



Global Protection Cluster

# An Introductory Guide to Anti-Trafficking Action in Internal Displacement Contexts 2020



Global Protection Cluster  
Anti-Trafficking Task Team

co-led by:



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# **An Introductory Guide to Anti-Trafficking Action in Internal Displacement Contexts**

**2020**



**Global Protection Cluster**  
**Anti-Trafficking Task Team**



# TABLE OF CONTENTS

- ACKNOWLEDGEMENTS..... iv
- ACRONYMS .....v
- FOREWORD ..... vi
- INTRODUCTION ..... 1
- SECTION 1: Understanding trafficking in persons and the roles of responders ..... 3
  - Why is trafficking in persons a humanitarian protection concern? .....7
  - How does trafficking manifest in crisis contexts? .....7
  - What makes crisis-affected communities and individuals vulnerable to trafficking in persons? ..... 8
  - Who is vulnerable to trafficking in persons? ..... 9
  - Roles and coordination of anti-trafficking responses in crisis contexts ..... 11
  - Context analysis ..... 17
- SECTION 2: Prevention and protection responses for trafficked persons ..... 17
  - Extracting data on human trafficking ..... 22
  - Anti-trafficking responses ..... 23
  - Recognizing & responding to cases of trafficking ..... 31
- SECTION 3: Operational guidance for identifying, referring and managing cases ..... 31
  - Step 1: Initial detection & screening ..... 32
  - Step 2: Verification by in-depth interview ..... 36
  - Step 3: Intake and case management ..... 39
  - Step 4: Referral to services ..... 40
  - All steps: safety & security ..... 42
- ANNEXES ..... 49

# ACKNOWLEDGEMENTS

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This publication was primarily drafted by Andria Kenney, Sam McCormack, Christy Fujio, Renata Bernardo and Heather Komenda.

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The Global Protection Cluster Task Team on Anti-Trafficking would like to thank the Government of Norway, NORCAP, the U.S. Bureau of Population, Refugees, and Migration (PRM), the Office of U.S. Foreign Disaster Assistance (OFDA) and Walk Free - an initiative of the Minderoo Foundation, for their contributions in producing this guidance.

# ACRONYMS

AoR	Area of responsibility
CP	Child protection
GBV	Gender-based violence
GPC	Global Protection Cluster
HC	Humanitarian Coordinator
HCT	Humanitarian Country Team
IASC	Inter Agency Standing Committee
IDP	Internally displaced person
IOM	International Organization for Migration
MHPSS	Mental Health and Psychosocial Support
MRM	Monitoring and Reporting Mechanism
SCR	(UN) Security Council Resolution
TIP	Trafficking in persons
UASC	Unaccompanied and separated children
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
WASH	Water, sanitation and hygiene

# FOREWORD



## **Global Protection Cluster Coordinator** **William Chemaly**

Today, the fact that an adult or child can still be bought and sold, traded and transferred, abused and exploited for private gain or profit should spur us, the humanitarian community, to immediate action.

The Balkan Wars of the 1990s mark a particularly dark period for humanitarians. Not only did trafficking in persons, particularly of women and girls, flourish unchecked and enrich parties to the conflict, but trafficking was perpetrated by humanitarians themselves.

In the year 2000, partially in response to these flagrant abuses of humanitarian principles, the world came together to create the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. Today, the Protocol is almost universally ratified by States across the globe.

Fast forward 20 years to today, as the international community celebrates the significant progress made in the collective fight against trafficking, we have an opportunity to reinforce the commitment of humanitarians to prevent trafficking in the operations where we work, and to protect and assist victims.

It is also the time to take stock of what we are currently doing and reflect on how we can improve.

This Introductory Guide to Anti-Trafficking Action in Internal Displacement Contexts, drafted by the Global Protection Cluster Task Team on Anti-Trafficking in Humanitarian Action, is the product of two years of consultations with colleagues in national Protection Clusters. It reflects requests from protection colleagues for concise guidance that answers the following questions: what is trafficking? What are the roles of responders? What does a prevention and protection response involve? And how can I identify, refer and manage cases?

This guide is an initial answer to these questions.

Two messages are clear in this guide: a robust and sustainable anti-trafficking response does not lie with Protection alone; anti-trafficking programming must be integrated across sectors and clusters. In addition, anti-trafficking efforts will not succeed without a truly multi-stakeholder approach. Strengthening the humanitarian-development-peace nexus is critical to effective anti-trafficking, as is a localized approach that promotes partnerships with government, non-governmental organizations and civil society, survivor-led organizations and faith leaders, communities and beneficiaries.

Trafficking in persons remains one of the largest rights violations exacerbated in times of crises where the humanitarian community does not have a predictable, at-scale way to respond. The Global Protection Cluster is committed to advancing efforts to respond and doing so in a collective way.

I look forward to working with partners at the field and global level to roll out this guide as we work towards our common aim – protecting crisis-affected populations.



# A NOTE ON TERMINOLOGY

Trafficking in persons (TIP) is the official legal terminology established in the [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#), Supplementing the United Nations Convention against Transnational Organized Crime (2000). We use the official terminology throughout, but, for the sake of brevity, also refer simply to “trafficking”. Trafficking in persons is also commonly called “human trafficking” and should be understood as the same phenomenon.

‘Victim of trafficking’ is the official legal term established in the Protocol. However, in many countries a person must be formally granted this status as a victim of trafficking by the State. Humanitarians will often come into contact with a person who has been trafficked before that status is granted. To avoid confusion between potential, presumed, informally identified and officially identified, we use the term ‘trafficked person’ throughout.

In cases of trafficking, the term ‘victim’ is often used instead of ‘survivor’ to indicate the person has experienced a crime/human rights violation in which they are legally entitled to government assistance, protection and reparation.



# INTRODUCTION

## The need for guidance for humanitarian practitioners

Trafficking in persons (TIP) is a crime and a grave human rights violation that takes place in every country of the world. It is perpetrated in times of peace and stability and is increasingly evident in times of crisis. In 2017–2018, the newly established Global Protection Cluster Task Team on Anti-Trafficking in Humanitarian Action (the Task Team) conducted a stocktaking exercise with 29 Protection Clusters to assess if and how trafficking in persons was addressed within the cluster.

Only five Protection Clusters reported having an anti-trafficking response, while half of the clusters reported “no response” due to an absence of data on trafficking. The Protection Cluster coordinators, along with the Child

Protection (CP) and Gender-Based Violence (GBV) Areas of Responsibility (AoR) coordinators interviewed for the assessment consistently requested guidance on anti-trafficking in order to begin implementation of, or strengthen, anti-trafficking responses. This document is an initial answer to those requests.

### Snapshot of 29 Protection Cluster's awareness of anti-trafficking responses (2018)

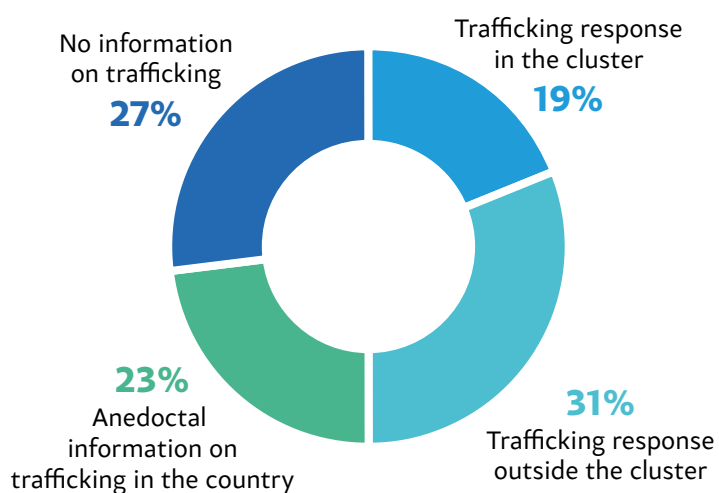


Figure taken from the *Anti-Trafficking in Humanitarian Responses Stocktaking Report of the Global Protection Cluster Task Team on Anti-Trafficking in Humanitarian Action* (2018).

## About the guidance

### Purpose

The objective of this document is to introduce humanitarian practitioners to the issue of trafficking in persons in internal displacement contexts. The information is intended to assist in the detection, identification, referral, protection and assistance of trafficked persons who may be internally displaced persons (IDPs), part of the crisis-affected population or the host community. It also provides guidance on preventing trafficking and the relevant partners to work with in anti-trafficking action.

## When to use the guidance

This guidance applies in all types of crises involving IDPs – climate change induced displacement, disaster displacement, armed conflict and complex humanitarian emergencies. It is relevant in all phases of crisis, including in preparedness efforts, throughout acute and protracted crisis situations, during stabilization and in recovery phases. It is intended for all humanitarian practitioners who, in the course of their work, may come into contact with trafficked persons and persons at risk of trafficking. The guidance may also be used by individuals, national institutions and organizations working in partnership with the Protection Cluster in the context of assisting such vulnerable persons and building response systems.

## Scope and limitations of this document

### Scope

The guidance sets out ways in which humanitarian practitioners working in internal displacement contexts can support and complement States' efforts to comply with their anti-trafficking obligations under national and international law. In cases where existing national mechanisms and frameworks are inadequate, or do not meet the requirements of national law nor recommendations set by international standards, this manual can be viewed as a guide for improving existing practices. In circumstances where no such practices or frameworks exist, the guidance can illustrate what the ideal approach would entail. In all contexts, those working with trafficked persons should be aware of and refer to the relevant national legal framework in their specific context. This guidance should be considered as complementary to existing guidelines and toolkits on protection for humanitarians.<sup>1</sup>

### Limitations

Examples of coordinated and/or comprehensive humanitarian responses to trafficking in persons are limited. This may be partially attributed to the fact very few humanitarian activities or programmes are labeled as 'anti-trafficking'. As a result, aspects of humanitarian work that serve an anti-trafficking preventative or response function are rarely counted. Building the evidence base of activities and actions that positively impact people at risk of trafficking, or those who have been trafficked, remains an important challenge.

As the authors wrote this introductory guide, certain gaps in information were evident – a lack of information on how trafficking impacts people living in urban settings or people with disability or reduced mobility in crisis contexts; limited examples of *how*, not just *why*, to integrate trafficked persons in need of assistance into existing programmes (particularly GBV & CP programmes); and, limited examples of how humanitarians can directly engage with development and peace and security actors in combating trafficking.

The authors and members of the Global Protection Cluster (GPC) Task Team on Anti-Trafficking hope this initial guidance inspires anti-trafficking action from Protection Cluster members – action from which we can collectively learn. The GPC is committed to gathering and disseminating emerging and promising practices as they become available and working alongside other clusters and stakeholders interested in strengthening anti-trafficking responses.

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1 Existing guidelines and toolkits include: [Protection Mainstreaming Toolkit](#) (GPC), [Statement on the Centrality of Protection in Humanitarian Action](#) (IASC), [Policy on Protection in Humanitarian Action](#) (IASC), [Minimum Standards for Child Protection in Humanitarian Action](#) (CPWG), [Child Protection in Emergencies Coordination Handbook](#) (CP AoR), [Interagency Guidelines on Case Management and Child Protection](#) (CPWG), [Inter-Agency Minimum Standards for Prevention and Response to GBV in Emergencies](#) (GBV AoR), [Gender-Based Violence Case Management Guidelines](#) (GBVIMS), [Gender-Based Violence Information Management System Tools](#) (GBVIMS), [Handbook for Coordinating Gender-Based Violence Interventions in Emergencies](#) (GBV AoR), [Humanitarian Charter & Minimum Standards in Humanitarian Response](#) (SPHERE).

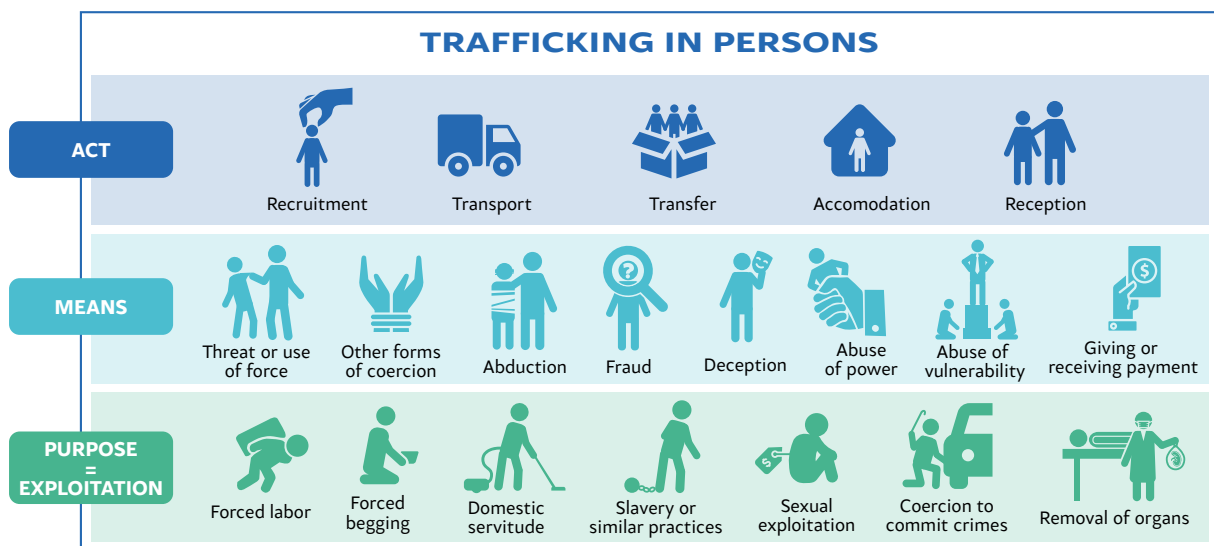
# Understanding trafficking in persons and the roles of responders

## What is trafficking in persons?

Trafficking in Persons (TIP) is a serious crime, a grave violation of human rights and in many cases, a form of GBV.

The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (commonly referred to as the *Trafficking in Persons Protocol* or the *Palermo Protocol*)<sup>2</sup> provides the international legal definition of trafficking in persons:

"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs." (Article 3, paragraph (a)).



2 The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Based on this definition, the crime of trafficking in persons has three elements:

- The Act (what is done): recruitment, transportation, transfer, harbouring or receipt of persons;
- The Means (how it is done): threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim;
- The Purpose (why it is done): For the purpose of exploitation, at a minimum and not as an exhaustive list – exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices or the removal of organs.

**Did you know?**

*The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* has 178 States parties as of October 2020, making it one of the most endorsed treaties in the world. Click [here](#) to see which countries are bound by its terms.



A victim of trafficking is any person who has been subject to the three elements of the crime (the act, the means and the purpose).<sup>3</sup>



A child victim of trafficking is a person younger than 18 years who has been subjected to an act of trafficking for the purpose of exploitation. The child is a victim even if he/she has not been subjected to any of the means – being threatened, coerced, abducted etc.<sup>4</sup>

Global estimates of trafficking in persons indicate that millions of people are victimized worldwide.<sup>5</sup> Almost 60 per cent of victims are exploited within their own country.<sup>6</sup> Trafficking has a strong gender dimension and affects women, girls, boys and men differently.<sup>7</sup> Women and girls account for the largest numbers of detected victims.<sup>8</sup> Significant challenges remain regarding the identification of trafficked persons, in part due to varied perceptions and stereotypes about trafficking, as well as infrequent self-identification. For example, men and boys trafficked for forced labour rarely self-identify as trafficked persons and State authorities often misconstrue trafficking situations as merely poor work conditions.

**Did you know?**

The term 'exploitation' is not defined in the Trafficking in Persons Protocol. Instead a non-exhaustive list of exploitative practices is included (sexual exploitation, forced labour, slavery etc.). By keeping this list of exploitative purposes non-exhaustive, the Protocol allows for other, new, or less common forms of exploitation to be included in national legislation. Some countries have criminalised trafficking for forced begging, trafficking for forced use in criminal activities, trafficking for forced recruitment into armed groups, and trafficking for human sacrifice or use in rituals. Check out UNODC's SHERLOC database for national legislation and case law on trafficking, and the Anti-Slavery in Domestic Legislation Database for a country by country look at national legislation on trafficking, slavery and forced labour.

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3 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime.

4 *Ibid.*

5 ILO, IOM and Walk Free Foundations, [Global Estimates of Modern Day Slavery](#), 2017.

6 UNODC, [Global Report on Trafficking in Persons](#), 2018.

7 UNHCR, Module 15, SGBV in the context of human trafficking, Session 2, p. 15.

8 UNODC, [Global Report on Trafficking in Persons](#), 2018.

## Examples of trafficking in persons in displacement contexts

ACT	MEANS	PURPOSE
Woman kidnapped in urban area taken to armed group-controlled area and received by armed commander	Abduction, threat and use of force	Sexual exploitation or practices similar to slavery, servitude, forced labour
Displaced person offered well-paying job with decent working hours on a construction site	Deceived through false promises of decent work in a safe environment, abuse of a position of vulnerability	Forced labour in construction in unsafe conditions for excessive hours
Woman harbours young girls and women abducted by armed groups while they are auctioned online	If younger than 18 years: not required  If older than 18 years: use or threat of force, abuse of a position of vulnerability	Sexual exploitation, sexual slavery
LGBTIQ+ male youth displaced by a typhoon are approached by a man offering to take them to a nearby city for schooling. Upon arrival they are forced onto the street to beg and sell sex under the threat of physical force.	If younger than 18 years: not required  If older than 18 years: deceived through false promises, threat, abuse of a position of vulnerability	Forced begging, sexual exploitation
Young girls displaced by natural disaster are recruited into domestic service in urban areas. Once in the place of work they are forced to work excessive hours and under the threat of physical reprisals.	If younger than 18 years: not required  If older than 18 years: deception, abuse of a position of vulnerability	Domestic servitude, forced labour
Vulnerable family displaced by internal conflict approached by marriage broker who gives them money in exchange for the marriage of 15-year-old daughter to a wealthy man from a neighbouring country. The man intends to use her as a child bearer and a domestic servant.	Not required as the victim is younger than 18 years	Forced marriage, sexual exploitation, domestic servitude
After an earthquake, villagers are displaced to a nearby city where they struggle to find work to meet basic needs. Some women are approached by a recruiter offering waitressing jobs in another country. Upon arrival they are forced to perform sex work as the recruiter says they must pay off the travel costs.	Deceived through false promises of decent work in a safe environment, threat and use of force, abuse of a position of vulnerability	Sexual exploitation
Boys and girls kidnapped in displacement area taken to armed group-controlled area and forced to engage in active combat	Not required as the victim is younger than 18 years  If older than 18 years: abduction, threat and use of force	Exploitation as a combatant or in a support role

Adapted from UNODC, Countering Trafficking in Persons in Conflict Situations, 2018.

## Trafficking in persons in humanitarian crises – an issue of concern to the international community

In 2008, the United Nations (UN) General Assembly adopted Resolution 63/156 on Trafficking in Women and Girls, which recognizes that crises can exacerbate vulnerabilities to trafficking in persons. In 2016, the UN Security Council unanimously adopted Resolution 2331, which condemns trafficking in persons in areas affected by armed conflicts and urges States to investigate, disrupt and dismantle trafficking networks, amongst other key actions. In 2017, the UN Security Council reiterated its condemnation of trafficking in conflict through unanimous adoption of Resolution 2388. Contributing inputs to high-level reports related to these resolutions and monitoring systems is important, as this information reaches the Security Council and can prompt international action such as sanctions or arms embargoes. Furthermore, such reports can influence donor policy and affect proceedings of the UN Universal Periodic Review,<sup>9</sup> which are critical to advance political will and advocacy.

Since the 2017 debates at the Security Council on trafficking in persons, the severity of human trafficking in conflict and post-conflict situations, as well as the nexus between terrorism and trafficking in persons, has been examined on several occasions by the Council. For more information, see the debates on the maintenance of international peace and security (S/PV.8114), the debate on children and armed conflict (S/PV.8305) and the UN Secretary General's report on instances of conflict-related sexual violence that encompass trafficking in persons when committed in situations of conflict for the purpose of sexual violence or exploitation (S/2018/250). Also see UNODC's 2018 report *Trafficking in Persons in the Context of Armed Conflict*.

## The difference between trafficking and smuggling

Trafficking in persons is distinct from the smuggling of migrants. Smuggling of migrants is the conduct of a specific act – facilitation, transportation, attempted transportation or illegal entry of a person(s) across an international border – for financial or material benefit (see *Article 3(a) of the Protocol against the Smuggling of Migrants by Land, Sea and Air*). Sometimes smuggled migrants are put at serious risk, including increased risk of trafficking, inhumane or degrading treatment and other abuses. This can be, for example, because some smugglers are also engaged in trafficking and take advantage of smuggled migrants' vulnerability, or because smuggled migrants become indebted to the smuggler and are forced by the smuggler to work or provide sexual services for their profit. For this reason, the crimes of smuggling of migrants and trafficking in persons are often conflated, despite the fact that they are distinct, albeit sometimes overlapping, crimes.

### Key differences

- Smuggling requires crossing of an international border, whereas trafficking can occur within national borders.
- Smuggling need not include any form of force, coercion, deception, or abuse of power.
- Smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims, on the other hand, have either never consented or, if they initially consented, this consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.
- Smuggling, by definition, ends with the arrival of the person at their destination, whereas trafficking involves the ongoing exploitation of the victim(s) to generate illicit profits for the trafficker(s).
- Smuggling is a crime against the State; trafficking is a crime against the person.

### Commonalities

- Trafficking and smuggling can occur along the same routes and be perpetrated by the same criminals.
- Like trafficked persons, smuggled migrants may be victims of other crimes, ill-treatment, or violence.

*Note:* In some languages there are no separate words for smuggling and trafficking. This can obscure people's understanding and negatively influence approaches by authorities, legal systems and communities.

9 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>.



# Why is trafficking in persons a humanitarian protection concern?

Trafficking in persons usually occurs in dangerous and degrading conditions, violating the dignity and integrity of the person, and endangering the life and physical security of the person. Severe forms of exploitation, such as abduction, incarceration, rape, sexual enslavement, forced prostitution, forced labour, organ removal, beatings, torture, starvation, psychological abuse and the deprivation of medical treatment, are inherent to trafficking. Trafficking in persons violates the most fundamental rights and freedoms of the person including:<sup>10</sup>

- The right to liberty and security
- The right not to be submitted to slavery, servitude, forced labour, or bonded labour/debt bondage
- The right not to be subjected to torture or to cruel, inhuman and degrading treatment
- The right not to be sold, traded or promised in marriage
- The right to be free from gender-based violence
- The right to freedom of movement
- The right to just and favourable and conditions of work
- The right to inclusive and equitable quality education and lifelong learning opportunities
- The right to an adequate standard of living
- The right to equality and non-discrimination

All States have an obligation to prevent and combat trafficking and protect and assist victims. Humanitarian and human rights actors play an important role in supporting State's counter-trafficking efforts especially through preventative and protective measures. Humanitarians have a duty to:

- PREVENT people from being trafficked
- IDENTIFY and REFER trafficked persons to appropriate services
- PROTECT and ASSIST trafficked persons

## How does trafficking manifest in crisis contexts?

Crisis contexts can exacerbate pre-existing trafficking trends and give rise to new ones.

Some forms of trafficking are a direct result of crises, for example people may be trafficked for use as combatants to finance armed conflict, to provide exploitative sexual services, for forced labour, for forced marriage and, in some cases, to reinforce the enslavement of ethnic minorities.

In other instances, trafficking may be indirectly related to the crisis, such as displaced populations being targeted or intercepted while fleeing the crisis or trafficked at their destination for domestic servitude, forced labour or sexual exploitation.

### Protection

“All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law (IHL), International Humanitarian Law, International Refugee law (IRL)).”

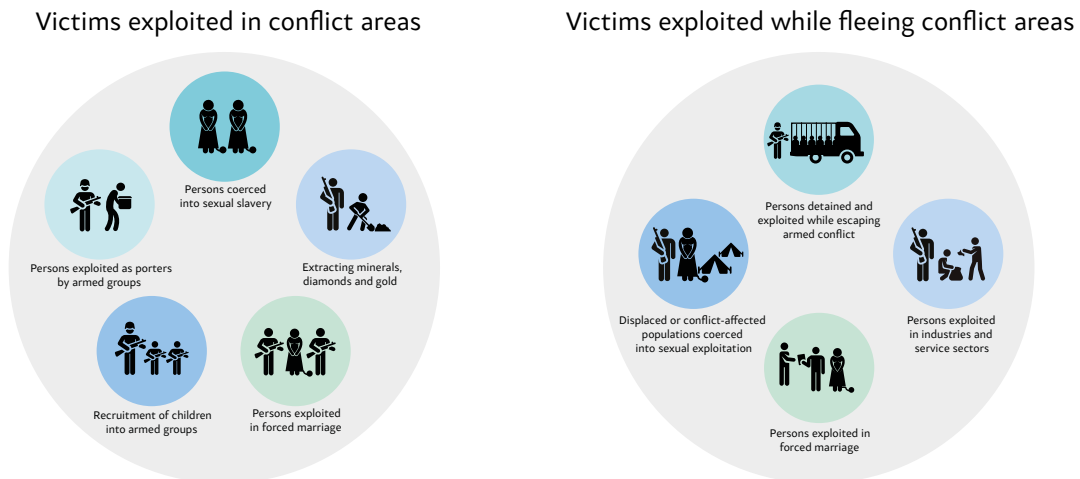
IASC, *Protection in Humanitarian Action Policy*, 2016

“All humanitarian actors must ensure all people affected or threatened by a humanitarian crisis have their rights fully respected in accordance with international law, and their protection assured by relevant and timely actions through all phases of the crisis and beyond.”

IASC, *Centrality of Protection Statement*, 2013

10 Adapted from UN, [Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), November 2010, HR/PUB/10/2, pp 52-56.

## Reported forms of trafficking in persons directly and indirectly related to armed conflict



Source: UNODC, Global Report on Trafficking in Persons, 2018.

## What makes crisis-affected communities and individuals vulnerable to trafficking in persons?

In crisis contexts, traffickers capitalize on the widespread human, material, social and economic distress caused by the emergency. A number of factors make people more vulnerable to trafficking, including the hampered ability of families and communities to provide for their basic needs; limited options to seek domestic or international protection safely and regularly; negative coping mechanisms adopted by those affected by the crisis; erosion of the rule of law; and the breakdown of social safety nets and other social protection systems.<sup>11</sup> Often, these factors are compounded by an inadequate legal framework, weak law enforcement capacity, impaired border control and lack of respect for human rights.



Criminal networks often capitalize on the erosion of the rule of law and the breakdown of State institutions. A general culture of criminality with impunity, abuse and corruption can set in, which facilitates trafficking in persons. In post-conflict settings, former militia persons, ex-combatants or warlords may turn to trafficking to replace losses of revenue caused by the cessation of the conflict.



Crisis-affected families and individuals have limited access to education, livelihoods and self-reliance opportunities, especially women and girls. This can make them particularly vulnerable to traffickers who appear to offer life-saving access to remunerated work opportunities. Impoverished and displaced families may entrust the care of their children to traffickers who promise to provide them with education or skills training but ultimately exploit them for the purposes of prostitution, forced labour, irregular adoption, forced marriage or forced begging.



Crisis-affected families and individuals who fear for their lives and wish to seek protection abroad as refugees can fall prey to traffickers who claim to offer a route to safety.



Crisis-affected populations may be approached by criminals in transit locations or in planned or spontaneous displacement settings. In official and informal camps, and other residential areas where forcibly displaced people are concentrated, criminals with access to such sites may offer fake employment or education opportunities or pose as relatives and caregivers.



Migrants who were living in the country prior to the crisis may face increased risk of exposure to trafficking due to their limited access to humanitarian assistance, national protection mechanisms, social networks and other support systems. In some cases, migrants may already be victims of trafficking prior to the crisis.



Crisis contexts may create specific demands for exploitative services, such as the demand created by aid workers and/or peacekeepers who may inadvertently rely upon cheap labour in the rebuilding phase, or the highly prohibited demand for sexual services.

11 Trafficking in Persons in Humanitarian Crises, The Inter-Agency Coordination Group against Trafficking in Persons, 2017, available at: <https://icat.network/sites/default/files/publications/documents/ICAT-IB-02-Final>.

## Who is vulnerable to trafficking in persons?

Not all crisis-affected people share the same vulnerability to being trafficked. Vulnerabilities vary depending on the individual situation of the person – for instance sex, gender, age, ability or disability, sexual orientation, religion, nationality and legal status, access to and level of education, family dynamics, experience of abuse and/or an intersection of such factors. Vulnerability is also shaped by the social, political, cultural and economic environment in which the person resides. This can include social attitudes towards men, women, boys and girls; attitudes or policies towards certain ethnicities, religions or marginalized groups; tolerance of violence and criminality; discriminatory laws or policies; and weak law enforcement. A recurring feature of vulnerability is a situation in which there is a power imbalance – the person with less power has limited choices and becomes more vulnerable to exploitation. Displacement following conflict and crisis further exacerbates these risk factors.



Women and girls are often vulnerable to trafficking as a direct consequence of discriminatory gender norms and low socioeconomic status. GBV may be the reason for trafficking a woman or girl (that is, the exploitative purpose, such as domestic servitude or forced marriage), or GBV may be a form of abuse experienced at the hands of traffickers (for example, a woman trafficked for forced labour may be subjected to emotional violence or sexual abuse).<sup>12</sup> Factors related to crisis and displacement heighten the risks of violence to women, which can include psychological and emotional violence, physical and sexual violence, trafficking, rape as a weapon of war, sexual slavery, forced marriage and domestic violence. Beyond the obvious threats, women frequently take on work in private homes where they are largely invisible and unprotected and can face demands amounting to domestic servitude and sexual slavery. This is a risk both when their work is formal, and informal.



Children and adolescents are vulnerable to trafficking for a range of exploitative practices. Girls are particularly vulnerable to trafficking for sexual exploitation, domestic servitude and forced marriage, while boys are particularly vulnerable to trafficking for forced labour, for use in armed forces or groups and forced begging. Unaccompanied and separated children (UASC) and LGBTI youth are vulnerable to sexual violence and abuse, which may be related to their trafficking experience.

In situations of conflict and displacement, particularly in the absence of adult male members of the household, boys and increasingly girls, are expected to contribute to the household income. This expectation may increase their vulnerability to trafficking, as they may be targeted by traffickers willing to exploit their precarious situation. Both the children themselves and their family members may be more willing to consider risky options, such as migrating alone in search of economic opportunities, or taking up work in high-risk sectors.<sup>13</sup> Without access to systems of community protection such as family and friends, nor to resources and information, they may be compelled to accept any offer of work. They can be under immense pressure to repay debts for their journey or fees for passage and to cover their own basic needs while supporting their families.<sup>14</sup>

.....  
12 UNHCR, Module 15, SGBV in the context of human trafficking, Session 2, p. 15.

13 Trafficking may be present in any industry, but is particularly recurrent in high-demand, labour-intensive sectors such as agriculture, fisheries, construction, hotel / restaurant services, extractive industries, textiles and garment making, cleaning and household services and adult entertainment and sexual services.

14 IOM, UNICEF, [Harrowing Journeys: Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation](#), September 2017, p. 24.

## KEY MESSAGES

### **Border crossing not required**

Trafficking does not require a person to be moved across an international border. In fact, trafficking does not require any movement. A trafficked person can be held and exploited within their own community.

### **Anyone can be trafficked**

There is no single profile of a trafficked person. Trafficked persons can be young or old people, men, women, or girls or boys. They can be educated, illiterate, healthy or ill, and have varied degrees of physical and cognitive ability. Trafficking is, however, a gendered phenomenon – women and girls are disproportionately targeted for sexual exploitation and men and boys for forced recruitment into armed groups and forces.

### **Traffickers have many profiles**

There is no single profile of a trafficker. Traffickers can be men or women, young, old or even minors; members of organized criminal groups, armed groups, personnel of international or nongovernmental organizations, governmental personnel, total strangers or friends or relatives of the trafficked person.

### **No limit to exploitative purposes**

Trafficking can be for a range of exploitative purposes, including for sexual exploitation, forced labour or other purposes not explicitly mentioned in the Trafficking in Persons Protocol, such as exploitation for forced marriage, or the commission of criminal activities.

### **Act, means and purpose is needed**

Not all exploited people are trafficked. Persons who are exploited still suffer violations, but are only considered trafficked persons if the acts and means have been used to exploit them (or only acts, in the case of children).

### **The role of consent**

A person can consent to exploitative circumstances and still be a trafficked person. The use of “means” (for example, threat or use of force, coercion, etc.) to obtain a person’s consent makes that consent irrelevant; in cases where the trafficked person is a child, consent is always irrelevant.

### **A smuggled person can become a trafficked person**

Smuggled persons are particularly vulnerable to exploitation and trafficking.

### **When and where does trafficking occur**

Trafficking in persons may occur at any stage of displacement, in any location. IDPs’ vulnerability to trafficking will depend on the local context and the stage of displacement (such as early onset or protracted displacement).

(adapted from UNODC, Countering Trafficking in Persons in Conflict Situations, 2018)

# Roles and coordination of anti-trafficking responses in crisis contexts

## The role of the State

It is first and foremost the responsibility of the State to prevent trafficking, investigate and prosecute traffickers, safeguard the rights of all victims of trafficking or persons at risk of trafficking on its territory and assist and provide adequate redress to victims in accordance with international law and with national legislation where relevant. Respect for human rights and the best interests of the victim should be at the centre of all efforts. The role and responsibilities of the State, summarized below, are further outlined in the *Trafficking in Persons Protocol* as well as in the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*.

	<p>Take all appropriate <b>national, bilateral and multilateral measures</b> to prevent trafficking for any purpose or in any form. These measures include the issuance of codes of conduct or strict instructions to military and law enforcement personnel not to engage in or support trafficking activities. In addition, as trafficking can also be a transnational crime, measures should include regional cooperation with transit or destination countries to prevent trafficking, protect and assist victims and prosecute traffickers.</p>
	<p>Enact domestic laws to <b>criminalize trafficking</b> and ensure the prompt investigation and prosecution of traffickers. Efforts must be made to ensure confidentiality and provide adequate protection to victims and witnesses that assist with legal proceedings.</p>
	<p>Include provisions aiming at preventing and prohibiting human trafficking by all State and non-State actors in ceasefire or peace agreements.</p>
	<p><b>Protect and assist</b> trafficked persons and ensure that they receive just compensation for the harm suffered. The Protocol encourages States to provide access to social benefits, such as housing, medical care, counselling and legal assistance, paying attention to age, gender and the specific needs of the victims.</p>
	<p>Develop comprehensive <b>policies and programmes</b> to prevent and combat trafficking and protect victims from re-victimization. These policies can include research, media campaigns, social and economic initiatives and measures to address risk factors to trafficking, such as poverty, discrimination and lack of equal opportunities.</p>
	<p>Take measures to <b>discourage the demand</b> for services that fosters the exploitative element of trafficking and provides its major source of illicit revenue.</p>

In many countries, State services and protections are available for victims of trafficking. To establish eligibility for these services, the person may have to be formally designated a 'victim of trafficking' by the State, though in some contexts, identification by a recognized non-governmental organization (NGO) or international partner can suffice. Humanitarians should always consider the potential consequences of reporting or referral to the State for verification and designation as a victim. Even if the State recognizes a victim and their hardship, some States may require the victim to cooperate fully with an investigation – including testifying – in order to maintain access to support services. In some contexts, the State and other relevant duty bearers may lack the capacity to ensure effective protection and support for victims. Humanitarian actors should apply due diligence in understanding the context, onward reporting and legal obligations and available services before making a referral.

## The role of other key actors

A number of actors play an important role in combating trafficking and assisting victims.

- At the national level, key actors include IDPs and host communities, law enforcement agencies, relevant ministries and branches of government, local NGOs, civil society and human rights institutions. The private sector, religious/spiritual leaders, educational institutions and the media (such as local radio stations) may also be strategic partners.
- At the regional level, a number of initiatives and instruments have been created. See Annex 1 for information disaggregated by region.
- At the international level, key actors include UN agencies (UNODC, IOM, ILO, UNHCR, UNICEF, UN Women, OHCHR, UNFPA amongst others), various international NGOs, INTERPOL, peacekeeping forces where present and neighbouring States.<sup>15</sup> Large private sector companies can play an important role in addressing trafficking within their supply chains, protecting their workers from exploitation and ensuring workers with direct exposure to beneficiaries adhere to appropriate codes of conduct.

Collective action is critical because trafficking exists before, during and after the conflict, is fueled by factors that require long-term systemic change and generates short-, medium- and long-term support needs for victims.

Humanitarians combating trafficking, particularly Protection Cluster members, should aim to work in partnership with development and peace and security actors where possible, in accordance with the principles of the *New Way of Working*,<sup>16</sup> also known as the *humanitarian-development-peace nexus*.

This effort could translate into several actions: (i) understanding the trafficking dynamics at different stages and developing responses to address the causes and consequences of trafficking in persons in the short and longer term; (ii) transitioning the implementation and coordination of services to national actors if and when the context stabilizes, security improves and capacity is evident; (iii) and working with peacebuilding actors to address issues of trafficking related to armed conflict and collaborating with development actors on long-term reintegration plans for identified victims. There can also be linkages between violations perpetrated during times of crisis and subsequent processes of transitional or restorative justice, to which Protection actors may have relevant insight.

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15 Click here to see the membership of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT): <http://icat.network/about-us#the-icat-membership>.

16 UNOCHA. *New Way of Working* (2017) available at: [https://www.unocha.org/sites/unocha/files/NWOW%20Booklet%20low%20res.002\\_0.pdf](https://www.unocha.org/sites/unocha/files/NWOW%20Booklet%20low%20res.002_0.pdf).

## CASE EXAMPLE

### Borno State Anti-Trafficking Task Force

The conflict in North-East Nigeria shifted the trafficking in persons patterns in the region. International trafficking appeared to decline, but internal and conflict-related trafficking emerged directly and indirectly related to the insurgency. Some of the conflict-related forms of trafficking include kidnapping of women and girls for sexual and labour exploitation by combatants or the forced recruitment of child soldiers, increasingly girls, as suicide bombers.

Against this background, in 2019, government actors in Borno State, humanitarian partners and development actors came together to establish the Borno State Anti-Trafficking in Persons Task Force (ATTF), co-chaired by the Ministry of Justice and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). The Task Force's diverse membership consists of Governmental Agencies (federal and state, law enforcement and social service providers), members of the Protection Sector and Sub-Sectors (including three Lead Supporting Organizations – IOM, Heartland Alliance International and UNHCR), civil society organizations, international organizations and NGOs. The multi-partner approach aims to ensure the sustainability of interventions and strengthen anti-trafficking interventions in Borno State. See Annex 2 for more information.



Meeting of the Borno State Anti-Trafficking Task Force 2020. Photo credit: Lili Nikolova.

## The role of humanitarians & the Protection Cluster in combatting trafficking

All humanitarians have a responsibility to place protection at the centre of humanitarian action as part of preparedness efforts, immediate and life-saving activities and throughout the duration of a crisis and beyond.<sup>17</sup> Humanitarian actors – including Humanitarian Coordinators (HCs), Humanitarian Country Teams (HCTs), clusters, agencies and NGOs – should ensure that the protection of all persons affected and at-risk informs humanitarian decision-making and response, including engagement with States and non-State parties to conflict by designing and delivering a humanitarian response that is principled, timely, effective and efficient and contributes to long-term recovery.

Key to the humanitarian response is a common Humanitarian Country Team (HCT) Protection Strategy, developed with support of the Protection Cluster. HCT Protection strategies may be part of operational plans, the Humanitarian Response Plan (HRP) and cluster strategies using protection mainstreaming. Protection mainstreaming is a valuable enabler for a distinct and over-arching HCT Protection Strategy. Whenever there is a humanitarian response with cluster or cluster-like mechanisms, there should be an HCT protection strategy. The dynamics of trafficking in persons and protection from trafficking should be an integral part of the protection analysis and recommended actions. In practical terms, this approach means the Protection Cluster needs to promote, develop, implement and monitor field-level protection strategies that include anti-trafficking. Doing so requires an understanding of trafficking and commitment to advocacy, so that the subject appears in all Protection Cluster meetings during inter-cluster coordination meetings and is brought to the attention of the HCT when relevant. It also means including trafficking considerations in protection monitoring and reporting, addressing trafficking in routine trainings and sensitizations of front-line staff and community mobilizers and inclusion in context descriptions and needs analysis for multisectoral materials such as the Humanitarian Needs Overview (HNO).

The Protection Cluster should take a primary role in coordinating the response to trafficking in persons, much in the same manner that it coordinates responses to other rights violations. There is no standard practice for coordinating anti-trafficking interventions; they could be coordinated during protection cluster meetings, or through the establishment of an anti-trafficking working group reporting to the protection cluster coordinator. When the identified trends and cases of trafficking in persons are disproportionately affecting women and/or children – therefore requiring stronger responses by GBV and/or child protection actors – coordination might take place under the relevant areas of responsibility. Regardless of the forum in which coordination takes place, the response needs to be closely coordinated with the GBV and CP areas of responsibility to ensure that victims of trafficking are referred to relevant response services (case management and specialized response services) and included in referral pathways and standard operating procedures.

The protection cluster coordinator should work with the relevant AoR coordinators and partners to identify the most appropriate coordination structure for the context. The priority is to ensure that trafficking in persons is included in protection assessments, relevant humanitarian strategies and the humanitarian programming cycle.<sup>18</sup>


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17 The Inter-Agency Standing Committee (IASC) Policy on Protection in Humanitarian Action (2016).

18 For more information on the Transformative Agenda and the Humanitarian Programme Cycle, see <https://interagencystandingcommittee.org/iasc-transformative-agenda>.



**Cross-cutting issues**

While trafficking in persons has not been formally listed as a cross-cutting issue in the Inter-Agency Standing Committee (IASC) Transformative Agenda, such as GBV and CP, trafficking is an issue of relevance to all humanitarian action. Responding effectively to trafficking requires consistent, holistic action across all sectors, rather than relying on a specific sector or project. All humanitarians should mainstream anti-trafficking action, with the aim to integrate activities into existing programmes and activities.



**Cross-cutting issues**

A cross-cutting issue is an issue that is of relevance to all areas of concern, such as age, gender and diversity, child protection, GBV, mental health and psychosocial support (MHPSS), disability, & HIV/AIDS. Mainstreaming cross-cutting issues ensures that considerations of these issues inform all aspects of humanitarian action and helps maximize the quality and impact of the work that we do.

**Anti-trafficking and cluster core functions**

Adapted from the IASC Reference Module for Cluster Coordination at the Country Level<sup>19</sup>

Core function	Tasks	Key deliverables related to trafficking in persons
To support service delivery	<ul style="list-style-type: none"> <li>• Provide a platform that ensures service delivery is driven by the Humanitarian Response Plan, strategic priorities and humanitarian principles</li> <li>• Develop mechanisms to eliminate duplication of service delivery</li> <li>• Ensure services are gender and age sensitive</li> </ul>	<ul style="list-style-type: none"> <li>• Service mapping and 3/4/5Ws reporting matrix (who, what, where, when and to whom)</li> <li>• Standard operating procedures and/or referral pathways</li> <li>• Integration of specialized victim of trafficking services in GBV and CP service mapping, standard operating procedures (SoPs) and referral pathways</li> <li>• Assessments of national anti-trafficking mechanisms, laws, frameworks and available services, including whether they mainstream human rights and gender principles</li> </ul>
To inform the Humanitarian Coordinator (HC)/HCT’s strategic decision-making	<ul style="list-style-type: none"> <li>• Prepare needs assessments and analysis of gaps (across and within clusters, using information management tools as needed) to inform the setting of priorities</li> <li>• Identify and find solutions for (emerging) gaps, obstacles, duplication and cross-cutting issues</li> <li>• Formulate priorities based on analysis</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-trafficking secondary data review.</li> <li>• Trafficking in persons analysis in inter-sector and protection assessments</li> <li>• Trafficking in persons trends assessments</li> <li>• Needs, gaps and priority analysis</li> <li>• Support the establishment of accountability mechanisms</li> <li>• Assessments identifying anti-trafficking actors, initiatives and capacities</li> </ul>

19 IASC (Inter-Agency Standing Committee), Reference Module for Cluster Coordination at Country Level, revised July 2015, available at: [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/cluster\\_coordination\\_reference\\_module\\_2015\\_final.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/cluster_coordination_reference_module_2015_final.pdf)

Plan and implement cluster strategies	<ul style="list-style-type: none"> <li>• Develop sectoral plans, objectives and indicators that directly support realization of the overall response's strategic objectives.</li> <li>• Apply and adhere to common standards and guidelines</li> <li>• Identify funding requirements, set priorities and provide contributions to the HC's overall humanitarian funding proposals</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-trafficking in HCT Protection Strategy</li> <li>• Anti-trafficking in HNO and HRP</li> <li>• Anti-trafficking in PC and/or AoRs strategies and work plans</li> <li>• Anti-trafficking considerations are coordinated with other relevant clusters and/or sectoral working groups</li> </ul>
Monitor and evaluate performance	<ul style="list-style-type: none"> <li>• Monitor and report on activities and needs</li> <li>• Measure progress against the cluster strategy and agreed results</li> <li>• Identify gaps and recommend corrective action where necessary</li> </ul>	<ul style="list-style-type: none"> <li>• Inputs into monitoring and evaluation frameworks for response (including 3/4/5Ws reporting)</li> <li>• Participation in monitoring, evaluation and learning exercises</li> <li>• Data and trends are analysed across sectors, noting that anti-trafficking outcomes may be evident via other monitoring results</li> </ul>
Build national capacity in preparedness and contingency planning	<ul style="list-style-type: none"> <li>• Identify elements of the humanitarian programme cycle that require advance planning</li> <li>• Establish working relationships with national authorities and build upon their preparedness and response plans where appropriate</li> <li>• Reinforce coordination structures that would be activated during a response</li> <li>• Support national actors in accessing funding streams and partnerships</li> </ul>	<ul style="list-style-type: none"> <li>• Training/Capacity Building Matrix.</li> <li>• Coordination with peace and development actors</li> <li>• Linkages are established with relevant anti-trafficking authorities and social services, including legal and health contacts, educational institutes, religious leaders, media and law enforcement</li> <li>• National response plans and coordination structures which could affect anti-trafficking interventions are identified and supported where appropriate</li> </ul>
Support robust advocacy	<ul style="list-style-type: none"> <li>• Identify concerns and contribute with key information and messages to HC and HCT messaging and action</li> <li>• Undertake advocacy on behalf of the cluster, cluster members and affected people</li> </ul>	<ul style="list-style-type: none"> <li>• Key messages on trafficking</li> <li>• Briefing notes on trafficking</li> <li>• Talking points for Humanitarian Coordinator and HCT</li> <li>• Advocacy strategy</li> </ul>

# Prevention and protection responses for trafficked persons

The following section outlines actions and activities for preventing and responding to situations of trafficking, as well as solutions for identified victims.

## Context analysis

Before undertaking any anti-trafficking action, the context must be analysed. Similar to approaches in GBV, humanitarian actors can assume that trafficking is occurring and threatening affected populations and that it is a valid concern regardless of the presence or absence of documented 'evidence'. Protection actors do not require verified prevalence or incidence rates of trafficking before setting up minimal structures that could assist victims and prevent new cases. There are opportunities to obtain insight on human trafficking through routine Information Management activities and to apply different angles of analysis to existing data – described below. For more purposeful scrutiny, Protection actors can arrange methods for seeking population-based data at later stages. Prior to this and in the immediate to medium-term stages of an emergency, it will be important to understand general contextual issues and trends of trafficking; information about exploitation that may have been present in the community before displacement, potential service entry points and the demographics of the displaced population that could indicate various types of vulnerability.

A context analysis should aim to understand:

- The pre-crisis trafficking background and scale
- Reports, even if anecdotal, about trafficking currently taking place
- Vulnerabilities to trafficking
- The legal framework (international, regional and domestic)
- The institutional context and capacity

The following context analysis checklist & notetaking tool can assist you. The responses to these questions will inform the nature of the intervention, such as the scale of response needed and activity components.

This tool is adapted from the forthcoming 2021 UNODC Toolkit for Mainstreaming Human Rights and Gender Equality into Interventions to Address Trafficking in Persons and Smuggling of Migrants. Colleagues looking to ensure anti-trafficking interventions are gender sensitive and adhere to human rights standards should refer to this toolkit.

## Context Analysis checklist & notetaking tool

### Pre-conflict/pre-crisis information about trafficking in persons

Sources of information may include, but are not limited to: [UNODC Global Report on Trafficking in Persons](#); [US Department of State Trafficking in Persons Report](#); [Human Rights Watch Country Reports](#).

Questions	Details/notes
What were the main forms of trafficking in persons before the crisis?	
What geographic locations or sectors are known to be problematic?	
What is known about the profile of perpetrators?	
What is known about the profile of victims?	
Have known trafficking trends changed or intensified since the onset of the crisis?	
Are there traditional practices that impact trafficking in persons?	
What are the patterns and scale of child labour?	
What is known about involvement of children in armed groups?	

### Current information about trafficking in persons

Questions	Details/notes
Are there current reports (including anecdotal reports) of incidents of trafficking in persons, or situations that could amount to trafficking?  Do these reports indicate new types of trafficking as a result of the crisis?	

## International legal context

Ratification status for treaties can be accessed at <http://treaties.un.org> or <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>.

This table is designed to help users identify the relevant treaty obligations of the country. Where States are party to international instruments, they have voluntarily committed themselves to fulfil the obligations set out therein. Knowing what commitments States have voluntarily made can be useful in advocating for and supporting their efforts in this respect.

Transnational Crime Instruments	<input checked="" type="checkbox"/>	Reservations / Declarations?
United Nations Convention against Transnational Organized Crime (UNTOC), 2000	<input type="checkbox"/>	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UNTOC, 2000	<input type="checkbox"/>	

## Regional context

Is there a regional anti-trafficking agreement, framework or body?	<input type="checkbox"/>	
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## National legal context

This table can be completed on the basis of an assessment of domestic legislation.

Criminalization	<input checked="" type="checkbox"/>	If yes, where/ which provision? If no, provide further information:
Is trafficking in persons criminalized in domestic law?	<input type="checkbox"/>	
Is people-smuggling defined or acknowledged in domestic law, separate from trafficking?		
Is trafficking in persons defined in domestic law (whether in criminal law or elsewhere)?	<input type="checkbox"/>	
Does the definition of trafficking in persons in domestic law apply to male and female victims?	<input type="checkbox"/>	
Does the definition of trafficking in persons apply to forms of exploitation listed in article 3(a) of the Trafficking in Persons Protocol, including:		
• Exploitation of the prostitution of others or other forms of exploitation	<input type="checkbox"/>	
• Forced labour or services	<input type="checkbox"/>	
• Slavery or practices similar to slavery	<input type="checkbox"/>	
• Servitude	<input type="checkbox"/>	
• Removal of organs	<input type="checkbox"/>	
• Other forms of exploitation	<input type="checkbox"/>	

<p>Are associated forms of exploitation criminalized in other domestic legislation, e.g.</p> <ul style="list-style-type: none"> <li>• Labour legislation</li> <li>• Criminal legislation</li> <li>• Family legislation</li> <li>• Child protection legislation</li> <li>• Other legislation?</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Do the criminalization provisions in domestic law make victim consent to exploitation irrelevant? (per article 3(b) of the Trafficking in Persons Protocol)	<input type="checkbox"/>	
Does the definition of trafficking in persons in domestic law omit the 'means' element where the victim is a child? (per article 3(c) of the Trafficking in Persons Protocol)	<input type="checkbox"/>	
<b>Non-criminalization</b>	<input checked="" type="checkbox"/>	<b>If yes, where/ which provision? If no, provide further information:</b>
Is law and / or policy in place to prevent victims of trafficking from being criminalized / punished for crimes they have committed as a result of being trafficked?	<input type="checkbox"/>	
<b>Human rights and gender equality</b>	<input checked="" type="checkbox"/>	<b>If yes, where/ which provision? If no, provide further information:</b>
Are laws concerning trafficking in persons and related exploitation applicable to informal sectors (such as, but not limited to domestic work)?	<input type="checkbox"/>	
Are measures in place in accordance with the UN Convention on the Rights of the Child, to protect children in accordance with the best interests of the child?	<input type="checkbox"/>	
Are laws on marriage in place to ensure that marriage is by consent; is equal between sexes; and prohibits early, child, forced or temporary marriage?	<input type="checkbox"/>	

## Institutional context and capacity

Sources of information may include: [UNODC Global Report on Trafficking in Persons](#); [US Department of State Trafficking in Persons Report](#); Thematic and country reports of United Nations Special Rapporteurs of the Human Rights Council (the [Special Rapporteur on Trafficking in Persons, Especially Women and Children](#) and the [Special Rapporteur on Contemporary Forms of Slavery](#)) and reports and recommendations of the human rights Universal Periodic Review Process. Documents of the United Nations human rights index may be accessed at [www.universalhumanrightsindex.org](http://www.universalhumanrightsindex.org). Universal Periodic Review reports can be accessed at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.

Reports of national civil society organizations and international nongovernmental organizations (INGOs) should also be consulted. The *Global Modern Slavery Directory* provides a country by country mapping of organizations working on anti-trafficking.

Institutional profile	<input checked="" type="checkbox"/>	Details/notes
National Plans of Action on Trafficking in Persons (whether standalone or embedded into National Action Plans on migration, organized crime or other issues)	<input type="checkbox"/>	
National coordinating mechanism on trafficking in persons and agencies involved: (if a national coordination mechanism exists, does it involve State/ NGO and civil society actors? Does it meet regularly? What is its purpose? Does it achieve its purpose?)	<input type="checkbox"/>	
Are there any established gender and age sensitive identification and referral procedures for victims of trafficking, either within the humanitarian response or within national systems?		
NGOs / Civil Society Organizations active on trafficking in persons:  Do they provide specialized services for trafficked persons?  Do they have sufficient technical and financial capacity to engage in protection and assistance of trafficked persons and in anti-trafficking activities, or do they require capacity support?  Are services accessible to crisis-affected populations?  Are available services gender and age sensitive and provide tailored responses according to specific needs and wishes of trafficked persons?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Key duty bearers on anti-trafficking (generally State agencies or private sector actors that States have outsourced their responsibilities to)	<input type="checkbox"/>	
Is the criminal justice system actively addressing trafficking in persons through investigations and prosecutions?	<input type="checkbox"/>	
Do law enforcement actors cooperate with protection and assistance actors in identification, referral, protection and assistance of trafficked persons?  Do specialized anti-trafficking focal persons or units exist within the criminal justice system?	<input type="checkbox"/> <input type="checkbox"/>	

# Extracting data on human trafficking

Beyond the context analysis described above, considerations for anti-trafficking can be integrated into existing information management processes where capacity and know-how are present. To avoid duplication of efforts, causing harm, or generating survey fatigue among respondents, Protection actors should rely on existing information (in line with data sharing protocols) as much as possible.

The following resources illustrate appropriate methods for collecting protection data:

- The PIM Framework (Principles, Process and Matrix);
- IOM's Counter Trafficking in Emergencies: Information Management Guide 2020;
- Analytical guidance developed through the GPC Information Analysis Working Group (IAWG). Users should contact the Global Protection Cluster at [gpc@unhcr.org](mailto:gpc@unhcr.org) for further info.

## What is Protection Information Management? (PIM)

It is principled, systematized, and collaborative processes to collect, process, analyse, store, share, and use data and information to enable evidence-informed action for quality protection outcomes.

## Case management data

Incident and case data can inform anti-trafficking programming. It can provide information about trafficking trends, recurring forms of exploitation and describe methods of "acts" and "means". Therefore, it is important to ensure case workers and protection personnel are trained to identify situations of trafficking and that trafficking is featured in case management intake forms. Among a list of potential violations that screening or interview forms may contain, the inclusion of a stand-alone 'human trafficking' option is often not useful as it will rarely be indicated. It is often more effective for interviewers or case managers to understand how the combination of certain violations and contextual factors can create a strong indication of trafficking.

## Primary data collection

Should there be no information to support an evidence-based response, it might be appropriate to undertake a joint or coordinated initiative for primary protection data collection. First, a desk research and a secondary data review should always be the first step before undertaking any primary data collection activity.

Sector-specific and multisector assessments already collect data that can be used to inform anti-trafficking programming, such as protection monitoring activities as well as a GBV or CP AoR assessments. These assessments could include information on different forms of exploitation such as forced recruitment, child labour, separation from families and child sexual exploitation. Similarly, the Food Security Cluster and GBV AoR collect data on coping mechanisms, which can provide insight into survival sex, child labour and other relevant topics. As a general indication, depending on the adopted research methods, it is suggested to rely upon proxy indicators where possible, and preferably avoid direct or blunt questions on the topic.



### Remember

The purpose of data collection on human trafficking in the context of information management is not to collect prevalence data. Establishing prevalence of trafficking in persons (the total number of cases in a population at a given time) should not be the priority of protection partners at the onset of an emergency. Estimating prevalence data on trafficking is complex even in stable contexts, and can be impractical in some emergency settings. In humanitarian settings one must consider the reality of under-reporting, lack of detection and security risks associated with obtaining this type of sensitive data.

The aim of information management in this sense is to better understand the context and trends; how pre-existing drivers of trafficking might have increased in the emergency, what risks have increased, and what vulnerabilities might have been exacerbated, to make the case for anti-trafficking interventions and design appropriate and effective initiatives across multiple sectors.

The first priority is to establish prevention and response measures based on this initial understanding of context, drivers, risks and vulnerabilities, only establishing more purposeful data systems as safety and ethical conditions allow.



# Anti-trafficking responses

Comprehensive anti-trafficking responses focus on **P**revention, **P**rotection, or **P**rosecution, or a combination of the three. Anti-trafficking practitioners refer to these as the 3Ps, with **P**artnerships vital to all three.

Programmes and activities can be designed with anti-trafficking objectives as the primary aim, or as part of broader protection interventions. It is important not to simply insert 'victims of trafficking' or 'trafficked people' into a long list of beneficiaries, with no further description of the context or trafficking specific activities. Effective anti-trafficking interventions should articulate specific actions and corresponding budgetary provisions. Beyond the immediate evident needs, programme developers must consider sustainability and integration of responses with community-based structures from the outset of project planning.

## Prevention

Preventing trafficking in persons requires a holistic response to the economic, social, cultural and structural inequalities that cause or facilitate trafficking. Prevention may be aimed at reducing people's vulnerability to being trafficked while concurrently reducing vulnerability to becoming a perpetrator of trafficking,<sup>20</sup> Prevention can also seek to address demand for goods and services derived from the exploitation of trafficked persons. Prevention measures should be implemented in the short, medium and long term, preferably in partnership with local partners to ensure sustainability. Action should aim to build resilience among individuals and communities.

## Reducing people's vulnerability to being trafficked

Interventions aimed at reducing vulnerability to trafficking require knowledge of risk factors based on data and research. As it can take time to generate this knowledge, earlier stages of prevention programming should focus on supporting general rights protections which are broadly understood to guard against a range of harms. This focus can include advocating for children's access to education, supporting women's rights, supporting economic recovery, access to livelihoods and income generation. As more information is gathered on specific risk factors and specific at-risk populations, prevention activities can become increasingly targeted. Broad action to reduce vulnerability can include:

- Creating paths for people to safely leave conflict areas in a monitored, orderly manner;
- Providing livelihood and education opportunities for at-risk persons, considering gender and age inequalities.
- Ensuring food security;
- Establishing free-of-charge civil registration services (particularly for births and marriages) for IDPs.
- Engaging the community to identify and use local resilience mechanisms;
- Building capacity of local service providers, including training of local police and local social protection service providers as well as survivor-led organizations.

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20 General Assembly resolution 70/1. The factors that make people vulnerable to being trafficked in conflict settings may be the same as those that make them vulnerable to becoming perpetrators of trafficking and related crimes. In some cases, people fall victim to exploitation at the hands not of organized criminals or armed or terrorist groups, but of family members or acquaintances. Their situation may be so dire that they resort to exploiting others for survival, for example through early or forced marriage, begging and child labour.

**Did you know?**

The *Global Modern Slavery Directory* provides a country-by-country mapping of organizations working on anti-trafficking.

The United Nations Office on Drugs and Crime (UNODC) publishes the *Global Report on Trafficking in Persons* every two years which provides an overview of patterns and flows of trafficking at global, regional and national levels based on country cases.

The US Department of State Office to Monitor and Combat Trafficking in Persons publishes an annual *Trafficking in Persons Report* which provides a country by country snapshot of trafficking incidences and responses.

## Reducing vulnerability through awareness-raising

Vulnerable people must be enabled to recognize signs of trafficking and have tools to develop realistic measures of self-protection. Information can be distributed through public information campaigns intended for the entire affected population and/or awareness raising activities aimed at specific segments of the population identified as most at-risk. These campaigns could include live community theatre in higher-risk sites, peer-to-peer events for children and young people and information sharing at or en-route to targeted sites such as water collection points, latrines and maternal health clinics. Information can also be shared person-to-person for individuals identified as at-risk, through individual and/or group counselling sessions or door-to-door advisory services. It is important when conducting awareness campaigns not to inadvertently create or exacerbate stigma about people who have been trafficked; for example, by implying that sexual violence always occurs; or that all trafficked people are traumatized or disturbed in some way. With the rise of technology-facilitated trafficking, online platforms (websites and social media) are also an important channel for disseminating awareness raising messages, especially aimed at young adults and children.

*Note:* Awareness-raising measures that only warn of dangers may do little to prevent trafficking or influence choices unless reasonable actions or alternatives are presented to audiences based on identified risks. For example, people who are forced to flee conflict and feel they have no choice but to use the services of smugglers may not be deterred when told that they risk being trafficked. Instead, interventions should ensure that people who must flee from conflict are warned about possible dangers and receive information that enables them to know their rights and seek assistance, including the contact information of relevant organizations.<sup>21</sup>

## Addressing demand

As crises exacerbate people's vulnerability to trafficking, so does the demand for some goods and services derived from the exploitation of the victims. Addressing demand as a root cause of trafficking can be complex and many related activities may go beyond humanitarians' core tasks. Below is a list of activities to which humanitarians may contribute, in partnership with development and peace actors or State authorities, amongst others:

- Pre-deployment training of peacekeepers and humanitarian personnel;
- Gender-sensitive research into sexual and non-sexual forms of exploitation;
- Raising consumer awareness of products and services produced by exploited and forced labour;
- Regulation and monitoring of private recruitment agencies;
- Sensitization of employers;
- Enforcement of labour standards through labour inspectors;
- Support for workers organizations;
- Ensuring humanitarian presence, procurement practices and local hiring do not inadvertently create new circumstances for people to be trafficked (for example construction, cleaning, laundry, delivery, sexual services);
- Criminalization of the use of services of victims of trafficking and forced labour.

## Protection & assistance for trafficked persons

As a result of their trafficking experience, trafficked persons are usually in need of a variety of immediate and long-term support and protection measures to address their physical, psychosocial, legal and material needs.

In addition to their obligations under international human rights law, Article 6 of the *Trafficking in Persons Protocol* outlines the protection and assistance that State parties commit to consider providing, in cooperation with relevant organizations: counselling and information about legal rights in a language

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21 UNODC


the person understands, appropriate housing, medical, psychological and material assistance, education, training and employment opportunities.<sup>22</sup>

These commitments are not diminished by the onset of a crisis; victims of trafficking have the same rights to protection and assistance in crisis situations as they do otherwise.<sup>23</sup> However, when the capacity of States to fulfil their obligations may have been drastically reduced, humanitarians should intervene.

Humanitarians should endeavour to identify the trafficked person's immediate needs and ensure her/his timely referral to services and/or relevant projects and programmes, in line with existing national referral mechanisms, where they exist. Trafficked persons may require support in the following areas:

- Material assistance to meet basic needs (food, clothes);
- Shelter, accommodation, relocation and transportation;
- Water, sanitation and hygiene;
- Food and nutrition;
- Personal safety and security;
- Medical treatment and psychosocial support, both of which could be ongoing;
- Education and training;
- Livelihoods, employment and income generation;
- Family tracing, assessments and reunification;
- Access to relevant information, reporting channels and judicial processes including remedies.

The families and dependents of the trafficked person might also require protection and assistance if they are known to be at risk of harm. See the table *Support for Trafficked Persons* below for further information.



**Remember** Protection and assistance of trafficked victims must be on the basis of informed consent and not conditional on the victim's willingness to cooperate with criminal justice authorities, nor on traffickers being charged with trafficking. Interventions should be informed by the beneficiaries' views and not be dictated by stakeholders whose agendas may not be based on human rights or gender equality, or out of step with a given country's needs and priorities.

**Creating specialized programmes or integrating trafficked persons into existing services?**

It may not always be possible or practical to create specialized programmes for trafficked persons. This could be because the profile and needs of trafficked persons vastly differ from one case to the other,<sup>24</sup> (for instance, the category of 'trafficked persons' is too broad for one programme to cater for all needs) and/or because existing services could be expanded to incorporate trafficked persons.

Where there are no specific protection measures (for example measures to ensure safety and protection from further harm/re-victimization; reflection and recovery period) and no specialized support programmes or services for trafficked persons, trafficked persons should be provided access to existing services such as GBV and CP programmes. Existing protection programmes should be adaptable to integrating trafficked persons into their services.

Ideally, in situations where there are substantial numbers of trafficked persons sharing similar profiles and needs, humanitarians should advocate to create specific services, or consider supporting local NGOs in

22 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000, Art. 6.

23 A/71/303, para. 48

24 For example, the needs of a young woman from a minority group trafficked by an armed group for sexual enslavement, are very different to the needs of a male foreign worker trafficked into the country for forced labour, or the local child trafficked by relatives for domestic servitude, or the man trafficked by an organised crime group for organ removal.

developing such services, in cooperation with relevant government structures and other agencies, for short-, medium- and long-term assistance of victims.

Where the trafficked person is male and (depending on the context) may be less able to access services provided by GBV partners, humanitarians should seek out or develop specialized services to meet their needs. At the same time, where services are not gender and age sensitive, humanitarians should advocate for adequate adjustments and training for service providers.

In some contexts, there is a risk that the development of specialized services for trafficked persons could inadvertently result in the denial of other services. This can result for instance, where identified victims of trafficking are placed in a specific service track that does not align with social protections available outside of that framework; for example, access to skills training may be limited to courses provided or organized by the victim support agency caring for the victim, rather than all courses available in that location. It is imperative that the development of specialized services does not inadvertently result in denial of access to local protection systems, including child protection systems.

It is crucial that trafficked persons are involved in the development of the services that they are provided and be given an opportunity to provide feedback. This involvement is necessary to ensure that trafficked persons recover and are socially included, but also to ensure that scarce resources are allocated to services that are needed and wanted.

Auxiliary or secondary activities to improve protection could include training for frontline staff on case management and trauma. Such activities include informed care, training for front-line staff on psychological first aid (PFA), establishing more connections to trustworthy service providers (national or international) and supporting appropriate referral mechanisms. Funding requirements will depend on the existing level of services available, identified risks and vulnerabilities and the estimated caseload of trafficked persons.

In all situations, GBV & CP specialists should be trained on anti-trafficking so they are alert to the needs a person may have as a trafficked person and are aware of the dynamics of how people are entering situations of exploitation, being maintained in them and what support needs they have once exiting the situation.

### Support for trafficked persons

The following table provides further details on the special protection and assistance needs of trafficked persons. The guidance is intended to complement all relevant IASC, GBV AoR, CP AoR and other guidelines related to provision of comprehensive services for vulnerable IDPs in humanitarian action.

*Note:* The support listed below describes the ideal menu of options. It is recognized that conditions in this entirety often do not exist. Protection actors and humanitarian practitioners must adapt programming, improvise where necessary and make judgement calls on if/when engaging with potential victims is ethical and aligns with Do No Harm.

Area of support	Related guidance
<p><b>Shelter, accommodation and transportation</b></p> <p>Some trafficked persons will need an immediate safe space to shelter for a temporary period until they can be safely relocated, reintegrated into their communities and/or reunited with family. Shelter options include community housing, housing within religious institutions, rental accommodations, hotels or boarding houses and safe shelters. A detention centre is not a shelter option.</p> <p>Shelters do not need to be exclusively dedicated to providing space for trafficked persons. For example, some female trafficked persons may have similar needs to those of GBV survivors and could benefit from community placements with other women.</p> <p>The appropriateness of an accommodation option will vary according to the individual's specific needs and the safeguards s/he will require. For example, some trafficked persons who have been physically confined or had their movement restricted by the trafficker may be harmed by placement in a closed shelter with limitations on their movement.</p>	<ul style="list-style-type: none"> <li>• <a href="#">Shelter and Settlements: The Foundation of Humanitarian Response, Strategy 2018-2022</a></li> <li>• <a href="#">Guidelines for Integrating GBV Interventions in Humanitarian Action: Shelter, Settlement and Recovery</a></li> </ul>

Some victims may be placed in State or non-State shelters without their consent or after they have retracted their initial consent. In extreme cases, shelters may be locked or surrounded by high fences and barbed wire to prevent victims from leaving, giving the impression that there is a punitive element to their stay. In other cases, laws, policies and practices surrounding shelters for victims of trafficking may be discriminatory in purpose or effect, for instance, where women and girls are routinely placed in shelters against their will in the absence of due process, or men and boys are denied access to assistance and support for lack of shelters to accommodate those in need. Humanitarians must be aware of the conditions in State-run shelters and fully inform the person before they are placed there.

Some security measures aimed at protecting trafficked persons from perpetrators may be necessary to prevent further harm from occurring. Fencing, lighting, cameras and guards may be necessary to protect trafficked persons in shelters and designated safe spaces in IDP sites, but care should be taken not to create a conspicuous atmosphere that draws attention to the shelter.

- [IOM Handbook on Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse](#)

Area of support	Related guidance
<p><b>Water, sanitation and hygiene</b></p> <p>A trafficked person will largely have the same needs in terms of water, sanitation and hygiene, as any other displaced person. However, their means and capacity to access these services may vary depending on their mobility, security risks, as well as psychological distress.</p> <p>Water points, and especially main water distribution centres, are often highly visible public spaces and it is normal for crowds to gather and/or queue for hours as they wait for water bladders or tanks to be replenished, often from water trucking services. If the individual has significant security concerns, is suffering from stigma within the community, or generally is unable to manage large crowds, the daily collection of water can be a challenge and it is possible they could benefit from having water brought to them.</p> <p>Likewise, the necessary visits to sanitation facilities such as shared showers, handwashing stations and toilets or latrines, also pose recurring risks to safety and security of trafficked persons as well as risks to vulnerable people who may become exploited. Mainstreaming protection across all WASH activities, as per the <a href="#">GPC Protection Mainstreaming tools</a>,<sup>25</sup> can help to avoid further harm to trafficked people.</p>	<ul style="list-style-type: none"> <li>• <a href="#">Guidelines for Integrating GBV Interventions in Humanitarian Action: Water, Sanitation and Hygiene</a></li> <li>• <a href="#">Global humanitarian WASH Guidance 2019-2021, Save the Children</a></li> </ul>
<p><b>Food and nutrition</b></p> <p>Trafficked persons may have experienced protracted malnourishment while under control of the trafficker(s). Traffickers often withhold food in order to manipulate victims, punish them for "infractions", save money, or to keep them intentionally thin for work in certain sectors, including begging and sex work. Trafficked persons who appear malnourished should be treated by a medical professional who is qualified to assess potential vitamin deficiencies and malnutrition. Furthermore, case workers should consider whether malnutrition is the result of stress and/or depression suppressing the appetite of the trafficked person and refer (with consent) for MHPSS services if appropriate.</p>	<ul style="list-style-type: none"> <li>• <a href="#">Guidelines for Integrating GBV Interventions in Humanitarian Action: Nutrition</a></li> <li>• <a href="#">Committed to Nutrition: A Toolkit for Action - Fulfilling UNICEF's Core Commitments for Children in Humanitarian Action</a></li> <li>• <a href="#">WHO Guidelines on Nutrition</a></li> </ul>

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 25 <http://www.globalprotectioncluster.org/themes/protection-mainstreaming/>

Area of support	Related guidance
<p><b>Personal safety and security</b></p> <p>Safety concerns for persons trafficked by individuals or groups who would seek retribution for escape of the trafficked person and/or return of the person to their control for further exploitation are significant and must be assessed through proper risk analysis. Additional risks are present when law enforcement is complicit in the trafficking. Trafficked persons may be unaware of the risks they face. Risk analysis must consider risks to both the trafficked person as well as to humanitarian staff involved in the response and to other individuals who might share shelter or other public spaces with the victim. Case workers should work with trafficked persons to develop safety plans and should work with shelter personnel, if relevant, to ensure that the shelter is reasonably secure. The trafficked person must be housed in a place where s/he is free from threats, harassment, abuse, discrimination and violence. In some cases, relocation to another community or another part of the country may be necessary to ensure the safety of a trafficked person who is at risk of further harm from the perpetrators and/or from family and community who stigmatize trafficked persons.</p>	<ul style="list-style-type: none"> <li>• OHCHR Recommendations and Guidelines on Human Rights and Human Trafficking</li> <li>• UNODC, Anti-Human Trafficking Manual for Criminal Justice Practitioners (Module 5: Risk assessment in Trafficking in Persons Investigations)</li> <li>• IOM Handbook on Direct Assistance for Victims of Trafficking</li> <li>• (Forthcoming 2020 from Child Labour Task Force, CLTF): Inter-Agency Toolkit: Preventing and Responding to Child Labour in Humanitarian Action.</li> </ul>
<p><b>Health and well-being</b></p> <p>Trafficked persons typically experience multiple threats to their health and well-being including physical and sexual abuse, exposure to sexually transmitted infections, unwanted pregnancy, unwanted and/or unsafe abortions, malnourishment, substance abuse, unsafe and inhumane work conditions, lack of sleep, lack of medical and dental care, discrimination, social isolation and the infliction of ongoing psychological abuse. As is the case with victims of torture, individuals who have been trafficked are likely to sustain multiple physical or psychological injuries and illnesses and report a complex set of symptoms.<sup>26</sup> Prioritizing the physical and mental health of the trafficked person is critical to ensuring successful rehabilitation and social inclusion of the victim. Case workers should, with consent of the trafficked person, involve qualified medical personnel to conduct both medical and mental health assessments as soon as possible. Individuals may have experienced sexual violence during their trafficking experience. Case workers should provide critical information in a timely manner to enable access to life-saving medical care, such as post-exposure prophylaxis (PEP) for HIV; emergency contraception; and treatment for sexually transmitted infections (STIs). If the trafficked person presents urgent health needs, the case worker should accompany the person to a medical facility immediately. Upon intake, find out if the medical officer is obligated by law or organizational policy to report certain types of injuries to authorities (example, sexual violence), as this can have implications for the victim. This advice does not suggest that treatment should ever be avoided; rather, the victim should be aware of mandatory reporting so they can decide how they will disclose their condition. Referrals should be made for less urgent or chronic needs and copies of all test results and medical records should be provided to the person.</p>	<ul style="list-style-type: none"> <li>• Guidelines for Integrating GBV Interventions in Humanitarian Action: Health</li> <li>• Manual for the Health Care of Children in Humanitarian Emergencies</li> <li>• Assessing Mental Health and Psychosocial Needs and Resources: Toolkit for Humanitarian Settings</li> <li>• IOM Handbook on Direct Assistance for Victims of Trafficking</li> <li>• Caring for Trafficked Persons: Guidance for Health Providers, IOM, 2009</li> </ul>

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26 Caring for victims of trafficking, IOM, [https://publications.iom.int/system/files/pdf/ct\\_handbook.pdf](https://publications.iom.int/system/files/pdf/ct_handbook.pdf)

Area of support	Related guidance
<p><b>Education, livelihoods, training and income generation</b></p> <p>Lack of education and access to livelihoods are key vulnerability factors to becoming a trafficked person and for re-trafficking. People with limited socioeconomic opportunities are more likely to fall prey to the false promises of perpetrators and they are more likely to take risks and endure harsher work conditions in order to support their families and themselves. Therefore, provision of education and training, as well as facilitation of access to livelihoods and income generating activities, are key parts of both prevention of trafficking and protection of trafficked persons. It is not unusual for trafficked persons who have escaped exploitation to return voluntarily to the same harmful situation if they feel it is the only way to earn money.</p>	<ul style="list-style-type: none"> <li>Guidelines for Integrating GBV Interventions in Humanitarian Action: Education</li> <li>Guidelines for Integrating GBV Interventions in Humanitarian Action: Livelihoods</li> <li>Child Protection and Education in Emergencies</li> </ul>
<p><b>Family tracing, assessment and reunification</b></p> <p>Many trafficked persons will choose to return to their families, but not all will have this option, so it is important to provide choices to adult trafficked persons and not assume that they want to be reunited with family or community. Trafficked persons have a right to refuse return to their place of origin and they have a right to ask for relocation. Children who have been trafficked also may express ambivalence about returning to family, especially if they feel ashamed and/or family members were involved in the trafficking. However, children separated from family are at greater risk of abuse, exploitation and harm, so it is important to consider the best interest of the child through an assessment undertaken by qualified professionals. Children must be involved in the assessment and have the right to share their views.</p>	<ul style="list-style-type: none"> <li>Minimum Standards for Child Protection in Humanitarian Action</li> <li>Child Protection in Emergencies Coordination Handbook</li> <li>Interagency Guidelines on Case management and Child Protection</li> </ul>
<p><b>Access to justice</b></p> <p>After a person's immediate and urgent needs have been addressed, potential legal concerns must be considered. Persons who were forced to engage in criminal activity while trafficked often face prosecution by the state for prostitution, begging, or other crimes, and may need legal assistance to avoid detention and criminalization for their involvement in illicit activities as a result of their trafficking. States must ensure the application of the non-punishment principle. The victim may also be compelled by the State to participate in prosecution as a witness against the trafficker(s), although it is their right not to participate in judicial proceedings and not contribute to investigations. Furthermore, trafficked persons have the right to justice and compensation for the wrongs they have suffered and they may also be eligible for special protection under domestic law in some states. Prior to taking action, the caseworker or advocate must ensure the victim understands what legal recourse is available to them under domestic law and understands the risks and benefits of participating in court proceedings. Trafficked people must be provided with information about their rights in a language they understand.</p>	<ul style="list-style-type: none"> <li>Minimum Standards for Child Protection in Humanitarian Action</li> <li>Handbook for Coordinating Gender-Based Violence Interventions in Emergencies</li> <li>OHCHR Recommendations and Guidelines on Human Rights and Human Trafficking</li> <li>UNODC, Anti-Human Trafficking Manual for Criminal Justice Practitioners (Module 5: Risk assessment in Trafficking in Persons Investigations)</li> </ul>

## Prosecution

Investigating and prosecuting trafficking in persons is a critical component to deterring perpetrators and reducing prevalence of this crime. However, globally, few traffickers are prosecuted and even fewer convicted, making trafficking a low-risk, high-profit crime even in countries not affected by crisis. In crisis contexts, there may be acute challenges in securing convictions, where the collection of evidence is hampered, and criminal justice frameworks are fragile, broken or overwhelmed.

For humanitarians, efforts related to prosecution should focus on:

- Supporting and promoting the rule of law ;
- Improving the capacity of law enforcement and criminal justice authorities to investigate trafficking offenses and prosecute offenders using a rights-based approach;

- Informing trafficked persons about their rights and obligations if they wish to report their case, or with consent, referring them to legal advice; and
- Building partnerships with National Human Rights commissions and/or Human Rights Monitoring teams in peacekeeping missions to ensure anti-trafficking is integrated in their work<sup>27</sup>

While humanitarian actors are discouraged from initiating their own investigations or digging too deeply into a suspected situation of exploitation beyond their usual role of observation and dialogue with affected populations, it is important to understand the role of prosecution in anti-trafficking. This will aid in assessing and maximizing existing opportunities within national structures of reporting, protection and referral and can allow humanitarian actors to contribute meaningfully to transitional processes such as stabilization, transitional justice and capacity building of local actors.

Dismantling criminal networks and ending impunity of traffickers can prevent future trafficking incidents from occurring. Law enforcement actors and the criminal justice system can contribute to the protection of trafficked persons by developing and implementing safety and security plans, empowering survivors, responding to security threats and incarcerating traffickers. Re-establishing the rule of law will be an important part of early recovery and anti-trafficking interventions during all stages of the crisis can help build towards this aim.

Humanitarians who have built good links with law enforcement may encourage them to continue to collect data and evidence against potential traffickers so that they can be brought to justice when the country is equipped to prosecute, as an important component of post-conflict recovery and reconciliation.

## Partnerships

Partnerships are essential to effectively address trafficking. All efforts should be made to partner with and maximize the expertise of local, national and regional anti-trafficking actors. Effective partnerships allow for the leveraging of resources, shared advocacy and public messaging, as well as responsible information sharing in the interest of boosting prevention, protection and prosecution. In crisis contexts, particularly when State institutions are fractured, it is important to increase community participation by engaging the affected communities, religious and traditional leaders, faith-based organizations, non-governmental organizations, survivor-led organizations, civil society organizations and academia. Religious and traditional leaders have a particular role to play. They can help not only to address violent extremism (which can lead to recruitment into conflict situations), but also to challenge ideologies that promote the demand for exploitative services, including sexual enslavement and child marriage.<sup>28</sup> Importantly, IDPs themselves must be included at the outset in the design, planning and implementation of actions and decisions towards them.<sup>29</sup>

### A rights-based approach

A rights-based approach to investigation and prosecution ensures that the rights, needs and preferences of the survivor take precedence over criminal justice objectives wherever the two conflict. It is best practice to ensure that victim assistance is not conditional on the trafficked person's cooperation with law enforcement.

27 OHCHR: Human Rights Components of UN Peace Missions <https://www.ohchr.org/en/countries/pages/peacemissionsindex.aspx>.

28 UNODC, Countering Trafficking in Persons in Conflict Situations, 2018.

29 Special Rapporteur on the Human Rights of Internally Displaced People, report A/72/02.



# Operational guidance for identifying, referring and managing cases

## Recognizing & responding to cases of trafficking

The detection of potential trafficking situations and the identification and referral of trafficked persons are the first steps in providing protection and assistance. Humanitarians may detect trafficked persons at any stage of their activities. It should be noted that some case management tools use the word screening to refer to the entire two-step process of initial warning signs to be considered and the subsequent in-depth interview to verify if trafficking is present or not.

- In this guidance, *detection* shall refer to initial observations that a situation of trafficking may be occurring.
- *Identification* shall refer to a verification process by which a case of trafficking is confirmed or not.
- In between detection and identification, if more information is needed before proceeding to an interview, the term *screening* will be used to describe the evaluation of a range of indicators that further signal the possibility of trafficking. Screening can be done by obtaining consent of the individual and asking non-invasive questions. In some circumstances, the initial detection and screening can be conducted without asking anything directly of the potential victim, if the indicators described below can be examined simply through observation, familiarity with the community and contextual understanding.

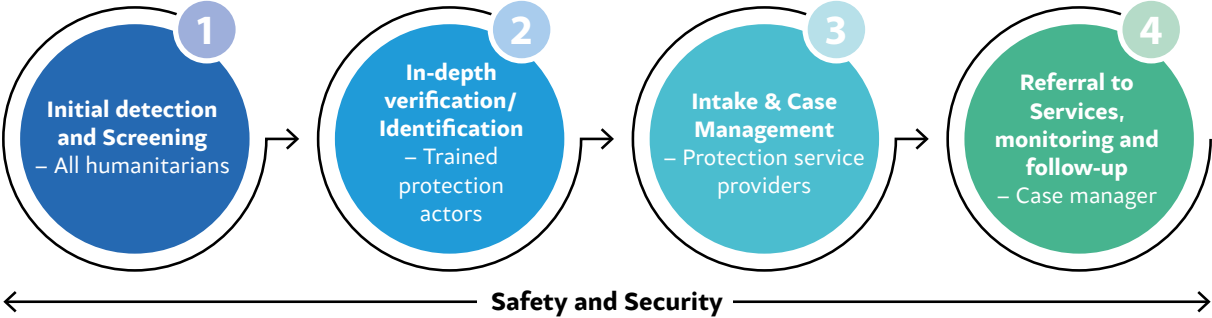
Suggested process below should be viewed as a general framework for identification, which can be adapted and/or strengthened by the existing service providers (local, national, international) depending on capacity, experiences and contextual understanding.

When a humanitarian actor detects a situation of trafficking, they should refer the concern among trusted Protection colleagues and decide if there is enough indication to recommend an interview for identification, or if further information is needed. Only the appropriate actor should undertake any direct questioning. If sufficient indications of trafficking are found, an in-depth verification interview should be organized by trained personnel, ensuring that the individual understands the purpose of the interview and consent is obtained.

The appropriate actor will depend on the local context. Actors may include UN agencies, INGOs or NGOs, or government services that are verified as having experience and trained personnel on anti-trafficking. Always refer to the Standard SOPs or referral system that has been established in your operation. Recall Do No Harm principles – never investigate or gather information about the case yourself unless you are trained to do so; otherwise, refer directly to someone with the required expertise.

Assistance should be provided to verified cases immediately and throughout the case management process, until a reasonable plan for recovery is found. This assistance will take different forms depending on the situation and needs of the person. See Section III 'Support for Trafficked Persons' below for an overview of types of assistance.

In situations when the in-depth interview concludes that the person is not a trafficked person, the interviewing organization still has the responsibility to refer the person so that any assistance and protection needs can be met.



## Step 1: Initial detection & screening

All humanitarians who interact with crisis-affected populations are in a position to detect potential situations of trafficking.

Detection can be difficult. There may be nothing visible that might raise alarm that a person has been trafficked.

Many of the trafficking 'indicators' or 'warning signs'<sup>30</sup> that apply to trafficked persons in non-crisis contexts may already apply to crisis-affected people, such as unfamiliarity with the local community or local language, signs of trauma/violence/injuries and lack of identity documents. These signs may not seem unique among hundreds or even thousands of displaced people, so it is easy to overlook or dismiss potential situations of trafficking. Therefore, many cases go undetected.<sup>31</sup>

Given the fluidity of living conditions for IDPs and the difficulty in recognizing signs of trafficking among displaced populations, it is useful to refer to a checklist to ascertain if multiple trafficking indicators are present, thereby alerting to a potential case of trafficking. This approach requires a thorough understanding of the context so that indicators can be appropriately interpreted. The set of indicators below addresses both contextual conditions that create an enabling environment for trafficking in persons and a list of qualities or conditions that a trafficked person might manifest or experience.

Each indicator listed below should be taken in context, not considered in isolation and not taken as 'proof' that trafficking is occurring. Conversely, the absence of explicit warning signs does not mean that a person has not been trafficked. **Under no circumstances should frontline workers proactively investigate trafficking** or completely rule it out.

30 [https://www.unodc.org/pdf/HT\\_indicators\\_E\\_LOWRES.pdf](https://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf)

31 Other causes for under-detection include limited knowledge of trafficking on the part of community members, law enforcement and protection officers; limited resources dedicated to investigations and prosecution; lack of provisions for long-term services and treatment, and systems that inadvertently criminalize trafficked people.

## Trafficking in Persons Indicators\*

These indicators can be adapted to the specific setting. They should be used in preparedness planning, shared as soon as practical after the onset of a crisis and be continually updated as trafficking trends change and new information is acquired.

\* Indicators, in this sense, are not to be interpreted as part of a technical research methodology, but as indications or warning signs.

### Area of support

#### Contextual analysis

Trafficking may thrive in the following circumstances:

- Presence of organized crime in the community
- Presence of high-demand, labour-intensive sectors in the local area including agriculture, fisheries, hotel and restaurant services, extractive industries, adult entertainment and sexual services
- Presence of male-dominated sectors near or passing through the area such as construction, transport
- Recruitment and/or employment practices conducive to trafficking (such as extensive use of child labourers, dangerous employment conditions, forcing labourers to live on the jobsite)
- Societal tolerance of abusive practices such as domestic violence, child marriage and child labour
- Increased family reliance on children contributing to the household income
- Weak rule of law due to the crisis, scarcity of resources, or lack of political will
- Presence of armed forces, peacekeepers and/or non-State armed groups
- Presence of international armed forces, peacekeepers and/or external monitors

#### Individual analysis

Trafficked persons may appear to be/have:

##### Social and self-identity

- Fearful, anxious, depressed, submissive, tense, angry, erratic, nervous or paranoid
- Disoriented or confused, indecisive, inability to focus
- Signs of substance use or addiction
- Scripted, confusing, or inconsistent stories
- Limited contact with friends and family
- Distrustful of authorities and humanitarian workers; anxious around law enforcement
- Very apprehensive of speaking to police, or adamant that authorities cannot be involved
- Reluctant to receive help; does not self-identify as an exploited person

##### Working conditions

- Forced to work
- Unpaid, paid very little or less than what was agreed, or paid only through tips
- Works excessively long and/or unusual hours
- Works under inhumane, exploitative, unsafe or unhealthy conditions
- Not allowed breaks or suffers under unusual restrictions at work
- Subject to high security measures in the work and/or living locations (e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, armed guards)
- Living and working on the work site or, transported to and from the work site each day
- Actual work is very different than the promised or offered work; either the nature of the work (e.g., working as a child care provider instead of a nurse), or the conditions of work (working 12 hours a day instead of 8, or being paid a lower amount than the agreed upon sum)
- Experiences verbal or physical abuse by their supervisor
- Forced to meet daily quotas
- Charged excessive and/or unusual costs, fees and fines resulting in debt to the "employer" such as high room and board costs, equipment and uniform rental costs, fines for taking time off or sick days
- Forced into sex work, not allowed to refuse clients, or to use contraception, or take other protective measures
- Asked to sign a contract in a language they cannot read, or is refused a copy of the contract

### **Physical conditions**

- Signs of poor hygiene, malnourishment, dehydration and/or fatigue
- Signs of physical or sexual abuse, physical restraint, confinement, or torture
- Injuries or bruises in various stages of healing and/or untreated illnesses or infections
- Appears uncomfortable in their clothing, clothing unsuitable for weather and environment
- Sexual and age-inappropriate clothing and make-up
- Is overly concerned with surveillance cameras or presence of phones

### **Lack of control**

- Not free to leave or move around at will
- Wanting to stop working or selling or exchanging sex but feeling scared or unable to leave
- Accompanied by an individual who does not let them speak for themselves, refuses to give them privacy, or who interprets for them
- Movements and/or speech may seem monitored by others
- Not in control of their own money, or has their bank account set up or controlled by the employer
- Not in control of their own passport, identification documents or other important files
- Fears speaking for themselves; allows others to speak for them
- Refusing or being very reluctant to name or identify employers, handlers, abusers or describe their full situation
- Does not know the location of where they worked or lived
- Phone or other personal belongings taken away by "employer"
- If they are a migrant who was later caught up internal displacement, they could be threatened with deportation

### **Specific to children**

- Working, and thus not in school or able to engage in activities in which many other children are engaged
- Working long hours, exceeding limits permitted by law and school (adolescents)
- No or limited access to parents or guardians
- No friends of same age, except in his/her area of work
- No time for play
- Travels without the presence of parents, guardians or care givers
- Does not appear to be related to anyone in their household (may look physically different, does not speak the same language or dialect)
- Often in the company of armed groups, armed forces and/or peacekeeping personnel, or waits by their vehicles, outposts, compound gates or communal areas
- Behaves in ways that do not correspond with behaviour typical of age. For example, over-sexualized behaviour, acting more mature or using more aggressive language than their age suggests
- Involved in petty crime and/or under the influence of members of a gang
- Appears to be frequently intoxicated, under the influence of drugs and suffering from addiction
- Receives gifts or possesses foreign items and may be reluctant to provide an explanation
- Involved in begging, but not allowed to keep the money

If a humanitarian detects a potential case of trafficking that is sufficiently corroborated by at least one or more indicators in the checklist above, they should consider referring to an agency or individual who is trained and equipped to approach the individual and suggest an in-depth interview for identification. If more examination is required first, they should follow up by screening for more indicators directly if they are equipped to do so, or refer to the appropriate person. In both scenarios, the necessary consent of the potential trafficked person should be obtained if any direct engagement is to happen (see box below on Obtaining Consent).

## Obtaining consent

At this stage, it may not be appropriate (or safe) to mention trafficking to the potential victim. Instead, you might say:

If you are trained:

"I am a [insert job title e.g. Protection Officer]. I provide support and assistance to people who need help. I would like to speak with you more about your situation and any protection or assistance needs you have. Do you agree to discuss this with me?"

If you are not trained and need to refer:

"I am a [insert job title e.g. Information Management Officer]. [The organization I work for] OR [There are organizations able to] provide support and assistance to people who need support or have protection or assistance needs. Would you like me to connect you with [the organization] to discuss this with them?"

If no trafficking indicators are found, but there are other signs of protection and assistance needs, the case should be referred to existing, suitable programmes or other service providers.

The screening should:

- Ensure that comprehensive and accurate information is provided to the individual in a language they understand, including, where relevant, information on options for accessing assistance.
- Where there are indications that a specialized organization should be involved in the case, request the individual's informed consent to share personal data with the organization for the purpose of referral, including about what assistance has been received to date, in accordance with data protection standards/policy/protocols.
- Inform the individual that they may be approached for follow-up and provide them with appropriate contact details.

## Why don't trafficked persons come forward?

It is important to understand that trafficked persons are unlikely to come forward and identify themselves. This reluctance can be due to the following:

- Lack of understanding that they are the victim of a crime and that support may be available.
- Confusion, disorientation, or post-traumatic stress disorder (PTSD) due to the abuse and exploitation suffered.
- Shame about what happened to them and fear of stigmatization.
- Intimidation by the trafficker(s) and fear of retaliation to themselves or loved ones.
- Distrust towards the authorities and fear they would not be believed.
- Unwillingness or reluctance to be a witness in a legal action against their trafficker(s).
- Fear that they may be simultaneously implicated in a crime and will be seen first as an offender requiring the attention of the authorities, rather than a victim in need of protection.
- Belief that the trafficking experience was their fault.
- A tendency for victims of abuse to rationalize or normalize their experience to lessen the severity.
- Lack of information about their rights and options.
- A lack of victim support services that meet their needs.
- Inability to speak the local language; social and cultural isolation.
- Dependence on the trafficker emotionally, financially, or dependent upon them for necessary documentation, contacts or basic needs.

Many of these fears may be well founded. **Trafficked persons** therefore **need to be proactively identified** by those who come into contact with them in the course of their day-to-day work, whether they be humanitarians, police, border guards, immigration officials, health practitioners or peacekeepers.

However:

It is important to remember that identification can raise complex human rights considerations.

On one hand, failure to identify victims of trafficking amounts to a continued abuse of their rights



On the other hand, poorly conducted identification can be detrimental to other rights

For example, identification may be conducted in a way that does not respect the privacy of people involved, or may result in actions beyond what is expected, for example:



Raids of places of work that are conducted using unnecessary force, without respect for the dignity of the persons on the premises and that result in detention or deportations of persons identified as living and working in the country irregularly.



Raids carried out in brothels in countries where sex work is illegal, those who are not identified as victims of trafficking may instead be charged with offences relating to sex work.



Forcible removals of people from the places where they live and / or work that result in them having to leave behind their savings, their possessions or even family members.



Know the context and plan ahead before identifying or referring.

## Step 2: Verification by in-depth interview

All humanitarians who interact with crisis-affected populations are in a position to detect potential situations of trafficking.

However, only trained specialists should conduct in-depth verification interviews. Interviewers should refer to existing guidance on the different ethical considerations for interviewing men, women and children. The aim of the in-depth verification interview is to determine to the extent possible, if the person is a victim of trafficking, and ensure referral to the most appropriate services.

As an identified trafficked person, they may be eligible for additional and/or specialized support and services, either through local, national or international programming. It is important that case workers are aware of referral pathways that include all relevant anti-trafficking and protection services, including governmental, non-governmental and UN.

The identification of trafficked persons may provide insight to the broader situation of trafficking and exploitation in this operating environment, which is very likely to be affecting others. This

### Formal identification by the State



In some countries, in order to establish eligibility for national support services, the person may have to be formally designated a 'victim of trafficking' by the State (by a judge, law enforcement officer or a national anti-trafficking agency). Humanitarians should always consider the potential consequences of reporting and referring to the State for formal designation as a victim of trafficking to access additional services and protections.

identification allows for more informed approaches to prevention and multisectoral assistance across the board. And, verified cases – when anonymized – provide concrete evidence that supports advocacy. This advocacy could be at the programme and inter-agency level to justify the need for resources, funds and inclusion in coordination structures. Advocacy could also be at the political level, among UN agencies/missions and the host government, regional bodies and the UN Security Council.

When appropriate services and referral channels for trafficked persons are unavailable or inadequate, humanitarians should avoid conducting interviews that revisit potentially traumatic events and avoid giving the impression that comprehensive support will follow. The person can still be referred to existing protection services, but it may be unethical to examine their case in great detail if the humanitarian community will be unable to adequately assist. If the person insists on disclosing their situation, protection actors should apply the principles of Psychological First Aid and clarify that they may be unable to organize the full support that is required. Even in these situations, it is still important to record in protection monitoring reports the fact that there may be a TIP case present. This knowledge will assist in advocating for specialized services; possibly help to identify trafficking patterns in the area, and most importantly, help to understand the needs of the trafficked person.

Humanitarians should follow GPC and relevant AoR interview criteria / standards<sup>32</sup> when interviewing trafficked persons, including:

- Considerations for informed consent, as well as assent of children
- Establishment of rapport
- Venue and circumstances of the interview environment
- Safe and appropriate interpretation
- Assurance of confidentiality, as well as explaining when confidentiality may be breached
- Assurance that appropriate referral channels are in place prior to asking sensitive questions

<div style="text-align: center; margin-bottom: 10px;">  <p><b>DO</b></p> </div> <ul style="list-style-type: none"> <li>• Apply a trauma informed approach</li> <li>• Limit the number of times a person is interviewed about the trafficking experience</li> <li>• Integrate existing information about the individual's experience or circumstances from other/prior documents or statements<sup>33</sup></li> <li>• Consider safety &amp; security before, during and after the interview</li> <li>• Allow the person to provide a narrative of their experience</li> </ul>	<div style="text-align: center; margin-bottom: 10px;">  <p><b>DON'T</b></p> </div> <ul style="list-style-type: none"> <li>• Expect the person to know what trafficking in persons is, or that the harm they suffered was deliberate / intentional</li> <li>• Expect the person to be traumatized, fearful, or depressed. People react differently to their experience of being trafficked</li> <li>• Judge decisions made by the person while they were influenced or controlled by the trafficker</li> <li>• Express disgust or shock, even if it is meant to be supportive</li> </ul>
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 32 GPC PIM and 8 Principles: <https://www.globalprotectioncluster.org/tools-and-guidance/information-and-data-management/>; Caring for Child Survivors of Sexual Abuse: [https://www.unicef.org/protection/files/IRC\\_CCSGuide\\_FullGuide\\_lowres.pdf](https://www.unicef.org/protection/files/IRC_CCSGuide_FullGuide_lowres.pdf).

33 It may also be possible to draw upon information from an initial registration or intake form (e.g. age, family background, place of birth, initial reason for referral or self-referral), parallel assessments or interview forms (e.g. from GBV or CP), or a report or case data collected regarding an incident of violence or rights violation which were documented but not necessarily classified as related to trafficking at the time. Confidentiality and data sharing procedures should always be adhered to.



### Remember

Trafficking in persons is a crime that takes place over time. Trafficked persons may have been exposed to weeks, months or even years of exploitation. Traffickers often use methods of psychological abuse to gain and maintain control over their victims, such as threats of violence towards the victims' loved ones. They may also use deceit, saying that officials will not protect victims because police have been paid off or are aligned with the trafficking network. In some cases, people are deceived into a situation of trafficking by someone offering to help them. Trafficked persons are likely to have a well-founded fear of the trafficker, their associates or minders, as well as law enforcement and may suffer from a complete lack of trust in formal systems and any person promising assistance. Trafficked persons could be severely impacted by psychological and physical trauma, which can cause memory loss and confusion about dates, details, locations and chronology of events. Some trafficked persons might maintain loyalty to their abusers and appear to protect them. These contradictions can illustrate the serious impact of psychological manipulation and prolonged duress, which can affect the person's willingness to discuss their circumstances as well as their ability to do so in a consistent, coherent manner.

The following specific issues should be taken into consideration during the in-depth interview:

- Profile or demographic of interviewer (for instance, sex of interviewer, potential triggers such as uniform, accent, organization represented).
- Fear for their safety or that of their family.
- Potential memory loss and confusion of dates and events, which may make identification difficult to conclude in one interview.
- Fear of forced return to area of origin.
- Interest in pressing charges or testifying as a witness, or on the contrary, unwillingness to cooperate with law enforcement.
- Interest in making use of a reflection period, before accepting relocation or return to area of origin.
- Interest in accessing remedies if available or, on the contrary, unwillingness to access them, even if available.

### Why is it important to identify someone as a trafficked person?

Sometimes humanitarians ask: "Is the 'victim of trafficking' label important when our focus should be assessing needs and providing assistance, regardless of the crime committed or violation experienced?" Especially in cases where the person has first been identified and assisted through other sectors, such as GBV, one might question the value in adding yet another label and process to the person's experience.

In complex crisis contexts, when even delivering the basics are a challenge and when large numbers of displaced persons have suffered from physical, sexual and psychological violence, torture and inhuman or degrading treatment, it might seem unnecessarily complicated to conduct in-depth verification interviews. However, when trafficked persons are not properly identified, we risk:

- Leaving the person vulnerable to arrest, detention and prosecution for illegal conduct that they may have been implicated in due to their trafficking experience (e.g. prostitution)
- Leaving the person vulnerable to harm (for example, not adequately protecting the person from the trafficker)
- Failing to provide comprehensive care based on the entirety of the person's exploitative experience
- Preventing the State from investigating and prosecuting serious crimes
- Undermining the rule of law
- Unintentionally enabling organized crime and corruption to grow in the operating environment
- Failing to assert the presence of certain trends and therefore, inform measures to prevent others from being trafficked
- Jeopardizing cooperation with host communities who may perceive a growth in trafficking as being linked to the presence of humanitarians



## Step 3: Intake and case management

Verified trafficked persons should be referred to an organization or inter-agency system that can provide comprehensive case management. Often, the agency conducting the identification interview will take on the responsibility of case management, as the organization would be unlikely to progress to this stage without the capacity in place. This is the case unless the cluster/country has a pre-arranged referral partnership with a qualified agency in place, or the organization discovers a reason not to remain involved due to security. When comprehensive case management is not available, protection actors should work with stakeholders to identify an interim focal point from the humanitarian community and a trusted person within the local or IDP community to act as an advocate and temporary coordinator to support the individual until a better strategy is developed.

Case management for trafficked persons follows the same steps and guiding principles as for other survivors of crimes and human rights violations. Case workers should refer to the [Inter-Agency Gender-Based Case Management Guidelines](#), [Inter-Agency Guidelines For Case Management & Child Protection](#), and the [Caring for Child Survivors of Sexual Abuse \(Chapter Five\)](#). As many victims of trafficking have experienced sexual abuse and other forms of GBV as part of their trafficking experience, caseworkers need to be familiar with guiding principles and approaches for addressing GBV and work closely with GBV specialists to identify safe, confidential and appropriate systems of care (that is, referral pathways) for survivors.

The below information provides special considerations for case workers assisting trafficked persons.

### The role of the caseworker

In addition to the duties described in the guidelines mentioned above, case workers should:

1. Establish rapport and develop a trusting relationship with the person.
  - a. Build a safe, two-way exchange of information. Be clear and realistic about the level of support you can provide and what services are available to allow the person to make informed decisions.
  - b. Be empathetic towards the person's experience and current circumstances, understanding that trafficked persons may have a complicated relationship with the trafficker(s) or remain controlled by threats of harm or social humiliation.
2. Support and advocate on behalf of the trafficked person.
  - a. Be informed of the legal repercussions for the person if they wish to engage in the criminal justice process, including the relevant laws and possibility that the person may be implicated in a crime.
  - b. Be prepared to advocate in situations where leniency may be issued by the authorities for crimes committed while in a situation of trafficking.

### The non-punishment principle

Trafficked persons are sometimes forced or otherwise compelled by traffickers to commit crimes or other illegal conduct. For example, trafficked women may be forced to engage in commercial sex and recruit other women into the network; trafficked children may be forced to courier drugs, or forced to work without authority. This fact is then used by traffickers as a means of maintaining further control over their victims. In some cases, when trafficked persons come to the attention of authorities, they are then arrested, charged, detained and prosecuted for the crime they committed whilst in the trafficking situation.

The non-punishment principle states that victims of trafficking should not be penalized or otherwise punished for illegal conduct that they committed as a direct consequence of being trafficked (see Principle 7 of the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking). [UN Member States have expressed support for the non-punishment principle](#) but it remains a recommended principle rather than law. As a result, many trafficked persons continue to be punished for illegal conduct. The failure to implement the principle disproportionately impacts women and girls. See the [ICAT Issue Brief on Non-Punishment of Victims of Trafficking](#) for further info.

- c. Be able to advocate for and coordinate appropriate support in environments where resources may be scarce and/or where a situation of trafficking may be perceived as a lesser priority than other violations.
  - d. Be prepared to advocate for increased safety measures if the trafficking situation puts the individual at risk of dangerous responses from their family (such as honour killing).
3. Act as the trafficked person's point of contact for assessment of needs.
- a. Be aware of and connected to the available support systems.
  - b. Maintain consistent and predictable channels of communication for timely updates.
  - c. In situations where the person remains trapped in a complicated relationship with the trafficker, the day-to-day living situation of the trafficked person as well as their access to communication channels may need to be managed and/or restricted. In such cases, the caseworker takes on an even more intense role as the main point of contact.

### Case assessment and planning


Once a trafficked person has been assigned a case worker, the case worker should gather any additional information necessary to inform development of a case plan. It may take more than one conversation to understand the scope of the person's needs. Caseworkers must be capable of working in two directions: one oriented towards the trafficked person, understanding their experience and ongoing circumstances; and the second, oriented to the multitude of contacts, services and new obligations that exist to support the person.

## Step 4: Referral to services

As in any casework, the caseworker acts as buffer from the administrative, bureaucratic, legal, medical and social processes. They can arrange for appointments, case conferencing meetings, follow up, and may be required to handle mandatory reporting requirements and conduct other tasks as required. They are expected to be familiar with available services, the steps required to access them, points of contact, limitations, and should identify when it is appropriate for certain support to reduce or end.

The nature of the trafficking experience and the forms of control exercised affect the types of protection and assistance services required and can vary considerably (see the "Support for Trafficked Persons" box in Section II). All care providers should employ trauma-informed care techniques and specialized services should be accessed where appropriate, when available and with the informed consent of the trafficked person. Ensure that up-to-date information on specialized services for survivors of GBV are available in case a victim of trafficking discloses having experienced sexual violence, abuse or other forms of gender-based violence. (see the breakout box below on the Do's and Don'ts of responding to a situation of disclosure).

In the absence of case management support, the task of coordinating support and care falls to the victim and/or their family members, which can be an extraordinary and unrealistic demand and often results in the victim falling through the cracks.

DO'S	DON'TS
<ul style="list-style-type: none"> <li>✓ <b>DO</b> respect the rights of the survivor to make their own decisions.</li> <li>✓ <b>DO</b> share information on all services that may be available, even if not GBV specialized services.</li> <li>✓ <b>DO</b> tell the survivor that s/he does not have to make any decisions now, s/he can change their mind and access these services in the future.</li> <li>✓ <b>DO</b> ask if there is someone, a friend, family member, caregiver or anyone else who the survivor trusts to go to for support.</li> <li>✓ <b>DO</b> offer your phone or communication device, if you feel safe doing so, to the survivor to contact someone s/he trusts.</li> <li>✓ <b>DO</b> ask for permission from the survivor before taking any action.</li> <li>✓ <b>DO</b> end the conversation supportively.</li> </ul>	<ul style="list-style-type: none"> <li>✗ <b>DO NOT</b> exaggerate your skills, make false promises or provide false information.</li> <li>✗ <b>DO NOT</b> offer your own advice or opinion on the best course of action or what to do next.</li> <li>✗ <b>DO NOT</b> assume you know what someone wants or needs. Some actions may put someone at further risk of stigma, retaliation, or harm.</li> <li>✗ <b>DO NOT</b> make assumptions about someone or their experiences, and do not discriminate for any reason including age, marital status, disability, religion, ethnicity, class, sexual orientation, gender identity, identity of the perpetrator(s) etc.</li> <li>✗ <b>DO NOT</b> try to make peace, reconcile or resolve the situation between someone who experienced GBV and anyone else (such as the perpetrator, or any third person such as a family member, community committee member, community leader etc.)</li> <li>✗ <b>DO NOT</b> share the details of the incident and personal identifiers of the survivor with anyone. This includes the survivor's family members, police/security forces, community leaders, colleagues, supervisors, etc. Sharing this information can lead to more harm for the survivor.</li> <li>✗ <b>DO NOT</b> ask about or contact the survivor after you end the conversation.</li> </ul>
	

Source: GBV Pocket Guide: [https://gbvguidelines.org/wp/wp-content/uploads/2018/03/GBV\\_PocketGuide021718.pdf](https://gbvguidelines.org/wp/wp-content/uploads/2018/03/GBV_PocketGuide021718.pdf).

## Case interruption

If a trafficked person abruptly declines assistance or disappears, the caseworker may consider whether this was prompted by threats or actual harm imposed by the trafficker; however, they should take great caution in investigating further. It is not the caseworker's role to search for, or personally shield the trafficked person from subsequent threats beyond the protective measures and referral to appropriate care described earlier. It is not uncommon for victims of trafficking to return to their trafficker or fall back into an exploitative situation – even when they are being provided with adequate care and support. These cases may be labelled as open but static, or on pause. Some case management systems opt to close the case and re-open it if the person reconnects with the caseworker or humanitarian community at large.



Remember

The relationship of the trafficker to the trafficked persons and their loved ones is an important consideration, as it is precisely this relationship that can be expertly manipulated and exploited to maintain control. If the trafficker is embedded in the daily life of the person and/or their loved ones – for example, if the trafficker is a family or close community member – it may be difficult to completely separate the victim from the trafficker if the trafficker remains at large in the community. If the trafficker holds a position of power over the trafficked person – for example, if the trafficker was a parent or older relative, or is considered by family and community members to be more important than the victim, then the trafficked person may face specific challenges if they attempt to reintegrate into their families and/or communities. These challenges should be considered in the case plan.

## All steps: safety & security

Safety management should also be integrated into the case plan. Safety management might be minimal – for example simply providing information on general safety, or extreme – for example placement in a highly secure, guarded shelter and/or relocation.

**Protection Principle 1:** Enhance people's safety, dignity and rights and avoid exposing them to further harm. Humanitarian actors take steps to reduce overall risks and vulnerability of people, including to the potentially negative effects of humanitarian programmes.

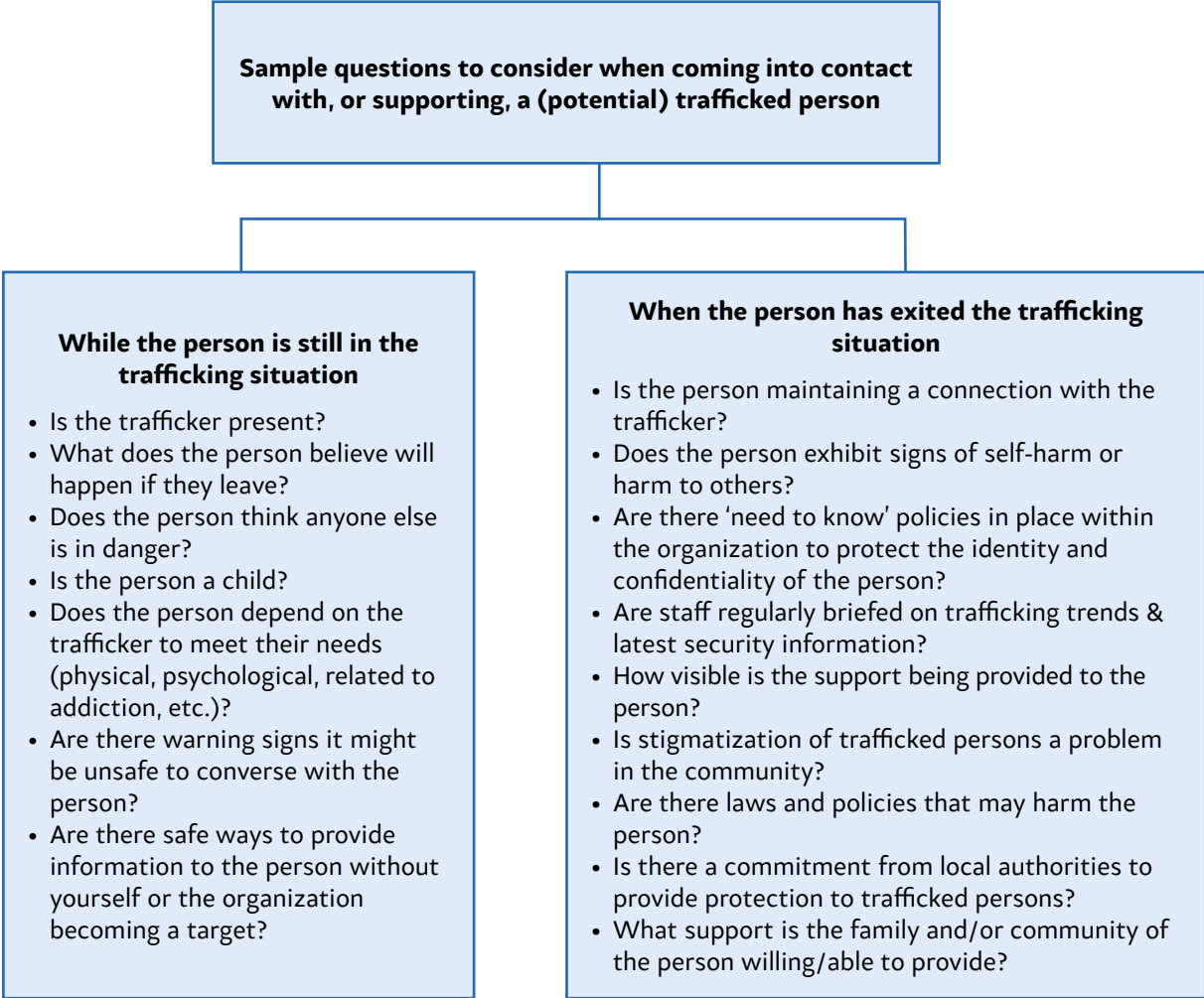
This Principle includes:

- Understanding protection risks in context;
- Providing assistance that reduces risks that people may face in meeting their needs with dignity;
- Providing assistance in an environment that does not further expose people to physical hazards, violence or abuse; and
- Supporting the capacity of people to protect themselves.

Considering safety and security is important at all stages of detecting, screening, interviewing and supporting trafficked persons. Humanitarians should understand the potential safety and security risks involved – to the trafficked person and their family, the responding organization and staff and the wider community.

Risks that may arise when responding to trafficking in persons are diverse and dependent upon a range of factors – including the types of trafficking occurring, the profile of perpetrator(s), the local context and the wider country context. Each individual case will have specific challenges and risks that arise. For example, the risks (and response) in a case of child trafficking for domestic servitude perpetrated by a relative will look remarkably different from the risks arising in the case of an adult man trafficked for forced labour by a criminal network.

Humanitarians must analyse each situation to assess present levels of danger, anticipate threats and take steps to effectively manage the risk(s). This will be a continuous exercise over the course of delivering safe, sustainable and victim-centred responses to trafficking.



When a person has exited the trafficking situation and is being provided with protection and assistance services, their case worker should ensure that safety measures are regularly assessed and are appropriately integrated into the case plan.

## SAMPLE RISKS & RESPONSES

Humanitarians working with trafficked persons may confront scenarios like those listed below across multiple settings. Suggestions for possible actions to address them are provided.

Example risk	Suggested actions	Explanation
<ul style="list-style-type: none"> <li><input type="checkbox"/> The trafficked child indicates their family have been implicated in their trafficking. Returning the child to that environment may put their safety and security at risk.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure the case worker is trained on working with UASC; if not, refer the case to, or work alongside, an UASC protection specialist.</li> <li><input type="checkbox"/> Conduct an individual case assessment – for example, a best interest assessment (BIA) and a best interest determination (BID).<sup>34</sup></li> <li><input type="checkbox"/> A BIA is conducted prior to initiating tracing and prior to family reunification and should always precede a decision not to reunite a child with his/her family.</li> <li><input type="checkbox"/> If family tracing is successful, but where serious concerns remain, it may be necessary to involve the appropriate authorities, existing welfare systems, other agencies and local communities for any further action or future support required.<sup>35</sup></li> <li><input type="checkbox"/> Throughout this process, the child should be given opportunities to make comments and express views to decision makers.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Maintaining social and family ties is a critical but complex issue in the care of trafficked children. The issue should be considered on a case-by-case basis. For some children, being able to remain in contact with family members or their community is a crucial factor in their recovery.</li> <li><input type="checkbox"/> However, in some cases, family members were involved in the trafficking, or are victimized themselves by the trafficker or trafficking network. In other cases, family members may have prompted the process of trafficking (i.e. recommending the child to someone else), but they may not have been aware that the child would be trafficked. It is therefore necessary to tailor responses to each case.</li> </ul>

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34 The Alliance for Child Protection in Humanitarian Action Inter-Agency Working Group on Unaccompanied and Separated Children, [Field Handbook on Unaccompanied and Separated Children](#), 2017; see also, United Nations High Commissioner for Refugees, [Guidelines on Assessing and Determining the Best Interests of The Child](#), 2018.

35 See Standard 11: Family tracing and reunification, Standard 12: Minimum services for children in child labour and Standard 13: Unaccompanied and Separated Children in the [Minimum Standards for Child Protection in Humanitarian Action](#), 2019.

Example risk	Suggested actions	Explanation
<p><input type="checkbox"/> Individuals involved in the person's trafficking are present in the community and pose a risk of harm, retaliation or re-trafficking. Information received about the risk may have come from the trafficked person, a community informant, or local authorities. This risk may relate to the displaced community and/ or the community of origin.</p>	<p><input type="checkbox"/> Ensure the trafficked person is aware of the risks they may face.</p> <p><input type="checkbox"/> Develop a safety plan.</p> <p><input type="checkbox"/> Support the person's voluntary reporting to law enforcement, if appropriate.</p> <p><input type="checkbox"/> Consider options for the geographic relocation of the person – including to a safe shelter, another community, or a different part of the country.</p>	<p><input type="checkbox"/> Trafficked persons may be unaware of the risks they face. Case workers should work with trafficked persons to develop safety plans and should work with shelter personnel, if relevant, to ensure that the shelter is safe and secure. The trafficked person must be housed in a place where they are free from threats, harassment, discrimination, abuse and violence. In some cases, relocation to another community or another part of the country may be necessary to ensure the safety of a trafficked person who is at risk of further harm from the perpetrators and/or from family and community who stigmatize trafficked persons.</p>
<p><input type="checkbox"/> The trafficked person is/ was forced to engage in illicit activities and is at risk of investigation, punishment or prosecution.</p>	<p><input type="checkbox"/> With consent, refer the person to legal assistance.</p> <p><input type="checkbox"/> Advocate with local and national authorities, including with local human rights organizations, to ensure international law is respected and upheld.</p>	<p><input type="checkbox"/> The principles of non-punishment and non-prosecution of victims of trafficking in persons are international standards.<sup>36</sup> States should refrain from holding victims of trafficking criminally liable for unlawful acts committed by them as a direct consequence of their situation as a trafficked person or where they were compelled to commit such unlawful acts.<sup>37</sup></p>

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36 Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on Trafficking in Persons, International cooperation in cases of trafficking in persons: considering the needs and rights of victims, UN Doc. CTOC/COP/WG.4/2018/2 (3 May 2018) 8 [25].

37 Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group on Trafficking in Persons, Report on the meeting of the Working Group on Trafficking in Persons held in Vienna on 14 and 15 April 2009, UN Doc. CTOC/COP/WG.4/2009/2 (21 April 2009) 3 [12]; UN Conference of Parties to the United Nations Convention against Transnational Organized Crime, Activities of the Working Group on Trafficking in Persons, UN Doc. CTOC/COP/2010/6 (10 August 2010) 4 [16(b)].

Example risk	Suggested actions	Explanation
<input type="checkbox"/> The trafficked person poses a safety and security concern to themselves or others.	<input type="checkbox"/> Identify the type of concern, for example, violent or erratic behaviour; self-harm; continuing contact with the trafficker or trafficking network, etc. <input type="checkbox"/> Where relevant, conduct a mental health assessment and develop a treatment plan with necessary specialized services, including health professionals. <input type="checkbox"/> Consider an alternative accommodation placement. <input type="checkbox"/> If necessary, refer to a mental health facility. <input type="checkbox"/> If no other alternatives are available, consider discharging the person from the assistance programme.	<input type="checkbox"/> Persons who have been trafficked frequently experience long-lasting severe trauma as a result of the physical and/or psychological abuse they have experienced. It is important that staff who may come into contact with victims appreciate the impact of trauma, how it may affect communication and relations with staff and other trafficked persons, what care and support services are needed as well as how trauma influences the ability of victims to present their needs.
<input type="checkbox"/> Information is received that additional persons under the control of the same trafficker(s) remain in the trafficking situation and/or are at risk of harm.	<input type="checkbox"/> Do not try to solve the problem yourself – recall that it is never the role of humanitarians to investigate. <input type="checkbox"/> If the trafficked person under your care is aware of the information/situation, ensure they have access to counselling. <input type="checkbox"/> Report the information to the relevant authority.	<input type="checkbox"/> It can be particularly distressing for a trafficked person(s) to exit a situation knowing there are other people still at risk. This can lead to reluctance to accept support, distrust of service providers for perceived failure to support others, confusion or guilt, and signs of post-traumatic stress. Communication with the person about efforts to reach and/or assist the other person(s) is advisable.
<input type="checkbox"/> There are reports that services provided are potentially harming the trafficked person(s). For example, unsafe or closed shelter, untrained staff, etc.	<input type="checkbox"/> Conduct due diligence with all partners. <input type="checkbox"/> Where expertise exists, conduct capacity building with service providers. <input type="checkbox"/> Report any criminal act. <input type="checkbox"/> Establish strong accountability mechanisms. <input type="checkbox"/> If service providers do not take steps to ensure services are in the best interest of beneficiaries, a temporary freeze pending resolution may be appropriate.	<input type="checkbox"/> There can be multiple issues and potential risks for a trafficked person(s) when service providers are under-resourced, have weak or inadequate care provisions, lack trained staff and/or do not comply with international standards. Some of these issues are outside of humanitarian's control and require longer-term systematic change. Wherever possible, build partnerships with specialized providers, including IOM, UNODC and UNHCR.



Example risk	Suggested actions	Explanation
<input type="checkbox"/> There are reports that perpetrators plan and/or conduct reprisals against staff members and partners.	<input type="checkbox"/> Put in place security measures and evacuation procedures. <input type="checkbox"/> Routinely train staff and partners on safety and security. <input type="checkbox"/> Report information and/or attacks to law enforcement without delay. <input type="checkbox"/> Work with security professionals to put in place appropriate security strategies.	<input type="checkbox"/> Every effort must be made to ensure security of staff through proper training, confidentiality and clear distance and distinction from law enforcement authorities – focusing on the humanitarian aspect and the maintenance of strict independence and neutrality.
<input type="checkbox"/> High-ranking officials/ police/ security forces and military are involved in trafficking in persons.	<input type="checkbox"/> Conduct sensitization on trafficking in persons targeting different government and community stakeholders. <input type="checkbox"/> Conduct a security assessment with the assistance of safety and security personnel. <input type="checkbox"/> Identify “champions” among senior officials to promote the messaging.	<input type="checkbox"/> It is unfortunately possible that authorities may be directly involved in trafficking or complicit; or they could be aware, and either unwilling or unable to address it. It is possible that they are simply unaware of the concept and harm being done, or are not equipped with the tools or training to address it. Such authorities can become allies and partners but could also pose a threat.

Example risk	Suggested actions	Explanation
<p><input type="checkbox"/> Local or international media want to meet with or interview the trafficked person(s); or visit locations where trafficked persons might be receiving support.</p>	<p><input type="checkbox"/> The best interests of the trafficked person(s) should be protected over any other consideration.</p> <p><input type="checkbox"/> The trafficked person(s) should provide fully informed consent that is voluntarily given based upon a clear understanding of the facts, implications and future consequences of engaging with the media. Do not allow the consent of one person to compromise the safety and privacy of other beneficiaries.</p> <p><input type="checkbox"/> If a meeting or interview is agreed to, ensure that it meets the needs of the trafficked person; is conducted in a secure setting; has clear rules about respectful language and the right to refuse to answer questions or be photographed.</p> <p><input type="checkbox"/> Staff must never report details to the media that could put a trafficked person(s) at further risk.</p> <p><input type="checkbox"/> It is not advisable to allow media into areas or locations where trafficked persons are receiving support and might be identified. If there is a need to show facilities, pre- arrange this outside of the times people are assisted.<sup>38</sup></p>	<p><input type="checkbox"/> The media can be an ally and a resource for advocacy for TIP. Provide journalists with accurate information about TIP during an emergency; this offers an outlet for information that can be used in strategic ways to effect positive change. However, when media reporting on TIP fails to take into account basic ethical and safety principles, it can also put trafficked persons, their families and those who are helping them at risk. Be mindful of the risks and when in doubt, do not share.<sup>39</sup></p>

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38 This advice has been adapted from the Global Protection Cluster Media Guidelines for reporting on Gender-Based Violence in Humanitarian Contexts (2014).

39 This advice has been adapted from the Global Protection Cluster Media Guidelines for reporting on Gender-Based Violence in Humanitarian Contexts (2014).

# Annexes

## Annex 1: Regional bodies & instruments

### Africa

The African Union, the Economic Community of West African States' (ECOWAS) and the ECOWAS Initial Plan of Action against Trafficking in Persons

- 2003 African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, Maputo, adopted by the ordinary session of the assembly of the union on 11 July 2003, <https://bit.ly/2T1n9C3>
- 1990 African Charter on the Rights and Welfare of the Child, Monrovia 1990, <https://bit.ly/2Sk1zJj>
- 1979 African Charter on Human and Peoples' Rights, Monrovia 1979, entered into force on 21 October 1986, <https://bit.ly/2V1LN7m>
- 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa entered into force on 20 June 1974, <https://bit.ly/1TzMBap>

### Americas

- 2014 Brazil Declaration and Plan of Action, <https://bit.ly/2LueAx1>
- 1994 Inter-American Convention on International Traffic in Minors, adopted on 18 March 1994, OAS Treaty Series No. 79, entered into force 15 August 1997, <https://www.refworld.org/docid/3de4ba054.html> 1984 Cartagena Declaration on Refugees, <https://bit.ly/2CseraK>
- 1969 American Convention on Human Rights, adopted by the nations of the Americas, San José 1969, entered into force on 18 July 1978 <https://bit.ly/2BvY6zX>

**Asia** ASEAN (The Association of South East Asian Nations), the Asia Regional Initiative against Trafficking in Women and Children; the Association of Southeast Asian Nations' Declaration against Trafficking in Persons Particularly Women and Children

2015 ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), adopted on 21 November 2015, entered into force on 8 March 2017, <http://bit.ly/2WHZ49N>

2002 SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, adopted on 5 January 2002, entered into force on 15 November 2005, <http://bit.ly/2IDkWcy>

**Europe** The European Union, European Police Office (Europol), GRETA (Group of Experts on Action against Trafficking in Human Beings), the Organization for Security and Co-Operation in Europe

2017 Communication 'Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions' (2017) 728 final, 4.12.2017, <https://bit.ly/2EUH96l>

2011 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA, <https://bit.ly/1jFzJcl>

2005 Convention on Action against Trafficking in Human Beings, Warsaw, 16.V.2005, <https://bit.ly/2V41ZoD>

1950 European Convention on Human Rights, Rome, 4 November 1950, <https://bit.ly/2T1jxLx>

## Annex 2: Borno State Anti-Trafficking in Persons Task Force

Borno State in North-East Nigeria used to be part of a major route of trafficking in persons towards North Africa, the Middle East and Europe. The conflict in the region had a major impact in reducing the international trafficking trends. However, it also gave way to the development of new, internal trafficking dynamics. The conflict-related TIP includes sexual exploitation by armed forces, forced marriage, kidnapping of women and girls for sexual and labour exploitation by combatants or the forced recruitment of child soldiers and using children as suicide bombers. These are the forms that are directly related to the conflict, but as access to basic services and goods becomes more restricted, the affected population's vulnerability to trafficking increases. According to IOM's assessment data, displaced and returnee households particularly vulnerable to forced labour, forced marriage and sexual exploitation.

It is against this background that the government actors of Borno State and the humanitarian partners came together to establish the Borno State Anti-Trafficking in Persons Task Force (ATTF), which operates under the auspices of National Agency for Prohibition of Trafficking in Persons (NAPTIP) and the Protection Sector. The ATTF is comprised by 42 members (21 government agencies, 12 NNGOs, 3 INGOs, 5 UN agencies and the ICRC). The multidisciplinary ATTF fosters a collaborative effort among the Borno state government institutions, CSOs, INGOs and the relevant UN agencies to work together to provide comprehensive services to identify victims of trafficking and respond effectively to human trafficking. The inter-agency collaboration amongst partners aims to coordination, predictability and institutionalization of the response to TIP, awareness of services and improved service provision for victims of trafficking in North East Nigeria. Its members gather to coordinate interventions, seek consensus on issues and build partnerships

The Borno state ATiPTF is comprised of sub-committees to take forward specialized tasks as appropriate.

The subcommittees are:

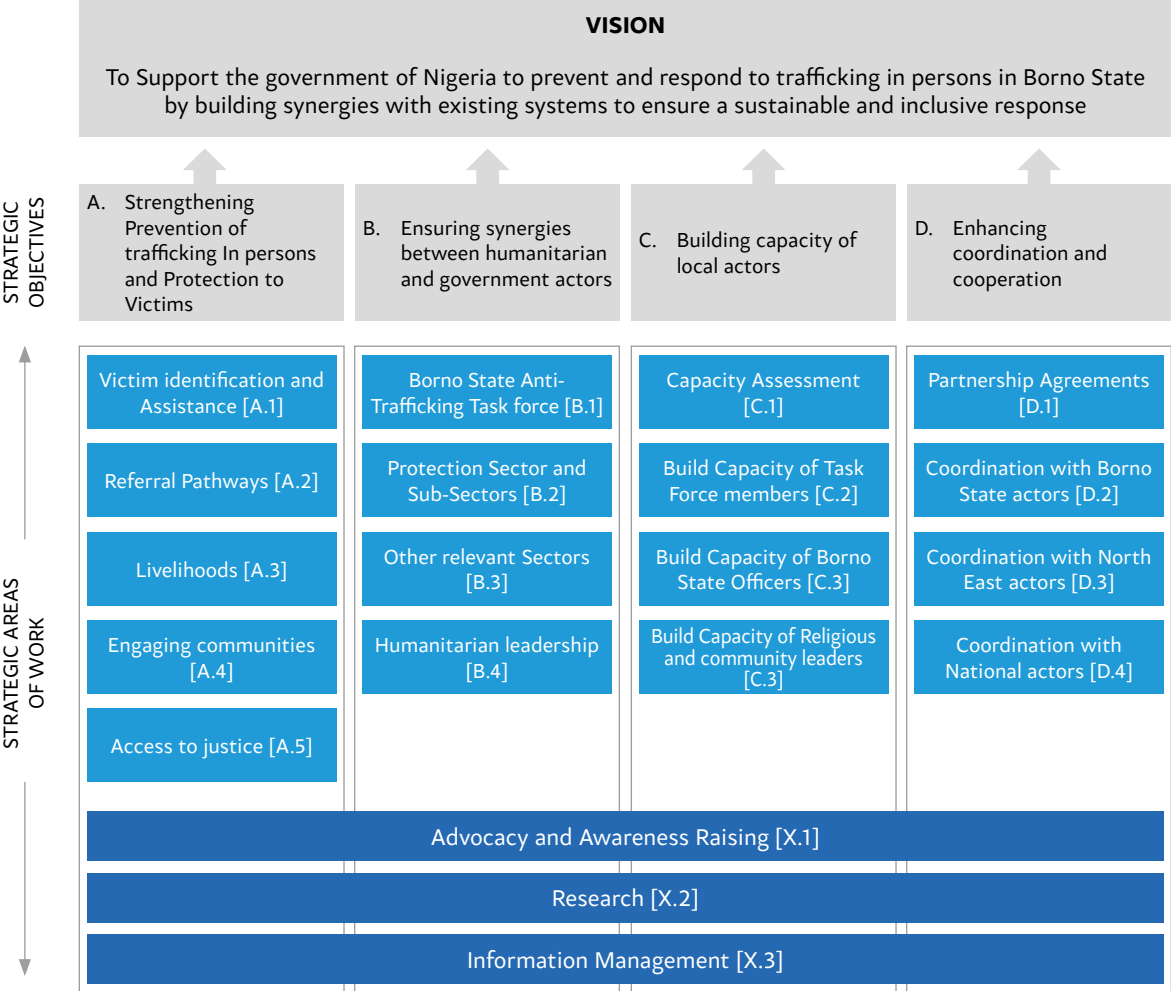
4. Prevention dedicating to: Awareness Raising, Capacity Building, Policy, Advocacy and Media;
5. Protection dedicating to: Protection (including identification and referrals) and assistance to victims and survivors of TIP, including shelter and rehabilitation;
6. Prosecution dedicating to: Law Enforcement and Prosecution of TIP perpetrators and accomplices.

### Strategy

In early 2020 the Borno State Anti-Trafficking Task Force Members came together for during a three-day workshop to develop a strategy for its joint efforts. The workshop included presentations by key stakeholders on the intersections of the ATTF work with other key actors, initiatives and coordination forums in the North-East such as the Protection Sector, Child Protection Subsector, NAPTIP among others. ATTF members also did a SWOT (strength, weaknesses, opportunities and threats) analysis, prioritization of key issues and identified principles which should inform the next three years of the task force's work.

The 2020–2022 strategy is based on four strategic objectives:

- A. Strengthening prevention of trafficking in persons and protection to victims
- B. Ensuring synergies between humanitarian and government actors
- C. Building capacity of national actors
- D. Enhancing coordination and cooperation



## Annex 3: Relationship between grave violations and trafficking in children

UN Security Council Resolutions 1612<sup>40</sup> (2005) and 1882<sup>41</sup> (2009) provide humanitarians with the tools and impetus to demand the protection of children during armed conflict. Resolution 1612 identifies six categories of grave violations committed against children in situations of armed conflict and mandates the activation of Monitoring and Reporting Mechanisms (MRMs) in countries named within the Annex of the Secretary General's Annual Report on children and armed conflict. The six violations are: 1) killing and maiming; 2) recruitment or use of children in armed forces or groups; 3) attacks on schools or hospitals; 4) rape or other grave sexual violence; 5) abduction; and 6) denial of humanitarian access for children.<sup>42</sup> An MRM is responsible for collecting timely and reliable information on these violations which are shared with the Security Council for appropriate action. Resolution 1882 mandates the establishment of Country-Based Task Forces on Monitoring and Reporting (CTFMRs), to implement the MRM and lead competent and proactive monitoring and reporting.

CTFMRs document violations which are fed into several types of reports, particularly the Security Council's Working Group on Children and Armed Conflict (SCWG-CAAC). The SCWG-CAAC uses its political leverage to put pressure on the perpetrators (State and non-state armed groups) as well as other governments, UN agencies, NGOs and donors to improve the protection of children.

While trafficking in persons is not one of the six violations specified in the Security Council Resolution (SCR) 1612, **acts constituting grave violations may also amount to trafficking in persons**. The MRM Field Manual<sup>43</sup> refers to trafficking in persons under "rape or other grave sexual violation." Trafficking in persons also intersects with recruitment and abduction of children by armed forces and groups. The killing and maiming of children can be a consequence of trafficking and attacks against schools and hospitals might be used as a tactic to abduct or recruit children. It is important that anti-trafficking actors familiarize themselves with these tools and contribute to their MRM and coordinated response where possible. Those working on anti-trafficking interventions alongside child protection actors can alert the Country-Based Task Forces on Monitoring and Reporting to allegations of violations for further verification by trained monitors. Anti-trafficking actors can also facilitate service delivery to victims of grave violations, monitor action plan implementation and coordinate advocacy to end and prevent grave violations, including by promoting greater accountability of perpetrators.

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40 SCR 1612 (2005): [https://www.un.org/ruleoflaw/files/SecurityCouncilResolution1612\\_en.pdf](https://www.un.org/ruleoflaw/files/SecurityCouncilResolution1612_en.pdf).

41 SCR 1882 (2009): <https://www.un.org/ruleoflaw/files/SC-RESOLUTION1882-2009.pdf>.

42 MRM Field Manual [https://childrenandarmedconflict.un.org/wp-content/uploads/2016/04/MRM\\_Field\\_5\\_June\\_2014.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2016/04/MRM_Field_5_June_2014.pdf).

43 MRM Field Manual [https://childrenandarmedconflict.un.org/wp-content/uploads/2016/04/MRM\\_Field\\_5\\_June\\_2014.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2016/04/MRM_Field_5_June_2014.pdf).

## Annex 4: Additional Resources

### Association of Southeast Asian Nations (ASEAN) Secretariat

- 2016 Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons

### Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process)

- 2014 Policy Guide on Criminalization of Trafficking in Persons
- 2015 Policy Guide on Identifying Victims of Trafficking
- 2015a Policy Guide on Protecting Victims of Trafficking

### Inter-Agency Coordination Group against Trafficking in Persons (ICAT)

- Interagency Coordination Group against Trafficking (ICAT) 2018 Issue Brief No 4. The Gender Dimensions of Human Trafficking Issue Brief No 5.
- The Role of the Sustainable Development Goals in Combatting Trafficking in Persons Issue Brief No 6.
- Trafficking in Children 2017 Issue Brief No 1.
- What is the Difference between Trafficking in Persons and Smuggling of Migrants? Issue Brief No 2.
- Trafficking in Persons in Humanitarian Crises Issue Brief No 3.
- Trafficking in Persons and Refugee Status 2016 A Toolkit for Guidance in Designing and Evaluating Counter-Trafficking Programs, <https://bit.ly/2qUPaNK> 2016
- Pivoting Toward the Evidence: Building Effective Counter-trafficking Responses Using Accumulated Knowledge and a Shared Approach to Monitoring, Evaluation and Learning 2016 Issue Paper: Providing Effective Remedies for Victims of Trafficking in Persons, <https://bit.ly/2EAEayZ> 2016
- Issue Paper: Preventing Trafficking in Persons by Addressing Demand, <https://bit.ly/2QJXaCn> 2012
- The International Legal Frameworks concerning Trafficking in Persons
- 2016 A Toolkit for guidance in designing and evaluating counter-trafficking programmes: Harnessing accumulated knowledge to respond to trafficking in persons
- 2016a Basic Principles and Guidelines on the Right to a Remedy and Reparation Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: Providing Effective Remedies for Victims of Trafficking in Persons
- 2016b Providing effective remedies for victims of trafficking
- 2017 Trafficking in Persons and Refugee Status, ICAT Issue Brief No. 3, 09/2017
- 2017a The Gender Dimension of Human Trafficking, ICAT Issue Brief No. 4, 09/2017

### International Organization for Migration (IOM)

- 2016 Guidelines to protect migrants in countries experiences conflict or natural disasters. Migrants in Countries of Crises Initiative (MICIC)
- 2019 Handbook for Migrants Vulnerable to Violence, Exploitation and Abuse. IOM, Geneva
- 2020 IOM-UNHCR Framework document on developing standard operating procedures to facilitate the identification and protection of victims of trafficking

### NEXUS Institute

- 2019 McAdam, M., R Surtees and L. S Johnston, Legal and Ethical Issues in Trafficking in Persons Data Collection. NEXUS Institute, Washington, D.C



## **Organization for Security and Cooperation in Europe (OSCE)**

- 2004 National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook. OSCE Office for Democratic Institutions and Human Rights, Warsaw
- 2017 From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows. OSCE Office of the Special Representative and Co-Ordinator for Combating Trafficking in Human Beings, Vienna
- 2018 Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking. OSCE Office of the Special Representative and Co-Ordinator for Combating Trafficking in Human Beings, Vienna

## **UNICEF**

- 2006 Guidelines on the Protection of Child Victims of Trafficking

## **United Nations High Commissioner for Refugees (UNHCR)**

- 2006 Guidelines on International Protection: the application of Article 1A(2) of the 1951 Convention and / or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked
- 2020 IOM-UNHCR Framework document on developing standard operating procedures to facilitate the identification and protection of victims of trafficking

## **United Nations Office of the High Commissioner for Human Rights (OHCHR)**

- 2010 Recommended Principles and Guidelines on Human Trafficking and Human Rights. OHCHR, Geneva
- 2010a Commentary on the Recommended Principles and Guidelines on Human Trafficking and Human Rights. OHCHR, Geneva
- 2019 Trafficking in Persons, especially women and children, Report of the Special Rapporteur on trafficking in persons, especially women and children, UN. Doc. A/HRC/41/46 (23 April 2019)

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

- 2008 Toolkit to Combat Trafficking in Persons. UNODC, Vienna
- 2018 Thematic Paper on Countering Trafficking in Persons in Conflict Situations. UNODC, Vienna

## **World Health Organization (WHO)**

- 2016 Ethical and safety recommendations for intervention research on violence against women. WHO, Geneva

## Annex 4 Tools for printing

### Context Analysis checklist & notetaking tool

#### Pre-conflict/pre-crisis information about trafficking in persons

Sources of information may include, but are not limited to: [UNODC Global Report on Trafficking in Persons](#); [US Department of State Trafficking in Persons Report](#); [Human Rights Watch Country Reports](#).

Questions	Details/notes
What were the main forms of trafficking in persons before the crisis?	
What geographic locations or sectors are known to be problematic?	
What is known about the profile of perpetrators?	
What is known about the profile of victims?	
Have known trafficking trends changed or intensified since the onset of the crisis?	
Are there traditional practices that impact trafficking in persons?	
What are the patterns and scale of child labour?	
What is known about involvement of children in armed forces ?	

#### Current information about trafficking in persons

Questions	Details/notes
Are there current reports (including anecdotal reports) of incidents of trafficking in persons, or situations that could amount to trafficking?  Do these reports indicate new types of trafficking as a result of the crisis?	

## International legal context

Ratification status for treaties can be accessed at <http://treaties.un.org> or <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>.

This table is designed to help users identify the relevant treaty obligations of the country. Where States are party to international instruments, they have voluntarily committed themselves to fulfil the obligations set out therein. Knowing what commitments States have voluntarily made can be useful in advocating for and supporting their efforts in this respect.

Transnational Crime Instruments	<input checked="" type="checkbox"/>	Reservations / Declarations?
United Nations Convention against Transnational Organized Crime (UNTOC), 2000	<input type="checkbox"/>	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UNTOC, 2000	<input type="checkbox"/>	

## Regional context

Is there a regional anti-trafficking agreement, framework or body?	<input type="checkbox"/>	
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## National legal context

This table can be completed on the basis of an assessment of domestic legislation.

Criminalization	<input checked="" type="checkbox"/>	If yes, where/ which provision? If no, provide further information:
Is trafficking in persons criminalized in domestic law?	<input type="checkbox"/>	
Is people-smuggling defined or acknowledged in domestic law, separate from trafficking?		
Is trafficking in persons defined in domestic law (whether in criminal law or elsewhere)?	<input type="checkbox"/>	
Does the definition of trafficking in persons in domestic law apply to male and female victims?	<input type="checkbox"/>	
Does the definition of trafficking in persons apply to forms of exploitation listed in article 3(a) of the Trafficking in Persons Protocol, including:		
• Exploitation of the prostitution of others or other forms of exploitation	<input type="checkbox"/>	
• Forced labour or services	<input type="checkbox"/>	
• Slavery or practices similar to slavery	<input type="checkbox"/>	
• Servitude	<input type="checkbox"/>	
• Removal of organs	<input type="checkbox"/>	
• Other forms of exploitation	<input type="checkbox"/>	

<p>Are associated forms of exploitation criminalized in other domestic legislation, e.g.</p> <ul style="list-style-type: none"> <li>• Labour legislation</li> <li>• Criminal legislation</li> <li>• Family legislation</li> <li>• Child protection legislation</li> <li>• Other legislation?</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Do the criminalization provisions in domestic law make victim consent to exploitation irrelevant? (per article 3(b) of the Trafficking in Persons Protocol)	<input type="checkbox"/>	
Does the definition of trafficking in persons in domestic law omit the 'means' element where the victim is a child? (per article 3(c) of the Trafficking in Persons Protocol)	<input type="checkbox"/>	
<b>Non-criminalization</b>	<input checked="" type="checkbox"/>	<b>If yes, where/ which provision? If no, provide further information:</b>
Is law and / or policy in place to prevent victims of trafficking from being criminalized / punished for crimes they have committed as a result of being trafficked?	<input type="checkbox"/>	
<b>Human rights and gender equality</b>	<input checked="" type="checkbox"/>	<b>If yes, where/ which provision? If no, provide further information:</b>
Are laws concerning trafficking in persons and related exploitation applicable to informal sectors (such as, but not limited to domestic work)?	<input type="checkbox"/>	
Are measures in place in accordance with the UN Convention on the Rights of the Child, to protect children in accordance with the best interests of the child?	<input type="checkbox"/>	
Are laws on marriage in place to ensure that marriage is by consent; is equal between sexes; and prohibits early, child, forced or temporary marriage?	<input type="checkbox"/>	

## Institutional context and capacity

Sources of information may include: [UNODC Global Report on Trafficking in Persons](#); [US Department of State Trafficking in Persons Report](#); Thematic and country reports of United Nations Special Rapporteurs of the Human Rights Council (the [Special Rapporteur on Trafficking in Persons, Especially Women and Children](#) and the [Special Rapporteur on Contemporary Forms of Slavery](#)) and reports and recommendations of the human rights Universal Periodic Review Process. Documents of the United Nations human rights index may be accessed at [www.universalhumanrightsindex.org](http://www.universalhumanrightsindex.org). Universal Periodic Review reports can be accessed at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.

Reports of national civil society organizations and international nongovernmental organizations (INGOs) should also be consulted. The *Global Modern Slavery Directory* provides a country by country mapping of organizations working on anti-trafficking.

Institutional profile	<input checked="" type="checkbox"/>	Details/notes
National Plans of Action on Trafficking in Persons (whether standalone or embedded into National Action Plans on migration, organized crime or other issues)	<input type="checkbox"/>	
National coordinating mechanism on trafficking in persons and agencies involved: (if a national coordination mechanism exists, does it involve State/ NGO and civil society actors? Does it meet regularly? What is its purpose? Does it achieve its purpose?)	<input type="checkbox"/>	
Are there any established gender and age sensitive identification and referral procedures for victims of trafficking, either within the humanitarian response or within national systems?		
NGOs / Civil Society Organizations active on trafficking in persons:  Do they provide specialized services for trafficked persons?  Do they have sufficient technical and financial capacity to engage in protection and assistance of trafficked persons and in anti-trafficking activities, or do they require capacity support?  Are services accessible to crisis-affected populations?  Are available services gender and age sensitive and provide tailored responses according to specific needs and wishes of trafficked persons?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Key duty bearers on anti-trafficking (generally State agencies or private sector actors that States have outsourced their responsibilities to)	<input type="checkbox"/>	
Is the criminal justice system actively addressing trafficking in persons through investigations and prosecutions?	<input type="checkbox"/>	
Do law enforcement actors cooperate with protection and assistance actors in identification, referral, protection and assistance of trafficked persons?  Do specialized anti-trafficking focal persons or units exist within the criminal justice system?	<input type="checkbox"/> <input type="checkbox"/>	

## Trafficking in Persons Indicators\*

These indicators can be adapted to the specific setting. They should be used in preparedness planning, shared as soon as practical after the onset of a crisis and be continually updated as trafficking trends change and new information is acquired.

\* Indicators, in this sense, are not to be interpreted as part of a technical research methodology, but as indications or warning signs.

### Area of support

#### Contextual analysis

Trafficking may thrive in the following circumstances:

- Presence of organized crime in the community
- Presence of high-demand, labour-intensive sectors in the local area including agriculture, fisheries, hotel and restaurant services, extractive industries, adult entertainment and sexual services
- Presence of male-dominated sectors near or passing through the area such as construction, transport
- Recruitment and/or employment practices conducive to trafficking (such as extensive use of child labourers, dangerous employment conditions, forcing labourers to live on the jobsite)
- Societal tolerance of abusive practices such as domestic violence, child marriage and child labour
- Increased family reliance on children contributing to the household income
- Weak rule of law due to the crisis, scarcity of resources, or lack of political will
- Presence of armed forces, peacekeepers and/or non-State armed groups
- Presence of international armed forces, peacekeepers and/or external monitors

#### Individual analysis

Trafficked persons may manifest or experience the following:

##### Social and self-identity

- Fearful, anxious, depressed, submissive, tense, angry, erratic, nervous or paranoid
- Disoriented or confused, indecisive, inability to focus
- Signs of substance use or addiction
- Shares scripted, confusing, or inconsistent stories
- Limited contact with friends and family
- Distrustful of authorities and humanitarian workers; anxious around law enforcement
- Very apprehensive of speaking to police, or adamant that authorities cannot be involved
- Reluctant to receive help; does not self-identify as an exploited person

##### Working conditions

- Forced to work
- Unpaid, paid very little or less than what was agreed, or paid only through tips
- Works excessively long and/or unusual hours
- Works under inhumane, exploitative, unsafe or unhealthy conditions
- Not allowed breaks or suffers under unusual restrictions at work
- Subject to high security measures in the work and/or living locations (e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, armed guards)
- Living and working on the work site or, transported to and from the work site each day
- Actual work is very different than the promised or offered work; either the nature of the work (e.g., working as a child care provider instead of a nurse), or the conditions of work (working 12 hours a day instead of 8, or being paid a lower amount than the agreed upon sum)
- Experiences verbal or physical abuse by their supervisor
- Forced to meet daily quotas
- Charged excessive and/or unusual costs, fees and fines resulting in debt to the "employer" such as high room and board costs, equipment and uniform rental costs, fines for taking time off or sick days
- Forced into sex work, not allowed to refuse clients, or to use contraception, or take other protective measures
- Asked to sign a contract in a language they cannot read, or is refused a copy of the contract

**Physical conditions**

- Signs of poor hygiene, malnourishment, dehydration and/or fatigue
- Signs of physical or sexual abuse, physical restraint, confinement, or torture
- Injuries or bruises in various stages of healing and/or untreated illnesses or infections
- Appears uncomfortable in their clothing, clothing unsuitable for weather and environment
- Sexual and age-inappropriate clothing and make-up
- Is overly concerned with surveillance cameras or presence of phones

**Lack of control**

- Not free to leave or move around at will
- Wanting to stop working or selling or exchanging sex but feeling scared or unable to leave
- Accompanied by an individual who does not let them speak for themselves, refuses to give them privacy, or who interprets for them
- Movements and/or speech may seem monitored by others
- Not in control of their own money, or has their bank account set up or controlled by the employer
- Not in control of their own passport, identification documents or other important files
- Fears speaking for themselves; allows others to speak for them
- Refusing or being very reluctant to name or identify employers, handlers, abusers or describe their full situation
- Does not know the location of where they worked or lived
- Phone or other personal belongings taken away by "employer"
- If they are a migrant who was later caught up internal displacement, they could be threatened with deportation

**Specific to children**

- Working, and thus not in school or able to engage in activities in which many other children are engaged
- Working long hours, exceeding limits permitted by law and school (adolescents)
- No or limited access to parents or guardians
- No friends of same age, except in his/her area of work
- No time for play
- Travels without the presence of parents, guardians or care givers
- Does not appear to be related to anyone in their household (may look physically different, does not speak the same language or dialect)
- Often in the company of armed groups, armed forces and/or peacekeeping personnel, or waits by their vehicles, outposts, compound gates or communal areas
- Behaves in ways that do not correspond with behaviour typical of age. For example, over-sexualized behaviour, acting more mature or using more aggressive language than their age suggests
- Involved in petty crime and/or under the influence of members of a gang
- Appears to be frequently intoxicated, under the influence of drugs and suffering from addiction
- Receives gifts or possesses foreign items and may be reluctant to provide an explanation
- Involved in begging, but not allowed to keep the money



**Global Protection Cluster**  
**Anti-Trafficking Task Team**