарулы қақтығыстар немесе климаттың өзгеруі сияқты дағдарыстар кезінде адам саудагерлері пайданы барынша арттыру үшін халықтың осал топтарын пайдалану үшін өз әрекеттерін сәтті бейімдегені айтылған. Пандемия Үндістанда киберсекс саудасының өсуіне әкелді, онда адам саудагерлері онлайн платформалар арқылы кішкентай балаларды нысанаға алды. Украинадағы соғыс басқа елдерде қауіпсіздікті іздейтін босқындардың осалдығын күшейтіп, оларды жыныстық қанау және еңбек қанау мақсатында

адам саудасының негізгі нысанасына айналдырды. Климаттың өзгеруі Венесуэла халқына жойқын әсер етіп, көптеген адамдарды кез-келген жұмыс түрін іздеуге мәжбүр етті, осылайша адам саудасына ұшырады. Мақалада адам саудасы мәселесін тиімді шешуге кедергі мұндай анықтаманың нақты анықтамасының болмауына, сондай-ақ ішкі және халықаралық заңнамаларда олқылықтардың болуына байланысты туындайтыны анықталған. Ол сондай-ақ дағдарыстар кезінде адам саудагерлері қабылдаған стратегияларды тиімді жүзеге асыру үшін неғұрлым қатаң құқықтық база мен үйлестірілген халықаралық әрекет ету шаралары қажет екенін зерттейді. Осы дағдарыстарды талдай отырып, мақалада адам саудагерлерінің бұзылу кезеңдеріндегі дамып келе жатқан стратегияларын шешу үшін құқықтық базаны нығайту және үйлестірілген халықаралық әрекет ету шараларын қабылдау қажеттілігі атап өтілген.

Түйін сөздер: адам саудасы, Covid-19, соғыс, климаттың өзгеруі, Палермо хаттамасы

А.Г. Суербаяева.¹, М.Трипкович ¹

¹Эдинбургский университет

(e-mail: asuerybayeva@gmail.com, milena.tripkovic@ed.ac.uk)

ИЗУЧЕНИЕ ВЛИЯНИЯ ГЛОБАЛЬНОГО КРИЗИСА НА ТОРГОВЛЮ ЛЮДЬМИ (ПРАВОВЫЕ ПРОБЛЕМЫ)

Аннотация

Торговля людьми считается одной из наиболее опасных форм эксплуатации из-за сложности точного определения числа жертв. Этот вид преступлений совершается как на национальном, так и на международном уровнях, затрагивая каждую страну как источник, транзитный пункт или пункт назначения для жертв торговли людьми. В этой статье утверждается, что во время таких кризисов, как COVID-19, вооруженные конфликты или изменение климата, торговцы людьми успешно адаптировали свои методы работы для эксплуатации уязвимых групп населения с целью максимизации прибыли. Пандемия привела к росту киберсексуальной торговли людьми в Индии, где торговцы людьми ориентируются на маленьких детей через онлайн-платформы. Война в Украине повысила уязвимость беженцев, которые ищут безопасности в других странах, что делает их основными объектами торговли людьми в целях сексуальной и трудовой эксплуатации. Изменение климата оказало разрушительное воздействие на население Венесуэлы, вынудив многих искать любую форму занятости, что привело к торговле людьми. В статье указывается, что препятствием для эффективного решения проблемы торговли людьми является отсутствие четкого определения этого понятия, а также наличие пробелов как во внутреннем, так и в международном законодательстве. Далее в нем рассматривается вопрос о том, что во время кризисов необходимы более строгие правовые рамки и согласованные международные ответные меры для эффективного осуществления стратегий, применяемых торговцами людьми.

Анализируя эти кризисы, в статье подчеркивается необходимость укрепления правовой базы и скоординированных международных мер реагирования на меняющиеся стратегии торговцев людьми в периоды сбоев.

Ключевые слова: торговля людьми, Covid-19, война, изменение климата, Палермский протокол.

Introduction

Human trafficking is recognised as one of the most complex and challenging forms of exploitation across the world. It is a form of organised crime that operates not only at the domestic level but also on a transnational scale, involving many countries. Thus, any country can be considered as a source, transit, or destination for trafficking networks to recruit, exploit, and profit from their victims. Traffickers usually use their own strategy to attract vulnerable individuals for their criminal activities. However,

during times of global disruptions, criminal activity of traffickers does not decline. In turn, it forces traffickers to adapt to new circumstances and recruit victims through other methods. The article discusses human trafficking during times of crisis, particularly looking at the impacts of Covid-19, war, and climate change, that lead to the rise of criminal activities [1]. It argues that such challenging circumstances can increase individuals' vulnerability, making them easy targets for traffickers. The article examines cases of human trafficking across various countries to assess how they address the issue both domestically and internationally. It starts with an explanation of the significance of focusing attention particularly on human trafficking, and addressing the challenges posed by its dubious definition. The article then moves to examining the impact of Covid-19 on the growth of cybersex cases in India. Then, it explores the connection between war and human trafficking, demonstrating how the war makes individuals more vulnerable and more likely to become the subjects of sexual and labour exploitation [2]. The paper also addresses the pressing issue of climate change, using the example of Venezuela's natural disasters to show how traffickers use this disruption for their own benefits in exploiting individuals. Finally, the article concludes by summarising the key points explored and highlighting the major trends in how traffickers adapt their strategies during crises like these. It also offers the author's own contribution and recommendation for States to adopt certain measures to enhance their responses in dealing with human trafficking issues in situations like war, pandemic, or climate change.

Materials and methods

At the end of 1980s, organised crime has become a significant issue in most European countries. However, the term 'organised crime' itself remains a subject of controversy. Nevertheless, it is commonly acknowledged that activities with involvement of violence or threat to exert control over individuals or resources are used in relation to the organised crime term. The rise of criminal networks led to their involvement in various illicit activities, such as drug trafficking, arms smuggling, human trafficking, and other transnational crimes [3]. Along with this, the growth of globalism has contributed to the activities of organised crime, making it more complicated and involving a wide range of cross-border criminal activities. However, to make the essay more focused and explain the issue of organised crime in-depth, it focuses particularly on human trafficking that has recently gained attention across various disciplines including law and criminology. It is important to explore it as the issue with human trafficking concerns every nation, whether as a country of origin, transit, or destination for trafficking victims [4]. There is still no accurate data on victims of human trafficking compared to other forms of trafficking, primarily due to lack of precise definitions, underreporting, and the challenges associated with tracking and documenting cases. The cases of human trafficking occur in most places around the world, despite being recognised as an illegal activity, involving different forms of trafficking from sexual exploitation to forced labour [5].

The following sections explain that what drives a person to become a human trafficker is to get advantage and exploitation of individuals that live in vulnerable conditions, such as poverty or displacement. Importantly, the main goal of the organised crime is to generate a financial gain of those who manage and conduct human trafficking activities, but not those who become direct victims of such criminal acts. Therefore, due to the absence of precise definition of the term 'trafficking', it remains complicated to hold perpetrators responsible for their actions. In 2000, the United Nations' General Assembly has adopted the United Nations (UN) Trafficking Protocol, known as the Palermo Protocol. The Protocol has widened the scope of the term 'trafficking' by now acknowledging that men can also become victims of such crime as well as children and women [6]. The drafters of the Protocol have provided specific objective of the document, yet they did not manage to conclude the precise and clear definition of the 'trafficking'. Thus, this has led to a situation where each State adopts its' own definition of the word 'trafficking' and argue that each of their interpretation follows an international agreement, while it is not the case as those terms do not align with the definition that is outlined under the Palermo Protocol. However, by redrawing attention from the controversy over terminology, there is a common feature that determines if the activity involves human trafficking, such as 'recruiting

individuals, transporting, and transferring them through forceful and fraudulent means with the aim to make profit from these individuals.’ From the *Prosecutor v Kunarac* case, the Appeals Chambers stated that human trafficking refers to the modern slavery, where the *actus reus* involves exercising powers by taking ownership over an individual, and the *mens rea* constitutes the intentional deprivation of the individual’s autonomy through forceful or coercive actions [7]. Moreover, with the progression of technologies, it has provided traffickers with possibility to quickly identify potential victims and exploit them, which is explained in the next section in relation to Covid-19.

Results and discussion

From the previous discussion, it has been determined that it already remains complicated to detect and prosecute human trafficking activities. Nevertheless, the situation has become more complex with appearance of Covid-19 that has impact social and economic sectors and led to the increase of sex trafficking cases. As a result, this caused significant unemployment, food scarcity, and housing instability, which severely affected vulnerable populations. Criminologist Robert Agnew, through his General Strain Theory, explains that when individuals encounter significant strains in their lives, they become more prone to engage in criminal behaviour [8]. For instance, dissatisfaction with one's living conditions or financial losses can result in negative emotions, such as frustration or anger, ultimately driving an individual toward criminal activity as a coping mechanism. This can explain the increase in sex trafficking, as traffickers were forced to adapt their methods to achieve their primary goal, such as generating revenue, amid the new stay-at-home restrictions [9].

It is important to emphasise that the situation with Covid-19 has particularly put children at a big risk, as they tend to spend more time online on various forums and gaming platforms, making them more vulnerable to become trafficking victims [10]. This can happen as traffickers can make promises to their victims and provide them with a “good paid job” through online advertising. For instance, India experienced a significant rise in child sex trafficking, caused by the loss of parents to Covid-19, or the unemployment of parents, which made children seek work to support their struggling families. Therefore, an economic hardship serves as a push factor that makes children to look for online jobs, especially during pandemic time when many adolescents lost access to school meals and were pressured to support themselves and their families. This explains the reason children become perfect targets for traffickers, as their desperation often leads them to accept low-paying jobs and work under inhumane conditions. Data from the National Centre for Missing and Exploited Children revealed a dramatic surge in online exploitation, from 2 million in March 2020 to 4.2 million in April 2020. Moreover, [Table 1](#) illustrates a remarkable increase in the number of online ads on Oklute (a site for commercial sex work) since the beginning of Covid-19 outbreak [11].

Moreover, the pandemic forced traffickers to change their *modus operandi*, targeting young girls and luring them into false love relationships, forcing them to migrate to other cities where they were coerced into exploitation. In such situation, traffickers confine their victims in a windowless room with no doors or curtains, providing them only with a webcam with prohibition to leave the room. Considering the pandemic situation, victims had even more challenges to escape from traffickers due to restrictions around the world. On the other hand, the Supreme Court of India adopted a *suo-moto* approach to address the violence and abuse faced by children during the Covid, including sex trafficking issues. The Court also expanded the interpretation of “force” in the *People’s Union For the Democratic Rights v Union of India* case to include compulsion coming due to lack of financial means that force individuals to take underpaid labour, leaving them no choice. Still, addressing commercial sex exploitation remains legally complicated issue in India, as the country lacks specific legislation dealing with human trafficking, particularly in the context of online platforms. Another reason is that due to unprofessional approach of Indian police and their lack of digital knowledge in relation to cybercrimes makes it more challenging to identify situations with involvement of human trafficking on online platforms. The traffickers have also managed to cover carefully their activities from potential clients as well as from the law enforcement authorities. The Palermo Protocol that is aimed to protect victims of human trafficking, lacks a universally accepted definition of what constitutes trafficking in persons,

creating inconsistencies in its interpretation and application across jurisdictions. It becomes more complicated when addressing online criminal acts conducted by traffickers, as most States do not explicitly criminalise such activities. The Protocol could benefit from specifically addressing the blackmail of victims by traffickers, involving the use of digital recordings of their exploitation. The *travaux préparatoires* nature of the Protocol also leaves the issue of victims' consent unclear to allow States to interpret and apply the provisions of the Protocol according to their own legal frameworks and cultural views on consent [12]. The case of Covid-19 demonstrates how the pandemic exacerbated the challenges of human trafficking, significantly increasing the vulnerability of children and young girls to online sex trafficking. The next section explores a similar issue that arises from armed conflicts. Since the start of the war in Ukraine, the number of refugees have dramatically raised, providing a new opportunity for traffickers to get advantage of such crisis and exploit the vulnerable population [13].

The connection between war and human trafficking cannot always be immediately apparent, but armed conflict significantly increases vulnerability. However, when human rights laws are disregarded and safety protections are lacking, it creates an ideal environment for small, organised crime groups to engage in human trafficking. Traffickers change their *modus operandi* by forcibly recruiting children into armed groups and exploiting individuals for sexual abuse or forced labour. As discussed in Section 1, it is challenging to determine the exact number of human trafficking victims, but with the military conflict it becomes even more complicated due to the absence of state authority and the weakening rule of law [14]. The 2022 Russian's full invasion in Ukraine led to the influx of refugees fleeing to other countries, increasing the risk of becoming victims for traffickers and modern slavery. Before the start of war in 2014, Ukraine used to be a source, transit, and destination for forced labour and sex trafficking. However, with the start of the 2022 war, Ukraine has become a source country only for traffickers. Under the establishment of martial law, Ukraine restricted the departure of most men from the country, leading to approximately 90% of Ukrainian refugees being women. This demographic shift considerably increased female vulnerability to sexual and labour trafficking, as they became the main targets of exploitation. Criminal groups mainly target women by presenting false promises of employment in modelling, the beauty industry, and even opportunities to study abroad. However, the victims often find themselves working in clubs and bars, primarily forced to provide intimate service and often being unaware that they are victims of sexual exploitation [15]. Traffickers often target Ukrainian refugees both within and beyond Ukraine, approaching them through online communication platforms, within refugee camps, or at border crossings. There has also been an increased percentage of refugees from Ukraine who were ready to undertake unpaid jobs and work for long hours as a means of escaping the war, which has made it easier for traffickers to exploit them [16].

On the contrary, European countries helped to reduce the influx of Ukrainians refugees being trafficked by giving them a temporary right to work, healthcare, education, such as the EU 2001 Temporary Protection Directive. European States undertook a distinct approach toward Ukrainian refugees, refraining from deporting them for irregular border crossing in contrast to other refugee groups. Nevertheless, Ukrainian refugees continue to work under exploitative working conditions with low-paying jobs and weak labour rights. Many refugees accept these conditions due to limited proficiency in the local language, a lack of awareness regarding their rights, or simply a mistrust in the judicial system. This leads in their willingness to accept dubious job offers or engage in unpaid trial periods, further heightening their vulnerability to exploitation. In 2022, the Ukrainian government also stated that because of the presence of armed conflict on its' territory, it leads to the absence of required resources to address the issue of human trafficking, making it more complicated to enforce the Palermo Protocol. Also considering the martial law taking place, which prevents the full implementation of the Protocol. Moreover, it remains difficult to get full information of human trafficking victims due to the lack of data being available, particularly during armed conflict. The armed conflict in Ukraine demonstrates that the armed conflicts change trafficking strategies, as it incentivises traffickers to place a higher focus on targeting the most vulnerable population, such as women and children, for labour and sexual exploitation. Similarly, the following section illustrates the connection of the climate change to the human trafficking, where the former has become a catalyst factor by providing human traffickers

with opportunity to get advantage of the crises situation and adopt a different approach by targeting the vulnerable proportion of population [17].

Climate change has become a major problem affecting the living conditions of people variably from long-term shifts in temperature to severe droughts, floods, wildfires, and other natural disasters. The UN Secretary-General, Antonio Guterres stated that the consequences of climate change led to the increase of human trafficking cases as it creates a vulnerable and desperate environment [18]. In such scenario, the poor part of population become victims of natural disasters as they tend to suffer from the loss of vital resources that are their major contributor to the economy, serve as a major contributor to their economy, including agriculture and fishing industries. Therefore, the damage to the economy results in the rise of poverty and prices of goods, making the population vulnerable targets for the traffickers [19].

From 2013 to 2016, Venezuela experienced a severe drought due to significant lack of rainfall that extremely impacted its agriculture and energy sectors, negatively contributing to the country's economy, and healthcare system [20]. According to Article 12(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), it states that States must 'take all necessary measures to ensure the full realisation of the right to physical and mental health of its citizens'. Moreover, the General Comment No. 14 emphasises if a responsible State fails to meet its' obligations by not making the full use of its available resources to ensure the implementation of the right to health, it will be considered as a breach with international human rights obligations [21]. In situation with Venezuela, the national government failed to effectively use its resources, wasting them due to corruption and poor governance, resulting in poverty which is also supported by climate change. This was a push factor which led around 35,300 Venezuelans to migrate to the closest island Trinidad and Tobago, with the aim to fulfil their basic needs, such as food, healthcare, employment, and others [22]. The harmful natural disasters put serious strains on the State's resources, compelling them to provide basic human necessities, while diverting attention from anti-trafficking efforts. In search of better opportunities, these vulnerable people become easy targets of traffickers due to their desperation and trust with a promise of a high-paying job [23]. As a result, traffickers can post more advertisements aimed at specific ethnicity or nationality. Through fraudulent job offers in domestic service and low-skilled work in unregulated brothels, Venezuelan children and women become main targets for sexual and labour exploitation [24]. Overall, Venezuelan migrants in Trinidad and Tobago experience harsh working conditions, earning low salaries and working long hours in roles that are typically avoided by the local population. Some argue that through labour exploitation it allows traffickers to recruit victims and pay them low wages, which decreases the cost of labour and increases profit.

Despite legal protections that provide some benefits for migrants, the legal system is poorly enforced, and Venezuelans must work under inhumane conditions with low compensation [25]. Under human rights law, States have positive obligations to "*act with due diligence*" to protect individuals becoming victims of traffickers. Trinidad and Tobago's legislation, the Trafficking Persons (TiPs) Act, lacks clear definitions of terms "forced labour" and "slavery" with an issue of proving the intent to exploit, leading to legal gaps that undermine justice. A 2021 case of a Venezuelan woman who was forced to sell her child was overruled due to unclear legal standards and unreliable evidence. Even though the island is party to numerous international protocols and conventions, it fails to fulfil its obligations to protect human rights, particularly of migrants due to its' ineffective and undeveloped legal provisions. Moreover, climate change acts as a confounder by weakening legal institutions, failing to lower the number of trafficking instances as well as the diminishing the capability to incorporate anti-trafficking laws efficiently [26].

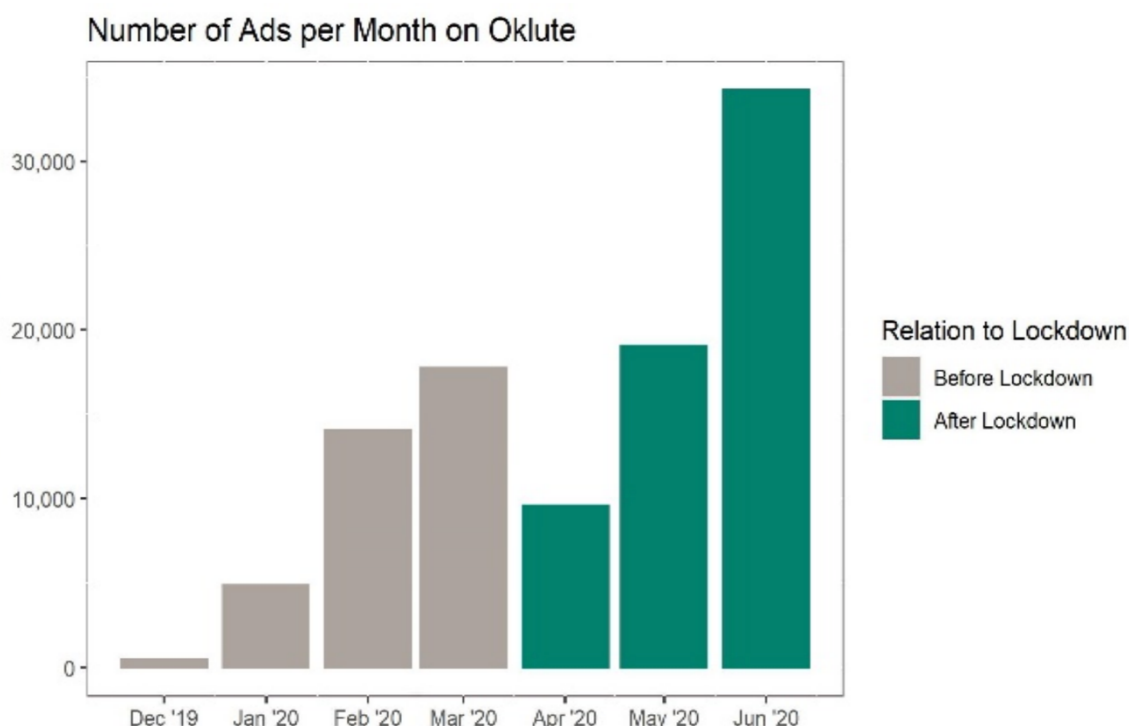
Human trafficking is a multi-billion-dollar criminal industry operating globally, generating profits of approximately 9.5\$ billion every year. Therefore, it remains a complicated problem to address it quickly and efficiently, as behind the scenes such activity serves the interest of some powerful individuals and States. This explains the reason of the failure to adopt solution for this issue despite the establishment of anti-trafficking laws or international agreements. It can also be the case that to meet the interests of wealthy and influential actors, States adopt vague domestic and international legislations

regarding human trafficking. Despite the fact, that the term of ‘human trafficking’ has expanded by including not only sexual exploitation but also forced labour, forced marriage, or child soldiering, some States can still take advantage of this ambiguity to apply the term in the way that aligns with their own agendas [27].

Appendix

Table 1.

Figure 2: Number of ads and video-related ads on Oklute



Conclusion

The article narrowed the question to focus primarily on the issue of human trafficking and how the activities of traffickers change in times of crises, such as Covid-19, war, and climate change. From the three crises discussed, it is evident that instances of human trafficking have increased significantly as a direct consequence. All three examples demonstrate that in turbulent situations, traffickers can easily change their *modus operandi* to exploit new opportunities for identifying victims, ultimately serving their primary goal of maximising profit. For instance, during the pandemic, traffickers changed their methods by utilising online platforms and applications to identify potential victims and attract new clients, as was discussed in the case of India. Traffickers also take advantage of vulnerable refugees who flee from their home countries due to the war, which could be seen with the case of Ukraine in 2022. Poverty and climate change in Venezuela have significantly contributed to the rise in human trafficking cases, as affected individuals who wanted to secure any form of employment or income to survive became easy targets for traffickers. A common pattern across all three crises is that most victims were women and young individuals who were seeking employment but ended up exploited either sexually or through forced labour. The article also emphasised that poverty, poor governance and lack of income are the root causes of human trafficking and push factors, forcing victims to accept any type of employment to support themselves or families. Although some States have implemented domestic anti-trafficking laws to prevent human trafficking, enforcement remains challenging during crises such as war or the Covid-19 pandemic. The internationally recognised Palermo Protocol also has proven to be

ineffective due to its lack of precise definitions in these specific scenarios. It was argued that some States would benefit to have ambiguous definitions to apply the law in their own interpretation. I would highlight this gap in international and domestic legislation, and recommend that States provide clear definitions of trafficking, explicitly identify victims, and address human trafficking during the crises discussed in the article. Human trafficking remains one of the challenging types of exploitation, mostly due to the difficulty in finding out the exact number of victims. Therefore, it is essential for laws to be strengthened and more effectively always enforced, regardless of the existing circumstances.

Authors' contributions

Milena Tripkovic made a significant contribution to the development of the conceptual and methodological framework of the research. The author participated in defining the research problem, clarifying the purpose and key research questions, ensuring theoretical clarity and scientific validity of the article structure. Proposed and justified the use of appropriate methods of analysis, including comparative-analytical and interpretive approaches. During the preparation of the article M. Tripkovich analyzed the interpretation of the results, she highlighted the most significant relationships and formulated reasoned conclusions. At the final stage, she conducted a comprehensive review of the text, made recommendations to improve the logic of presentation, correctness of terminology, structure and style of scientific narrative. The author made a significant contribution to the formulation of the conclusions of the article, summarizing the results of the analysis and emphasizing the need to strengthen the regulatory framework and apply coordinated interstate responses to the adaptive strategies of traffickers.

Anelya Suerbaeva played a key role in choosing analytical directions and shaping the structure of the article. She identified the main research problem - the impact of global crises (COVID-19, armed conflicts and climate change) on the transformation of human trafficking mechanisms - and formulated the research hypothesis that criminal networks adapt their exploitation models to new conditions in order to increase profits. The author has independently conducted a comprehensive analysis of international and regional sources, including reports of human rights organizations, law enforcement data, UN studies and relevant academic publications. She collected and analyzed case studies from three key countries - India, Ukraine and Venezuela - revealing how different types of crises differentially increase the vulnerability of populations and open new opportunities for traffickers. The author developed an argumentation demonstrating the growth of cybersexual exploitation of children in India during the pandemic, reasonably highlighted the increased vulnerability of Ukrainian refugees in war conditions, and analyzed the impact of climate change on the socio-economic situation of the population of Venezuela as a factor leading to the involvement of people in labor exploitation. Suerbaeva A. also conducted a detailed review of domestic and international legal norms, including the provisions of the Palermo Protocol. Based on this analysis, she formulated proposals to strengthen the legal framework and international coordination in times of crisis.

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