20th Anniversary of the Trafficking in Persons Protocol

An analytical review

Contents

"There is a person being exploited. Someone who did not want to be used, bought, or sold. Someone who just needed food, rent, someone who just didn't have anyone else to turn to or another choice. Until we see that person as our friend, neighbour, sister, daughter, it will never stop"

Survivor of trafficking in persons[1]

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[1] Extract from UN Women, OSCE/ODIHR, "Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic" (2020)

Note for the reader

The year 2020 marks the 20th anniversary of the adoption of the <u>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children</u> (the UN Trafficking in Persons Protocol). It is also the year the United Nations celebrate the 25th anniversary of the adoption of the <u>Beijing Declaration</u> and its Platform for Action, as well as the 10th anniversary of the adoption of the <u>United Nations Global Plan of Action against Trafficking in Persons</u> (UN Global Action Plan) - two key international blueprints on countering trafficking in persons. In 2015, the leaders of all the United Nations Member States further agreed to the 2030 Agenda for Sustainable Development – a set of universally applicable commitments where trafficking in persons is addressed under three different targets[2] with a view to enhance global action.

These anniversaries provided the Inter-Agency Coordination Group Against Trafficking in Persons (ICAT) with a valuable opportunity to consider progress made in responding to trafficking in persons in the context of the implementation of the UN Trafficking in Persons Protocol and the Global Plan, to discuss current and emerging challenges – including deriving from the COVID-19 crisis - and to examine, among others, the human rights and gender dimensions of national and international efforts, including in respect of the 2030 Agenda for Sustainable Development.

Despite significant attention and sustained effort on the part of the international community, trafficking in persons remains endemic with its attendant negative consequences for victims, survivors, their families and society at large, including in conflict-affected settings.[3] Significant revenues continue to be generated, often to the benefit of unscrupulous criminal organizations, which in turn use their illicit profits to further their criminal objectives while undermining peace, stability and the rule of law.

This analytical review brought together leading experts from organizations and entities that are members of ICAT, representing an extensive and comprehensive array of global and regional expertise, as well as a significantly broad range of thematic and regional experiences and practices.

The objective and aim of this analytical review is to serve, on the one hand, as a blueprint for the broader anti-trafficking community to help identify key achievements and main shortcomings in responding to the crime in the past two decades, and, on the other hand, to inform ICAT's strategic priorities and future plans.

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[2] See ICAT Issue Brief 05/2018 "The Role of the Sustainable Development Goals in Combatting Trafficking in Persons" at
http://icat.network/sites/default/files/publications/documents/ICAT_Issue_Brief_SDGs%202018.pdf
[3] See further See annual reports of the Secretary-General on Conflict-related Sexual Violence-S/2020/487, S/2019/280, S/2018/250.

About ICAT

(note for graphic designer: info box)

As the lead UN policy forum against trafficking in persons, the Inter-Agency Coordination Group Against Trafficking in Persons (ICAT) is mandated to enhance policy coherence and programmatic coordination in addressing the crime of trafficking in persons. This is achieved through facilitating the effective and impactful use of existing resources, by creating synergies amongst key anti-trafficking policy-makers, and by engaging with governments, international and regional organizations, civil society, anti-trafficking actors and survivors. ICAT was established in 2007 by the United Nations General Assembly.[4]

Since ICAT´s establishment, the need for coordination and policy coherence on anti-trafficking responses across the UN system and beyond, as well as the central role of ICAT in facilitating this, have be reaffirmed time and again by the international community. In July 2010, for example, the United Nations General Assembly adopted Resolution 64/293, endorsing the UN Global Action Plan, which urged all responsible UN entities to coordinate their efforts to fight trafficking in persons effectively and to protect the human rights of its victims, including via ICAT. Further, the Plan of Action called for strengthening and supporting ICAT to improve coordination and cooperation amongst relevant UN bodies, including UN human rights treaty bodies and mechanisms, and international organizations. A number of later resolutions by UN inter-governmental bodies also reinforced the idea that coordination of anti-trafficking efforts through ICAT should be at the core all relevant UN responses to prevent and fight this crime.[5]

Throughout the years, ICAT has witnessed a significant expansion in membership, engagement and activities. As of November 2020, it comprises of 25 members and 2 partners, including a wide array of UN entities with a mandate on trafficking in persons, as well as six regional inter-governmental organizations outside of the UN system.[6] Through the increased support by Member States and thanks to a strengthened engagement and commitment by its member and partner agencies, ICAT has in recent years enhanced its ability to set standards and priorities for the anti-trafficking community, produce joint policy analysis on persistent or emerging trafficking-related issues, improve the exchange of information, expertise and good practices, and facilitate joint programming by building synergies among its diverse and comprehensive membership.[7]

The ICAT Working Group

- International Centre for Migration Policy Development (ICMPD)
- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- Office of the High Commissioner for Human Rights (OHCHR)
- Organization for Security and Co-operation in Europe (OSCE)
- Organization of American States (OAS)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Children's Fund (UNICEF)
- United Nations Office on Drugs and Crime (UNODC)
- UN Women

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[4] United Nations General Assembly (UNGA) resolution 61/180, paras. 12-16.

[5] See for example: Security Council resolution 2331; UNGA resolutions 73/189, 72/195, 72/1, 71/322, 71/319, 70/179, 68/192 (among others); Commission on Crime Prevention and Criminal Justice resolution 27/4, 27/2; Economic and Social Council Resolution 2017/18; 2015/23.

[6] For the list of ICAT Membership, see http://icat.network/about-us.

[7] More information on the mandate of ICAT and its composition and structure are available at: www.icat.un.org.

The ICAT Membership

- Council of the Baltic Sea States (CBSS)
- Counter-Terrorism Committee Executive Directorate (CTED)
- Department of Peace Operations (DPO)
- Department of Political and Peacebuilding Affairs (DPPA)
- International Centre for Migration Policy Development (ICMPD)
- International Civil Aviation Organization (ICAO)
- International Criminal Police Organization (ICPO-Interpol)
- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- International Telecommunication Union (ITU)
- Office of the High Commissioner for Human Rights (OHCHR)
- Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict
- Organization for Security and Co-operation in Europe (OSCE)
- Organization of American States (OAS)
- United Nations Children's Fund (UNICEF)
- United Nations Development Program (UNDP)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Interregional Crime and Justice Research Institute (UNICRI)
- United Nations Joint Program on HIV/AIDS (UNAIDS)
- United Nations Office on Drugs and Crime (UNODC)
- United Nations Office on Genocide Prevention and the Responsibility to Protect
- United Nations Population Fund (UNFPA)
- UN Women
- The World Bank

ICAT Partners

- Council of Europe
- UN Special Rapporteur on trafficking in persons, especially women and children

Key progress

Greater recognition and understanding of the crime

The two decades since the adoption of the UN Trafficking in Persons Protocol have seen significant progress towards understanding trafficking in persons and the importance of addressing it. The near universal ratification of the UN Trafficking in Persons Protocol has provided an international framework that has not only facilitated the adoption of national legal frameworks to combat the crime, but also prompted a global anti-trafficking movement, encouraging cooperation amongst governments, and between governments and intergovernmental organizations, as well as civil society organizations.[8]

The adoption by the General Assembly of the [2010 United Nations Global Plan of Action against Trafficking in Persons](#), was also a key milestone in promoting cooperation and coordination of efforts. The Global Plan includes concrete actions to prevent trafficking in persons, protect and assist victims, prosecute related crimes and strengthen partnerships among governments, civil society organizations and the private sector, including the media.

In addition, understanding trafficking in conflict-affected settings has deepened. In 2015, the Security Council, for the first time, condemned the use of trafficking in conflict, noting that trafficking in persons undermines the rule of law and contributes to other forms of transnational organized crime. Since then, the Council has continued to affirm that trafficking in persons, especially women and children, represents a threat to international peace and security, and subsequent resolutions, in particular Security Council Resolution 2331 (2016), identify a nexus amongst trafficking, sexual violence and terrorism, which facilitated analysis and reporting on related trends and patterns.

Trafficking in persons is also recognized as a crime with links to social development and security, migration, conflict- and climate-induced displacement. Three of the Sustainable Development Goals explicitly prioritise combating trafficking in persons,[9] while the 2018 [Global Compact on Refugees](#) and the [Global Compact for Safe, Orderly and Regular Migration](#) (Objective 10) state commitment of signatory states to address trafficking in persons in a comprehensive manner in the context of wider asylum and migration policies. The [ILO 2014 Protocol to Convention no. 29](#) (a core convention of the ILO) reinforces the international legal framework for combating all forms of forced labour, including trafficking in persons[10], and calls on ratifying States to take measures to prevent it, protect victims and ensure their access to remedies and compensation.[11]

Over the years, a more comprehensive, integrated and developed human-rights approach to anti-trafficking policies has emerged. Trafficking in persons is widely considered as a violation of fundamental rights by the UN General Assembly, the Human Rights Council and related human rights mechanisms.[12] For example, the [Convention on the Elimination of All Forms of Discrimination against Women](#) of 1979[13] explicitly urges states parties to suppress all forms of trafficking and exploitation in

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[8] This progress being further facilitated through the development of regional instruments, most notably the 2005 Council of Europe Convention on Action Against Trafficking, and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children.

[9] Including Goal 5 on Gender Equality, Goal 8 on Decent Work and Economic Growth, and Goal 16 on Peace, Justice and Strong Institutions.

[10] See [ICAT Issue Brief 9, Trafficking in Persons for the Purpose of Forced Labour](#) (2019).

[11] See further at http://www.ilo.ch/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029

[12] Office of the High Commissioner for Human Rights, [Human Rights and Human Trafficking](#) (2014), p. 5-7. See also https://www.ohchr.org/Documents/Publications/Traffickingen.pdf

[13] The Beijing Declaration and Platform for Action of 1995 further calls to eliminate trafficking in women and assist victims. Similarly, the Convention on the Rights of the Child of 1989 includes an obligation for states parties to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. More recently, the Committee on the Elimination of Discrimination against Women has elaborated a General Recommendation on trafficking in women and girls in the context of global migration setting out practical guidance on how to tackle this issue using a human rights-based and gender transformative approach. The General Recommendation is, at the time of writing, still in the process of elaboration. ICAT has contributed to its drafting by submitting two separate joint input respectively in 2019 and 2020. The draft General Recommendations is available here: https://www.ohchr.org/Documents/HRBodies/CEDAW/Trafficking/Draft_GR_Trafficking_Women_Girls_Migration.docx.

women.[14] Twenty years on from the adoption of the UN Trafficking in Persons Protocol, addressing trafficking in persons not only remains a high priority for States, but it has been increasingly seen as a priority for businesses and communities.

More comprehensive legal, policy and institutional frameworks

Around the world, 178 states have ratified the UN Trafficking in Persons Protocol, with almost all reporting the enactment of national legislation that criminalizes trafficking in persons, a core obligation of the Protocol. A *Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto* was also established in 2018 following ten years of negotiation - a milestone for international commitment to evaluate progress at a national level.[15]

At the same time, a significant number of countries have strengthened efforts to better organise, plan and coordinate national responses. Practices such as developing and adopting national action plans or strategies to combat trafficking in persons, as well as the appointment of national focal points/coordinators and rapporteurs on trafficking in persons, are increasingly at the core of national anti-trafficking responses worldwide.

Identification of victims

The UNODC Global Report on Trafficking in Persons (2018) notes that more victims have been detected globally in recent years. This has been partially linked to enhanced capacities of relevant national authorities to identify them.[16] Increased identifications have progressed in parallel with improved protection for victims, leading, in best cases, to a more systematic implementation of human rights, victim- and survivor-centred measures focused on the progressive recovery of victims and their long-term social inclusion.

In this respect, promising developments are represented by the emergence of National Referral Mechanisms (NRMs). Overall, the concept underlying NRMs is to coordinate action amongst an array of anti-trafficking responders and civil society, with a view to better identifying trafficking victims and systematically referring them to relevant national institutions for the provision of necessary assistance and services based on a human rights, gender-sensitive and trauma-informed approach. Therefore, if committed to and applied consistently, within the broader holistic and comprehensive rights-based response to trafficking, NRMs can formalize co-operation mechanisms/protocols, which are critical to establish paths and operating procedures for relevant government agencies, civil society and partner organizations.[17]

Finally, more attention has been paid to research and respect for the international protection needs of victims of trafficking and their access to asylum and services.

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[14] See ICAT comments to CEDAW's General Recommendation on Trafficking of Women and Girls in the Context of Global Migration, 2020, at https://www.ohchr.org/Documents/HRBodies/CEDAW/TraffickingGlobalMigration/NGOs/ICAT-letter_to_CEDAW-May_2020.pdf

[15] The Review Mechanism has been established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in resolution 9/1.

[16] UNODC, Global Report on Trafficking in Persons 2018, p. 7.

[17] For more guidance on NRMs, refer for example to OSCE-ODIHR National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook (2004). While the fact that NRMs are being increasingly introduced in national anti-trafficking responses can be considered a success, it must be acknowledged that a still high number of countries do not have such a mechanism in place to refer victims, and even in those countries where NRMs are formally established, there exists several shortcomings in moving beyond frameworks to their effective implementation (for instance, lack of government-run shelters, lack of qualified professionals to assist victims, lack of effective partnerships with civil society). More efforts thus need to be made in making NRMs and their effective functioning a core feature of national anti-trafficking responses moving ahead.

Prevention efforts

The greater share of efforts to prevent trafficking in persons have traditionally focused on awareness-raising initiatives to inform communities about risks associated with this crime, especially in countries of origin. Well-planned, appropriately designed, and evaluated awareness-raising campaigns can play an important role in reducing the risk of trafficking in persons. They may contribute to providing vulnerable groups with information on how to protect themselves against the crime, or where to seek help if they have been victimized. Awareness campaigns are also run for children on how to safely navigate the internet and social media, for example, while caregiver education and community-based interventions can mitigate the risk of online exploitation and grooming. Educating and informing employers can also reduce their involvement in trafficking in persons and forced labour practices, while making sure they comply with their legal obligations. The private sector can greatly contribute to these processes.

However, evidence shows that awareness-raising alone is not sufficient to address the root causes of the crime, discourage demand and change the behaviours of at risk-groups to prevent them from falling prey to traffickers. Effectively preventing trafficking in persons will require long-term investment in access to education, gender equality, access to safe and legal migration pathways, and anti-corruption strategies.[18]

Prevention interventions should include strategies for empowerment, aiming at mitigating the vulnerabilities which lead to trafficking. This includes strengthening economic independency and developing professional capacities that prevent vulnerability, promoting fair recruitment, addressing gender inequality, poverty, discrimination and other root causes of trafficking in persons, including tackling demand for services and goods obtained from victims of this crime. The predominance of trafficking in women and girls for the purpose of sexual exploitation, domestic servitude and forced marriage, for example, is attributable to a systemic gender inequality and is a result of a wider prevalence of manifestations of gender-based violence in diverse contexts, in particular the existence of gendered norms, assumptions and stereotypes around male domination, sexual entitlement, coercion and control that normalize such violence and constitutes a part of the continuum of violence against women and girls. The rapid growth of gender-based violence reported during the COVID-19 pandemic highlights the criticality of strengthening prevention efforts towards addressing the root causes of trafficking in women and girls, in particular with activities that target discriminatory and harmful gender norms.[19]

The COVID-19 pandemic has shown how important it is to establish and strengthen prevention strategies and has brought to the forefront the need to reconceptualize societal development models to stop perpetuating entrenched inequalities. A comprehensive strategy should thus address, as it will be seen further below, all core drivers of the crime, including the demand that foster all forms of exploitations.

Criminal justice responses

As trafficking in persons has increasingly been understood and treated as a serious crime, with a significant transnational component and links to other forms of organized crime such as migrants

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[18] See also relevant reports of the UN Special Rapporteur on trafficking in persons, especially women and children, UNGA Res. A/RES/74/189 and A/RES/75/169 paras 17-20.
[19] A/75/289

smuggling, terrorism, drug trafficking, cybercrime, corruption and money-laundering, the need to deliver more encompassing criminal justice responses acquired new impetus.

One tangible result of this is certainly the establishment, at the national level, of dedicated law enforcement units and prosecution services in a number of jurisdictions, which allowed a deployment of specialized professionals with substantive expertise and knowledge for a more effective detection of and response to the crime.

In the past decades, investigations of complex, transnational trafficking in persons cases have also benefited from improved cooperation amongst origin, transit and destination countries. Following the increase in international cooperation agreements, Member States have been able to make use of tools such as mutual legal assistance and extradition requests, joint investigative operations and special investigative techniques.[20]

Countries can also highly benefit from gender-sensitive and trauma-informed criminal justice responses. Justice officials, when adequately trained, can avoid re-traumatization of victims, by, for example, recognizing the early signs of re-trafficking cases. Likewise, victims of trafficking may consequently feel safer and more inclined to cooperate with state officials during investigation and justice procedures.

In addition, the international community has made significant progress in the establishment of networks for information sharing, as well as the exchange of best practices amongst practitioners. Examples of these are agencies such as the International Criminal Police Organization (INTERPOL), which, through its Human Trafficking Experts Group (HTEG), connects specialized officers across its Member States and provides for shared databases and services in real-time,[21] and networks such as the Trafficking in Persons Network for Prosecutors (TIPP), part of the International Association of Prosecutors (IAP), which includes prosecutors from all parts of the world for the exchange of experiences and good practices.[22]

Multi-stakeholder frameworks

Another area that has seen considerable progress is the concept of multi-stakeholder partnerships, which are now widely considered essential to effectively address trafficking in persons. Due to the multi-faceted nature of the crime, effective cooperation among relevant anti-trafficking responders, such as law enforcement agencies, financial investigation and cybercrime units, labour inspectors, specialized prosecutors, migration and child protection authorities, health care providers, trade unions and civil society organizations, has gained growing traction, as it allows for more consistently holistic responses that meaningfully complement expertise and competencies across sectors.[23] A promising practice in this regard includes national multi-disciplinary task forces or Joint Investigative Teams (JITs) at the international level.

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[20] These practices allow to improve faster intelligence and information-sharing across jurisdictions with a view to identify the full chain of perpetrators pertaining to international organized criminal groups, by involving all those countries where traffickers operate and victims, suspects and evidence are located. In parallel, such practices have proved beneficial in ensuring the early identification of victims and potential victims and their prompt referral to protection and assistance services.

[21] For more information: https://www.interpol.int/en/Who-we-are/What-is-INTERPOL.

[22] At the regional level, good practices of cooperation among practitioners include, for example, agencies such as Europol, supporting law enforcement authorities in the European region on fighting transnational crime, including trafficking in persons; and the Ibero-American Network of Specialized Prosecutors against Trafficking in Persons and the Smuggling of Migrants (REDTRAM), which is a platform for active exchanges on regional human trafficking and migrant smuggling trends as well as a channel of cooperation on actual cases. For more info: https://www.iap-association.org/TIPP/Home.aspx.

[23] The concept of multi-stakeholder partnerships is very present in development-related issues. See for more information: https://sustainabledevelopment.un.org/index.php?page=view&type=400&nr=1741&menu=1515.

In addition to multi-agency cooperation in tackling the crime, partnerships between institutional actors with the private sector in developing anti-trafficking responses – focusing on prevention, and victims protection and assistance - are increasingly being pursued, with the understanding that businesses and companies have an important role to play in the fight against trafficking in persons.[24] For instance, partnerships between governments and information technology companies are leveraging the use of technologies, including tools for data aggregation and analysis, blockchain technology, facial recognition, artificial intelligence (AI) and machine learning, against their misuse by traffickers.[25]

Public-private partnerships have also emerged with regards to the identification and mitigation of the risks of trafficking in persons in business operations, including global supply chains. As multinational companies and corporations make vast use of global suppliers to produce goods and deliver services, actively preventing exploitation and trafficking from occurring at any level of the supply and demand chain is necessary.[26]

Partnering with civil society organizations, and in particular, survivor-led organizations, has also been proven essential to effectively respond to trafficking in persons. Strengthening partnerships between governments and civil society organizations is key to delivering gender- and child-sensitive, and victim-centred assistance to victims.[27]

Persistent and emerging challenges

Twenty years on from the adoption of the UN Trafficking in Persons Protocol, trafficking in persons remains pervasive in our societies, despite crucial achievements made by States and the global international community. Despite concrete steps to assess the extent of trafficking in persons, it still remains challenging to understand the scope of the phenomenon as, due to the inherently abusive and coercive nature of the crime, many victims presumably remain undetected.

Data has shown that trafficking in persons has increasingly been perpetrated within national borders.[28] Trafficking for the purpose of sexual exploitation remains the most detected form of trafficking globally, representing 59% of the total number of detected cases.[29] However, trafficking for the purpose of forced labour is also being increasingly detected as a primary form of exploitation in a number of countries.[30]

Trafficking in persons also continues to disproportionally affect women and girls, who amount to over 70% of the overall number of identified victims, 94% of which are trafficked for the purpose of sexual exploitation. More than a half of the total detected victims of trafficking in forced labour are men, illustrating how the trafficking cycle is still highly gendered, from the root causes that make individuals more vulnerable to exploitation, to the measures and policies put in place to address the crime.[31] It is

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[24] See for instance, Alliance 8.7, which is an inclusive global partnership committed to achieving target 8.7 of the 2030 SDGs. https://www.alliance87.org/the-alliance/

[25] ICAT Issue Brief 7, Human Trafficking and Technology: Trends, Challenges and Opportunities (2019), p. 4.

[26] The private sector has been mobilized in various ways, including by ensuring companies and businesses exercise the principles of corporate due diligence , fair recruitment and transparency when contracting suppliers, which has helped provide a rather cost-effective, quick set of safeguards in the prevention of human trafficking. See Principle 4 of the Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework (2011).

[27] National Survivors Advisory Councils, for example, facilitate better understanding of the needs of victims and survivors, the crime itself, de-stigmatises issues of trafficking and can contribute to the design of effective prevention strategies. A OSCE/ODIHR International Survivors of Trafficking Advisory Council, for instance, is being established to ensure that voices of survivors are reflected in all its anti-trafficking policy development.

[28] UNODC, Global Report on Trafficking in Persons 2018, p.9.

[29] UNODC, Global Report on Trafficking in Persons 2018, p.29.

[30] UNODC, Global Report on Trafficking in Persons 2018, p. 31.

[31] Ibid., p. 10.

estimated that on any given day in 2016, for example, 40.3 million people were being forced to work or were living in a forced marriage.[32]

Almost one in three identified victims is a child (28%). These boys and girls may become victims of trafficking as they are escaping violence, conflict, or they are trying to reunify with family members. The difficulty in maintaining family unity for families that seek to move is an important factor in heightening the risk of trafficking in children.[33]

Traffickers are fast to adjust their criminal behaviours

Traffickers have the capacity to quickly adapt their *modi operandi* and exploit emerging patterns and trends. Over the past 20 years, the global expansion of modern technology has brought about considerable challenges in responding to the way traffickers operate. The internet has become an ideal space for traffickers to recruit and exploit victims, in faster and more cost-effective ways, while enabling increased anonymity for both victims and perpetrators and the possibility to utilise and store materials discreetly on the darknet.

Criminal justice stakeholders have not been able to respond at the same speed. The use of technology, for instance, poses several challenges as crime detection and investigation require specific corresponding regulation, resources, training, and capabilities. Law enforcement agencies, judicial authorities and prosecutors often do not have the knowledge, expertise or resources to deal with demanding, ever evolving technology-facilitated trafficking cases.[34] With the emergence of cryptocurrencies, investigation into financial links of the crime is even more challenging.

The new reality of the COVID-19 pandemic[35] has amplified these challenges. For example, traffickers have significantly scaled up online exploitation and grooming, especially of children, while responders have faced reduced or remote working and closure of public institutions, including courthouses.[36] Experience in several countries has shown that when public safety and the formal economic sector are under pressure for a prolonged period of time, organized criminal groups typically react and thrive, playing on the heightened vulnerabilities of specific groups.[37] The current pandemic and its deep and widespread social and economic effects is increasing poverty levels, in particular for women, and consequentially increasing their vulnerability to exploitation, abuse and trafficking.[38] Additionally, in a number of countries, governments have reprioritized human and financial resources to address the pandemic, with detrimental impact on the fight against trafficking in persons. Other challenges include difficulties in accessing people in vulnerable situations, the postponement of anti-trafficking activities, and the discontinuation of shelters for victims, making it even more difficult to respond to the crime.[39]

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[32] ILO, IOM, Walk Free Foundation, Global Estimates of Modern Slavery (2017), p. 9.

[33] See for example ICAT: Issue Brief 6, Trafficking in Children. When a child is alone, it increases their vulnerability to trafficking, particularly when these factors are coupled with inadequate education, healthcare, and social protection systems, statelessness, poverty, discrimination and other forms of organized crime.

[34] See for example: ICAT Issue Brief 7, Human Trafficking and Technology: Trends, Challenges and Opportunities (2019); UNICEF (2017) Children in a Digital World; WePROTECT Global Alliance: Global Threat Assessment (2018) Working Together to End the Sexual Exploitation of Children Online.

[35] Emergency measures put in place to respond to the pandemic reportedly resulted in traffickers changing their means of exploitation by exercising increased control, violence and isolation on victims, as well as forcing them to engage in high-risk activities.

[36] With school closures globally, more children are spending more time online, many with little supervision. The findings of the study that led to the OSCE-ODIHR and UN Women Guidance on Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic (August 2020) report that online recruitment, grooming and exploitation have been widely used by traffickers during the pandemic. Trafficking for the purpose of sexual exploitation online has also reportedly increased. See UN Women – OSCE-ODIHR, Guidance: Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic (2020), p. 6.

[37] UNODC, Impact of natural disasters, conflicts and crises, such as the COVID-19 pandemic, on trends in organized criminal groups and on routes for the smuggling of migrants, as well as good practices to support effective law enforcement cooperation during such crises to detect, investigate and prosecute such cases. Background paper prepared by the Secretariat (2020), CTOC/COP/WG.7/2020/2, para.5.

[38] A/75/289

[39] UN Women – OSCE-ODIHR Guidance, p. 4. See also: UNODC, Impact of the COVID-19 Pandemic on Trafficking in Persons: Preliminary findings and messaging based on rapid stocktaking (2020).

Crises such as climate-related disasters, conflicts and economic downturns can further exacerbate these trends.

Numbers of convictions of perpetrators worldwide remain low

Trafficking in persons remains a low risk, highly profitable crime. An ILO report of 2014 estimated that revenues generated by trafficking in persons for forced labour and sexual exploitation amounted to roughly USD 150 billion a year.[40] At the same time, only a limited number of perpetrators are prosecuted and convicted every year. According to recent data, in 2019, 11,841 individuals were prosecuted for trafficking offences and 9,548 were convicted, of which only 498 for trafficking for forced labour.[41] These numbers are strikingly low if we consider the extent of the estimated number of victims and the scale of such criminal activities.[42]

When trafficking in persons occurs transnationally, differences in legal systems may hamper the gathering and sharing of evidence and intelligence. Furthermore, identifying and prosecuting the full chain of perpetrators operating across borders may be particularly difficult, especially if these are able to abscond across multiple jurisdictions. In many instances, only low-level criminals at the end of the exploitation chains are prosecuted.[43] Moreover, victims, especially migrant victims, are rarely able or willing to report their exploitation to authorities due to e.g., lack of trust, fear of being deported, of facing criminal charges for acts they were compelled to commit while being trafficked, or lack of available support services that meet their needs. Children in particular are at fear of reprisals and may find themselves in high levels of dependency vis-à-vis their traffickers. A lack of victim testimony, when it occurs, can also impair effective prosecutions. This is a key reason why prosecutorial strategies should aim towards evidence-based prosecutions rather than solely relying upon the testimony of victims who risk further exposure to trauma – especially in the case of child victims and witnesses.

A lack of experience and knowledge among responders has, at times, resulted in trafficking activities being prosecuted under less severe offences in order to secure convictions.[44] Some countries lack financial resources to provide the necessary training to authorities to investigate trafficking cases, as well as funding for technological tools that can help in complex investigations. Political will to identify and make such resources available may also be relatively limited in some countries and financial means primarily allocated to addressing other types of crime.[45] Even where specific knowledge is available, for example through specialized law enforcement authorities or prosecutors, challenges occur in disseminating and transmitting widely this knowledge across agencies and regions.

Gaps in investigations, prosecutions and sentencing, which also include a lack of a human rights-based and gender-sensitive approach, including on the application of the non-punishment principle[46] for victims, should be addressed. This is critical to ultimately make trafficking in persons an unattractive and risky business for criminals and address the current impunity of perpetrators, and to facilitate victim's access to justice, including remedy.

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[40] ILO, Profits and Poverty: The Economics of Forced Labour (2014), p. 13.

[41] US Department of State, Trafficking in Persons Report: 20th edition (2020), p. 43.

[42] The UNODC Global Report on Trafficking in Persons 2018 worryingly confirms this trend, emphasizing convictions remaining very low in several regions, despite noting that efforts to prosecute and convict traffickers have generally improved in the past two decades as a necessary consequence of the proliferation of laws criminalizing trafficking in persons.

[43] UNODC, Evidential Issues in Trafficking in Persons Cases: Case Digest (2017), pp. 125–126.

[44] UNODC, Best practices in joint investigations and specialized prosecutions: Background paper prepared by the Secretariat (2020), CTOC/COP/WG.4/2020/3, p. 7.

[45] See: https://www.unodc.org/e4j/en/tip-and-som/module-9/key-issues/challenges-to-an-effective-criminal-justice-response.html.

[46] See further ICAT issue brief 8, Non-Punishment of Victims of Trafficking (2019).

Vulnerability remains a core driver to trafficking in persons

As the COVID-19 pandemic has brought to the fore, crisis situations exacerbate the risks of trafficking of those already most at risk through disruption of economic activities and livelihood options, as well as family and social networks. More than creating new challenges, a crisis – whether related to a pandemic, climate change, conflict or forced displacement – aggravates the underlying issues which make people more vulnerable to trafficking in the first place.[47]

Persistent lack of access to protection and basic services, including access to food, water, health and housing services, as well as a decline in financial stability and job opportunities, can all be leading factors for individuals to fall prey to human traffickers. Re-victimization of trafficking survivors has also been identified as a pervasive risk, as survivors struggle to access accommodation services, compensation and family reunification.[48]

In conflict settings, internally displaced persons (IDPs), refugees and migrants, may be particularly vulnerable, as well as individuals belonging to diverse national, ethnic or religious minorities. Conflict is one of the most important drivers of global forced migration and displacement, and the use of trafficking for the purposes of sexual exploitation, sexual slavery, forced prostitution, in these contexts, is common. During a crisis of any kind, children are at high risk of dropping out of school – schools are destroyed or closed, or the families' economic situation changes, pushing children into child labour, child marriage or migration. With education unavailable or unattainable for increasing numbers of children, the risk of exploitation and trafficking increases. Moreover, children born in trafficking situations may be vulnerable to further exploitation.

Addressing the short- and long-term impact of crises, as well as the vulnerabilities leading to trafficking in persons thus require legislative, institutional and policy changes, and the underlying political commitment to such.

Lack of focus on tackling demand as a preventive measure

Discouraging demand for services and goods provided or produced by trafficking victims continues to be an area that has not received enough attention in the global anti-trafficking response.[49] Article 9(5) of UN Trafficking in Persons Protocol prescribes to States Parties to adopt or strengthen measures to discourage the demand that fosters all forms of exploitation leading to trafficking in persons. This provides significant scope to States Parties both in terms of how the notion of "demand" is understood and on the range of measures that can be pursued to curtail such demand.

Demand can encompass many aspects. For example, it may refer to a desire on the part of an individual to obtain certain services or products. Moreover, the meaning of demand can be informed by the role played by the individual in the "chain" (e.g., consumer, supplier). In the context of globalized economies, for example, demand for cheap labour, coupled with a demand for cheaper products and goods continues to fuel trafficking in persons. There is little doubt that ever-expanding global supply chains of multinational businesses and corporations in different industries remain associated with the presence of labour exploitation and trafficking in persons, including of children. This is especially the case in upstream production activities, such as extraction of raw material, agriculture and manufacturing, which remain poorly or not at all regulated.[50] Demand for cheap labour has also increased the number of irregular migrants falling prey to traffickers, especially in the agricultural sector.

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[47] Underlying factors, such as, inter alia, the exclusion from rights and access to services, the lack of access to safe pathways for migration, inequality and discrimination become more visible. See also OHCHR including Guidance Note on CEDAW and COVID-19 at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/STA/9156&Lang=en.
[48] UN Women – OSCE-ODIHR Guidance, pp. 10 and 18.
[49] See also ICMPD research conducted in the framework of the project "Addressing Demand in Anti-Trafficking Efforts and Policies" (DemandAT).
[50] For more information see: Alliance 8.7, Ending child labour, forced labour and human trafficking in global supply chains (2019).

As previously noted, trafficking in persons for the purpose of sexual exploitation, especially of women and girls, continues to be the most detected form of trafficking in persons. The objectification of women, the sexualization of young girls, and harmful masculinities that normalizes male entitlement to women's and girls' bodies, are among the factors that generates demand for sexual exploitation and should be therefore addressed.

In 2020, the COVID-19 pandemic and related lockdown measures in several regions of the world have also led to an increased demand for child sexual abuse online content, which has resulted in a spike of cases of child trafficking for online sexual exploitation.[51]

Persistent gaps in data collection, analysis and management

There is now a clear understanding that the development of effective anti-trafficking policies and programmes requires a solid evidence base to map and monitor the crime and its dynamics. At national level, the UNODC Global Report on Trafficking in Persons (2018) reports an increased capacity of national authorities to track and assess patterns and flows of trafficking in persons in several countries.[52]

Despite general progress in the collection and analysis of data on trafficking in persons and the development of several initiatives at national, regional and international levels, however, significant gaps remain, including in the management of data, the standardization and uniformity of collection across regions and countries, gender and age disaggregation and the availability and accessibility of such data. Furthermore, sufficiently sophisticated databases to process complex information on a large scale are expensive to create and maintain. Governments and organizations often struggle to find adequate resources to develop appropriate technological tools and to secure the required infrastructure and expertise. For this reason, a number of organizations reportedly rely on less costly infrastructure, which can affect the quality of the data collected.[53]

Moreover, discrepancies in legal definitions and in the collection of data at the national level may cause divergent results in the way trafficking cases are classified and how data is collected and shared. For example, when national laws omit, in their definition of the crime, certain forms of trafficking in persons, an important share of data will likely fall outside official statistics. In other instances, in the absence of standardized data collection procedures, this process might generate partial or inconsistent results.

While there is a clear need for robust data and large-scale evidence on trafficking in persons, there are principles that should be observed prior to any data collection exercise, especially during the time of crisis such as the COVID-19 pandemic, and namely: ensuring safety, privacy and confidentiality of victims; doing no harm; properly training research and investigation officials on ethical and safety principles; implementing mechanisms and strategies to reduce any possible distress caused by data collection; and referring victims and survivors to services and sources of support available.[54]

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[51] UN Women – OSCE-ODIHR Guidance, p. 6. For more information on the impact of COVID-19 on online sexual exploitation of children, see also: UNICEF, COVID-19 and its implications for protecting children online (2020).
[52] UNODC, Global Report on Trafficking in Persons 2018, p. 8. The report signals an increase from 26 countries in 2009 systematically collecting data on trafficking in persons to 65 in 2018. At the international level, there are a number of initiatives in place that support the gathering of data on trafficking in persons. This includes, for instance, the UNODC Global Report on Trafficking in Persons database, the Trafficking in Persons Report of the U.S. Office to Monitor and Combat Trafficking in Persons, and the IOM-developed Counter Trafficking Data Collaborative.
[53] US Department of State, Trafficking in Persons Report June 2019, p. 6.
[54] UN Women and WHO: Violence Against Women and Girls Data Collection during COVID-19 (2020).

The next decade: Towards the eradication of trafficking in persons

While acknowledging the complexity of the challenges the global community faces in the fight against trafficking in persons, there are key areas in the anti-trafficking field that, if strengthened, can generate significant impact. ICAT's proposed areas for action are as follows:

One | *Building the evidence base*

A shift from awareness towards impact.

Over the past 20 years, anti-trafficking efforts have shifted from awareness and acknowledgement of the existence of trafficking to intensive efforts to respond, including to map the scale and scope of the crime through dedicated data collection and analysis initiatives. More detailed information is available as to where trafficking occurs, who it affects, and the extent of responses.

Such increased awareness of the crime now requires a further shift – from prioritising data on prevalence, to investing in gathering quality information on the elements of an effective response. Systematic monitoring and evaluation of anti-trafficking programmes will allow for advanced results-based initiatives.[55]

This requires a commitment from anti-trafficking responders to systematically embed monitoring and evaluation (M&E) of counter-trafficking activities in all programmes, to provide responders with the required flexibility in adapting approaches when current activities are not generating the desired impact, and to unlock the necessary funding for M&E activities.

To foster this shift from *situational analysis* to *evidence-based action*, ICAT proposes:

- Reducing duplication of data gathering initiatives on prevalence rates by building partnerships between major data gathering actors.
- Refining and adjusting data collection methodologies for more tailored and comparable qualitative and quantitative measurements on the types of exploitation occurring, and the means used by traffickers, disaggregated by gender and age.
- Moving to more effective data collection of law enforcement and adjudication, for example by linking the number of investigations to how many of those led to charges, how many charges proceeded, how many convictions were executed, what the sentences were and how many related actions concerned the same trafficking activity or operations. Gathering this type of information will result in a more refined analysis of the agility and efficiency of criminal justice responses. It will help States better understand where exactly challenges lie in the criminal justice process and how to technically tackle them.
- Enhance data collection and evaluation of early identification and support programmes, as well as long term social inclusion measures such as, for example, the effectiveness of NRMs in linking the identifying of victims to providing early and long-term support for all victims of trafficking.
- Conducting systematic and comprehensive needs assessments before designing anti-trafficking interventions covering, inter alia, the needs for capacity-building, awareness-raising and protection. This would allow for more targeted anti-trafficking efforts based on empirical evidence.
- Deepening analysis on reports and data on the link between trafficking in women and girls and conflict, political instability, and terrorism/violent extremism.[56]

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[55] For more information on monitoring and evaluation, see ICAT, Pivoting Toward the Evidence: Building Effective Counter-trafficking Responses Using Accumulated Knowledge and a Shared Approach to Monitoring, Evaluation, and Learning (2016).

[56] See for instance, annual reports of the Secretary-General on Conflict-related Sexual Violence-S/2020/487, S/2019/280, S/2018/250

Two | *Addressing the core drivers*

A shift towards vulnerability reduction.

More attention should be devoted to the analysis of and response to the underlying social and structural inequalities that enable trafficking to persist, such as, for instance, poverty, gender inequality, discrimination and corruption. This requires States and institutional actors to acknowledge and address the crime in broader educational, socio-economic, development, humanitarian and peace-building initiatives. This also includes applying a gender transformative approach that empowers women and girls and addresses harmful gender norms and gender inequalities that systematically exclude women and girls from equal opportunities and equal treatment, and that prevents male victims from receiving the necessary assistance and accessing protection services.[57]

Proposed actions include:

- Strengthening the economic independence of at-risk groups.
- Reinforcing labour and social rights, as well as access to education, in particular for disadvantaged groups (including minority communities).
- Providing for orderly, safe and regular migration pathways, including through mobility agreements between countries and regions, with a view to minimize the risks of trafficking in persons, ensuring safe migration while, at the same time, recognizing the benefit of migrant labour for States and individuals, including as relates to seasonal and domestic work.[58]
- Strengthened regulation of labour recruitment agencies and labour migration governance, including through worker led initiatives;
- Ensuring that trafficking in women and girls, including in the context of migration, receives specific attention in development, security and migration-related policies.[59]
- Addressing gender-based and other forms of discrimination affecting women and girls, which are exacerbated during conflicts including due to limited livelihood opportunities, and can be elements fostering trafficking forms such as sexual exploitation, forced marriage, forced criminality, and labour exploitation including domestic servitude.
- Ensuring that trafficking strategies in conflict settings, including with respect to sexual exploitation as a tactic of armed groups and terrorism, are aligned with national action plans on women, peace and/or security and on preventing violent extremism rooted in International human rights law, and states' positive obligations of prevention and protection, including effective access to remedies.
- Recognising and addressing the full spectrum of gender dimensions of trafficking, acknowledging that men and boys are targeted for trafficking also for a range of purposes of exploitation in conflict settings, including forced criminality, sexual and labour exploitation
- Allocating adequate resources and support to front-line professionals providing assistance and other essential services to victims of human trafficking, and including survivor-led organizations in the design and implementation of anti-trafficking policies and programmes;[60]
- Ensure that access to assistance is unconditional and includes provision for regularization of residence and access to employment and education ,
- Ensure that returns to countries of origin are safe and voluntary, and include provision for long term assistance and social protection measures

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[57] See ICAT issue brief 4, The Gender Dimensions Of Human Trafficking (2017).

58 See also A/RES/75/169.

[59] The UN's experience in working with women and girls has demonstrated the need to examine family, community, and structural dynamics which either facilitate or frustrate attempts by traffickers to exploit women and girls. This requires, inter alia, overcoming community-level factors that facilitate trafficking, such as discrimination against women and girls and tolerance of violence against them.

[60] See ICAT Statement, 2020 World Day Against Trafficking at https://icat.network/sites/default/files/publications/documents/20200730_WDAT%20ICAT%20joint%20statement%202020_final.pdf

Three | *Ensuring a rights-based approach*

A shift towards protection mechanisms tailored to the victims' needs.

Several factors contribute to shortcomings in the effectiveness of protection measures, posing obstacles in access to justice, remedies,[61] assistance and support for the rehabilitation and social inclusion of victims.[62]

Victims of trafficking should, for example, be given access to protection schemes, unconditionally and without discrimination, and be entitled, where applicable, to international protection.[63]

Too often, victims are treated as suspects and offenders, instead of being seen as victims and witnesses. Access to assistance and support, justice and remedies, for instance, should not be made conditional to initiating criminal proceedings or cooperation with law enforcement and judicial authorities. Furthermore, a rights-based and gender sensitive approach in protecting victims of trafficking entails more systematic efforts in upholding and developing the principle of non-punishment of victims, and in ensuring compensation, remedies and social inclusion.

ICAT advocates for strengthened identification of victims through the engagement of a wide range of frontline actors and responders, including survivor-led organizations, who come into contact with individuals subjected to trafficking, as well as the development of standardized but flexible procedural guidelines, common operational indicators, and National Referral Mechanisms to help meet the critical need for coordination among diverse responders.[64]

The following specific areas should be strengthened for the full realization of a human-rights based approach:

- Inclusion of the perspective and voices of survivors in the design of anti-trafficking protection measures, also through the establishment of dedicated advisory councils at the national level for policy and programme development.
- Establishing means to provide early identification of victims, based on confidential interviews with people at risk, including migrants, refugees and asylum seekers in places of first arrival.[65]
- Ensuring those in need of international protection have access to asylum.[66]
- Individualized recovery and social inclusion plans for victims, that promote victims' economic independence, such as through income-generating activities, tailored to their specific needs and taking into account their wishes. Beneficiaries of assistance should be able to choose the support they require, such as education or employment.[67] These measures should be available regardless of a victim's willingness to participate in criminal proceedings.[68]
- Ensuring that National Referral Mechanisms are established and operational. This included ensuring that public authorities, especially law enforcement agencies, fulfil their positive duty to investigate potential cases of trafficking, that NRMs integrate asylum and other protection

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[61] For an analysis of the recent impact of the COVID-19 pandemic on the access to justice for victims of trafficking, see ICAT SD16 account at https://icat.network/events/covid-19-limits-road-justice-victims-human-trafficking

[62] See also https://www.ohchr.org/Documents/Issues/Trafficking/FirsDecadeSRon_%20trafficking.pdf

[63] All persons for whom there are reasonable grounds to believe that they have been trafficked should be referred to National Referral Mechanisms, given access to a recovery and reflection period and provided with assistance and protection.

[64] See ICAT Toolkit for Guidance in Designing and Evaluating Counter-Trafficking Programmes. See further A/RES/75/169.

[65] Managed by trained staff, these methodologies should be aimed at identifying not only the elements of a crime but also personal and social vulnerabilities to trafficking and exploitation. Such methodologies should be based on individual assessments and take into consideration complex, gender-based and intersectional discrimination and marginalization factors. The decision about granting early support, and residence status if needed, should be made by interdisciplinary teams established by civil competent authorities.

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[67] This requires engaging directly with survivors through an inclusive and participatory process, in the design, implementation and evaluation phases of interventions

[68] To this end, the private sector plays an important role as there is a need to create more private and public partnerships for the social and economic inclusion of survivors and to prevent re-victimization.

systems which are based on compassionate, humanitarian and human rights grounds, and that all concerned responders are aware of and trained on anti-trafficking indicators.

- Provision of and ready access of possible trafficking victims to a Recovery and Reflection period.
- Establishing protection pathways to regular migration status and long-term residence based on humanitarian, and human rights protection grounds, including effective legal pathways for entry, asylum and stay (regularization) for victims of trafficking.
- Ensuring that child trafficking is addressed as a child protection issue within a child protection framework, with child protection specialists playing a leading role in all procedures involving decisions that might have significant impact on the child's well-being, including decisions on immigration status.
- When the return of a trafficked child to his/her country of origin or habitual residence is contemplated, carrying out an independent and impartial assessment, on the best interests of the child, including risk and security assessments, with the involvement of child protection authorities at their core.[69] All decisions must prioritise the best interests of the child at all stages, and ensure that the right of the child to be heard and to participate in decisions relating to her / him is secured. In cases where the return is not contemplated, ensuring adequate child protection and care, aiming at the child's rehabilitation and social inclusion in the country of residence.
- Clear, uniform and gender-sensitive application of the non-punishment principle.[70]
- Ensuring effective access to justice and remedies, and promoting the exchange of good practices amongst States on compensation for victims and mutual legal assistance.[71]
- Considering the impact of COVID-19 on victims of trafficking and support initiatives aimed at identifying and closing gaps in protection, particularly in access to primary health care, counseling, legal aid, shelter and psychosocial support.
- In the context of crises, such as COVID-19 and beyond, enforcement by States of labour rights protections for all workers, in line with international labour and human rights standards, and strengthening of social security systems and alternative social protection schemes to ensur long term protection for all persons, including migrant workers.
- Recognizing that trafficking in women and girls for the purposes of sexual exploitation and violence is being used in armed conflict settings and by organisations identified as 'terrorist' or 'violent extremist groups', and that survivors in such circumstances qualify for assistance, support and remedy, including reparations and/or compensation.
- Supporting the humanitarian community – including through the Protection Cluster, Health Cluster, and Education Cluster – to identify and protect victims of trafficking in crisis or conflict situations, in line with UN Security Council Resolutions 2331 and 2388.[72] Particular attention should be paid to the diverse range of survivors, including women and children released from situations of abduction, forced marriage, sexual slavery and trafficking by armed groups.
- Recognize that children from victims of trafficking are also entitled to protection from victimization and stigmatization, including through the provision of identity documents, to avoid situations of possible statelessness.

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[69] This is to ensure that returns of a child is made in the child's best interests.

[70] The gender dimension of trafficking in persons should be further analyzed and addressed both at the policy and practice levels by national stakeholders. The criminal justice system in many places needs to ensure there are provisions in place to vacate the criminal convictions of trafficking victims and expunge their records so that they can move on without the burden of a criminal record as they seek future employment and/or education opportunities.

[71] Research indicates that even where victims are awarded compensation, in practice it is extremely difficult to claim it. Studies could be funded to collect good practices and share them with member states, such as, for instance, advance payment option, state compensation funds.

[72] Recognizing that trafficking constitutes a threat to international peace and security, the Security Council passed resolutions on Women, Peace and Security, which specifically include conflict-driven trafficking in persons, used by certain armed and violent extremist groups to fund their operations and advance their objectives. Security Council Resolutions 2331 (2016) and 2388 (2016) state that trafficking in persons, especially women and girls, constitutes a threat to international peace and security and imposes obligations on State and non-State actors. Overall, international efforts should be better linked with the EU strategy particularly with respect to settings from which victims of trafficking in the EU originate. It is important to mention that all strategies to address trafficking as a form of conflict-related sexual violence should be guided by a survivor-centred approach as outlined in resolution 2467 (2019).

Four | *Implementing existing measures and holding traffickers accountable*

Ending the culture of impunity of traffickers.

In view of the low level of global prosecutions and convictions, there is a need to strengthen action as well as collaboration on investigation and prosecution. Evidence suggests that this can be attained through specific actions, which the anti-trafficking community should further invest in a systematic manner, including by:

- Ensuring sustained and systematised ongoing capacity-building for all relevant criminal justice actors, including regarding enhancing interaction and coordination between separate functions.
- Enhancing of international cooperation, including through the increased exchange of informal information-sharing, the use of liaison functions, and the development of specialised regional and inter-regional networks of practitioners.
- Promoting the routine use of financial investigations to provide additional evidence for courts to consider; supporting confiscation measures and securing assets to compensate victims; fostering and facilitating exchange of good practices on victim compensation and remedies – including through the establishment of dedicated funds, as well as the use of transnational cooperation to freeze, seize and confiscate proceeds of trafficking in persons.
- Promoting the use of effective technological tools to aid in the identification of traffickers, including artificial intelligence as well as more traditional surveillance tools, and facilitating victimless prosecutions and the admissibility of digital evidence in courts, including to tackle websites used to facilitate trafficking and online exploitation, with due respect to privacy safeguards.
- In the context of crises, such as the COVID-19 pandemic, prevent delays in accessing justice for victims and in persecuting perpetrators.
- Ensuring that all actors in global supply chains (e.g. contractors, subcontractors) are held accountable, including with sufficiently stringent sanctions, to target all intermediaries who purchase or benefit from the labour of trafficking victims, by adopting and enforcing appropriate legislation and exchange of practices.
- Strengthening the administration and respect of labour regulations, including by reinforcing the role of labour inspectorates.[73]
- Establishing investigative units and prosecution units with high-level, specialized expertise on trafficking in persons, which are able to address the specificities of this crime and, at the same time, are trained to deal with victims in a victim-centred, trauma-informed, child- and gender-sensitive manner.
- Stepping-up the creation and use of joint investigative teams to address gaps in cross-border cooperation; improve trust between law enforcement agencies of different countries; foster routine contacts and stronger collaboration between law enforcement and other relevant anti-trafficking actors such as immigration officers, civil society organizations, child protection authorities, while guaranteeing necessary protection and assistance to victims.
- To that end, facilitating the adoption of appropriate legal frameworks for cross-border judicial and law enforcement cooperation, facilitating mutual legal assistance agreements and other arrangements between States to overcome jurisdictional and operational challenges on the investigation of alleged offences committed across countries, including through INTERPOL, and related exchange/preservation of evidence.

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[73] Criminal laws and their enforcement are a vital part of any national response to human trafficking, but it is at least as important to strengthen the administration of labour justice. Labour inspectorates are uniquely equipped to detect and act on violations before they degenerate further into human trafficking for forced labour. National labour administrations and labour inspectorates should have the necessary legal mandate, accompanied by the required training and resources, to play a full role in preventing forced labour and in enforcing forced labour laws.

- To that end, increasing scrutiny for online platforms with high risks of trafficking in persons, including those advertising sexual services.[74]
- Prioritizing market-based investigations to address the scale of trafficking with the use of technological tools such as data aggregation, data scraping and large-scale data analysis, in accordance with the protection of personal privacy rights and data protection of victims.
- In the context of conflict and post-conflict situations, addressing other violations of applicable international law and human rights, including relating to the recruitment, abduction, and use of children by armed groups or armed forces, and the use of sexual violence by parties to conflict.

Five | *Discouraging demand*

From recognition to systemic responses.

Discouraging demand is receiving increasing recognition as a fundamental component of eradicating trafficking in persons and should now be elevated to a primary area of intervention.

Examples of possible steps in this regard may include:

- More targeted public awareness-raising and advocacy, as well as targeted educational initiatives by institutional actors and the private sector.
- Expanding and widely applying successful prevention measures enacted by governments and private businesses alike in mitigating the risks of trafficking in persons in supply chains, including the risks of recruitment-related abuse and exploitation. This also requires building on promising practices and more systematically applying these across countries and through all tiers of the production of goods.
- More coherent, decisive and uniform application of sustainable procurement practices as a key strategy going forward for governments as well as international organizations, as large procurers of goods and services annually. This will not only prevent exploitative labour but will also encourage and incentivize sustainable business practices and foster business accountability.[75]
- Furthermore, as trafficking in women and girls is a manifestation of systematic gender inequalities and a form of gender-based violence, strategies to discourage the demand that fosters exploitation and its related prevention efforts must address the unequal social structures, norms and practices that perpetuates gender inequality and make women and girls disproportionately vulnerable to trafficking. A concurrent focus on addressing attitudes and behaviour of men and boys should also be included in any viable prevention strategy.

Six | *Systematizing cooperation and multi-stakeholder partnerships*

Inter-agency efforts as the gold standard of anti-trafficking action.

Fostering cooperation and dialogue among States, national coordination mechanisms, law enforcement, civil society, survivors of trafficking, international organizations working on the ground, media and private sector should become a pre-requisite to any viable anti-trafficking programme and response.

These efforts should be systematized to promote "what works" in terms of collaborative and inter-agency practices and approaches. Effective practices should be elevated from the local level and be applied consistently and systematically at the national and international levels. Networks of

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[74] In particular by requiring technology companies to ensure that their platforms are not used to recruit, control, advertise and exploit victims of human trafficking; and allow state institutions to shut down online platforms promoting services associated with trafficking in persons.
[75] See also A/RES/75/169 para 67. States should ensure that companies that receive government contracts and benefit from government procurement are able to demonstrate genuine results in terms of labour rights protection, including in their supply chains, such as obtaining evidence that their subcontractors and service providers pay fair wages and bear recruitment costs. States should exclude from procurement procedures those companies that fail to meet their obligations.

practitioners, within and across sectors/fields of expertise should be sustained and adequately funded.

ICAT highlights the importance of taking critical steps such as:

- Promoting high-level cooperation amongst Member States in the eradication of trafficking in persons, including in international police cooperation, judicial cooperation, through dialogue, information sharing and mutual assistance (i.e., financial and/or technical support).
- In particular, developing and strengthening targeted partnerships to exchange information and conduct joint operations with countries which are utilized by traffickers as regional and global hubs for livestreaming child sexual abuse.
- Strengthening opportunities for the exchange of practices and information sharing with relevant national, regional and international institutions, including in policy development and programming in the field.
- Ensuring adequate funding to maintain and elevate anti-trafficking efforts at national and transnational levels. Multi-stakeholder, cooperative frameworks require sustainable funding to function effectively and deliver long-term impact, especially in times of crisis, to monitor the effectiveness of responses and perform their roles and mandates.