

The double effect of innovations in the context of international legal combat with human trafficking

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On the one hand, the new and modern technologies could be subject to abuse by human traffickers, and they use them to improve their illegal activity and to reach the inflow faster and more effectively. On the other hand, the use of modern technologies could help, speed up and advance the combat against this illegal activity and protect potential victims from abuse, and also help in the detection of perpetrators and support prosecution. Our focus in this scientific work is on both positive and negative effects. Concrete examples of both practices are presented on the examples of member states of the United Nations, Organization for Security and Co-operation in Europe and/or Council of Europe. Also, some advices were given — certain tools that help us in the combat against human trafficking were analyzed, bearing in mind that they are already used by civil society as well as private sector and non-governmental organizations but, unfortunately, it is still insufficient to address this massive problem, as evidenced by the statistics. Bearing in mind that this issue is of international importance and that it goes beyond national borders, it is important to approach it from both levels, international and national, in which international cooperation through international law and international legal acts could be extremely important.

Keywords: international law, combating human trafficking, innovations, positive effects, negative effects, protection of victims, international cooperation.

1. Introduction

"Trafficking of human beings is a global phenomenon that is present in all countries, in almost every region of the world, in countries that are enrolled in political and economical transition, as well as the economically developed countries" (Solntsev, Popovic 2023, 214). According to some sources, it is the third largest type of illegal activity after the illegal trade in narcotics and the counterfeiting of goods¹. Human trafficking is a criminal offense that is prohibited by both international law and national legislations. The most important international instrument to combat this illegal activity is the Palermo Protocol², a supplement to the United Nations (UN) Convention against Transnational Organized

¹ "Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools, p. 7". *Organization for Security and Co-operation in Europe*. 2020. Accessed March 18, 2025. https://www.osce.org/files/f/documents/9/6/455206_1.pdf.

² Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. United Nations General Assembly resolution 55/25, November 15, 2000. Accessed March 18, 2025. <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

Crime (2000). Also we could mentioned other important international documents which prohibit human trafficking: The International Labor Organization (ILO) Forced Labor Convention (Convention No. 29 of 1930), The ILO Abolition of Forced Labor Convention (Convention No. 105 of 1957), The UN Convention on the Rights of the Child (1989), and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000), The UN Convention on the Elimination of All Forms of Discrimination against Women (1979) etc.

“The consolidation of the Internet has also led to wondering about the relationship between freedoms and power in the digital age” (De Gregorio 2022, 11). The paper analyzed the double effect of using technology — as a tool of human traffickers and as a means of combating human trafficking by state authorities, the international community, governments, non-governmental organizations and the private sector. We especially pay attention to extremely important cooperation between all these levels, in order to avoid duplication of the same steps and to ensure the exchange of knowledge, techniques and experience.

“Those who warned that a lightly regulated Internet would produce harmful consequences were not wrong, nor are those who point out that for all the current problems, Internet-based platforms still generate economic and social benefits for much of the world’s population” (Werbach 2020, 9). On the one hand, considering the low expenses and the high possibility of inflow, human traffickers have a great incentive to engage in this illegal activity, and the probability that they will be discovered and brought to justice is very low. In the period from 2015 to 2018, the level of prosecution of human traffickers decreased to 42 %, and in Europe it decreased to a full 52 %³. According the Global report on trafficking in persons published in 2022 by UN Office on Drugs and Crime in 2020 the number of victims detected globally decreased compared to previous years. It could be connected with “lower institutional capacity to detect victims, fewer opportunities for traffickers to operate due to COVID-19 preventive restrictions, and some trafficking forms moving to more hidden and less likely to be detected locations”⁴. In any case, the number of victims is devastatingly high. Human traffickers abuse technology at all stages of their illegal activity. For example, the GPS applications that allow them to track the victim’s current location are especially subject to abuse, as well as cryptocurrency for receiving and moving criminal proceeds⁵.

On the other hand, technologies help us to obtain data on victims faster, easier, and more effectively, to initiate preventive measures and prevent new attempts at trafficking, and finally to reach the perpetrators and hand them over to the competent authorities.

The methodological basis of the work consists of such methods as the method of system analysis, the formal-logical method and the structural-functional method. The empirical basis of our study is comprehensive analysis of technology tools processed by the Organization for Security and Co-operation in Europe (OSCE) and the research based on the experience of 178 girls and women in the period from 2015 to 2020 in Serbia (Radoicic 2020, 9). Also, it is presented by the existing international treaties that regulate the prevention of human trafficking and the protection of victims of such illegal activity. Examples of national legislation are also provided.

³ Leveraging innovation to fight trafficking in human beings, p. 7.

⁴ “Global report on trafficking in persons, p. 3”. *United Nations Office on Drugs and Crime*. 2022. Accessed March 18, 2025. https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf.

⁵ Leveraging innovation to fight trafficking in human beings, p. 7–9.

2. Basic research

“In theory, now anyone with a cell phone and Internet access can document and disseminate evidence of human rights abuses. But what happens when this theory is put into practice?” (Land, Aronson 2018, 188). In November 2018, a headline on CNN World read: “Child Bride Auctioned on Facebook* in ‘Barbaric Use of Technology’”. The article describes how a South Sudanese family auctioned off their 16-year-old daughter on a social media platform to get a dowry “for her hand in marriage”. Although Facebook* eventually removed the post, the girl had already been auctioned off. The article cites Plan International, a non-governmental organization (NGO), as saying that “this barbaric use of technology is reminiscent of today’s slave markets”⁶.

A good example is the work of the American non-governmental organization “Thorn”, which actively uses innovative technologies to identify victims of human trafficking, especially children. Over the past four years, they have helped to identify more than 14 000 child victims of human trafficking, whose sex services were advertised on export websites. The NGO also helped US and Canadian law enforcement identify nearly 17 000 traffickers⁷.

We could find the dual nature of the technology from these examples. As we have already mentioned, it is important to understand how the ideas of human traffickers work and how they use technology to reach their victims, but it is no less important to study how technology can become our friend in this combat and to direct that potential to the right side. We also note that the legal regulation of the use of artificial intelligence is generally insufficiently elaborated and that there is still a lot of work to be done in that area. Considering the widespread use of artificial intelligence products, legal regulation in this area must be a priority of the international law.

Human trafficking includes trafficking for sexual and/or labor exploitation, organ theft, forced marriages, exploitation with the aim of committing criminal acts, but also trafficking of children for participation in armed conflicts in the sense of child soldiers and with other goals. Some of these forms of trafficking in persons, such as forced marriage and the forced conscription of children into the military, are not explicitly mentioned in the UN Trafficking in Persons Protocol but have been recognized by many OSCE participating states as forms of trafficking in persons in their national legislation, and also in international legal instruments such as ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

2.1. The negative effect of innovations in the context of human trafficking

Human trafficking as a particularly dangerous illegal phenomenon is in focus in most states of the world (Nigmatullin et al. 2013, 7–14). “It has an absolutely negative impact on the entire corpus of human rights, and there is even a negation of basic human rights. Women and girls certainly belong to the group of the most vulnerable parts of the society in this social phenomenon appeared as the most extreme form of human rights violations”

⁶ Ibid., p. 10.

⁷ Ibid.

* The product of the Meta company, whose activities are recognized as extremist in the Russian Federation.

(Solntsev, Popovic 2023, 214). In this context, the first document that we deeply analyzed on our topic is a detailed research based on the experience of 178 girls and women in the period from 2015 to 2020 in Serbia, which is based on the abuse of victims of human trafficking in the digital environment. The results of this analysis show that in terms of perpetrators of abuse in the digital environment, violence perpetrated by an unknown person dominates. In this context, an unknown person is a person whom the victim met and got to know for the first time through the Internet. In second place, the perpetrators were persons known to the victim, i. e. the partner (20 %), then the wider social group (8 %), family members (8 %), and helpers were also recognized (4 %). As helpers, who are the perpetrators of abuse in the digital environment, the respondents exclusively cited members of the police (Radoicic 2020, 23).

Stalking was recognized as one of the most common forms of abuse in the digital environment by most respondents. The Criminal Code of Serbia (CC) defines stalking as an act in which someone “illegally follows or undertakes other actions with the aim of physically approaching that person against his will; against the will of another person tries to establish contact with him directly, through a third party or through means of communication; abuses information about person of another person or a person close to him for the purpose of ordering goods or services; threatens to attack the life, body or freedom of another person or a person close to him; undertakes other similar actions in a way that can significantly endanger the personal life of the person against whom the actions are taken” (Art. 138a)⁸.

For the purposes of this analysis, persecution is viewed only from the perspective of persecution in the digital environment, which means that the data presented illustrate the number of victims of human trafficking who experienced persecution through information and communication technology. Persecution was also analyzed in relation to who carried it out. Of the total sample of persons who survived abuse in the digital environment in the context of human trafficking, 55 % of them also experienced persecution. In relation to the perpetrators, the persecutions were most often carried out by acquaintances. In the context of this analysis, acquaintances are persons whom the victim has known from before, that is, with whom she communicated in real life. Then the perpetrators of persecution were family members (23 %), followed by partners (18 %). Further findings indicate that unknown persons perpetrated persecution in 9 % of the samples, that is, they were helpers in 5 % of the total sample (Radoicic 2020, 23–30).

In this regard, it is important to mention the extensive research conducted by the European Union Agency for Fundamental Rights (FRA), in 2015 on this topic — “Violence against women: an EU-wide survey”. The research included 42 000 women aged 18 to 74, and which showed that 18 % of respondents had experienced stalking, and that women aged 19 to 29 were at increased risk of digital stalking. That all these data, regardless of their individual differences, probably do not represent an even close to the true picture of persecution, we conclude based on the findings of another relevant research “The Dark Figure of Stalking” from 2017, in which the worrying fact is presented that persecution all over the world does not report in 50 to 80 % of cases (Radoicic 2020, 25).

⁸ Criminal Code of the Republic of Serbia. Accessed March 18, 2025. <https://www.paragraf.rs/propisi/krivichni-zakonik-2019.html>.

Of the total number of respondents for the purposes of this research, victims of human trafficking, who survived some kind of abuse in the digital environment, 65 % of them also received digital threats. Threats were most often aimed at intimidation in order to change/withdraw the report/testimony or statement of the victim in criminal legal proceedings (59 %), then the threat referred to the fact that some content created in a private context will be published (29 %), in third place in the digital environment are direct threats to life and health, with the aim of jeopardizing security (12 %) (Radoicic 2020, 26). The reporting of these and similar situations usually leads to the initiation of a special procedure for the crime of CC preventing and obstructing evidence (Art. 336), however, the experiences of the respondents show that if no direct threat was issued in connection with the request to withdraw/change the statement/testimony, this type of violence is difficult to prove.

Recording and distribution of digital content without consent (CC Art. 145) includes content that has been recorded and further distributed without the consent of an adult. In this analysis, any distribution of content in which the actors are minors, for which the consent of the child⁹/guardian/parent was not previously obtained, is considered unauthorized and constitutes a criminal offense. When it comes to pornographic, explicit and criminal content in which the actor is a child, any recording and redistribution can be considered unauthorized, since it can harm the child's reputation, development and well-being. 63 % of beneficiaries suffered this type of abuse in the context of human trafficking. Regarding the content that was distributed, in the largest number of cases (64 %) it was about content with elements of pornography, then in 20 % of cases information and content was distributed that reveals the location and/or identity of the victim in a way that threatens her safety. In 16 % of cases, private content, such as photos and messages, was distributed without authorization, but without the element of explicitness (Radoicic 2020, 27–28).

Based on the total examined sample, they conclude that 30 % of the victims of human trafficking were recruited via the Internet. Of this percentage, 70 % of girls and women were recruited for the purpose of further exploitation (human trafficking), while 30 % were recruited in order to inflict some other form of violence on them (rape, robbery, physical violence). An example of recruitment through digital media is definitely false ads, but also online dating, offering false business offers by acquaintances, and the like, which in the following stages turns into exploiting the victim in order to gain benefits. Research, also, shows that the perpetrators of recruitment were in most cases persons known to the victim.

Out of the total sample, 50 % of the victims of human trafficking state that, while they were in a situation of exploitation, the person who trafficked them had in their possession content with which they were blackmailed and forced into various types of exploitation. As many as 29 % of the total number of respondents state that they were blackmailed by being told that explicit content on which they are or information about them will be sent to family members, and 21 % experienced the threat that the content will be published on public portals (Radoicic 2020, 31).

⁹ Law on Personal Data Protection of the Republic of Serbia, Art. 16. Accessed March 18, 2025. https://www.paragraf.rs/propisi/zakon_o_zastiti_podataka_o_licnosti.html.

2.2. The positive effect of innovations in the context of human trafficking

The second document deeply analyzed by preparing this scientific article was prepared by OSCE¹⁰ in 2020 — “Leveraging innovation to fight trafficking in human beings: a comprehensive analysis of technology tools”. If we pay attention to the statistics shown in this source, we could find that most technical tools are aimed at preventing human trafficking for forced labor (46 %) and sexual exploitation (29 %). Analyzing the period from 1990 to 2018, the number of instruments has increased markedly since 2014, especially in 2016 and 2018. A separate important focus is the geographical coverage of these tools, where they notice a significant use in the countries of North America (34 %), Europe (22 %) and Asia (21 %), but insufficient use is noticed in the Middle East and North Africa (only 5 %), as well as in Latin America (6 %), Oceania (5 %) and Sub-Saharan Africa (7 %)¹¹.

The 305 technology tools can be classified according to their main objectives, namely: victim/trafficker identification; awareness raising, education, collaboration; supply chain management; data trends and mapping; corporate risk identification; worker engagement and empowerment and opportunities; victim case management and support; ethical shopping; privacy/identity; payment security, and others. Two-thirds of the tools were developed for various preventive and other purposes such as awareness raising, supply chain management or worker engagement and empowerment. However, it is of great concern that protection tools that help victims reintegrate after they have been exploited account for only 6 % of all tools, especially given that the number of identified victims has steadily increased in recent years¹².

In the scope of our scientific work, we will focus on few identified categories, within this research of OSCE, of tools that can serve and help in the combat against human trafficking: identification of victims, but also human traffickers and handed over to the authorities.

The first tool is education about the problem, that is, the dissemination of information to communities at risk, including migrants. People are mainly motivated to migrate by some economic incentives, the desire for better living conditions or changing rural for urban life and the like (Weitzer 2014). “10 % of migrants reside in developed regions. A large percentage of undocumented migrants come from economically poor countries and move to more developed ones” (Elhaw, Rabee 2024, 275). Migrants often have insufficient or no information about their future employer, place of work and/or conditions of residence before migration, especially labor migration, which is often misused and leads to them being victims of labor exploitation. “Of the human rights for migrants, the most significant are the right to freedom of movement, prohibition of discrimination, the right to protection of family life, etc” (Kiseleva 2016, 29). A study by the International Labor Organization in Southeast Asia shows that only 17 % of migrants in four Asian countries received information about migration through any kind of media before leaving home. Examples of technological initiatives that have been developed and implemented to exchange information about the risks of human trafficking with or between workers are: the Golden Dreams app of the Issara Institute — it

¹⁰ The Organization has 57 participating States from Europe, Central Asia and North America.

¹¹ Leveraging innovation to fight trafficking in human beings, p. 22–30.

¹² Ibid., p. 8.

is intended to provide information to global companies about working conditions and exploitation practices in their supply chains; Contratados, Migrant Recruitment Adviser, My Labor Matters; Actionline, Pantau Pjtki — a places where workers can rate their employers and employment experience in order to help other migrants looking for employment, as well as the general public¹³.

The more people know about human trafficking, the better they will be equipped to identify and report possible cases. The Internet and technology offer opportunities to raise people's awareness of human trafficking¹⁴. Here are a few examples: applications for reporting suspicious situations such as the Stop the Traffik app in the USA or the Unseen app in the UK — most of these applications use GPS technologies that enable the location of the reporting party. The Truckers Against Trafficking in the USA application was formed to educate members of the trucking industry and resorts in order to prevent domestic human trafficking for the purpose of sexual exploitation. In this research, there are even games that can be used to educate youth and children on this topic¹⁵. However, it is important to point out that children¹⁶ are a particularly sensitive group of people and that this topic should be approached with special attention, supervision and control by the authorized authorities, so that there are no abuses with hidden "good intentions".

The authors of this document pay particular attention to cooperation and coordination between various state and non-state actors, so that the basic meaning of all these applications is not lost. The multi-stakeholder approach that exists in the development of technological tools first emphasizes the interest of the anti-trafficking community in the use of technology, but also in taking advantage of different expertise and knowledge. A good example is the BAN Human Trafficking App in the Balkans, funded by the European Union, implemented by several national and regional NGOs and the Netherlands Helsinki Committee¹⁷.

Traffickers are known to use fake social media profiles. However, the same level of anonymity can be offered to representatives of, for example, authorities or others whose goal is to reveal the identity of the trafficker, but also to discover the identity of the victims and provide assistance. This allows them to communicate securely and remotely with victims and perpetrators, pretending to be a potential buyer or potential victim, in order to gather evidence of trafficking and trace it. Police organizations around the world use such undercover investigations because they are less dangerous and do not expose them to a direct meeting with traffickers face to face, therefore the use of social networks and other online platforms for online investigations has become a common and popular method in member states of OSCE. Examples of technological tools in this sense are Project Intercept carried out by the American NGO Seattle Against Slavery and childsafe.ai, which can be used to assume false identities online in order to engage in direct contact with traffickers, victims or customers¹⁸.

¹³ Ibid., p. 39–40.

¹⁴ Global report on trafficking in persons, p. 18–21.

¹⁵ Leveraging innovation to fight trafficking in human beings, p. 40–41.

¹⁶ According to the Art. 1 of the United Nations Convention on the Rights of the Child (1989 y.), a child means every human being below the age of eighteen years.

¹⁷ Leveraging innovation to fight trafficking in human beings, p. 42.

¹⁸ Ibid., p. 46.

Analysis of financial transactions is extremely important. Banks, the financial sector, and the authorities together could be of great help in identifying various forms of human trafficking. In most member states of OSCE, banks and other financial institutions are tasked with monitoring and drawing the attention of competent authorities if they notice suspicious transactions. Such transactions are usually associated with money laundering or terrorist activities, but some banks and financial institutions have taken a step forward and narrowly focused on identifying possible cases of human trafficking. The connection between the financial sector, technology and human trafficking could be explained by the fact that the analysis of financial transactions to identify cases of trafficking of human beings is carried out by special software developed by banks based on algorithms that use indicators of human trafficking. An example of this kind of cooperation is the United Bankers Association US States Against Human Trafficking (USBA), which includes American Express, Bank of America, PayPal, Deutsche Bank and the US Department of the Interior, the New York District Attorney, and the NGO Polaris. They analyze suspicious transactions, such as, for example, company making regular transactions outside of normal business hours (such as billing for services at 2 a. m. at a beauty salon that may indicate possible prostitution). New York District Attorney Cyrus Vance Jr. told the Thomson Reuters Foundation that such evidence is solid and important in the process of building the indictment. Similar work with banks is being done in Asia, where the Thomson Reuters Foundation and the Mekong Club support the Asia-Pacific Banks' Alliance against trade, which recently published a White Paper that builds on the work done in the EU and the United States of America¹⁹.

Technology plays an exceptional role in the collection, grouping and analysis of data, which is very important in designing adequate strategic responses to the crime of human trafficking²⁰. For example, IST Research is an American organization that uses various techniques to estimate the frequency of human trafficking, initial research is done in South and Southeast Asia. It turns out that a traditional frequency study can be quite expensive and take much longer time — up to eighteen months. On the other hand, the use of social networks, surveys via cell phones, and the like allows conducting frequency studies while saving, primarily time — which is of crucial importance to our problem, and then money²¹.

Within the scope of this research, OSCE paid special attention to ethical considerations and data protection. The trauma of victims of human trafficking and exploitation could be increased if their sensitive data and stories are accessed by third parties, which may have the opposite effect than intended. Therefore, close cooperation between technology companies, police authorities, NGOs, those who provide support and protection to victims and survivors of human trafficking is very necessary (Solntsev, Popovic 2023). It is extremely important to ensure that the collected information is secure, and access to unauthorized persons is prevented. The research framework provides several important tips in this regard. For example — Consent protocol — attention is drawn to the fact that victims must be informed that their data will be used for further analysis and it must not be just a matter of “circling a square on paper”, and that victims must be informed of everything relevant to their data on language known to them²².

¹⁹ Leveraging innovation to fight trafficking in human beings, p. 48.

²⁰ Global report on trafficking in persons, p. 40–49.

²¹ Ibid., p. 49.

²² Ibid., p. 50–51.

3. Conclusions

As it could be concluded from the dual character of our scientific work, the effect of using modern technologies is also dual. It can be misused, which human traffickers often do to reach victims more easily, conceal illegally obtained earnings, activate, and improve their illegal activity. We notice special vulnerability when it comes to children, women, girls, and migrants. On the other hand, technologies could be used as a powerful response to human trafficking. Primarily through data collection, dealing with real numbers and statistics, further education, drawing attention and timely response, that is preventing the crime from occurring, further as identifying victims, and helping, and finally as identifying human traffickers and handing them over to the competent authorities.

Another important moment is cooperation. Bearing in mind that combat against human trafficking is problem that reached global proportions, it requires excessive financial resources. Having that in mind, the support of all levels of government, but also of private corporations, which can help financially and speed up some of the processes, is very important. Also, no less important is cooperation within the international community, cooperation between countries, exchange of information and experience, but also help to the regions that are most exposed to this problem.

For technology to be effective, it needs to be adapted to users. Which means that such tools must use simple concepts and language, and their use should be as intuitive as possible.

And finally, there must be adequate legal regulations precisely in the protection basic human rights from the abuse of artificial intelligence products (including all the mentioned applications and Internet), lack of which we follow now, both on the national and international level, so it could be one of the priorities of the development of international law. Given that there is no treaty that would regulate it on a universal level, and bearing in mind the devastating statistical data shown throughout this work, we consider it necessary to elaborate a soft law treaty, a declaration that would regulate the given area and provide protection to the victims. We believe that such a treaty developed within the framework of the United Nations Organization would have the necessary authority, and that member states of the organization would actively participate in it and conscientiously act in accordance with it.

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