

The following "Eight Principles of Good Anti-Trafficking Legislation" by Stephen Warnath is an excerpt from *Human Trafficking Law and Policy* (New York: LexisNexis, 2014), pp. 144-150.

VII. EIGHT PRINCIPLES OF GOOD ANTI-TRAFFICKING LEGISLATION

Despite progress evidenced by the number of laws enacted, the 2012 Trafficking in Persons Report produced by the State Department's Office to Monitor and Combat Trafficking in Persons identifies over 55 countries as either not having legislation or needing to strengthen their legislation. The Report identifies areas of improvement needed for national laws ranging from strengthening legal tools for law enforcement to protecting the rights of victims.

What are the hallmarks of a good anti-trafficking law?

Stephen Warnath, an advisor to government leaders on the development and implementation of their human trafficking laws has set out a framework comprised of eight guiding principles that can help in drafting legislation, reviewing a country's law, and evaluating the implementation of a law.¹⁷ The following summarizes these guiding principles. This is not a comprehensive overview of the specific provisions or language that should be included in a piece of national law as there are many excellent resources that provide that information.¹⁸

¹⁶ U.N. OFFICE ON DRUGS AND CRIME, LEGISLATIVE GUIDE FOR IMPLEMENTATION OF THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN SUPPLEMENTING THE UNITED NATIONS CONVENTION ON TRANSNATIONAL ORGANIZED CRIME, at 270, SALES No. E. 0000000n (2004).

¹⁷ Adapted from Stephen Warnath, *Eight Principles of Good Anti-Trafficking Legislation* (2013), available at www.WarnathGroup.com.

¹⁸ In addition to referencing the specific mandates and guidance of the Convention, Palermo Protocol and applicable regional and other international instruments, there are many resources that provide good overviews to the content and drafting of human trafficking legislation. A small illustrative sample includes generally, U.N. OFFICE ON DRUGS AND CRIME TRAVAUX PREPARATOIRES OF NEGOTIATIONS FOR THE ELABORATION OF THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO, SALES No. E.06.V.5 (2006); U.N. OFFICE ON DRUGS AND CRIME, LEGISLATIVE GUIDES FOR THE IMPLEMENTATION OF THE UNITED NATIONS CONVENTIONS AGAINST TRANSNATIONAL ORGANIZED CRIME AND PROTOCOL THERETO, SALES No. E.0000000n (2004); U.N. OFFICE ON DRUGS AND CRIME, TOOLKIT TO COMBAT TRAFFICKING IN PERSONS, SALES No. E.08.V.14 (2008); U.N. OFFICE ON DRUGS AND CRIME, COMBATING TRAFFICKING IN PERSONS: HANDBOOK FOR PARLIAMENTARIANS, U.N. SALES No. E.09.V.5 (2009); U.N. OFFICE ON DRUGS AND CRIME, MODEL LAW ON TRAFFICKING IN PERSONS, SALES No. E.09.V.8 (2009); Anne T. Gallagher, *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Office of the UN High Commissioner for Human Rights (2010), available at http://works.bepress.com/anne_