

# ICAT

Inter-Agency Coordination Group against Trafficking in Persons

*An analytical review*  
10 years on from the adoption of the UN  
Trafficking in Persons Protocol

On the occasion of  
the Conference of the Parties to the United Nations Convention  
against Transnational Organized Crime and its Protocols

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NOTE:

This document has not been formally edited



# INTRODUCTION

From 18-22 October 2010, the international community, in the fifth Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its Protocols (CTOC/COP), commemorates the 10 year anniversary of the adoption of the Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children by the United Nations General Assembly.

The purpose of this document is to, first, provide an overview of the mandates of the member organisations of the **Inter-Agency Coordination Group against Trafficking in Persons (ICAT)**. These organisations collectively represent the relevant United Nations agencies and other international organizations involved in combating human trafficking. As can be seen, a great deal of work is currently done within the UN system to address multiple dimensions of trafficking in persons – what is also evident is the potential for a more comprehensive and effective response from the United Nations organisations and their partners.

Second, the document provides, from key agencies, an analytical review of where the international community now stands 10 years on from the adoption of the Trafficking Protocol. Focusing on their particular fields of work, these contributors provide an analysis of the gaps in the current knowledge of and response to trafficking in persons and the related priorities for action.

Finally, the document provides a view to the future with the proposal by particular agencies of concrete recommendations for future action. These recommendations are directed to multiple actors, including the international organisations themselves, but their key targeted audience are the Member States of the United Nations. This reflects the common mandate of all organisations represented in this publication – to provide assistance to all countries to prevent and combat trafficking in persons, and ensure a new level of commitment to the political will collectively demonstrated by the international community 10 years ago.

## What Is ICAT?

Responding to a United Nations Economic and Social Council (ECOSOC) resolution<sup>1</sup> requesting intergovernmental agencies to further cooperate in order to strengthen technical assistance provided to countries in the area of human trafficking, in September 2006, UNODC convened a coordination meeting of international organizations dealing with the issue of trafficking in persons. The meeting, hosted by the Government of Japan, also directly responded to the conclusions of consultations initiated by the High Level Committee on Programmes of the Chief Executives Board of the United Nations (CEB-HLCP).

The participating organizations<sup>2</sup> decided to continue the effort initiated, and proposed the creation of a coordination group named the Inter-Agency Coordination Group against Trafficking in Persons, with the overall aim to “improve coordination and cooperation between UN agencies and other international organizations to facilitate a holistic approach to preventing and combating trafficking in persons including protection of and support for victims of trafficking”.<sup>3</sup>

In 2007, the United Nations General Assembly Resolution 61/180, “Improving the coordination of efforts against trafficking in persons”, requested the Secretary-General to improve upon the fledging **inter-agency coordination group on trafficking in persons** in order to enhance cooperation and coordination to facilitate a holistic and comprehensive approach by all the international community to the problem of trafficking in persons and the United Nations Office on Drugs and Crime was assigned a coordinating role within ICAT.<sup>4</sup> General Assembly Resolution 61/180 thus endorsed the creation of ICAT and fixed its name as the Inter-Agency Coordination Group on Trafficking in Persons.

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<sup>1</sup> Res. 2006/27, adopted by the Council on 27 July 2006

<sup>2</sup> ILO, IOM, UNICEF, UNIFEM, UNDAW, UNHCR and UNODC.

<sup>3</sup> CTOC/COP/2006/CRP.5.

<sup>4</sup> The UN GA Res.61/80 of 8 March 2007 (Para 12,13)

## ICAT Mission statement

The Inter-Agency Coordination Group against Trafficking in Persons (ICAT)<sup>5</sup> seeks to foster coordination and cooperation among relevant United Nations agencies and other international organizations involved in preventing and combating trafficking in persons including protection of and support for victims of trafficking, as reflected in relevant resolutions of the United Nations.

ICAT has the following **goals**:

- a) To provide a platform for exchange of information and good practices on anti-trafficking activities of the partner agencies;
- b) To encourage, support and review the activities of the UN and other international organizations with the aim of ensuring a full and comprehensive implementation of all international instruments and standards of relevance for the prevention and protection of and support for victims of trafficking and combating of trafficking in persons, especially in women and children;
- c) Drawing on the comparative advantage of the respective agencies, to promote effective and efficient use of existing resources, and to the extent possible, utilizing mechanisms already in place at the regional and national levels that promote regional and national ownership;
- d) To continue to work towards a comprehensive, coordinated and holistic approach to human trafficking which is gender and age-sensitive and grounded in human rights based approach; and
- e) To strengthen effective measures to prosecute traffickers, prevent trafficking in persons and protect and support their victims, especially women and children

In pursuing these goals, the members of ICAT, have identified the following key priorities:

- To host annual consultations that progressively focus on and incorporate different aspects of trafficking in persons;
- To use ICAT to improve coordination activities at the global and regional levels;
- To create synergies with existing coordination mechanisms at all levels;
- To work towards coherence and clarity regarding ICAT's role, attitude and relationship with key relevant legal instruments and initiatives, starting with the Trafficking in Persons Protocol but including recent initiatives such as the Global Plan of Action to Combat Human Trafficking<sup>6</sup>, and the United Nations Global Initiative to Fight Trafficking (UN.GIFT)<sup>7</sup>;
- To provide strategic assistance whenever possible in dissemination of technical assistance materials,
- To gather resources and best practices identified by all organizations within the ICAT framework;
- To facilitate, whenever possible, requests both from and to UN organizations and entities for information concerning trafficking in persons;

<sup>5</sup> Further to the first steps undertaken by General Assembly resolution 61/180, "Improving the coordination of efforts against trafficking in persons", adopted 20 December 2006, in the development of ICAT, subsequent resolutions adopted by ECOSOC and the General Assembly addressing inter-agency coordination, have all referred specifically to the work of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT)

<sup>6</sup> Global Plan of Action to Combat Human Trafficking was adopted by General Assembly Resolution A/RES/64/293) on 12 August 2010.

<sup>7</sup> UN.GIFT was launched in March 2007 by the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE). UN.GIFT aims to mobilize state and non-state actors to eradicate human trafficking by: reducing both the vulnerability of potential victims and the demand for exploitation in all its forms; ensuring adequate protection and support to those who fall victim; and supporting the prosecution of criminals involved, while respecting the fundamental human rights of all persons.



- To facilitate contributions from the UN system for reporting to the General Assembly on implementation of the Global Plan of Action to Combat Human Trafficking and on patterns and flows of trafficking in persons at the national, regional and international levels to be reported biennially by the United Nations Office on Drugs and Crime;
- To agree, wherever possible, on coordinated positions, responses and actions in addressing specific situations or developments and to disseminate these positions as required;
- To find appropriate mechanisms to interact with Member-States.

## ICAT Background

The High Level Committee on Programmes (HLCP), established by the United Nations System Chief Executives Board for Coordination (CEB) in 2000, endorsed a series of measures aimed at forging a strategic system-wide response to transnational organized crime both in the short and medium term.

The approach to implementing the measures was threefold: to gather information to assess various actions underway by United Nations organizations; to identify practical steps for joint action at both headquarters and the field levels; and based on these results, to develop a United Nations system strategic response to transnational organized crime as a contribution to the Conference of Parties of the United Nations Convention against Transnational Organized Crime.<sup>8</sup>

In 2005, the CEB endorsed a proposed programme of action contained in the Joint Action to Curb Transnational Organized Crime Note (Annex A of CEB/2005/HLCO/IX/CRP.7).<sup>9</sup> Eight specific areas for joint action by the United Nations system had been identified: a) implementation of the relevant international legal instruments; b) system-wide information collection, analysis and reporting; c) developing a preventive approach within the United Nations system; d) joint activities and projects; e) enhanced cooperation with identified external agencies; f) inclusion of United Nations country-level interventions; g) promotion of best practices; and h) raising awareness of the United Nations' system's response.<sup>10</sup>

The General Assembly resolution 61/180, adopted on December 2006 entrusted the Executive Director of the United Nations Office on Drugs and Crime (UNODC) with coordinating the activities of the inter-agency coordination group. The resolution also encouraged UNODC to cooperate with relevant international organizations outside of the United Nations system and to invite such organizations and interested Member States to participate, when appropriate, in the meetings of the inter-agency coordination group and to keep Member States informed of the schedule and of the progress made by the group.

As a result of UNODC's coordination role, attributed by the CEB, UNODC sent out a questionnaire to international organizations from within and outside of the UN system requesting information regarding their anti-human trafficking activities, in particular in relation to their mandates and activities. Based on responses to questionnaires filled in by the agencies (OHCHR, UNDAW, DPKO, UNICRI, UNHCR, UNIFEM, UNFPA, UNAIDS, UNDP, UNICEF, UNODC, IOM, WHO, ILO, UNESCO, ICAO, ICPO-Interpol) within the framework of the Chiefs Executive Board consultation process in 2004-2005, obstacles to inter-agency coordination were identified. Such obstacles included the failure to share meaningful project data between counterparts, particularly because other agencies are often perceived not only as collaborators, but also as competitors for scarce resources.

Such obstacles generate:

- Duplication of activities and waste of funds due to a lack of knowledge about activities undertaken by other organizations both at HQ and Field levels ;
- Gaps in understanding of the issue at the field level, fragmented information and technical assistance activities.

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<sup>8</sup> CEB/2004/5.

<sup>9</sup> CEB/2005/1

<sup>10</sup> CEB/2005/4.

- Lack of information sharing resulting in loss of time and resources for collecting already available knowledge;
- Scattered research and data;

Specific areas for further cooperation were identified:

- Information sharing , including website, database and evaluated practices
- Coordination of technical assistance;
- Field level coordination, including joint programming when appropriate for protection, including awareness raising and victim support;
- Coordination of training programmes of relevant stakeholders;
- Promoting system-wide use of international instruments.

Specific recommendations were made to respond to these obstacles:

- Concerted actions at the Field and Headquarters' level would allow each agency to focus on its added value;
- Develop or strengthen knowledge sharing and inter-agency cooperation at the operational level and at the international level;
- The need to take stock of activities already implemented when developing a project.

UNODC welcomed the offer made by the Government of Japan to host the first coordination meeting on trafficking in persons in Tokyo, which was held on September 2006.

The participating organizations<sup>11</sup> decided to continue the work initiated at the first coordination meeting, and proposed the creation of a coordination group named Inter-Agency Coordination Group against Trafficking in Persons (ICAT) with the overall aim to “ improve coordination and cooperation between UN agencies and other international organizations to facilitate a holistic approach to preventing and combating trafficking in persons including protection of and support for victims of trafficking”.<sup>12</sup>

Since the creation of ICAT in September 2006 in Tokyo, two ICAT meetings were held in New York in 2007, and three ICAT meetings were organized and convened by UNODC in Vienna in April 2009, January and October 2010. In the course of these meetings it was decided that UNODC would maintain its mandated role as a coordinating entity within ICAT as assigned by General Assembly resolution 61/180.

With the purpose of increasing the ownership of ICAT by its participating organizations, the position of ICAT Chair will be rotated amongst the membership<sup>13</sup>.

Total: 18 organizations: ILO, IOM, UNICEF, UNIFEM, UNDAW, UNHCR, UNODC, OHCHR, DPKO, UNICRI, UNFPA, UNAIDS, UNDP, UNESCO, UN-INSTRAW, ICAO, ICPO-Interpol the World Bank.

<sup>11</sup> ILO, IOM, UNICEF, UNIFEM, UNDAW, UNHCR and UNODC.

<sup>12</sup> CTOC/COP/2006/CRP.5.

<sup>13</sup> Ref: Minutes and conclusions of the ICAT meeting of 26 January 2010.

# **Mandate and main activities related to human trafficking**

## Department for Peacekeeping Operations (DPKO)

In accordance with the purposes and principles enshrined in the Charter of the United Nations, the Department of Peacekeeping Operations is dedicated to assisting Member States and the Secretary-General in their efforts to maintain international peace and security. The Department's mission is to plan, prepare, manage and direct UN peacekeeping operations, so that they can effectively fulfil their mandates under the overall authority of the Security Council and General Assembly, and under the command vested in the Secretary-General. DPKO provides political and executive direction to UN peacekeeping operations, and works to integrate the efforts of UN, governmental and non-governmental entities in the context of peacekeeping operations. DPKO also provides guidance and support on military, police, mine action and other relevant issues to other UN political and peace-building missions.

Although peace operations are generally not well-suited, nor directly mandated, to deal with the challenges of combating human trafficking, DPKO is committed to playing a substantive support role in confronting human trafficking in mission areas. The problem of human trafficking is a highly complex one, and the use of standardized anti-trafficking enforcement templates within UN peacekeeping missions is not always recommended.

DPKO approach to human trafficking is guided by a DPKO Policy Paper of 2004<sup>14</sup>. This policy provides missions with the effective policy guidance and operational tools to enable them to better understand the phenomenon and to act locally in response to trafficking by supporting the expertise of others, in particular host governments.

DPKO pursues a three-pronged framework that is designed to be flexible and can be scaled to ensure that the Department has a range of options to pursue human trafficking issues as they arise, which can be better tailored to the mission mandate and context. This framework is an integrated approach to human trafficking to equip missions with the tools to assess and deal with trafficking and traffickers as a potential threat to the mission, as a serious crime, as a breach of human rights and as an affront to the rule of law. DPKO recognizes that although peacekeeping is not intrinsically well-suited to dealing with the complexities of human trafficking, there are support roles for UN peacekeepers that can complement the strengths and strategies of others in the anti-trafficking community. UN peacekeepers will generally – with the exception of UN Police, Judicial and Corrections personal – play a minor but well-informed and supportive role in anti-trafficking efforts, while adopting a “do no harm” approach in their own relations with the host community. The DPKO approach to dealing with human trafficking in the context of UN peacekeeping operations is based on the following framework:

### One Goal

- To ensure from the outset of any peace operation, that human trafficking, as a serious form of exploitation and abuse, is given due attention and is managed appropriately as a problem that can undermine core UN and peacekeeping objectives.

### Two Objectives

- To establish a system to monitor, prevent, minimize, investigate and punish involvement of peacekeeping personnel in activities that support human trafficking and other sexual exploitation and abuse, in support of the Secretary-General's zero tolerance stance; and
- Where mandated, to have available tools to establish and support national efforts to prevent and counter human trafficking in post-conflict environments, in particular through rule of law activities.

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<sup>14</sup> DPKO (2004), “*Human Trafficking and United Nations Peacekeeping*”, can be downloaded from the internet at <http://www.un.org/womenwatch/news/documents/DPKOHumanTraffickingPolicy03-2004.pdf>

### **Three Programmes of Activity**

- Awareness and Training
- Discipline, Accountability and Community Relations
- Support to Anti-trafficking activities generally and in particular the development of host-state institutional police and other law enforcement capacity to counter human trafficking as a form of serious and organized crime.

## International Civil Aviation Organization (ICAO)

The International Civil Aviation Organization, a UN Specialized Agency, is the global forum for civil aviation. ICAO works to achieve its vision of safe, secure and sustainable development of civil aviation through cooperation amongst its member States.

Two of the Organization's key strategic objectives for the period 2005-2010 concern the rule of law (specifically, the strengthening of law governing international civil aviation) and security (the enhancement of global civil aviation security).

ICAO establishes standards for travel documents and immigration inspection procedures and develops measures to tackle security problems related to implementation of these standards. These include, for example, procedures for dealing with inadmissible persons as well as the interception of fraudulent, falsified or counterfeit travel documents. ICAO Contracting States have also resolved to cooperate and assist one another to protect the security and integrity of passports by, for example, establishing controls on the lawful creation and issuance of travel documents and notifying one another of lost or stolen passports.

## International Criminal Police Organization (Interpol)

The International Criminal Police Organization is the world's largest international police organization with 188 member countries. The General Secretariat is located in Lyon, France. Interpol currently operates six sub-regional bureaus in Argentina, Côte d'Ivoire, El Salvador, Kenya, Thailand and Zimbabwe. Each Interpol member country maintains a National Central Bureau (NCB), which is staffed and operated by the member country and serves as the designated contact point for the General Secretariat and other member countries requiring assistance. The mandate and the primary task of Interpol is to support police and law enforcement agencies in its member countries in their efforts to prevent crime and conduct criminal investigations as efficiently and effectively as possible. Specifically, Interpol facilitates cross border police cooperation, and as appropriate, supports governmental and intergovernmental organizations, authorities and services whose mission is to prevent or combat crime. In order to carry out its mandate, Interpol provides its member countries and designated partner organizations with four core functions or services:

- **Secure global police communications services**

A global communications system for the law enforcement community called "I-24/7" to which all member countries are connected. The system provides police around the world with a common platform through which they can share crucial information about criminals and criminality.

- **Global databases and data services**

Global databases cover information such as names, fingerprints, photographs, DNA profiles of individuals under investigation or wanted for arrest as well as data concerning stolen and lost identification and travel documents, stolen vehicles, stolen works of art and illicit weapons related to criminal cases.

- **Operational police support services**

Interpol supports law enforcement officials in the field with emergency support and operational activities. The Command and Coordination Centre operates out of Interpol's General Secretariat 24 hours a day, seven days a week.

- **Training and Development**

Interpol provides focused police training initiatives and on-demand advice, including the sharing of knowledge, skills and best practices in policing via Interpol channels and the establishment of global standards on how to combat specific forms of crimes.

Interpol has a dedicated Sub-Directorate working in its General Secretariat to provide support on law enforcement matters related to the crimes of human trafficking, people smuggling, and crimes against children. Interpol is currently undertaking projects aimed at identifying and bringing child sex offenders to justice. This is to be achieved both by capacity building within national police services, with a special aim to track travelling sex offenders, and by reaching out to the public to help member countries identify unknown child sex offenders where all other avenues of investigation nationally and internationally have been exhausted.

In further reference to Interpol's data services, in 2006, Interpol created the Human Smuggling and Trafficking Message, which provides police with a standardized format for the easy exchange of information, thereby facilitating police cooperation and the reporting of these crimes to Interpol. The message is accessible to all authorized users in the Interpol member countries via the Organization's global communications system I-24/7.

Interpol criminal intelligence officers proactively raise awareness, conduct targeted training courses and establish international expert networks in conjunction with Interpol National Central Bureaus (NCBs) and Sub-Regional Bureaus (SRBs). The Interpol Specialist Working Group on Crimes against Children convenes annually, as does the Interpol Specialist Working Group on Trafficking in

Human Beings. Both of these Specialized Working Groups have developed Manuals for Investigators, which are updated regularly.

In the way of training, the Interpol Sub-Directorate on Trafficking in Human Beings has developed partnerships with organizations such as the International Center for Missing and Exploited Children (ICMEC) in the United States, and conducts joint induction workshops on computer-facilitated crimes against children for investigators on a monthly basis and in various countries around the world. The General Secretariat also hosts best practices and victim identification workshops, which bring together experts to work in a concerted and concentrated manner to devise strategies and identify victims of sexual abuse.

Another resource that can facilitate investigations and help catch traffickers, smugglers and child sex offenders is Interpol's system of International Notices, of which the most widely known is the Interpol Red Notice which seeks the arrest or provisional arrest of wanted persons with a view to extradition. However, two other notices are of particular importance for cases dealing with human trafficking, smuggling and crimes against children. These are the Green Notices, which provide police with warnings or criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries; and the Yellow Notice, which informs police of missing persons, especially minors, or provides information on persons who might not be able to identify themselves.

Interpol provides a clearing house for intelligence on traffickers and other criminals such as sex offenders worldwide, which is stored in Interpol's databases—a vital tool for making international links in investigations. One of the Organization's primary tools in combating computer-facilitated crimes against children is the Interpol Child Abuse Image Database (ICAID). ICAID provides unparalleled means for national law enforcement to internationally exchange criminal intelligence on online child abuse material. The database contains hundreds of thousands of images of child sexual abuse submitted by member countries. Once the images have been sent to Interpol's Trafficking in Human Beings Sub-Directorate, highly-trained officers use the image recognition software of ICAID to compare details of where the abuse took place and connect images from the same series of abuse or images taken in the same location with different victims. As a result of using the ICAID, investigators globally have identified and rescued hundreds of victims from abusive situations.

Interpol also carries out strategic analytical studies to gather factual information to support law enforcement in international investigations. These studies are regionally focused and are increasingly operational in nature. Finally, the Interpol databases of stolen and lost travel documents, DNA profiles and fingerprints, as well as the Organization's expertise in money-laundering also provide essential tools for international investigations dealing with criminal networks who are involved in human trafficking, smuggling or crimes against children.



## **International Organization for Migration (IOM)**

Established in 1951, the International Organization for Migration is the leading intergovernmental organization in the field of migration, and works closely with governmental, intergovernmental and non-governmental partners.

The overall goal of the counter trafficking work of IOM as defined in a 1999 IOM Council Document and endorsed by our Member States is “to curtail migrant trafficking and to protect the rights of migrants caught up in the practice.” To this end, over the past 15 years IOM has implemented over 500 projects in almost 100 countries covering all areas of activity referred to in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Furthermore, IOM has provided protection and assistance, directly or through our NGOs and/or governmental partners, to over 20,000 individuals trafficked for all forms of exploitation during this period.

IOM takes a comprehensive approach to addressing human trafficking within the broader context of managing migration. The wide range of IOM activities is implemented in partnership with governmental institutions, NGOs, the private sector and international organizations. This approach is based on three principles that govern all of the Organization’s counter-trafficking activities:

- Respect for human rights;
- Physical, mental and social well-being of the individual, and his or her community;
- Sustainability through institutional capacity building of governments and civil society.

### **Our Vision**

To fight against exploitation of migrants in all its forms, especially the severe human rights violations suffered by trafficked persons.

Building on our individual commitment and global presence, we strengthen the capacities of our partners in government and civil society and set operational standards to achieve sustainable results that will:

- provide protection and empower trafficked women, men, girls and boys
- raise awareness and understanding of the issue
- bring justice to trafficked persons

### **IOM’s counter-trafficking activities**

- **Prevention**

As in all things, prevention is better than cure, and IOM carries out information campaigns in both source and destination countries to educate the general public about trafficking in persons, encourage people to report suspected cases, and equip vulnerable populations with the information necessary to better protect themselves from the recruitment tactics of traffickers.

IOM has recently launched a campaign called “[Buy Responsibly](http://www.buyresponsibly.org/)”<sup>15</sup> which urges consumers, particularly in developed countries, to consider more critically whether the production of goods and services could involve trafficked persons.

#### **Technical Cooperation**

IOM continues to advocate the necessity of prosecution for all forms of human trafficking. In this regard, the technical cooperation activities of IOM build the capacity of both government and civil society institutions to better address the challenges posed by human trafficking. This includes the training of non-governmental organizations and government officials, such as police, as well as technical support in the development of counter-trafficking legislation, policies and procedures.

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<sup>15</sup> See <http://www.buyresponsibly.org/>

Protection of and assistance to victims of trafficking, including rehabilitation and reintegration of victims of trafficking

IOM adopts a gender, age, and culturally sensitive approach to prevention and protection. Since publication in 2007, IOM has been able to launch Arabic, Mongolian, Macedonia, Russian and Turkish versions of the IOM Handbook on Direct Assistance to Victims of Trafficking. It is hoped that these language versions will reach a broadened group of anti-trafficking professionals.

IOM also offers direct assistance to victims of trafficking in collaboration with its partners. This includes accommodation in places of safety, medical and psychosocial support, skills development and vocational training, reintegration assistance, and the options of voluntary, safe and dignified return to countries of origin, or relocation to third countries in extreme cases. IOM estimates that as many as one third of trafficked persons are minors, and adheres to a policy of offering specialized protection to this most vulnerable group.

- **Redress for victims of trafficking:**

IOM acknowledges that more needs to be done to ensure that victims of trafficking can access compensation channels, ensuring appropriate redress. IOM provides assistance to governments to address this issue and hopes to prioritize more attention to this issue through increased research.

- **Counter Trafficking Module Database**

In 2000, IOM developed and implemented a standardized CT data-management tool, the Counter-Trafficking Module (CTM), which is the largest global database with primary data on victims of trafficking.

The CTM facilitates the management of the whole IOM direct assistance, movement and reintegration process through a centrally managed system as well as mapping the victim's trafficking experience. In return, it strengthens the research capacity and understanding of the causes, processes, trends and consequences of trafficking. It serves as a knowledge bank, from which statistics and detailed reports can be drawn, informing research, programme development and policy making on counter trafficking. In all cases, of course, nothing that could compromise the privacy or identity of trafficked individuals is released: strict controls designed to ensure the confidentiality and security of all data have been established.

- **Partnerships**

IOM continues to establish and maintain partnerships with the public and private sector not only in the field of awareness raising and prevention but equally when concerning sustainable reintegration options.

## **International Labour Organization (ILO)**

The mandate of the International Labour Organization to combat human trafficking, and specifically the forced labour exploitation that results from it, dates back to the early years of its history. The adoption of the Forced Labour Convention No. 29 in 1930 required ratifying member States to “suppress the use of forced or compulsory labour in all its forms within the shortest possible period” (Art. 1). The mandate of ILO against trafficking was further reinforced by the adoption of the Migrant Workers (supplementary Provisions) Convention No. 143 in 1975, the Private Employment Agencies Conventions No. 181 in 1997 and the Worst Forms of Child Labour Convention No. 182 in 1999.

The elimination of trafficking as a form of forced labour and a worst form of child labour is enshrined in the 1998 Declaration on Fundamental Principles and Rights at Work. The Declaration promotes the realization of the four fundamental rights in an integrated manner – freedom from forced and child labour, from discrimination at work and the freedom to associate and to bargain collectively. It recognizes the obligation on the ILO to assist its Members in the ratification and implementation of fundamental Conventions and to respect, promote and realize the principles even in the absence of ratification. The Declaration’s follow-up provides also for the mobilization of resources to support technical cooperation. Respect for fundamental principles and rights at work was reaffirmed as a central ILO objective by the ILO Declaration on Social Justice for a Fair Globalization, adopted in 2008.

The mandate of ILO on labour migration and the prevention of abusive migration practices was further strengthened in 2006 with the adoption of the Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration. The Framework was drafted and adopted at a tripartite meeting of experts, and subsequently endorsed by the Governing Body of the ILO.

Following the adoption of the Palermo Protocol, supplementing the UN Convention against Transnational Organised Crime, the ILO Committee of Experts on the Application of Conventions and Recommendations issued a general observation on Convention No. 29 calling for governments to report on “measures taken or contemplated to prevent, suppress and punish trafficking in persons for the purpose of labour exploitation”. In 2005, the office published legal guidance regarding mutually reinforcing standards to prevent and punish trafficking for forced labour.

The ILO decent work agenda was endorsed by UN member States at the UN World Summit in 2005. Trafficking in human beings represents the very antithesis of decent work.

## Office of the UN High Commissioner for Human Rights (OHCHR)

The Office of the High Commissioner for Human Rights is mandated to promote and protect the enjoyment and full realization, by all people, of all Human rights established in the Charter of the United Nations and in international Human Rights law and treaties. OHCHR is guided in its work by the mandate provided by the General Assembly in resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, the Vienna Declaration and Programme of Action the 1993 World Conference on Human Rights, and the 2005 World Summit Outcome Document.

The mandate includes preventing human rights violations, securing respect for all human rights, promoting human rights, including through international cooperation, and protecting the human rights of all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In addition to its mandated responsibilities, the Office leads efforts to integrate a human rights based approach within all work carried out by United Nations agencies.

OHCHR works to offer the best expertise and substantive and secretariat support to the various UN human rights mechanisms as they execute their standard-setting and monitoring duties. In the first instance, OHCHR serves as the secretariat of the Human Rights Council - which replaced the Commission on Human Rights, and is the key UN intergovernmental body responsible for human rights. It addresses violations, reviews States' human rights records, through the Universal Periodic Review, works to prevent human rights abuses, responds to emergencies, serves as an international forum for human rights dialogue, and makes recommendations to the General Assembly for developing international human rights law.

During the June 2010 session of the Human Rights Council, Trafficking was brought strongly, through the organization of several activities on trafficking, including a two-day seminar for States and other stakeholders, aimed at identifying opportunities and challenges in development of human rights-based responses to trafficking, and promoting application of the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. A Human Rights Council Plenary Panel to give voice to victims and survivors, where a number of survivors addressed the Council, shared their stories and expressed their views and expectations. A similar panel was held by OHCHR as a GA side-event in New York in October 2009.

OHCHR also supports the work of the special procedures—-independent individuals or expert groups appointed by the Council to study and monitor human rights in different countries or in relation to specific issues. OHCHR assists these independent experts as they conduct visits to the field, receive and consider complaints from victims of human rights violations, conduct thematic studies, and make recommendations to governments to help address human rights concerns. At its sixtieth session, the former Commission on Human Rights adopted Decision 2004/110, by which it decided to appoint, for a three-year period, a Special Rapporteur on trafficking in persons, especially women and children, to focus on the human rights aspects of the victims of trafficking in human beings.

OHCHR field presences play an essential role in identifying, highlighting and developing responses to human rights challenges in close collaboration with governments, the UN system and civil society, by monitoring the human rights situation; issuing public reports; providing technical advice; implementing capacity development programmes; undertaking human rights education and public information campaigns; and by integrating a human rights perspective into the work of the UN country teams and missions.

OHCHR also helps to improve the understanding of thematic human rights issues through research, analysis, developing methodological tools, and training.

At the end of 1999, OHCHR started a programme under the Voluntary Fund for Technical Cooperation in the Field of Human Rights: Eliminating Trafficking and protecting the rights of Trafficked Persons. The programme was developed in order to enable OHCHR to consolidate and expand its anti-trafficking efforts and to provide leadership in the policy and legal field. With the adoption of resolutions on trafficking at the Commission on Human Rights and the Human Rights Council, the OHCHR is mandated to address human trafficking at international, regional and national levels.

Since 1999, the UN Voluntary Fund on Contemporary Forms of Slavery has been providing direct assistance to thousands victims of trafficking with a solid human rights-based approach in its methodology and implementation. OHCHR will therefore work to ensure that the UN Voluntary Fund on Contemporary Forms of Slavery and the United Nations Voluntary Trust Fund for Victims of Trafficking work in cooperation and complementarily to avoid duplication and maximize resources for the benefit of the victims of trafficking.

In July 2002, OHCHR issued the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1), which guides the trafficking programme activities in the area of prevention, protection and prosecution. The 17 Principles and 11 Guidelines provide a comprehensive road map for integrating human rights in anti-trafficking activities at all levels. In order to build the capacity of its field offices as well as of other international, regional and civil society organizations,

The trafficking programme of OHCHR undertakes to produce advocacy and training materials with the objective of integrating human rights into anti-trafficking work. OHCHR has produced user-friendly versions of the Recommended Principles and Guidelines, a legal commentary on various aspects of trafficking, as well as case studies to be incorporated into training modules of more comprehensive human rights training packages. From time to time, OHCHR issues briefs and comments on key instruments and declarations that are being drafted or negotiated at regional levels, including the SAARC Convention on Trafficking, the European Convention on Trafficking, the Economic Community of West African States (ECOWAS) draft, initiatives of the EU, the Stability Pact, as well as other regional measures. In collaboration with UNICEF and ODIHR, OHCHR has collaborated on in-depth research on trafficking in South-Eastern Europe.

OHCHR has played a founding role in setting up an intergovernmental organization (IGO) group of United Nations agencies and representatives of the NGO caucus, on Human Trafficking and Migrant Smuggling. This group is coordinated by OHCHR and meets regularly on a monthly basis. OHCHR also prepares modules for training of peacekeepers and humanitarian aid workers on trafficking. Trafficking is expressly considered in the “Recommendations on integrating human rights into HIV/AIDS responses in the Asia-Pacific region”, adopted under a project convened by the OHCHR regional representative and supported by UNAIDS, UNICEF, ILO, UNDP, and UNODC.

## United Nations Joint Programme on HIV/AIDS (UNAIDS)

UNAIDS, the Joint United Nations Programme on HIV/AIDS, is an innovative partnership that leads and inspires the world in achieving universal access to HIV prevention, treatment, care and support.

UNAIDS fulfills its mission by:

- Uniting the efforts of the United Nations system, civil society, national governments, the private sector, global institutions and people living with and most affected by HIV;
- Speaking out in solidarity with the people most affected by HIV in defense of human dignity, human rights and gender equality;
- Mobilizing political, technical, scientific and financial resources and holding ourselves and others accountable for results;
- Empowering agents of change with strategic information and evidence to influence and ensure that resources are targeted where they deliver the greatest impact and bring about a prevention revolution; and
- Supporting inclusive country leadership for sustainable responses that are integral to and integrated with national health and development efforts.

The UNAIDS Secretariat policy on human trafficking is grounded on the principles that every human being is entitled to the highest attainable standard of health, privacy, liberty and security, gender equality, freedom from violence, non-discrimination, and the prohibition of forced labour, child labour and trafficking. The UNAIDS Secretariat supports efforts to address the root causes of trafficking including poverty, limited access to education and gainful employment, and social and cultural attitudes and practices that devalue women, girls and children. As part of its efforts to advance a protective legal and policy environment for the HIV response, the UNAIDS Secretariat supports law enforcement and other activities to prevent trafficking, protect victims of trafficking including women and girls. Recognising the links between trafficking especially in women and girls, sexual violence and vulnerability to HIV, the UNAIDS Secretariat advocates access to HIV prevention, treatment, care and support services for all individuals including victims of trafficking and advocate the importance scaling up efforts to end trafficking.

## **United Nations Development Programme (UNDP)**

The United Nations Development Programme advocates for change and connects countries to knowledge, experience and resources to help people build better lives. UNDP works with countries to build their own solutions to global and national development challenges and achieve the Millennium Development Goals. It does this by helping developing countries attract and use aid effectively and encouraging the protection of human rights and the empowerment of women in all its activities.

The policy framework for UNDP to work on the elimination of human trafficking, and particularly female trafficking, is derived from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action (BPfA) and the 1993 Declaration on the Elimination of Violence against Women, as well as General Assembly Resolutions and Conventions/Protocols on Human Trafficking.

UNDP conducts research to inform its policy advocacy, to legitimize and support the advice it provides to policymakers in the preparation of national anti-human trafficking legislation, and to provide the evidence behind national strategies for the protection of survivors of human trafficking. It also supports efforts to collect more comprehensive, gender-disaggregated data on human trafficking and to develop gender-disaggregated databases using this data, so that it can improve its ability to monitor and report on progress towards eliminating human trafficking. This will not only provide powerful evidence of the need for greater investment in this cause, but also assist UNDP to better target its activities to the different needs of women and men victims.

UNDP both supports and develops training modules to raise awareness of human trafficking issues and international conventions and protocols on combating human trafficking among policymakers, law enforcement agencies and communities. It also provides the necessary support for the creation and provision of free legal services, counseling, mediation and rehabilitation for victims, and micro-enterprise activities. Access to micro-financing provides alternative employment opportunities for vulnerable groups so they are able to stay in the formal, local labour market, rather than seek out informal employment in the absence of alternatives, which can often lead them into the hands of human traffickers.

## Division for the Advancement of Women, now part of UN Women

The Division for the Advancement of Women, now part of UN Women, provides substantive support to the General Assembly and the Economic and Social Council in relation to their work on gender equality and the advancement of women. The Division prepares a bi-annual report of the Secretary-General to the General Assembly on trafficking in women and girls. It also addresses trafficking in women and girls within its work on violence against women and follow-up to the Beijing Platform for Action. The Beijing Platform for Action devotes one of its 12 critical areas of concern to the issue of violence against women, and one of the three strategic objectives in this area (D.3) calls for the elimination of trafficking in women and assistance to victims of violence due to prostitution and trafficking. The Division undertakes research, prepares reports and develops policy options. It also prepares practical tools for stakeholders as well as publications.

Trafficking is a form of gender-based discrimination and a violation of the human rights of women. A gender and human rights perspective is an essential element in combating trafficking in women and girls. A counter trafficking strategy should therefore address discrimination and violence against women. Protection of human rights of the trafficked person and promotion of gender equality should be at the core of the anti-trafficking strategy, and every action against trafficking should be consistent with international human rights standards and should not lead to further stigmatization or marginalization of women and girls who have been trafficked. Addressing discrimination against women in law and in practice should be a part of all counter-trafficking strategies.

Pursuant to its mandate to report to the General Assembly on trafficking in women and girls, the Division prepared a Secretary-General's report to the sixty-third session of the General Assembly in 2008 (A/63/215, available on the DAW website at: <http://www.un.org/womenwatch/daw/vaw/v-work-ga.htm#traf>). The report provided information on measures taken by Member States and activities undertaken within the UN system to combat and eliminate trafficking in women and girls. In its conclusions and recommendations, the report stressed that a comprehensive, coordinated, cohesive and gender-sensitive approach is required among different stakeholders and partners, including government actors, NGOs, the private sector and others. It recommended and emphasized the need for:

- Strengthening national legal frameworks to ensure compliance with international obligations, including criminalization of all forms of trafficking in persons of all ages, with penalties that are commensurate with other serious crimes, and provisions in law for prevention measures and protection and support for victims, and providing for mechanisms to monitor the effectiveness of anti-trafficking laws;
- Ensuring that anti-trafficking action plans and strategies incorporate monitoring measures and that coordination mechanisms are in place to support their implementation; such action plans should be effectively coordinated with national gender equality and development policies;
- Ensuring perpetrators are prosecuted and punished, and victims are correctly identified and given the support and protection to which they are entitled in accordance with human rights standards and the principle of non-punishment; victims should be provided with information about their rights and empowered to claim those rights, and measures to protect and support victims, including the granting of residence permits or stays, should be unconditional and independent of a victim's ability or willingness to assist in the investigation or prosecution of offenders;
- Reinforcing prevention measures, including addressing the conditions that make women and girls vulnerable to trafficking, including poverty, unemployment, limited education and discrimination against women in law and practice; and ensuring that educational programmes and awareness campaigns focus on the promotion of gender equality and women's enjoyment of their human rights, highlight the risks and dangers of human



trafficking and draw attention to anti-trafficking measures that are in place; information and awareness campaigns should be directed at the population as whole, as well as targeted groups, such as those that are at risk, and the tourism, hotel and media industries;

- Reinforcing training programmes to ensure that all persons responding to trafficking in women and girls and dealing with trafficking victims have the capacity to do so effectively with full respect for the victim's human rights; and
- Accelerating data collection and analysis on the scope and nature of trafficking in women and girls to facilitate improved understanding and more effective responses.

The Division provides substantive servicing to the Commission on the Status of Women, the central inter-governmental body responsible for follow-up to and monitoring of the implementation of the Beijing Declaration and Platform for Action<sup>16</sup> and the outcome of the twenty-third special session of the General Assembly in 2000, "Women 2000: gender equality, development and peace for the twenty-first century". The Commission has addressed the issue of trafficking in women and girls in connection with different themes considered by the Commission, including the theme of the elimination of all forms of discrimination and violence against the girl child which the Commission considered in 2007. When it considered this theme, the Division prepared a report<sup>17</sup> analyzing the current situation of the girl child and proposing recommendations. The report highlights that girls who are victims of trafficking are in high-risk situations where they are not able to negotiate safe sex or protect themselves from violence, thereby increasing their risk of HIV/AIDS. It draws attention to the discrimination and violence, including trafficking, that girls are subjected to during conflict and post-conflict situations. It points out that assisting girls to secure economic independence is critical for empowerment, and that income-generating activities, facilitated by the provision of credit, have successfully supported girls in different contexts, including in reintegrating into society after trafficking.

The Secretary-General's in-depth study on all forms of violence against women,<sup>18</sup> prepared by the Division and presented to the General Assembly in October 2006, addresses trafficking as one of the forms of violence against women. The study is a comprehensive examination of the scope of all forms of violence against women and of the gaps and challenges in providing an effective public response. It puts forward key recommendations for action by all stakeholders. It is available in English, Spanish and French. The study notes the lack of comprehensive laws on trafficking in women, the inadequacy of protective measures for trafficked women, the treatment of trafficked women as criminals rather than victims, and the obstacles victims of trafficking encounter in accessing services. In preparation for the study, the Division commissioned an expert brief on data on trafficking in women,<sup>19</sup> convened a multi-stakeholder dialogue on enhancing collaboration between government and civil society stakeholders in combating trafficking,<sup>20</sup> and reviewed good practices on in this regard.<sup>21</sup>

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<sup>16</sup> The Beijing Declaration and Platform for Action was adopted by the Fourth World Conference on Women in Beijing, China in September 1995.

<sup>17</sup> Report of the Secretary-General on the elimination of all forms of discrimination and violence against the girl child (E/CN.6/2007/2). This report is available on the DAW website at: <http://www.un.org/womenwatch/daw/csw/csw51/OfficialDocuments.html>.

<sup>18</sup> The Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1) is available at: <http://www.un.org/womenwatch/daw/vaw/v-sg-study.htm>.

<sup>19</sup> Alexis D. Aronowitz, "Expert brief data on trafficking in women", which will be available on the DAW website.

<sup>20</sup> On 3 March 2006, DESA/DAW convened a one-day multi-stakeholder dialogue to highlight the need for collaboration between government and civil society on eliminating violence against women, where particular attention was paid to trafficking in women.

<sup>21</sup> See Christiana E. Okojie, "*Trafficking in women for sexual exploitation and good practices for addressing the problem by all stakeholders*", available on the DAW website at <http://www.un.org/womenwatch/daw/egm/vaw-gp-2005/docs/experts/okojie.trafficking.pdf>. This paper was prepared for the expert group meeting "Violence against women: Good practices in combating and eliminating violence against women", co-organized by DESA/DAW and UNODC, Vienna, Austria, 17-20 May 2005.

In May 2008, the Division collaborated with UNODC to organize an expert group meeting on good practices in legislation on violence against women, in Vienna, Austria. Based on the outcome of that meeting, the Division developed and issued in 2009 a Handbook for legislation on violence against women. The Handbook presents recommendations on the content of legislation, together with explanatory commentaries and good practice examples. The Handbook intends to provide all stakeholders with detailed guidance to support the adoption and effective implementation of legislation which prevents violence against women, punishes perpetrators, and ensures the rights of victims/survivors. The Handbook is available in all official UN languages at: <http://www.un.org/womenwatch/daw/vaw/v-handbook.htm>.

The Division is the secretariat for the Secretary-General's database on violence against women, which was launched at UN Headquarters in March 2009, in response to General Assembly resolution 61/143 on intensification of efforts to eliminate all forms of violence against women. The database is the first global one-stop-site for information on measures undertaken by Member States to address all forms of violence against women, including trafficking in women and girls. The database contains information on Member States' legal frameworks; institutional mechanisms; policies and strategies; preventive measures and training; services for victims/survivors; and other measures, such as the creation of specialized police or courts. The database provides the full text of laws and policies, where they are available. The database is navigable in all six official languages of the United Nations. The database is available at: <http://www.un.org/esa/vawdatabase>.

In an effort to make available current and relevant information concerning violence against women, including trafficking, the Division has enhanced its website in relation to violence against women.<sup>22</sup> The website contains the work of the General Assembly, ECOSOC, Human Rights Council and Commission on Human Rights, and reports of the Secretary-General and other documents and activities, including expert group meetings. The Division also compiles an inventory of activities of the United Nations system on violence against women, including trafficking, which is updated twice yearly, as part of the activities of the task force on violence against women of the Inter-Agency Network on Women and Gender Equality.<sup>23</sup>

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<sup>22</sup> See <http://www.un.org/womenwatch/daw/vaw/index.htm>.

<sup>23</sup> The inventory is available on the DAW website at: <http://www.un.org/womenwatch/daw/vaw/v-inventory.htm#>.

## **United Nations Population Fund (UNFPA)**

UNFPA, the United Nations Population Fund, is an international development agency that promotes the right of every woman, man and child to enjoy a life of health and equal opportunity. UNFPA supports countries in using population data for policies and programmes to reduce poverty and to ensure that every pregnancy is wanted, every birth is safe, every young person is free of HIV, and every girl and woman is treated with dignity and respect.

The close links between the main areas of UNFPA's support work—population, sustainable development and reproductive health and gender equality—were affirmed at the 1994 International Conference on Population and Development (ICPD) in Cairo, Egypt. UNFPA is guided in its work by the Programme of Action adopted there. At the conference, 179 countries agreed that meeting needs for education and health, including reproductive health, is a prerequisite for sustainable development over the longer term.

UNFPA has supported national owned efforts to advocate for the prevention of trafficking and greater cooperation among and within countries. Because of their often subordinate position, women and girls are most vulnerable. In view of the clear link between trafficking and reproductive health and rights, UNFPA has worked to draw attention on the reproductive health implications of trafficking.

Strategies and interventions to address trafficking should include:

- Information and awareness-raising campaigns on the health consequences of trafficking;
- Campaigns targeting men;
- Provision of reproductive health services and counseling to survivors;
- Technical assistance and training.

## The Office of the United Nations High Commissioner for Refugees (UNHCR)

The Office of the United Nations High Commissioner for Refugees has been entrusted by the United Nations General Assembly with, *inter alia*, the mandate to provide international protection to refugees, and, together with Governments, to seek permanent solutions for the problem of refugees. In addition to refugees, the mandate of UNHCR also includes asylum seekers, returnees, stateless persons and, under specific circumstances, internally displaced persons.

Neither the issue of human trafficking nor trafficked persons as such fall under the mandate of UNHCR or the scope of application of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (the 1951 Convention), the core instrument of international refugee law. However, UNHCR becomes involved where human trafficking impacts on persons of concern, in particular:

- To prevent refugees and other persons of concern (asylum seekers, returnees, stateless and internally displaced persons) who often face a particular risk from becoming victims of human trafficking and to address the specific protection needs of persons of concern who have been trafficked;
- To ensure recognition of international protection needs of trafficked persons (or those at risk of being trafficked) who would be at risk of persecution or other forms of serious harm upon return to their country of origin. Such risk may exist independently from the trafficking experience or as a result of it; and
- To assist States in ensuring that trafficked persons who are without identity documents can establish their identity and nationality status in order to prevent them from being rendered stateless, and to protect trafficked persons who are stateless.

The UNHCR protection interventions and activities in the area of human trafficking are based on the premise that this specific crime may entail abuses or serious threats to the human rights of the victims and that a protection response may be called for to ensure the well-being of the persons concerned. Protection measures provided to trafficked persons in practice are often restricted to short-term assistance and support offered within the criminal justice system to victims of crimes. However, this is not sufficient for those who fear persecution or other serious human rights violations and cannot return home. Such persons need international protection as provided for specifically in the 1951 Convention and complemented by international human rights law or complementary forms of protection under national law. This entails most notably protection against *refoulement* and in many instances granting of asylum or another protection status.

Additionally, as part of the UN inter-agency response to combat trafficking, UNHCR is seeking to ensure that trafficked persons without international protection needs contacting the Office, are referred on to appropriate actors and mechanisms which can provide them with support and assistance.

### Activities

UNHCR offices across the world are involved in a range of activities relating to human smuggling and trafficking. In many instances, these activities are being carried out in cooperation with international or local partners. These activities include *inter alia*:

- **Prevention through awareness-raising activities**  
For example by disseminating information among the refugee population and other persons of concern to alert them on the different modalities of human trafficking and the risks associated to them. UNHCR has also incorporated human trafficking as a variable when undertaking risk assessments and monitoring the situation of refugees and other persons of concern, with a view to early identification of risks for the population of concern and incorporation of preventive measures for particular vulnerable groups.

- **Identification of trafficked persons**

The Office regularly visits holding and detention centers and conducts border-monitoring missions to evaluate the arrival of refugees within mixed migratory flows, and help ensure identification of trafficking victims or individuals at risk of being trafficked including those that are, or may be, in need of international protection.

- **Protection of trafficked persons**

UNHCR has been involved in advocacy efforts to promote asylum-sensitive anti-trafficking legislation and practice at the national level, including through participation in National Working Groups on Trafficking. Such activities have included contributions to establishing informal referral mechanisms between key actors to ensure the protection and assistance of trafficking victims or individuals at risk of being trafficked where required, including those who are, or may be, in need of international protection.

- **Training and capacity building**

Providing support to national asylum authorities on refugee status determination, as well as to migration, border control and law enforcement authorities and the judiciary, including through training on the UNHCR Guidelines on International Protection on “Application of Article 1A(2) of the 1951 Convention or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked”.

- **Identification of durable solutions**

Local integration of refugees who have been trafficked can be particularly challenging because of the traumatizing experiences people have had. Some trafficked persons continue to be under threat in their country of asylum. UNHCR has worked to find a resettlement solution in such situations to ensure that victims and their families obtain effective protection.

## United Nations Children's Fund (UNICEF)

The mandate of the United Nations Children's Fund is to protect children from all forms of violence, abuse and exploitation. In operationalizing its mandate, UNICEF is guided by the existing international normative framework for the rights of the child as set out in the Convention on the Rights of the Child (CRC), its accompanying Optional Protocols, as well as other relevant international instruments. Both the CRC and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography include specific provisions to address child trafficking as well as the sale of children including all forms of exploitation and abuse. UNICEF responses to child trafficking within the purview of these frameworks are further strengthened by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which establishes for the international community not only an agreed upon definition of trafficking in persons but also specific provisions necessary to effectively address the problem. . In addition, the Protocol makes a critical distinction between adult and child trafficking stating explicitly that the consent of persons under 18 is to be irrelevant in the determination of the crime of trafficking. While attention is given to the vulnerability of children and the need for special consideration, these instruments treat the child as a holder of rights, thereby shifting conceptually from the traditionally perceived status of children as “minors” or “dependents”.

UNICEF recognizes child trafficking as a violation of the rights of the child. It actively promotes a rightsbased approach in addressing the the problem. UNICEF further recognizes vulnerabilities related to child trafficking both before and after trafficking has taken place and the need to address the problem through preventative programmes engaging source, transit and destination communities. In addition, a focus is placed on the safe and dignified repatriation of victims of trafficking. Justice must also be ensured for victims of trafficking through effective prosecution of perpetrators in which punishment corresponds to the severity of the crime. Punishment of perpetrators must also be accompanied by appropriate compensation of the victim taking into consideration the severity of exploitation including wages not received and physical and psychological toll suffered.

UNICEF believes that the best way to protect children from trafficking is to prevent violations of the rights of the child from occurring in the first place. This is to be done through the establishment of a protective environment for **all** children – one that safeguards them from exploitation and abuse before and after it occurs. UNICEF advocates and supports the creation of a protective environment for children in *partnership* with governments, national and international partners including the private sector, and civil society. National child protection systems<sup>24</sup>, protective social practices and norms and children's own empowerment which are supported by good oversight and monitoring build a protective environment and enable countries, communities and families to prevent and respond to all forms of violence, exploitation and abuse. Additionally, since the adoption of the UNICEF Child Protection Strategy in 2008<sup>25</sup>, UNICEF has moved strategically from addressing child rights and child protection related issues on an issue-by-issue basis toward a focus on building and strengthening child protection systems. In short, its work against child trafficking is integrated into all facets of its work to create a protective environment for children.

### Main Activities

- **The 4 Ps**

UNICEF works in over 150 countries and territories across all regions of the world. Its work against child trafficking within the framework of CRC, is aligned with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as well as other

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<sup>24</sup> Child protection systems comprise the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks. These systems are part of the social protection and [also] extend beyond it.

<sup>25</sup> [http://www.unicef.org/protection/files/CP\\_Strategy\\_English.pdf](http://www.unicef.org/protection/files/CP_Strategy_English.pdf)

relevant international instruments. In general, UNICEF's work in the area falls under the 4 P paradigm as set out in the Protocol namely, prevention, protection, prosecution and that of partnership. Specific articles in the CRC, for example, complement certain provisions of the Trafficking Protocol. For example, Articles 19, 32, 34, 35 and 36 of the CRC gives children the right to protection on the part of the State from all forms of exploitation and abuse. Article 39 gives children the right to recovery and reintegration. Articles 6, 7 and 8 of the Trafficking Protocol provide complementary provisions regarding assistance to victims of trafficking including their repatriation and Article 9 contains provisions on the prevention of the crime..

- **Research**

UNICEF advocates for all child protection related interventions, including those focused on child trafficking to be anchored in reality and therefore places great emphasis on research. The UNICEF Innocenti Research Centre, (IRC) has, taken a leadership role through undertaking a research series on child trafficking. Information and resources on child trafficking are available from the IRC website at [http://www.unicef-irc.org/cgi-bin/unicef/title\\_down.sql?Title=trafficking](http://www.unicef-irc.org/cgi-bin/unicef/title_down.sql?Title=trafficking). While a "child trafficking hub" was developed during the 2003- 2005 programme cycle, the site provides an on-line source of information on child trafficking in various countries. In many ways, the research centre and its child trafficking site provide a meeting point for all actors concerned with the welfare of children and working to end their exploitation. It also provides an avenue for enhanced inter-agency collaboration and information exchange through hosting on-line publications and bibliographies from other organizations. In addition to the research-specific focus of IRC, respective regional and national UNICEF offices work together with relevant regional and national offices to support evidence-based policy, advocacy and programming. Recent publications produced by UNICEF include: *Reversing the Trend: Child Trafficking in East and South East Asia, 2009*; *Risks and Realities of Child Trafficking in Central Asia, 2009*; *A Situational Analysis of Human Trafficking especially Women and Children in Liberia 2010*.

- **Capacity Building**

In addition to conducting research, UNICEF places emphasis on building the capacity of national partners. A six-hour training component has been integrated into the International Training Centre on Migration and Combating Trafficking in Human Beings, at the Academy of the Ministry of Internal Affairs in Belarus. In Cote d'Ivoire, UNICEF has worked with local partners to mobilize communities to prevent, identify, refer and protect victims of trafficking. In Guinea some 73 transporters, community leaders and police personnel have been trained on child rights and trafficking. In Gabon, the national manual on care procedures for victims of trafficking was disseminated to some 1,000 stakeholders.. In Bangladesh, police officials received training on child-friendly interviewing techniques. Similarly in Chile, training for police force responding to cases of mistreatment, violence against women (VAW) and sexual abuse was expanded to include trafficking. A recent publication with UNODC, the *Handbook for Professionals and Policymakers on Justice Matters involving Child Victims and Witnesses*<sup>26</sup>, guides judges, prosecutors, social workers, NGOs and other personnel dealing with the problem with respect to the best interest of the child, the right to be treated with dignity and compassion, the right to be protected from discrimination, the right to be informed, the right to be heard and express views and concerns the right to effective assistance, the right to privacy, the right to reparation and the right to special preventive measures. Together with ILO and under the auspices of UNGIFT, UNICEF produced a Training Manual to Fight Trafficking in Child Labour, Sexual and Other Forms of Exploitation. This was launched in 2009 and the first Training of Trainers using the manual was conducted in South Asia in September 2010. The training brought together 36 participants from Afghanistan, Bangladesh, Bhutan, Maldives, Nepal, Pakistan and Sri Lanka. Participants to the training included, social workers, police and immigration

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<sup>26</sup> "Handbook for Professionals and Policymakers on Justice in matters involving child victims and witnesses of crime"

personnel, judges and prosecutors including Save the Children, IOM and UNICEF staff from the above country offices.

- **Partnership**

As an agency entrusted with providing assistance on multiple issues facing the holistic development and wellbeing of a child, UNICEF has established formal partnerships with a number of ministries at the national level. These ministries include, Ministry of Social Welfare, Labour, Education, Health, Immigration and Interior. In addition to these national counterparts, UNICEF also partners closely with other international organizations, regional organizations, civil society and NGOs. Some of these partnerships are forged at the global level and carry through to regional and national levels while others are more specific to national and regional settings. International partners include ILO, UNFPA, UNDP, UNIFEM, End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT) International, IOM, Save the Children, Terre des Hommes, the European Union, Council of Europe, Organisation for Security and Cooperation of Europe (OSCE), Economic Community of Western African States (ECOWAS), Southern Africa Development Community (SADC), Association of South East Asian Nations (ASEAN), Organization for the Directorates of Migration of Central America (OCAM), the NGO Group for the Convention on the Rights of the Child, Catholic Relief Services, Defence for Children International (DCI) and World Vision.



## United Nations Development Fund for Women (UNIFEM)

The United Nations Development Fund for Women was established in 1984 by General Assembly (GA) Resolution 39/125. GA Resolution 50/166 mandated UNIFEM “to strengthen its activities to eliminate violence against women as part of system-wide efforts of the United Nations towards this goal, in accordance with the measures set out in the Beijing Declaration and the Platform for Action and the Declaration on the Elimination of Violence against Women and focusing on activities (...) at the national and community levels.”

UNIFEM provides financial and technical assistance to innovative programmes and strategies to foster women's empowerment and gender equality. Placing the advancement of women's human rights at the centre of all of its efforts, UNIFEM's work focuses its activities on four strategic areas: reducing feminized poverty, ending violence against women, reversing the spread of HIV/AIDS among women and girls, and achieving gender equality in democratic governance in times of peace as well as war. UNIFEM plays a catalytic role in connecting micro-level issues and macro-level policies through supporting women in making their voices heard at the policy level and advocating for changes in laws and policies.

The anti-human trafficking work of UNIFEM is positioned within the broader framework of violence against women, focusing on a women's human rights approach and women's empowerment. UNIFEM advocates and lobbies governments to support the adoption and implementation of laws, policies and action plans; enhances the capacity of government and civil society partners; facilitates and strengthens multi-stakeholder anti-trafficking alliances and networks; and strengthens the knowledge base on trafficking through legal analysis, qualitative and quantitative research and documenting promising practices.

Capacity development activities supported by UNIFEM in South Asia have focused on building the capacities of national institutions (including the Parliament, Panchayati Raj bodies, the Ministry of Women and Child Development, law enforcing agencies) in supporting the prevention of trafficking. UNIFEM has also worked on better implementation of anti-trafficking laws and coordination in rescue and rehabilitation of the victims. And the UNIFEM Regional Anti-Trafficking Programme in the South Asian region which began in 2000 has established an impressive record in addressing the political, social, economic and severe human rights violation challenges for combating trafficking.

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Examples of UNIFEM anti-trafficking work in other regions include South-East Asia, where UNIFEM is a member of and functions as a technical adviser on gender and human rights to the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Subregion (UNIAP), established in June 2000 to facilitate a stronger and more coordinated

response to human trafficking in the Greater Mekong Subregion (Cambodia, China, Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam).

## **United Nations Interregional Crime and Justice Research Institute (UNICRI)**

The objective of the United Nations Interregional Crime and Justice Research Institute is to contribute to the formulation and implementation of improved policies in crime prevention and control through research, training, field activities and the collection, exchange and dissemination of information, with due regard to broader policies for socioeconomic change and development, and to the protection of human rights. UNICRI sets its activities in accordance with the priorities indicated by the United Nations Commission on Crime Prevention and Criminal Justice. UNICRI has a long standing expertise in fighting against human trafficking.

The Institute carries out technical cooperation and capacity building activities, including the support to non-governmental organizations and associations involved in assisting victims of trafficking in origin and destination countries; development of training material and training of civil society, law enforcement and justice administration personnel; support in the creation of cooperation mechanisms between institutions of different countries.

## United Nations Educational, Scientific and Cultural Organization (UNESCO)

UNESCO was founded on 16 November 1945. It functions as a laboratory of ideas and a standard-setter to forge universal agreements on emerging ethical issues. The Organization also serves as a clearing house—for the dissemination and sharing of information and knowledge—while helping member States to build their human and institutional capacities in diverse fields. In short, UNESCO promotes international cooperation among its member States and associate members in the education, science, culture and communication.

In terms of addressing human trafficking, UNESCO:

- Conducts intensive and extensive qualitative and quantitative research on the factors related to human trafficking;
- Sets standards for research on trafficking/unsafe migration to promote evidence based programming;
- Utilizes its cultural and research expertise to develop prevention programs for marginalized minorities that are disproportionately represented among trafficked victims;
- Collects, develops and evaluates varied practices in tackling underlying factors, in order to promote innovative and effective responses;
- Develops culturally and linguistically appropriate prevention programmes, taking into account the socio-cultural backgrounds of vulnerable and at-risk populations, using appropriate channels of communication;
- Informs and trains NGOs, religious and community leaders, government officials and decision makers in order to equip them with appropriate tools to fight trafficking in their communities and at the policy level;
- Identifies and addresses issues of structural vulnerability to human trafficking;
- Has been developing a geo-spatial epidemiological approach to human trafficking.

### Example of activities:

**The UNESCO** is carrying out a number of extensive research projects on trafficking, with a focus on the **Upper Mekong Region** (Myanmar, Lao PDR, Thailand, and Yunnan province in China). Regionally, UNESCO is the leading agency for trafficking research and culturally appropriate prevention in the Greater Mekong Sub-Region. Under UNESCO's special mandate for ethnic and indigenous minorities, the Trafficking and HIV / AIDS Project run by the UNESCO Office in Bangkok tackles the linked triad of problems—HIV and AIDS, trafficking, and non-traditional drug use—in the Greater Mekong Sub-region, by researching, developing, and implementing programmes which crosscut these issues to address the needs of at-risk and vulnerable populations

- **UNESCO Trafficking Statistics Project**  
When it comes to statistics, human trafficking is one of several highly emotive issues which seem to overwhelm critical faculties. Numbers take on a life of their own; gaining acceptance through repetition, often with little inquiry into their derivation. As part of its mandate to strengthen research, UNESCO is conducting a literature review and meta-analysis of existing statements on trafficking. UNESCO is tracing the origin of numbers cited by various sources, attempting to ascertain the methodology by which these numbers were calculated, and evaluating their validity. The aim is to clarify the bases on which estimates of the numbers of trafficked persons are derived, and to separate trafficking myths from trafficking realities.

- **Research on the Trade in Minority Girls and Women and the Social Sentinel Surveillance for Trafficking.**

The project investigates the cultural, economic, historical and social factors in the trade in minority girls and women in the Upper Mekong region. The objective is to analyze the structure of the trade in women and girls from highland minorities, through time, in order to develop knowledge-based prevention strategies.

The project also developed and tested a village-based, GIS-linked sentinel surveillance system and computerized database for tracking and analyzing the changing patterns in the trade in girls and women from the Upper Mekong sub-region and HIV/AIDS.

- **The Highland Citizenship Project:**

Research has shown that lack of citizenship is the single greatest risk factor for hill tribe women in Thailand to be trafficked or otherwise exploited. This project trains and supports NGOs to assist hill tribes people in meeting the Thai requirements for registration and citizenship. UNESCO is providing training for local officials on the complexities of Thai nationality and civil registration law. UNESCO and the Bureau of Social Development of the Royal Thai Government has conducted a survey of 100,000 highland people to examine the relationship of legal status to access to social services and to migration decisions and occupational outcomes.

UNESCO cooperates with the UN Inter-Agency Project on Trafficking of Women and Children (IAP) and with a wide variety of Thai and hill tribe NGOs, universities, and Thai Government agencies.

- UNESCO has produced research based prevention radio dramas in thirteen minority languages in the GMS. All of these are authored in minority language. Two of these are now being turned into television dramas. The pilot was financed by UNIAP, and others were supported by the Asian Development Bank and the U.S. CDC.

For further details, see: [www.unescobkk.org/culture/trafficking](http://www.unescobkk.org/culture/trafficking)

In Africa, UNESCO has undertaken a number of research on the root causes of human trafficking in Western and Southern Africa. In this framework, it published a number of policy papers on trafficking in Benin, Lesotho, Mozambique, Nigeria, South Africa and Togo (<http://www.unesco.org/new/en/social-and-human-sciences/themes/human-rights/poverty-eradication/publications/>) and lead awareness-raising activities in all six countries.

UNESCO further unpacked the interconnectedness between human trafficking and poverty in Sub-Saharan Africa, based on a critical analysis of migration processes in relation to human rights abuse. The publication "*Poverty, Gender and Human Trafficking: Rethinking Best Practices in Migration Management*"

(<http://portal.unesco.org/culture/en/ev.php->

[URL\\_ID=29970&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/culture/en/ev.php-URL_ID=29970&URL_DO=DO_TOPIC&URL_SECTION=201.html)) is a first step in this attempt and analyzes how international organizations and NGOs intervene based on their understanding of trafficking and what they view as 'best' ways to fight it.

## United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW)

The United Nations International Research and Training Institute for the Advancement of Women is mandated to develop research and training programmes that contribute to the empowerment of women and the achievement of gender equality worldwide.

Since its inception, UN-INSTRAW has emphasized the importance of articulating research, capacity-building and knowledge management in a continuous cycle of analysis, learning and action, so that participatory research results feed into knowledge management and the design of training and capacity-building programmes, as well as the formulation of policy. Through its applied research programmes, the Institute aims to make policies and programmes gender-responsive on the basis of concrete research results, the application of lessons learned, and the replication of best practices. This approach allows for flexibility in responding to both existing challenges and new and emerging issues.

Through alliance building with UN Member States, international organizations, academia, civil society, the private sector and other actors, UN-INSTRAW:

- Undertakes action-oriented research from a gender perspective that has a concrete impact on policies, programmes and projects;
- Creates synergies for knowledge management and information exchange;
- Strengthens the capacities of key stakeholders to integrate gender perspectives in policies, programmes and projects; and
- Builds a sustainable, transparent and efficient institution.

In the area of human trafficking and migrant smuggling, UN-INSTRAW has focused its activities in developing the conceptual framework with a gender perspective. More specifically, the Institute has initiated research studies to examine gender perspectives of approaches to human trafficking and migrant smuggling in order to bring to light possible detrimental effects on migrant women's rights. It is envisioned that policy recommendations will result from the completion of the research studies.

As for more concrete activities, the Institute published a paper on Migration, sex work and smuggling of women in Spanish. Planned activities to be undertaken in 2010 include a case study on anti-Trafficking vs. Safe Migration Advocacy Approaches in Nepal and the preparation of a working paper which will include results of the Nepalese case study in addition to a desk review on trafficking/sex work from a gender perspective.

## United Nations Office on Drugs and Crime (UNODC)

The United Nations Office on Drugs and Crime is a global leader in the fight against illicit drugs and international crime. Established in 1997, the mission of the UNODC is to contribute to the achievement of security and justice for all by making the world safer from crime, drugs and terrorism.

As the guardian of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Trafficking in Persons Protocol), the overall objective of the UNODC anti-trafficking in persons work is to support Member States to implement the Trafficking in Persons Protocol by increasing their capacity to combat trafficking in persons, particularly by strengthening criminal justice responses.

Through its Global Programme against Human Trafficking (GPAT), established in 1999, UNODC currently provides tailor-made technical assistance to more than 80 countries around the globe in the following areas of work:

1. Prevention and awareness-raising
2. Data collection and research
3. Legislative assistance
4. Strategic planning and policy development
5. Criminal justice system responses
6. Victim protection and support
7. International cooperation

- **Enhancing prevention and awareness raising efforts among public at large and targeted groups**

To prevent trafficking in persons effectively, the Trafficking in Persons Protocol requires Member States to undertake measures such as social and economic initiatives, research and awareness-raising campaigns targeting potential victims and potential consumers of services provided by trafficked victims. This area of trafficking response calls for a wide range of actors to cooperate in designing and implementing such initiatives.

UNODC supports States and other stakeholders in prevention efforts and in developing national, regional and global awareness raising campaigns targeted at different groups.

- **Improving data collection and research**

Crime and criminal justice statistics, especially data on recorded crime, arrests, prosecutions and convicted offenders, are fundamental in understanding the nature of organized crime and informing evidence-based policies to prevent and combat trafficking in persons.

UNODC supports States in building the capacity of law enforcement authorities to collect and analyze data on organized crime and to manage knowledge on organized crime trends and threat assessments, bridging gaps in the coverage of existing data collection and analysis systems.

- **Ensuring an adequate and appropriate legal framework**

In order to effectively address trafficking in persons, Member States' legal frameworks must be harmonized to ensure that their own domestic trafficking challenges and national priorities are in line with their international legal obligations.

UNODC supports States to draft or amend existing legislation in order to prevent trafficking crimes from occurring, punish them once they have occurred and protect victims.

- **Promoting evidence-based planning and policy development**

Effective responses to trafficking in persons call for collaborative, multi-agency, long-term, coordinated strategies and well-planned interventions. Planning for action must be based on a sound assessment of both the problem and existing capacities to respond to it, and must be supported by willingness on the part of the various groups and agencies involved to cooperate with one another at the national level and with others at the regional and international levels.

UNODC supports Member States to carry out assessments of the trafficking situation and develop and implement national and regional action plans to prevent and combat trafficking in persons.

- **Enhancing criminal justice system response**

The criminal justice response is one of the major elements needed to address the crime of trafficking in persons. In order for it to be effective, it must be holistic, taking into consideration a range of issues from the rescue of victims and the protection of witnesses to the prosecution of traffickers.

UNODC supports Member States to increase their ability to prosecute traffickers, balancing the need to secure rule of law and the certainty of convictions, with respect for human rights.

- **Ensuring adequate victim protection and support structures**

In order to effectively address trafficking in persons and prevent re-trafficking, Member States should ensure that their domestic legal or administrative systems contains measures that help identify victims of trafficking and provide them with access to adequate remedies including protection, assistance and compensation. Measures to avoid double victimization in investigations and criminal proceedings are equally important.

UNODC supports Member States in developing or building upon the necessary support structures in order to increase victim identification, protection, assistance and compensation.

- **Ensuring international cooperation in investigation and prosecution of cases**

The fight against criminal organizations involved in trafficking in persons calls for broad, multi-agency, flexible and cooperative approaches, both nationally and internationally. Some of the best results in the prosecution of trafficking in persons, have been obtained when the law enforcement and prosecution agencies have been able to work together effectively, both locally and across borders.

UNODC promotes cooperation among officials of different States in carrying out investigation and prosecution by facilitating effective information exchange and joint action. It also supports the establishment or strengthening of central authorities for mutual legal assistance.

## The World Bank

The World Bank is a vital source of financial and technical assistance to developing countries around the world. Our mission is to fight poverty with passion and professionalism for lasting results and to help people help themselves and their environment by providing resources, sharing knowledge, building capacity and forging partnerships in the public and private sectors

Currently, the World Bank's activities on human trafficking and exploitation are mainly of a preventive nature, with an indirect impact on economic, consensual exploitation.

The World Bank is engaged in a number of research activities and projects contributing to the fight against human trafficking and exploitation. Most of this work is related to labor markets, social protection, and social inclusion. Arguably, these interventions aim at decreasing vulnerabilities, creating economic opportunities, and empowering the poor to participate in political and judicial processes. By and large, these interventions support workers by decreasing their vulnerability and strengthening their bargaining position vis-à-vis employers. Hence, these interventions have mostly an indirect, preventive impact on exploitation.

With regard to the World Bank mandate, its Articles of Agreement set clear limitations to the World Bank's ability to engage in the area of criminal justice. The World Bank's member states reserve the right for interventions in the field of investigation, prosecution, and punishment to themselves – that is, these areas fall squarely into the domestic jurisdiction of member states.

With regard to the World Bank's comparative advantages, the subsequent sections below identify some opportunities for more active engagement. There are four primary areas of opportunity where the World Bank could do so. These are (i) broadening the scale and scope of its projects and programs that directly tackle issues relating to nonconsensual exploitation; (ii) applying its expertise as a knowledge bank (that is, by collecting data and improving upon data gathering methodologies, conducting critical research, and launching impact evaluations with the objective of identifying best practices); (iii) participating in partnerships with governments, other international organizations, NGOs and other civil society organizations; and (iv) maybe providing leadership through advocacy and the privileged access the World Bank enjoys to world leaders.

With regard to the first of these four areas of opportunity – broadening the scale and scope of projects and programs that directly tackle issues relating to exploitation – the World Bank has considerable experience with (i) strengthening protection for vulnerable groups and communities, (ii) employment and labor market reforms, and (iii) governance and judicial reforms. The scale and scope of this work can be expanded, perhaps by first launching pilot projects intended to help develop a set of good practices in each area.



# **Gap analysis and Recommendations**

# International Organization for Migration (IOM)

## Gap analysis

This year marks the 10th anniversary of the opening for signature of the UN Trafficking Protocol. Having received the required 40 ratifications by 2003, the Protocol entered into force in record time, a fact reflective both of the global concern of the crime and a broad consensus view that states must act in concert to address it.

The UN Trafficking Protocol has inspired many states to meet their international commitments by passing comprehensive counter-trafficking legislation with the objectives of preventing trafficking in human beings, protecting victims, and prosecuting its perpetrators. But since the Protocol entered into force there has been little evidence to suggest that trafficking in persons is in decline as a criminal phenomenon. Indeed, some stakeholders argue that the problem is growing, affecting an increasing number of people, and earning an ever greater profit for its perpetrators<sup>27</sup>. Given the difficulty of estimating both the number of people trafficked and the profits earned by traffickers, the total impact of the global counter-trafficking response may always be more speculation than fact. The response to the problem follows the commonly known “3 Ps” approach: preventing trafficking in persons, protecting the trafficked persons and prosecuting the perpetrators. Recently a fourth “P” on partnerships towards human trafficking has been added.

### 1.1. Re-Addressing the 3Ps

#### 1.1.1. Prevention

In practice, counter-trafficking prevention efforts have focused either on alleviating the factors identified as making people vulnerable, nor on reducing demand. Prevention efforts are largely characterized by information provision, education, and communication campaigns that target poorer countries from which victims of trafficking are known to come. These campaigns generally attempt to highlight the risks of trafficking; aiming, for example, to convince aspirant female migrants of the certainty that sexual exploitation and abuse lie at the end of the migration road. Whether they succeed in preventing either trafficking or migration is unknown because few are equipped with the kind of indicators necessary to determine the impact of their messages on the behaviours of their target population. However, given that there has been no clear decline in the numbers of trafficked persons being identified in destination countries, this version of the source control approach to trafficking prevention is unlikely to be succeeding in any significant way.

For greater impact, trafficking prevention efforts may first need to acknowledge that migration is an imperative for many people in source countries. Lacking appropriate employment or educational opportunities at home, they see migration as a natural and necessary step to achieving their potential as individuals, or ensuring the survival or prosperity of their families. Counter-trafficking information campaigns which link migration to hardship or abuse may resonate only as an abstraction if unaccompanied by viable employment or educational alternatives. While there has been a welcome increase in the number of counter-trafficking information campaigns that provide advice on safe migration to aspirant migrants in source countries, these are also unlikely to have a significant impact if they are not reinforced by **sufficient legal migration options**. There is a clear need for opening and making accessible more legal channels of migration in order to balance the demand for labour and services with the supply.

Therefore, prevention strategies have to go deeper and beyond criminalization. They must tackle the root causes of migration and exploitation. Relatively large investments have been made in countries of origin to reduce trafficking, but comparatively little has been achieved to **address demand in**

<sup>27</sup> For example, the Council of Europe cites in its Explanatory Report to the Council of Europe Convention on Action Against Trafficking in Human Beings that “all indicators point to an increase in victim numbers” See Council of Europe, “Introduction,” in *Explanatory Report on the Council of Europe Convention on Action Against Trafficking in Human Beings*, <http://conventions.coe.int/Treaty/EN/Reports/Html/197.htm> (accessed May 4, 2010).

**developed countries:** demand for cheap labour, goods and services which drive exploitation practices. Among its broad range of initiatives, IOM launched a campaign called “*Buy Responsibly*” which urges consumers, particularly in developed countries, to consider more critically whether the production of goods and services could involve trafficked persons.

### 1.1.2. Protection

IOM follows a **victim-centred approach** with full respect of the human rights of the victims of trafficking as outlined in the 2010 Salvador Declaration<sup>28</sup>. IOM offers **direct assistance** to victims of trafficking in collaboration with its partners. This includes accommodation in places of safety, medical and psychosocial support, development of skills and vocational training, reintegration assistance, and the options of voluntary, safe and dignified return to countries of origin, or relocation to third countries in extreme cases. IOM estimates that as many as one third of trafficked persons are minors. Therefore IOM adheres to a policy of offering specialized protection to this most vulnerable group.

In the past years, IOM has increasingly been involved in providing assistance to males and persons trafficked for other forms of exploitation than that of sexual exploitation, while at the same time continuing to provide assistance to women and children. An additional emerging trend concerns ‘mixed flows’ of migrants and the need for protection and assistance mechanisms that can be afforded to vulnerable and exploited migrants in trafficking-like situations or those who are at risk of being trafficked/potential trafficking victims.

Given the difficulties inherent in the identification and the protection of victims of trafficking, some international actors, including IOM, are exploring a “needs-first” approach to victim protection, particularly in the context of mixed migration flows. Rather than screening for indicators of trafficking as a first step, this approach calls for an assessment of the protective needs of vulnerable migrants in order to provide humanitarian assistance based on their trauma, hardship or condition, as opposed to their migration category. By creating a “needs first” protection framework for all vulnerable migrants, the safe space created may circumvent some of the existing identification hurdles and encourage trafficked persons to share their experiences.

### 1.1.3 Prosecution

Attempts to investigate and prosecute traffickers in the past years have resulted in comparatively few successes. Trafficking in persons is still a new crime in most countries, and while widespread ratification of the Protocol came quickly - the Protocol entered into force only three years after it was available for signature - it has taken longer for states to promulgate corresponding national legislation and most challengingly, to **enforce legislation**.

The task of prosecuting trafficking offences is further complicated by the difficulty of identifying victims, and the reality that few of those identified wish to support a prosecution, as well as the challenges of gathering evidence to prosecute traffickers in the absence of the victim's testimony. Added to this are the complexities (and expenses) of prosecuting a crime for which the perpetrators and evidence are often scattered across countries, as well as the challenge of securing the cooperation of law enforcement officials in other jurisdictions, sometimes on the far side of the world. Despite such limitations in collecting criminal intelligence, protection measures for trafficked persons should not however be linked to obligatory cooperation with law enforcement. An additional finding from the fieldwork recently undertaken by IOM on the **right to residence for trafficked persons** was that there are trust issues when the trafficked person is obliged to cooperate with law enforcement from the outset.

### 1.1.4 Partnerships

The 3 Ps approach would remain inadequate without the addition of a fourth P: Partnerships, which was one of the primary objectives of the UN Trafficking Protocol, and which marks the cornerstone

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<sup>28</sup> [http://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/In-session/ACONF.213L6\\_Rev.2/V10528651A\\_CONF213\\_L6\\_REV2\\_E\\_18\\_04\\_FINAL\\_Clean.pdf](http://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/In-session/ACONF.213L6_Rev.2/V10528651A_CONF213_L6_REV2_E_18_04_FINAL_Clean.pdf)

of good migration management. These partnerships can be gathered through **formal or informal processes** as well as through cooperation agreements.<sup>29</sup>

Formal processes on partnerships include regional processes in which cooperation measures to combat human trafficking are part of the agenda as is the case with the European Union, as well as other regional processes such as the Africa, Caribbean and Pacific Group of States (ACP), the Barcelona Process with North African and Eastern Mediterranean Countries, OAS, ASEAN and the League of Arab States. IOM also continues to highlight the issues of trafficking and human rights of migrants in Regional Consultative Processes on Migration (such as the Bali Conference) and in the Organization's own fora such as the International Dialogue on Migration which provide a platform to engage in regular and sustained discussions between governments and other stakeholders on migration issues.

## 1.2. IOM's priorities

Much of today's counter-trafficking work is based on principles and strategies developed several years ago. Yet indications are that the incidences of trafficking in persons have not decreased. There is therefore an urgent need to devote more resources to in-depth research, in order to better understand what drives human trafficking, as well as to strengthen evaluation of legislation, policies and programmes to determine which strategies are effective, and to develop new ones.

IOM continues to receive requests from governments throughout all continents for its assistance in fulfilling their obligations under the UN Trafficking Protocol. Therefore, IOM has identified and developed the priorities in its counter-trafficking work based on this dual need to strengthen the effectiveness of policies and interventions and to better measure their impact and the results obtained. There are three such priority areas on which IOM is currently focusing, based on its mandate and the added value the Organization brings to United Nations interagency partnerships in line with the General Assembly Resolution 63/194 on improving the coordination of efforts against trafficking in persons.

### 1.2.1. Strengthening protection for trafficked persons

There is a need to address trafficking in persons through a rights-based approach within a broader migrant protection framework. Because the factors contributing to human trafficking are essentially the same as the general push and pull factors of irregular migration, and the exploitation outcome a result of migrants' vulnerability, the effectiveness of counter trafficking work will continue to remain limited if undertaken as a "stand-alone" issue.

Through our Global Assistance Fund and the dissemination of the IOM Handbook on Direct Assistance to Victims of Trafficking in Arabic countries, Mongolia, Macedonia, Russia and Turkey, IOM continues to provide assistance and protection to victims of trafficking throughout the world together with our partners in civil society and government. Another key IOM expertise area is the strengthening of the ability of health providers to respond to the health consequences of human trafficking. As such, IOM in cooperation with UN.GIFT funding developed the first global guidance document '*Caring for Trafficked Persons: A Guidance for Health Providers*' in partnership with a range of organisations, including WHO. At the same time, we are also exploring new approaches to protection. One such example which has been co-developed with UNHCR is a Framework for Cooperation on protection of victims of trafficking. Finally, IOM continues to promote the establishment and development of a reflection period for the victim and the possibility of issuing residence permits as essential instruments for victim protection and assistance.

### 1.2.2. Improving Data Collection and Harmonisation

IOM manages and operates a global human trafficking database, originally developed in 1999. With over 15,000 trafficking cases recorded, this information management system is the largest source of primary data on human trafficking in the world and serves as an invaluable tool for identifying,

<sup>29</sup> See IOM/UN.GIFT "Guiding Principles on Memoranda of Understanding between Key Stakeholders and Law Enforcement Agencies on Counter-Trafficking Cooperation" which is a practical tool for counter-trafficking experts from law enforcement agencies to specialized service providers, NGOs, trade unions, labour inspectors, the judiciary, the prosecution services, faith-based organizations, etc., on how to build Memoranda of Understanding on cooperation between those institutions:

[http://www.iomvienna.at/images/stories/Guiding\\_Principles\\_IOM\\_UN.GIFT+\\_Annex\\_1.pdf](http://www.iomvienna.at/images/stories/Guiding_Principles_IOM_UN.GIFT+_Annex_1.pdf)

analysing and better understanding causes, processes, trends and consequences of human trafficking.

Building on the expertise and experience developed in this field, IOM is currently strengthening the data collection and analysis capacity of interested governments and NGOs within an overall objective of harmonisation of approaches. Examples of this are recent guidelines on data collection developed for the European Union<sup>30</sup> and cooperation with other actors such as ILO on “development of indicators”. IOM is implementing similar work in South America, the Middle East, Asia and Africa.

### 1.2.3. Strengthening Research and Evaluation

IOM’s database serves as a knowledge bank from which statistics and detailed reports can be drawn, informing research, programme development and policy making on counter trafficking. In this regard IOM has developed partnerships with academic institutions and responds to frequent requests from governments and other institutions for reports on specific topics. All such information is shared according to strict data protection and confidentiality guidelines. The database is providing the basis for IOM’s own current research agenda which centres on taking stock of current trafficking research and identifying methodological and ethical issues.

Finally, IOM prioritizes the need to strengthen evaluation in the counter trafficking field. IOM has developed a Handbook on Performance Indicators for Counter-Trafficking Projects which is widely available and useful as a tool for counter trafficking practitioners and evaluators in measuring the results and impact of projects and programmes. Discussions are also under way with IOM’s major donors to conduct a wide-ranging evaluation of the organization’s counter trafficking programmes in order to extract lessons learned and identify good practices that will be of benefit to all organizations working in the field.

Only through such evaluation exercises and the sharing of good practices, coupled with a stronger knowledge base of the human trafficking phenomenon can the effectiveness of counter trafficking interventions be strengthened.

## Recommendations

IOM believes that an assessment and evaluation of the existing counter-trafficking policy, programmes and activities would be needed in order to identify some lessons that have been learnt. This is because the crucial challenge is not to create new instruments and tools but rather, to implement them, as well as to know the extent to which activities have succeeded or failed, and which factors were responsible for these outcomes.

Future counter-trafficking activities could focus on the following recommendations:

### 1. Less considered human trafficking trends

#### 1.1 Trafficked males

To date, trafficking in males has been under-considered despite noteworthy signals that it is a violation faced by many males, adults and minors. Often severely exploited male migrants are overlooked, with women and children recognized most commonly as victims of trafficking. A number of countries’ legislations exclude men from being acknowledged as trafficking victims, hence excluding them from access to protection and support programmes. This trend is in need of remedy and, increasingly, it is acknowledged that “trafficking in persons” must be understood and addressed as affecting women and men, adults and minors. The vast majority of male victims are

<sup>30</sup> See IOM/Austrian Federal Ministry of the Interior „Guidelines for the Collection of Data on Trafficking in Human Beings including Comparable Indicators“:  
<http://www.iomvienna.at/images/stories/Guidelines%20for%20the%20Collection%20of%20Data%20on%20Trafficking%20in%20Human%20Beings.pdf>

recruited with promises of work, through personal contacts and advertisements, generally mimicking legal migration – however ending up in forced labour.

### *1.2. Trafficking for labour exploitation*

Trafficking for purposes of prostitution and sexual exploitation is a particularly horrific form of the crime, but trafficking for forced labour is probably the more difficult political problem, and all too often is underrepresented in anti-trafficking strategies and resources.

### *1.3. Internal trafficking*

During the drafting stage of the UN Trafficking Protocol, a discussion arose as to whether the definition of trafficking should be confined to international movements. All drafts of the Protocol refer to “international trafficking”. Many delegates felt the necessity for this inclusion in order to make the UN Trafficking Protocol compatible with the UNTOC. However, the view was increasingly taken that inclusion of the term “international” limited the scope of the instrument and that it failed to protect all persons who were victims of trafficking. This view prevailed. Nevertheless there is little attention given to internal trafficking even if it is a phenomenon which is very significant in terms of numbers – and thus in terms of human beings being exploited.

### *1.4. Trafficking for the removal of organs*

Trafficking of human beings for the removal of organs should be clearly distinguished from the trafficking of Organs, Tissues and Cells.

## **2. Tackling the demand of human trafficking**

IOM sees a need to greatly increase prevention efforts in countries of destination and transit by focusing on the demand for trafficked and exploited migrant labour, and the demand for the goods produced as a result. Thus, rather than focusing nearly exclusively on the supply end of the trafficking chain; let us also consider the other end, the demand for cheap labour and services in destination countries.

**3. To promote the establishment of national coordination structures** such as National Rapporteurs or equivalent coordination mechanisms to improve the exchange of information and therefore the understanding of human trafficking for the mutual benefit of national and international interest.

**4. To establish referral mechanisms**, including cross-border referral, to ensure the proper identification and referral of trafficking victims and the provision of adequate assistance, while protecting their human rights.

# International Labour Organization (ILO)

## Gap analysis

### 1. 1. Trafficking for forced labour: ILO analysis and responses

ILO's work on human trafficking is spearheaded by the Special Action Programme to Combat Forced Labour (SAP-FL), which became operational in 2002. It works closely with the International Programme for the Elimination of Child Labour and the International Migration Programme. These programmes assist member States to prevent trafficking for the purpose of forced labour, trafficking in children, and trafficking as a form of irregular migration.

Given its mandate and tripartite structure, which brings together representatives of governments, employers' and workers' organizations, the ILO approaches trafficking from a labour market perspective. It thereby seeks to develop and promote responses to tackle the root causes, such as the lack of decent work, deficiencies in labour market and migration governance, discrimination and lack of social dialogue.

- In 2005, the ILO issued the first-ever global estimate on the numbers of persons who are held in forced labour, with a breakdown of those who have been trafficked into labour as well as commercial sexual exploitation. Out of a minimum of 12.3 million forced labour victims worldwide, around 2.4 million were trafficked. The figures present a minimum estimate of actual victims at any given point in time, estimated over a period of ten years.
- Since then, ILO has been assisting a number of member States in the development of robust national statistics on forced labour and human trafficking, working closely with National Bureaus of Statistics and Ministries of Labour. The results will be published in 2010. They shed light on the wide range of migration experiences of which trafficking for forced labour (including forced prostitution) is the most abusive.
- Following requests from member States to clarify the concept of forced labour for both statistical and law enforcement purposes, the ILO in cooperation with the European Commission developed a list of indicators of trafficking for labour and sexual exploitation, through the "Delphi method" to build a consensus among experts about what these key indicators should be. These indicators are now being used in national data collection efforts and law enforcement practice.
- ILO country-based research has contributed to enhanced knowledge about forms of trafficking that occur in economic sectors other than the sex industry. These largely qualitative assessments have provided insights into the underlying mechanisms of trafficking, such as the demand for cheap, flexible and disposable labour as well as trends towards unregulated and unprotected employment relationships.
- In response to these findings, ILO in cooperation with its constituents has developed field approaches against human trafficking that aim, amongst other things, at improving the regulation and monitoring of the recruitment process of migrant workers, sensitization of workers' and employers' organisations, reduction of worker vulnerabilities through increased awareness of workers' rights, vocational and pre-migration trainings and other employment-based and social empowerment measures. ILO has further developed training modules and guidance for law enforcement, in particular labour inspectorates, police, prosecutors and judges, focusing on trafficking for labour exploitation.
- ILO projects in different regions have demonstrated that labour law and labour administration can play a key role in the prevention of trafficking and forced labour practices. In countries where labour law, labour inspection and redress mechanisms are well developed, there are fewer victims and better detection of cases of abuse. Regional and national workshops with labour inspectorates, using ILO training tools, have highlighted the vital role that these services play in the prevention and identification of forced labour practices. However, in most countries labour administration, and in particular labour

inspection services, need more resources to deal with complex trafficking cases, and to reach out to vulnerable workers at risk.

- ILO Convention No. 181 on Private Employment Agencies recognizes the positive role that these agencies play in national and global labour markets. It also calls for a prohibition of recruitment practices that violate workers' rights. ILO assists member States in the drafting of legislation and regulations, and strengthening of enforcement systems. It further provides technical assistance to promote cooperation between private and public employment services as well as self-regulation by private agencies, to complement statutory regulation.
- Improving migration management in order to promote migration through legal channels is an integral part of ILO's work. In the broader context of promoting decent work for all, the Multilateral Framework on Labour Migration aims to foster cooperation and consultation among and between the tripartite constituents of the ILO and to assist them in implementing more effective policies on labour migration. Experience shows that preventing abuse in the migration process and reducing vulnerabilities to trafficking is a better policy choice than seeking to stop women or children of working age from migrating for employment in countries or regions other than their own. The latter strategy only risks pushing migration further underground.
- Since 2005, following the publication of the ILO's second *Global Report on Forced Labour*, it has been supporting alliances of both business and workers against forced labour, in collaboration with the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) respectively. In 2007, the General Council of the ITUC endorsed a global plan of action setting out clear priorities for the trade union movement, including measures such as awareness-raising of trade union members, direct support for unprotected migrant workers at risk of trafficking, and cooperation with labour inspection service and other law enforcement authorities to detect forced labour practices. Since the adoption of the action plan, ITUC has supported a range of regional networking workshops, intervened in alleged trafficking cases and promoted the signing of cooperation agreements between trade unions in source and destination countries of potential trafficking victims. It has further developed training tools for trade unions which are being widely disseminated through ITUC's networks.
- Major progress has also been recorded in the engagement of employers in action against forced labour and trafficking. ILO and IOE organised a series of sensitization workshops at regional and national levels, thereby promoting a handbook for employers on combating forced labour developed with the support of the UN Global Initiative to Fight Trafficking (UN.GIFT), and in cooperation with the UN Global Compact. The handbook has been translated into eight languages and thousands of copies have been disseminated to local employers' organisations and business. It has been especially useful to train suppliers on improving compliance with core labour standards, in particular regarding the prevention of all kinds of forced labour practices.
- Responses to the problem of child trafficking for many years addressed only poverty as the primary cause rather than the more specific vulnerabilities of children; addressed only the supply side in sending communities rather than interventions all along the way; and focused on victim assistance rather than prevention. ILO interventions, spearheaded by the International Programme for the Elimination of Child Labour, have now helped to reassess approaches to child trafficking, putting increased emphasis on empowerment of local communities in source and destination countries, child participation and the creation of decent work alternatives for families whose children are at risk of trafficking.

## Recommendations

Based on lessons learned from ILO interventions, future action against trafficking should take the following lessons into account:



- Trafficking in human beings is a violation of fundamental human and labour rights. In order to prosecute traffickers – including complicit intermediaries, unscrupulous employers and criminal organisations - the full spectrum of law needs to be applied. The enforcement of labour law, alongside criminal and administrative law, is an important element of the legal response to trafficking. This also implies putting action against trafficking into a broader context of promoting non-discrimination, freedom of association and collective bargaining, and of ensuring effective protection of migrant workers.
- Research has shown that trafficking can affect women, men and children for a variety of exploitative purposes. More efforts are needed to collect better data at national level, to measure trends and to develop practical indicators. Research on the factors fuelling demand for cheap and exploited labour, focusing on intermediaries and employers, should be further promoted.
- Outreach and assistance measures to actual and potential trafficked persons have to be tailored to fit different needs of men, women and children coming from different cultural backgrounds. These measures have to be sustainable in order effectively to prevent trafficking, addressing vulnerabilities and root causes, and empowering communities to take action against trafficking.
- In recent years, much emphasis has been placed on building alliances between different players – government, NGOs, business, the media, trade unions and others. It is vital to strengthen international and inter-agency cooperation, and to provide adequate resources to sustain these international networks.
- Labour administration and social partners play key roles in the prevention and detection of trafficking for labour exploitation, and yet they are still weakly integrated in national policies and institutions against human trafficking. Future action must encourage member States to seek to involve labour market institutions in the fight against human trafficking.
- Finally, enhancing access to decent work opportunities, including through measures to increase the employability of potential and actual victims, has to be a central goal of anti-trafficking policy. There must therefore be close alignment and coherence between national anti-trafficking, employment and vocational training and education policies.

## Office of the UN High Commissioner for Human Rights (OHCHR)

### Gap analysis

The United Nations human rights system has been at the forefront of the battle against trafficking. Linkages between human rights and trafficking are obvious; Trafficking goes to the heart of what the international human rights law and mechanisms are trying to prevent. Human rights law and the UN human rights mechanisms have systematically addressed discrimination on all grounds, and prompted equality in all rights for all rights holders. OHCHR will be using human rights as a frame of reference in all its programmes to combat trafficking, through the adoption of a rights-based approach. This approach is realized in the Recommended Principles and Guidelines on Human Rights and Human Trafficking, which forms a clear human rights based policy guidance, as it draws on the full body of international rules to indicate the nature and substantive content of legal norms in this area. In addition, the Principles and Guideline will enable a better understanding the rights of victims, and the extent and limits of states' legal obligations. In addition, those principles are aimed at realizing a victim-centered approach in dealing with trafficking.

OHCHR has identified the following areas to be prioritized when planning its activities;

Increase compliance and engagement of states with the UN Human Rights mechanisms on issues relating to trafficking. This will include better engagement with the Special rapporteur on Trafficking, and clear reporting on measures taken to combat trafficking, within the Universal Periodic Review (UPR)

Developing legal, policy and institutional frameworks at the national, sub-regional and regional levels, in addition to Capacity-building, awareness-raising programmes on trafficking in persons, for different stakeholders.

Enhancing the linkages and cooperation amongst the UN human rights mechanisms; treaty bodies and special Procedures to address trafficking.

Strengthen inter agency cooperation and coordination to combat trafficking.

### Recommendations

The following recommendations are a reflection of challenges facing the fight against trafficking; in addition to being opportunities OHCHR is envisaging investing in some, so as to meaningfully contribute to the joint efforts being exerted to fight trafficking:

Addressing the root causes contributing to the increase level of trafficking is vital in the fight against a crime as such. Discrimination and poverty are priority areas which should be addressed in order to succeed in the fight against trafficking. Addressing the root causes can be achieved through the adoption of the rights-based approach to trafficking.

Regional and sub-regional cooperation is crucial to combat trafficking given the nature of the crime. Regional and sub-regional plans can be an effective tool in combating trafficking.

Developing legal, policy and institutional frameworks at the national level, in addition to Capacity-building, awareness-raising programmes on trafficking in persons, for different stakeholders, will be an important tool to enhance the efforts in the fight against trafficking.

Reliable and complete data remain to be an obstacle facing efforts to combat trafficking in persons. Therefore, an effective means for combating trafficking in persons will require enhanced information-sharing between States through bilateral and multilateral cooperation and increased

## **Gap Analysis and Recommendations**

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data collection capacities, including through the systematic collection of gender- and age-disaggregated data.

## United Nations Population Fund (UNFPA)

### Gap analysis

- **Data collection**

Quantitative and qualitative data collection is crucial in supporting governments at their request in planning an effective and efficient response to trafficking issues. Statistics about trafficking are, however, unreliable for a number of reasons, including the clandestine nature of the activity.

Systematic gathering and reliable data on trafficking in persons is important for increasing the knowledge and understanding of the scope of the problem as well as for designing policies and monitoring trends and patterns. There is a need for data collection and analysis with specific attention to gender-based violence and the situation surrounding health services, especially reproductive health services.

- **More focus on reproductive health**

The linkages between trafficking and reproductive health and rights are clear: victims are often subjected to violence and abuse, including sexual violence; they are at risk of contracting and very vulnerable to HIV/AIDS and other STIs; access to reproductive health services is hampered because of their often times status of illegality and lack of resources.

Because of their subordinate position, women and girls are most vulnerable. In view of the clear link between trafficking and the implications on the reproductive health of the victims, it is important to draw attention to and address the problem. However, eliminating this widespread and clandestine activity, which often involves organized crime and corruption, will require collaborative efforts, with participation from international organizations, governments, NGOs and communities.

- **Cultural Sensitivity**

Programs and policies on trafficking often lack an integrated approach which includes the consideration of cultural-sensitivity and gender-equality components of the human rights-based approach to programming. Culture influences the way people think, believe and behave, thereby shaping gender relations, including identity formation, in everyday practices at all levels from family to community to nation. The integrated approach is critical in improving the design, delivery, monitoring and evaluation of programmes, leading to demonstrable results that show the empowerment of communities to demand, own and access services, as well as to improvement in quality of life. Additionally, this approach helps to ensure successful results-oriented programming and demand-driven service delivery.

### Recommendations

- **Integrate reproductive health concerns in the response**

It is important to support and develop national owned programmes and policies that articulate the linkages between trafficking and reproductive health, as victims are generally subjected to abuse and violence, including sexual violence; they are at risk of contracting and very vulnerable to HIV/AIDS and other STIs. Access to reproductive health services is hampered because of the victims' fear of approaching services due to their vulnerability, their often times status of illegality and lack of resources. Women and adolescent girls'

victims of trafficking are also more susceptible to unwanted pregnancies, among other detrimental reproductive health outcomes.

- **Culturally Sensitive Approaches**

Besides working at the policy and legal level in support of governments, it is also important to increase cultural knowledge, awareness and engagement in efforts to promote development and human rights, especially the rights of women and girls. If the development cooperation wants to make greater progress, it is essential to engage at a deeper level to facilitate change in the lives of individuals, families and communities. One of the lessons learned is that change cannot be imposed from the outside; to be lasting, change must come from within. Advancing human rights requires not only promotion of international human rights standards but also an appreciation of the complexity, fluidity and centrality of culture by intentionally identifying and partnering with local agents of change. Communities have to look at their cultural values and practices and determine whether they impede or promote the realization of human rights. Then, they can build on the positive and change the negative. As development workers, it is important to partner with forces of positive cultural change to help promoting and advancing human rights and human well-being.

- **Build Partnerships**

Due to the complexity of the issue, it is essential to support governments' efforts and build partnerships with NGOs, community-based organizations, faith-based organizations, bilateral donors and UN Agencies to advance human rights protection, legislation and public policies in favour of women and children victims of trafficking.

At the community level, programmes to prevent trafficking are effective if they target parents, community leaders, district health officials, faith-based organizations, and young people. In addition, it is important to support governments at their request to put in place policies and mechanisms to ensure that girls and young women have access to education, employment, and empowerment opportunities. It is also important that trafficking survivors be reintegrated into their communities through efforts designed to reduce stigmatization and are referred to social and legal services for additional assistance.

## United Nations High Commissioner for Refugees (UNHCR)

### Gap analysis

International efforts to combat human trafficking have been gaining momentum. International law related to trafficking has been developing in recent years. International organizations, governments and civil societies are increasingly focusing on the issues of human trafficking, measures to prevent trafficking and protect its victims.

While international efforts to prosecute traffickers are mounting, protection of trafficked persons is often criticised to be lagging behind. States that emphasise prosecution of traffickers often do not always make protection of trafficked persons a priority unless the testimony of the trafficked person is necessary to prosecute the traffickers. Even then, such protection may be offered only for a limited duration determined by the length of the prosecution. Such condition approach fails to protect sufficiently persons who have already been seriously harmed.

Of particular concern are trafficked persons who are unable to return to their countries for fear of further human rights violations. They may fear retribution in the hands of the former traffickers, risk being re-trafficked or be stigmatized or ostracised for having been involved in prostitution. This harm may amount to persecution and the persons affected by trafficking could be refugees within the meaning of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (1951 Convention).

UNHCR's and others efforts to raise attention to the fact that some trafficked persons and persons at risk of being trafficked may be refugees have brought some positive results. There is an increasing number of decisions, including by Courts that recognize the linkage human trafficking and refugee protection may have. However, despite of these positive developments, international protection needs of trafficked persons are often not identified nor recognized. A study commissioned by UNHCR entitled "The identification and Referral of Victims of Trafficking to Procedures for Determining International Protection Needs", highlights a number of gaps in State practice to ensuring complementarity between international protection systems and systems for the protection of victims of trafficking.<sup>31</sup>

Furthermore, UNHCR remains concerned that the specific risk of refugees, asylum seekers and stateless persons to become a victim of human trafficking is not sufficiently recognized and activities to strengthen prevention strategies need strengthening.

### Recommendations

UNHCR reiterates the importance of ensuring that international protection needs of trafficked persons and those who are at risk of falling victim of human trafficking are fully assessed, in accordance with the 1951 Convention. The following recommendations reflect some of the findings of the study "The identification and Referral of Victims of Trafficking to Procedures for Determining International Protection Needs" which UNHCR commissioned,<sup>32</sup> as well as findings derived from UNHCR's work to ensure international protection for victims of trafficking at national level. Based

<sup>31</sup> Document available at: <http://www.unhcr.org/publ/PUBL/443b626b2.pdf>

<sup>31</sup> Bhaba, J and Alfirev, C. (October 2009), document available at: <http://www.unhcr.org/refworld/docid/4ad317bc2.html>

<sup>32</sup> Document available at: <http://www.unhcr.org/publ/PUBL/443b626b2.pdf>

<sup>32</sup> Bhaba, J and Alfirev, C. (October 2009), document available at: <http://www.unhcr.org/refworld/docid/4ad317bc2.html>

on UNHCR's international refugee protection mandate, they aim to help countries consider and develop ways to strengthen the protection of and assistance to trafficking victims, including those who are, or may be, in need of international protection and support prevention efforts in countries of origin and transit:

- **Legal and institutional frameworks** for combating human trafficking and protect and assist victims of this crime should be strengthened. This includes high level inter-departmental integration of the issue, implementation of National Action Plans and working groups with broad representation of relevant government agencies, and international and national organizations.
- Further, **training programs should be strengthened for national asylum authorities and organizations working with victims of trafficking**, including in regard to interpreting the refugee definition in an age- and gender-sensitive manner, and the criteria that give rise to the recognition of refugee or other protection status to trafficking victims (or individuals at risk of being trafficked). Indicators of international protection for victims of trafficking should also be addressed.
- All necessary measures should be adopted to ensure **participation** of governmental institutions, including national asylum authorities, international organizations and civil society organizations where appropriate, in the **general assessment of protection needs of trafficking victims**. This can help determine, from a technical and humanitarian perspective, which protection measure is most suitable for each individual case and ensure appropriate referral mechanisms are in place where parallel protection regimes exist.
- Modules on International Refugee Law should be included in **national professional training programs on human trafficking** for relevant national authorities (migration, police, prosecutors, judges, etc.) to ensure that international protection needs are identified and addressed appropriately, including the principle of *non-refoulement* and non-penalization of refugees.
- **Specific safeguards for the protection of boy and girl victims of trafficking** should be established including: (a) a formal determinations of the best interests of the child; (b) the adoption of child-specific protection measures, such as the appointment of guardians; (c) the gathering of information on the role parents might have played in the trafficking situation of their children; (d) issues of tracing and family reunification, and (e) the observance of specific safeguards in cases of the repatriation of unaccompanied or separated children.
- **Questions on pre-trafficking displacement patterns** should be included in data collection and research initiatives in order to identify priority interventions in countries of displacement. Such interventions could include information campaigns, legal migration counseling and return assistance.

## United Nations Children's Fund (UNICEF)

### Gap analysis

Many positive initiatives have been undertaken to address trafficking in human beings. In particular, strong commitment to prevent and respond to child trafficking has been seen among many governments, UN agencies, donor agencies and NGOs. Many countries have established specialized bodies and structures to plan, coordinate and implement policies on human trafficking. However, a number of challenges must be addressed more effectively in order to prevent child trafficking and assist its victims.

- **Research:** First and foremost, better research is needed to link child trafficking and other child protection issues, including children's rights to access education, to survival and development, to health and other services as well as the mitigation of children's vulnerability – to exploitation throughout the migratory process and the protection of children whose lives have been negatively impacted by migration.

The root causes of and the contributing factors to child trafficking need to be discussed holistically in closer relation to other child protection concerns. These include violence and abuse in the community, at home or in institutions; gender-based and other forms of discrimination; social and economic marginalization; livelihood opportunities for children and young people; and social norms including systems and structural factors that put children at risk of being trafficked or otherwise exploited.

The challenge of obtaining reliable estimates as to the magnitude of the phenomenon is often mentioned. However, despite these challenges, there is a need to continue to forge ahead to address this.

- **Legal framework:** Most international standards pertaining to human trafficking focus on adults. This results in a tendency to treat human trafficking largely as adult trafficking and refer to child trafficking as a sub-category of adult trafficking. The result is a gap in age-responsive provisions to effectively address child trafficking. Specific legal provisions on child trafficking are often lacking. Numerous legal provisions cluster women and children together, which does no service to either category as the needs and capacity of these groups may differ greatly. Additionally, grouping all persons under 18 together as a homogeneous category does not take into consideration the evolving capacity of the child or the differing level of agency a child of 16 or 17 may have when compared to a child of 8 or 9.

Many countries have criminalized trafficking in human beings, often through law reform conducted in the context of ratifying the Palermo Protocol. However, some countries fail to criminalize all aspects of trafficking in human beings as required under the Protocol. In some cases, only certain types of trafficking are criminalised, such as for sexual exploitation. In some countries and regions, the prevailing standard for combating human trafficking continues to be the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others which is closely linked to and focuses on the exploitation of prostitution.

The special provision of the Trafficking in Persons Protocol, that child trafficking takes place independently of the means used to recruit, transport, transfer, harbour or receive a child, for the purpose of exploitation, is often overlooked. Even when reflected in national legislation, it is often not reflected in implementation.

Partly due to weaknesses in legislation, there remains insufficient and inadequate services for many children. In many countries services vary according to national authorities' categorization of the children as "migrants", "unaccompanied", "asylum-seekers", "victims of



trafficking”, or other terms used to categories. Given the nascent nature of the implementation of anti-trafficking responses and many challenges involved in identifying child victims, many children fall through the cracks and as a result are unable to access these services.

- **Coordination and Cooperation:** Coordination is critical when developing and implementing national policies, especially when multiple bodies share responsibility for the effective protection of the child from trafficking, and other forms of exploitation. However, while countries have identified “focal ministries” not all have assigned an institution with the task of leading coordination. Another challenge lies in differing lack of uniformity in the lead institutions that are tasked to deal with the issue. While in many countries the responsibility lies with law enforcement institutions, such as the police, customs or border guard agencies, in others, it is given to the Ministry of Social Welfare, Labour, Women or Children. These ministries have different mandates and different institutional capacities, as well as different perceptions of the problem. These factors, result in challenges when working to promote and establish bilateral MOUs or frameworks for cooperation between countries as the focal ministry from each country deals differently with the issue of child trafficking and protection-related issues. Additionally, even at the country level, there is often a lack of synergy and coordination between national action plans and the many actors involved in anti-trafficking initiatives (UN agencies, NGOs etc.). The diversity of mandates and approaches among the UN agencies and civil society organizations makes coordination at national and international level a challenge. More often than not, calls for more multi-sectoral collaboration and coordination result in the formation of yet another coordinating body. What is often needed instead effective implementation of a coordinated approach. Tokenistic gestures toward the “participation” of all stakeholders are frequently made but children and young people and community members are seldom consulted about their views on existing services or interventions, nor are their views genuinely reflected in the design and implementation of their own reintegration programmes. The Trafficking in Persons Protocol calls for age and gender sensitive responses to trafficking with a particular emphasis on the special needs of the child. The consideration of children’s views as well as efforts to ensure their best interests must go beyond statements on paper regarding child-friendly approaches and be translated into action.

### Recommendations

- **Mainstreaming the CRC General Principles:** The Convention on the Rights of the Child contains four general principles or rights that cut across all actions and decisions affecting a child. These are the right to non-discrimination (article 2); the best interests of the child (article 3); the right to life, survival and development (article 6); and the right of the child to have his or her views heard and taken into account (article 12). These rights need to be considered in all actions to address and prevent child trafficking and to assist children who have been trafficked.
- **Best Interests of the Child:** Primary consideration should be given to the best interests of the child in all actions concerning the child, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies (article 3.1). ‘The best interests’ determination is a key element of assistance and protection measures for child victims of trafficking and for the design of effective prevention strategies.
- **Non-discrimination:** Non-discrimination is a fundamental principle in human rights law, including in the Convention on the Rights of the Child and a critical dimension in the development of laws, policies and programmes for children. Discrimination is an experience that many children who are victims of trafficking face and at the same time discrimination is one of the vulnerabilities that places many children in a situation of risk. All measures

should be taken to address discriminatory laws and policies as well as values, attitudes, social norms to ensure that there is equitable accessibility of services available for all children irrespective of their nationality and status. Actualizing non-discrimination principle through both systems and social norms approaches is a strong preventative measure to combat human trafficking.

- **Children's Involvement in Trafficking Policies and Measures:** Children should be recognized as social agents with the right and capacity to be consulted on matters that affect them, to express their opinions freely and to have them taken into account, to seek, receive and impart information. Children have to be given the opportunity to influence social policies and measures that address trafficking. Listening to children and learning from their experiences and giving due consideration to recommendations made by them is the key to designing and implementing effective preventive and protective mechanism.

Children's own capacity and actions to prevent trafficking need to be recognised, encouraged and supported. Children should be empowered and supported to participate in actions designed to prevent trafficking. Mobilizing children and young people requires child-friendly and age-responsive information in local languages, as well as life skills education. Policies and measures that are informed by the actual experiences of children are more effective in addressing concerns of children who are at risk of being trafficked. Child-friendly structures, including decision-making structures, also are needed to enable actions based on children's own experiences. Adults also need to be sensitized on child participation and on how to consult with children. Notably, acknowledging the agency and experiences of young people is not a substitute for, but a compliment to those interventions lead by adults in their capacity as duty bearers.

- **Harmonizing National Legal Frameworks:** States should ratify all international legal instruments aimed at preventing and responding to child trafficking. Existing laws need to be revised and amended and new laws enacted, to ensure conformity with international standards and to more effectively address trafficking within a human rights framework.

This includes recognition of all forms and patterns of trafficking with a particular attention to concerns of children and ensuring that all forms of trafficking and exploitation are criminalized in national law. Tightening and rigid enforcement of immigration laws with little or no access for regular channels of migration have been shown to increase the vulnerability of those migrating across international borders. Recognizing the increased vulnerability of such measures, an alternative approach might be to develop migration policies and create mechanisms that would help people to migrate safely. Legislation should further provide for assistance and protection for victims of trafficking, including medical, psychosocial, legal and other kinds of rehabilitation assistance; victim-witness protection; and specific measures to ensure the empowerment and protection of children who have been trafficked. Children need to be protected by law from secondary victimization and from prosecution or sanctions for offences they may have committed as a result of their situation as victims of trafficking.

- **Elaborating and Implementing National Action Plans:** Any country that does not have a national action plan addressing trafficking in persons should develop one and ensure that child sensitive and age responsive actions to effectively address child trafficking is an integral part of the plan. Countries that have national action plans should review them through child-sensitive lens and ensure its complementarity with other national planning processes. Active political support to mobilize resources to implement effective programmes and monitor their implementation and impact on the situation of trafficking and on children and adult victims needs to be undertaken. It is important to ensure that NPAs are time-bound with targets and indicators with funding requirements and sources identified.

- **Developing Child Protection Systems:** National child protection systems that would allow child trafficking to be addressed holistically should be developed or strengthened and made operational at national and community levels. Child protection systems need sufficient resources to undertake a wide range of preventive and responsive measures to address child trafficking including other forms of violence, exploitation and abuse. A systematic approach is necessary to recognize linkages between violence, abuse, exploitation and trafficking and to address root causes of child protection violations.
- **Prevention of Trafficking and Other Abuses:** Prevention initiatives are the key to successfully combat child and adult trafficking. In order to be effective, they must address the root causes of trafficking and factors that place children at risk, such as social and economic marginalization, lack of access to education and information, institutional and home-based discrimination, violence, and abuse. A preventive approach should address both the 'demand' and 'supply' sides of all forms of trafficking. Promoting safe and well regulated livelihood opportunities, especially in the most vulnerable communities, should be an important component of prevention. The demand for cheap and easily exploitable labour including workers that are easily controlled such as children, women, migrants without proper documentation should also be addressed through legislation and careful regulation of labour standards. Attitudes and social practices that discriminate migrants as well as policies that exacerbate the vulnerabilities of migrant workers need to be fully addressed.

Effective prevention measures require the active participation of children and young people and all those others who are affected by the problem. It also involves promoting an understanding of human rights and in particular that of children's rights, raising awareness of the risks they may face, and providing opportunities for children and adolescents to gain skills and confidence to make informed decisions and assume a responsible role in society.

- **Victim Identification and Child-Friendly Reporting:** It is important to establish a uniform system to identify children who have been subject to abuse and exploitation, whether as a result of trafficking or otherwise. The issue of identification must be addressed not only by government authorities but also by civil society organizations working with children. However, quality services should be available and accessible to all children independent of identification, and whether they would like to testify against their trafficker or not. Services should respond to each child's rights and individual needs..

Reporting mechanisms should be developed or strengthened for children and families to use in situations of trafficking, violence, exploitation or abuse (or the risk of such situations), including establishing telephone help-lines and community-based outreach services for children.

- **Training of Professionals:** Children can be better protected if there is broad awareness of child protection concerns of which child trafficking is one. Professionals working with and for children should be screened and trained to ensure they fully respect children's rights and are responsive to the needs of children who have been victims of various forms of abuse and exploitation. Capacity building should include information on all aspects of child rights including child development, protection and child participation.
- **Child-friendly Judicial Processes:** The judicial process in all countries should be refined to include formal witness protection procedures for victims of trafficking. It should also ensure privacy and support the child's psychological well-being through *in camera* proceedings, provide adequate protection and compensation to victims, and expedite prolonged legal processes through fast-track child-friendly courts and the use of recorded video testimony. Children should be informed about their rights and have access to legal support and/or other representation and support from an adult before, during and after the legal process. They should also participate in developing their rehabilitation programmes. The UN Guidelines

on the Protection of Children as Victims and Witnesses is an invaluable reference in these matters.

- **Care, Protection and Reintegration:** It is important that countries support establishment of psychosocial care systems by developing national minimum standards of care, protection and reintegration. Each country needs to develop national rules, in line with international standards to register, inspect and regulate care facilities, as well as technical guidelines and protocols for the provision of services. To ensure uniform quality of care for children trafficked across borders, minimum standards should be harmonized across the country.

Children who have been trafficked need long-term support. Activities for their care, protection and reintegration need to be carried out within a holistic framework. Attention should be paid to strengthening reintegration practices, ensuring children's safety and protection and by developing community-based care options. As repatriation may not always be in the best interests of the child, each case needs to be assessed individually also taking into consideration the views of the child.

Close contact and support to the children's families should be given to ensure that the child is adequately supported and protected when he or she returns home. Factors that have induce family members to leave home and work outside of their familiar context– such as lack of livelihood options, lack of awareness or knowledge about risks during movement and at destination, prevailing social norms – need to be addressed. Public discussions that encourage women, men and children to share their opinions and experiences on the harm caused by child trafficking as well as other forms of exploitation can help facilitate change in social norms and practices that put children at risk of trafficking. They can also influence other communities to have similar conversations.

- **Research, Data Collection and Information Sharing:** Mechanisms for systematic collection, analysis and dissemination of quantitative and qualitative data on trafficking, including returned victims of trafficking, abuse, migration and disappearances of children and adolescents need to be established. Such systems also need to cover traffickers. National authorities need to make use of new technologies and the Internet and should coordinate with service providers and other information holders.

Data should be disaggregated by age, gender, national origin, nature of movements, and type of exploitation, as well as information about the perpetrator. In addition, data should be collected on specific vulnerability factors, including the social background of victims and the modus operandi of traffickers. While some indicators have been developed they need to be standardized to enhance data comparisons internationally and to facilitate long-term monitoring of progress. A system is needed to enable routine sharing of research, good practice and experience among stakeholders at national and international levels, including law enforcement officials and social service actors.

Research is needed to fill gaps in knowledge, such as the links between child trafficking and migration, domestic abuse, neglect and violence.

- **Monitoring and Evaluation:** It is important to monitor and evaluate the implementation of programmes and practices and their impact on children in order to improve the effectiveness of responses, consolidate prevention mechanisms and promote the sharing of experiences and good practices with other countries or locations. To this end, governments, NGOs and international partners need to develop mechanisms for systematic monitoring, evaluation and adjustment of anti-trafficking initiatives. To ensure the evaluation is child centred, children should be involved in and associated with monitoring and evaluation practices. Also, mechanisms (such as ombudspersons or children's commissions) should be created to provide a forum for children's views.

- **Multi-stakeholder, Regional and International Cooperation:** Many of the most effective practices are those that benefit from collaboration among key actors and agencies within and across countries, and those that have a clearly identified leading agency. A working level secretariat that facilitates information exchange and provides technical support as needed is also critical for effective cooperation. Key actors include, in addition to the state actors, civil society and children's organizations as well as those working with marginalized populations such as migrant, ethnic minorities among others.

Also essential is harmonization of international and regional definitions and policies on trafficking and establishment of focal points and other mechanisms that make cooperation effective. Maximization of existing mandated mechanisms of cooperation while avoiding duplication is critical for successful multi-stakeholder cooperation.

# United Nations Interregional Crime and Justice Research Institute (UNICRI)

## Gap analysis

UNICRI strongly believes that an holistic approach is fundamental to achieve results in fighting against human beings. Prevention, protection and prosecution are the three core elements always present when designing effective counter trafficking measures.

### Prevention

- More pressing needs in terms of research on the trafficking in persons phenomenon
- More resources for research in general  
Following topics are among priorities: comparative research on the severity of human trafficking in different countries, crime involvement in human trafficking, economic aspects of human trafficking, the relationship between migration policy and human trafficking
- Moreover, public awareness is a strong component which should be further fostered.  
Awareness raising campaigns are an important means to disseminate information and raise public awareness. To strengthen the impact of such campaigns the information, communication and education activities regarding trafficking need to be conducted on a more continued basis. For this reason awareness raising activities have to be carried out in secondary schools and institutions of higher education, Parent-Teacher Associations and Principal Teachers Associations, apprenticeship, professional and religious associations and community-based campaigns and information, education and communication activities in highly attended public places (e.g., markets, social gatherings, special events). Information, education and communication activities will help informing, raising the awareness and discussing the risks and the implications of trafficking with parents and youth.
- There many factors that make persons vulnerable to trafficking in persons that can be alleviated.  
In order to decrease the likelihood of falling prey to human trafficking, there is a clear need for carrying out of activities addressing the root causes and dramatic consequences of this crime. The aim is to facilitate the rehabilitation and reintegration of victims and allow actual and potential victims to find viable alternative options to make a decent living. In this light, the need of empowering young women and minors and improving their socio-economic status is evident. Lessons learned from UNICRI's Programme "Preventing and Combating Trafficking of Minors and Young Women from Nigeria to Italy" suggest that, despite increased access to information, young women and minors urgently require training, education and micro-finance to start up an income-generating activity. These activities will help equipping minors and young women with a great self-confidence and self-esteem, knowledge and skills as well as financial and material means that they require to cater for their own and their families' needs. In brief, a "minimum empowerment package" has to be offered to pursue a viable economic alternative in their local context to that of being trafficked.
- The demand for services or products that foster exploitation should be effectively discouraged.  
Demand reduction must be linked closely to prevention of trafficking and victim protection strategies. A new sensitivity toward the creation of a "positive" demand should be emphasised, e.g. calling on responsibility of consumers when buying a product that should be "slavery free".

### Prosecution

- There are some pressing needs in terms of strengthening the capacity of the criminal justice systems to effectively prosecute traffickers that should be taken into due account. Better prosecution can enhance the combat against human trafficking, but prosecution alone can not be a panacea to the problem. Despite the criminalisation of human trafficking in many countries, very few traffickers are being prosecuted and convicted. As such, of course, the small number of cases can be viewed as a positive sign, meaning that human trafficking is not so widespread. However, it can be assumed that the real figures are not as low as the number of court cases appears to show. The fact that only a few traffickers have been prosecuted is linked with the difficulty of identifying cases of trafficking. The identification of trafficking cases and prosecuting the perpetrators often requires that the victim of the crime testifies, which is not often the case. In some countries prosecutions are started but the police fail to protect the identity of witnesses or prevent intimidation of victims and court officials by defendants.
- Inadequate witness/victims protection hinders them to give testimony. Many trafficked people are usually not aware of their non-liability for the infringement of immigration laws even if it is clearly stated in the U.N. Trafficking Protocol. Thus, many are reluctant to report or testify for the crimes for fear of being deported as undocumented migrants. In many cases, victims of human trafficking are not promptly identified as such and end up repatriated. Also, victims often do not approach law enforcement authorities because of threats by criminal organisations exploiting them or for fear of possible stigmatization at home. As a result most trafficking crimes go unreported and do not come to the attention of the authorities.

In brief, below are most pressing needs that if met, can strengthen the capacity of the criminal justice systems in the prosecution of traffickers:

1. The need to improve identification of human trafficking cases through providing adequate witness and victim protection schemes. Namely by informing victims of human trafficking of their non-liability for the infringement of immigration laws according to the U. N. Trafficking Protocol.
  2. The repatriation of victims of human trafficking has to be avoided since it creates grounds for re-trafficking and makes investigations of human trafficking cases impossible.
- Border measures should also be strengthened.
    - As a practical suggestion on strengthening of measures on identification of victims of human trafficking can be the following:
    - creation of a victim identification check list;
    - training frontline law enforcement officials (police, border agents, immigration officials) to use this checklist to identify potential trafficking victims;
    - increasing the capacity of source countries' diplomatic missions in destination countries to identify and assist victims of trafficking;
    - forming joint taskforces among destination country agencies to share information about possible places of exploitation;
    - forming associations of migrant workers; setting up comprehensive victim-centred support programs;
    - enacting domestic legislation and procedures;
    - recognizing and facilitating the role of civil society and NGOs in caring for victims and providing support services;
    - increasing the awareness and capacity of all relevant agencies and stakeholders.
  - Extradition, mutual legal assistance, including for confiscation of trafficking proceeds, should be constantly promoted at the global level. This can be done through establishment of agreements on cooperation of states. "Agreement on Cooperation of States - members of the Commonwealth of Independent States in combating human trafficking, human organs and

tissues" of 25 November 2005 can serve as an example of best practice in promoting extradition, mutual legal assistance and confiscation of trafficking proceeds at the global level.

### **Protection of victims**

Partnerships with civil society with the aim to support the fight against human trafficking should and can be strengthened by means of:

Provision of adequately tailored training (in areas such as counseling and rehabilitation of victims, legal protection and administrative support, provision of a “minimum package of empowerment activities” and management of micro-finance schemes), capacity building and technical assistance to NGOs implementing prevention, assistance and reintegration activities.

Creation of concrete opportunity to network and exchange experience between:

- NGOs in origin countries through establishment of a Coalition of NGOs which work to combat human trafficking;
- NGOs in origin and destination countries;
- NGOs and regional institutions in destination country working on the issue of human trafficking.

There are some main obstacles to effective fulfillment of the rights of victims to protection and assistance, as following:

- lack of identification of victims
- lack of capacities to ensure protection particularly in the developing countries
- lack of understanding the rights of the victims by the officials
- lack of recognized state responsibility for protecting the rights of victims resulting in the lack of resources for service providers
- lack of standards for the service providers resulting in inadequate protection and conditional assistance
- conditional protection which requires the cooperation of victims with the authorities and end of protection after the court case is closed

The most pressing needs in terms of enhancing assistance to victims of trafficking have been identified as the following: training, education and micro-finance to start up an income-generating activity have to be offered to victims of human trafficking so that they could pursue a viable economic alternative in their local context to that of being trafficked. These activities have to be conducted on a more continued basis.

## **Recommendations**

Human trafficking will not be eradicated without the political will and commitment at the highest levels to make it a priority locally, nationally, regionally and internationally. It is a phenomenon that can only be overcome if all players, within and outside Governments work together based on sound information regarding this phenomenon, how it is evolving and how it is affected by various interventions. Progress has been made in improving coordination at several levels, but much effort should still be made to implement best strategies. We need a truly integrated response to the problem, primarily within the UN.

- **Cooperation at national level**  
Human trafficking must be understood as a multifaceted phenomenon which has different sides and is connected to different aspects: the aforementioned factors that make people vulnerable to trafficking may contribute to the difficulties in repatriation process and lead to



re-trafficking. That is why a coordinated action plan at a country level should be developed involving all relevant actors in the planning and implementation of the action plan. A national coordination body to enhance this perspective should be established. This coordination body should be lead by a dedicated and permanent office (national rapporteur) with adequate resources. These national efforts can develop an international agenda towards a more comprehensive response to human trafficking.

- **Research and data collection:**

Research and data collection capacities especially in developing countries, where the research base is often weak and data almost nonexistent have to be built. Technical guidelines on data collection and storage standards as well as on research methods that can be used in studies of trafficking have to be developed. To facilitate data collection active information sharing among agencies working to combat trafficking both within and between states has to be promoted. Information sharing on best research practices has to be promoted for instance, through workshops and training courses between different agencies tackling trafficking. Different agencies tackling human trafficking have to agree on and use a common typology of data.

A network with a central interchange, acting as a unique collecting and informative entity on all the research initiatives in this field needs to be established, as well as a data-bank assembling, rationalizing and integrating all collected data and materials produced on the subject has to be creates.

Data collection has to be gathered systematically over time so as to ensure the reliability of data on human trafficking. Short-term practice of “snapshots” in data collection and research on human trafficking on one type of exploitation have to be replaced by a longer-term systematic collection of information and research on various types of the phenomenon.

- **Implementation of international legal instruments**

Some countries have not yet incorporated the provisions of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons in their national legislation. Thus they lack either legislation against human trafficking or a clear distinction between migrants’ smuggling and human trafficking. Consecutively, information related to irregular migration, migrants’ smuggling and trafficking is mixed. In addition, clear definitions are significantly important since often smuggled migrants end up into a trafficking situation.

Countries lacking a specific legislation on human trafficking face two main consequences:

- a) Since the focus of police investigations is shifted to associated criminal elements, human trafficking crimes are reported under different criminal provisions, thus the inability to fully analyze statistical data leading to better understanding of the phenomenon.
- b) Inexistence of specific legislation leads to the absence of official criminal justice statistics on human trafficking cases with reliable numbers of police-recorded crimes and of prosecuted and convicted persons.

Application of counter-trafficking legislation of many countries concerns only sexual exploitation. This leads to limited or no attention paid to other forms of human trafficking such as trafficking for labour exploitation and removal of organs, resulting in low investigations and in inexistent statistics on these cases.

# United Nations Educational, Scientific and Cultural Organization (UNESCO)

## Gap analysis & Recommendations

- **Need for reliable statistics**

The first step in better understanding human trafficking is to clarify what we know, what we think we know, and what we don't know about the phenomenon. When it comes to statistics, trafficking is one of several highly emotive issues which seem to overwhelm critical faculties. Numbers take on a life of their own, gaining acceptance through repetition, often with little inquiry into their derivations. Journalists, bowing to the pressures of editors, demand numbers, any number. Organizations feel compelled to supply them, lending false precisions and spurious authority to many reports.

It should be noted that the “clandestine” nature of trafficking can not be used to excuse careless use of statistics. Moreover, it is important to disaggregate statistics by sex, age and ethnicity.

- **Multidisciplinary research**

Regarding the numerous myths attached to trafficking, it is essential to conduct multidisciplinary research on the factors underlying to human trafficking. In addition to investigation of economic, political, ecological, and legal issues, it is important to investigate cultural factors exacerbate or diminish vulnerability to trafficking/unsafe migration.

- **Culturally-appropriate prevention**

Once factors at the root of trafficking are identified, effective prevention should be designed by taking into account, not only the legal and political frameworks in specific countries and communities, but also the cultural needs of the populations concerned. The messages conveyed have to not only be in the language for the population, but also match their cultural references, which is too seldom the case in trafficking prevention campaigns. These are formulated in the dominant language (national or even sometimes international) and based on a “Western” perspectives of prevention.

UNESCO has developed a twelve step methodology for creating research-based prevention materials in minority languages.

- **GIS-linked Epidemiological data mapping.**

This is being conducted by UNESCO in the GMS, but should be expanded to other regions.

## United Nations Office on Drugs and Crime (UNODC)

### Gap analysis

Since 1999, UNODC has worked with governments and its many partner organisations to not only build, improve and broaden responses to trafficking in persons but also, increasingly, to benchmark those efforts and assess progress made. Ten years on from the adoption of the Trafficking in Persons Protocol, the easiest measure of the progress associated with the Protocol is its ratification status. In October 2010, more than 140 countries are States Parties to the Trafficking Protocol.

Available information, however, has long suggested that the potential impact of the Protocol has yet to be fully realised. This was affirmed in February 2009 when UNODC published, under the umbrella of UN.GIFT, the *Global Report on Trafficking in Persons*. The report provides a global assessment of the scope of human trafficking and what is being done to fight it, based on data gathered from 155 countries. While the research clearly showed a global trend of anti-trafficking legislation being introduced after the Protocol came into effect in 2003, and that the majority of countries surveyed today have such laws, application of these laws is limited. By November 2008, almost half of the 155 countries did not have a national action plan addressing trafficking in persons; similarly, nearly half of the countries did not have a special anti-human trafficking police unit or similar body. Of great concern was the fact that two out of every five countries had never recorded a single conviction for a trafficking offence. Thus, in terms of the criminal justice response, a culture of impunity prevails.

Implementation of the Protocol at the national level, then, remains uneven, revealing a clear gap in the international response in 2010.

With a principal focus on addressing this issue, in October 2009, UNODC published the *International Framework for Action to Implement the Trafficking in Persons Protocol* as a technical assistance tool to support United Nations Member States in the effective implementation of the Trafficking in Persons Protocol. Resulting from a robust consultative and collaborative process, the Framework is the result of true inter-agency cooperation, combining the distinct expertise and experience of key organizations, including many ICAT member agencies.

In analysing the implementation to date of the Protocol, UNODC and its partners identified three key challenges in prevention, protection and prosecution efforts in the three following areas: (a) knowledge and research, (b) capacity-building and development and (c) monitoring and evaluation. In addition to the aforementioned challenges, insufficient allocation of resources remains an ever-present challenge in the practical implementation of anti-human trafficking activities. These challenges are significant priority issues to be addressed by all actors, both remedially and from this point on.

#### 1.1 Knowledge and research

Knowledge of and research into the specific national, regional and international trafficking in persons context is a prerequisite for the elaboration, implementation and evaluation of anti-human trafficking strategies and development of evidence based policies. This information is paramount to overcoming the current partial understanding of the crime and the human rights violations it entails.

Although most countries have adopted a specific offence on trafficking in persons, there is still a diversity of interpretations and approaches to the Protocol, and the trafficking in persons definition used by Member States. Some countries only acknowledge certain forms of exploitation and categories of victims or criminals, thereby limiting the scope and effectiveness of the response and hindering international cooperation among countries.

In order to strengthen national, regional and global efforts to fight human trafficking, a better understanding of the scope and nature of this crime is needed, including the labour exploitation dimension which is often not properly addressed. Many countries still do not collect basic data and data that is collected does not facilitate insight into the national trafficking situation, nor meet standards of international comparability. The data available is rarely disaggregated by age, gender, nationality, ethnicity, ability or form of exploitation.

In addition, there is a need for additional targeted and qualitative research to provide insights into the multifaceted dimensions of the crime. Research should include knowledge of the legal, social, cultural and economic circumstances that render children and adults vulnerable to trafficking; knowledge of the demand factors which fuel all forms of trafficking in persons; knowledge of the routes, changes in patterns and/ or trends and modus operandi of the perpetrators; and the social, cultural and legal responses that enable effective protection, rehabilitation, and integration or reintegration of victims.

## **2. Capacity-building and development**

Member States are faced with different challenges in preventing and combating trafficking in persons, not only because the extent and nature of the problem varies but also due to different capacities across countries and regions. For this reason, strengthening capacity at the national level is necessary in order that Member States have the institutional and technical ability to develop, implement and assess their own anti-human trafficking policies and strategies. Moreover, in view of the complexity and changing nature of trafficking crimes, it is essential that countries are able to strengthen, adapt and maintain the required capacity over time.

A review of the reports of the Conference of Parties to the United Nations Convention against Transnational Organized Crime, as well as the *Global Report on Trafficking in Persons*, highlights the capacity-building requirements of Member States pertinent to an adequate response to trafficking in persons, namely: prevention, protection, prosecution, cooperation and coordination.

For example, supported by national inter-agency coordination mechanisms in consultation with civil society, Member States must strengthen their capacity to analyze and develop national policies and strategies for the implementation of the Trafficking Protocol.. Likewise, Member States should be able to develop and carry out information and awareness-raising programmes for policymakers, criminal justice practitioners, border and immigration authorities, labour inspectors, workers' and employers' organizations, health practitioners and social workers, amongst others, in order to effectively prevent and combat trafficking in persons.

## **3. Monitoring and evaluation**

Systematic collection and analysis of data on trafficking in persons is an important step for increasing the knowledge base and monitoring trends and patterns at the national, regional and international levels. Additionally, as noted above, data collection and analysis are important to help set baselines against which Member States can assess progress in the implementation of national policies, strategies and programmes.

With regards to an international fora, the United Nations Convention against Transnational Organized Crime established a Conference of the Parties as a vehicle for State Parties to report on their implementation of the Convention and its Protocols. At its first session, the Conference of the Parties, inter alia, established a programme of work for reviewing periodically the implementation of the Trafficking in Persons Protocol, as per article 32 of the Convention.

The United Nations Office of the High Commissioner for Human Rights (UNHCHR) *Recommended Principles and Guidelines* recommend that Member States establish national mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions. Consideration should be given to assigning this role to independent national human rights institutions where such bodies exist. Nongovernmental organizations working with trafficked

persons should be encouraged to participate in monitoring and evaluating the human rights impact of anti-trafficking measures.

In view of the multidisciplinary nature of trafficking in persons and the number of government and non-governmental institutions working on the issue, Member States should ensure a common national system for collecting and sharing information so that different agencies use common standard language, methods and procedures that allow for comparability within countries and across them.

Equally important is that Member States use the findings from regular monitoring and impact evaluations in order to help identify gaps in the national response and adapt, take course-corrective actions or additional measures and/or make the necessary changes in policies or strategies to prevent and combat trafficking in persons.

### Recommendations

Based upon the Trafficking in Persons Protocol and its ongoing technical assistance work, UNODC recommends the following actions be prioritized to **implement** existing international obligations regarding trafficking in persons, in particular with regard to ensuring a comprehensive and effective criminal justice response that appropriately balances the prosecution of offenders with the assistance and protection of victims of trafficking.

In so doing, Member States might contribute in 2010 and beyond to the full realization of the potential impact of the Trafficking in Persons Protocol, adopted in December 2000.

#### **Enhancing prevention and awareness raising efforts among public at large and targeted groups**

Member States should involve and cooperate with a wide range of actors in designing and implementing prevention and awareness-raising initiatives.

- *UNODC Toolkit to Combat Trafficking in Persons offers guidance, recommended resources, and promising practices to policymakers, law enforcers, judges, prosecutors, victim service providers and members of civil society who are working in interrelated spheres towards preventing trafficking, protecting and assisting victims and promoting international cooperation. These include examples, with methodologies and checklists, of multi-party prevention initiatives.*

#### **Ensuring an adequate and appropriate legal framework**

In order to effectively address trafficking in persons, Member States' legal frameworks must be harmonized to ensure that their own domestic trafficking challenges and national priorities are in line with their international legal obligations.

- *UNODC Model Law against Trafficking in Persons provides assistance in implementing the provisions contained in the Trafficking in Persons Protocol. It is designed to be adaptable to the needs of each State, contains all the provisions that States are required or recommended to include in their domestic legislation by the Protocol and reflects promising practices by States globally since the Protocol came into effect in 2003.*

#### **Promoting evidence-based planning and policy development**

Member States should carry out assessments of the trafficking situation and existing capacities to respond to it, and develop and implement national and regional action plans to prevent and combat trafficking in persons.

- *UNODC Needs Assessment Toolkit on the Criminal Justice Response to Human Trafficking supports governments, civil society, the international community and other relevant actors to conduct a comprehensive or specific assessment of selected aspects of a country's criminal justice response to trafficking in persons. The Toolkit has sufficient flexibility to be used for assessments both in places where a solid infrastructure for combating trafficking in persons exists and in places with few or no such measures.*

#### **Enhancing criminal justice system response**

Member States should ensure their criminal justice response to the crime of trafficking in persons is holistic, taking into consideration a range of issues from the rescue of victims and the protection of witnesses to the prosecution of traffickers.

- *UNODC Anti-Human Trafficking Manual for Criminal Justice Practitioners aims to address capacity gaps of criminal justice practitioners working to prevent and combat trafficking in persons, protect and assist its victims, and effectively cooperate with others in doing so. The manual elaborates promising practices in every phase of criminal justice response to trafficking in persons, and stands as a practical guide and training tool for criminal justice practitioners.*

#### **Ensuring adequate victim protection and support structures**

Member States should ensure that their domestic legal or administrative systems contain measures that help identify victims of trafficking and provide them with access to adequate remedies including protection, assistance and compensation. Standard procedures and practices in investigations and criminal proceedings should be reviewed to ensure they don't result in avoid double victimization.

- *UNODC International Framework for Action To Implement the Trafficking in Persons Protocol recommends operational measures to implement each of the Protocol's provisions, including Article 6, regarding assistance to and protection of victims. These measures draw on other international instruments, political commitments, guidelines and good practices to enable the implementation of a comprehensive anti-human trafficking response.*

#### **Improving data collection and research**

States should build the capacity of law enforcement and other relevant authorities to: (a) collect and analyze data on organized crime; (b) manage knowledge on organized crime trends and threat assessments, bridging gaps in the coverage of existing data collection and analysis systems; and (c) share that data appropriately with counterparts across borders.

- *UNODC report, Trafficking in Persons: Global Patterns (2006) provides a framework of 8 recommendations for national action on information collection; UNODC Global Report Against Trafficking in Persons (2009) provides an analysis for the international monitoring of human trafficking trends, patterns and flows.*

