The analysis of the concept of vulnerability on the International legal framework on Human Trade

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Abstract
The establishment of the Trafficking\(^1\) and the Smuggling Protocol\(^2\) has brought to the surface the importance of the concept of vulnerability. However, the Protocols have not given a precise definition to the concept of vulnerability, in order to perceive a practical application on legal grounds. In 2005, the Council of Europe tries to delimit the definition’s gap of such concept, through the Convention of Warsaw\(^3\), giving a more exact definition of the concept. The present article intends to analyse the evolution and the application of this concept on the international legal framework on Human trafficking and Smuggling of migrants.

**Keywords**: Vulnerability; Human Trafficking; Human Smuggling; International Legal Framework; Protection.

Evolution of the concept of Vulnerability on the International Legal Framework on Human Trafficking

During the last Century the International Legal Framework on Trafficking has rapidly emerged, passing from a major focus on sexual exploitation of white women\(^4\) to a wider concept that includes other exploitative typologies, with a more inclusive concept of vulnerability. Hence, the International agreements and Protocols in Human Trafficking have passed from a perspective focused only in a particular vulnerable category, limited by

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\(^2\) The Protocol Against The Smuggling of Migrants by Land, Sea and Air was adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15th November 2000 entered into force on 28 January 2004.

\(^3\) The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, entered in force on 1st February 2008.

\(^4\) The International Agreement for the suppression of the White Slave Traffic, concluded in Paris on 18th May 1904 and came into force on 18 July 1905. The Treaty was ratified by 26 States and later renegotiated and concluded on 4th May 1910, coming into force on 5th July 1920 and being ratified by 41 states.