INTRODUCTION

The Inter-Agency Coordination Group against Trafficking in Persons (ICAT) is the lead United Nations mechanism ensuring coordination and coherence across the international system to facilitate a holistic and comprehensive approach to preventing and combating trafficking in persons, including protection and support for victims and survivors of this crime. On behalf of its membership, comprising 30 UN agencies and other international and regional organizations, ICAT welcomes the convening of the first International Migration Review Forum (IMRF) since the adoption of the United Nations Global Compact for Safe, Orderly and Regular Migration (GCM), to review the progress made in the implementation of the GCM.

The GCM calls for specific measures to prevent and counter trafficking in persons in the context of international migration. To date, the extent of implementation of these commitments remains limited with variations across countries. As noted by States and stakeholders during the recent regional reviews of the GCM implementation, stronger efforts are needed to ensure coherent and effective responses to trafficking in persons.1

While Objective 10 of the GCM specifically details commitments to address trafficking in persons, several other GCM objectives target closely related issues, which directly impact on preventing and responding to this crime. All GCM objectives are implemented in line with the overarching guiding principles, including human rights-based, gender-responsive and child-sensitive approaches.

Meanwhile, Objective 7 and Objective 2 aim at addressing and reducing vulnerabilities in migration and minimizing the adverse drivers that compel people to leave their countries of origin to seek a future elsewhere with a focus on measures that address vulnerabilities of

1 See Report of Secretary-General on Global Compact for Safe, Orderly and Regular Migration: https://undocs.org/en/A/76/642.
women, men, girls and boys, regardless of their migration status. The GCM further promotes the provision of necessary support to migrants, including victims of trafficking in persons, through identification and assistance, as well as protection of their human rights. The GCM also calls for safe and dignified return and sustainable reintegration of migrants, which directly reduces the risk of their victimization or revictimization for trafficking in persons. Importantly, the GCM calls for investing in the collection, analysis and dissemination of accurate, reliable, comparable and disaggregated data on migration.

Vulnerabilities fuelling trafficking in persons remain a common reality for migrants at all stages of migration. Erosion of the rule of law, widespread criminality, poverty, unemployment, systemic inequality, gender inequality, discrimination, marginalization, corruption, and – as recently observed following the COVID-19 pandemic – such situations, including climate induced natural disasters, may all be factors in someone’s decision to migrate. Because of a lack of regular and safe migration pathways, migrants often seek the services of smugglers placing them at a higher risk of abuse and exploitation, and, thus, creating grey areas between migrant smuggling and trafficking in persons. Upon transit and arrival, migrants, especially those with an irregular status and/or undocumented and separated or unaccompanied children, are at heightened risk of being recruited by traffickers into different forms of exploitation, particularly when adequate support is lacking, including a lack of access to services. Additionally, the numerous cases of child sexual exploitation and abuse, especially of unaccompanied children living in mixed reception spaces with adults, are evidence of the need for protection services to consider the specific needs of children.²

Gender-responsive identification and referral of victims of trafficking at all stages of migration remains extremely challenging, especially as migrants travelling using irregular channels often fear arrest, detention or deportation and, thus, do not report abuse to the authorities in transit and destination countries for fear of retaliation and/or lack of trust in authorities. The establishment of firewalls between law enforcement and socio-sanitary assistance providers is a decisive element in ensuring victim assistance and protection.

Migrants returned to their countries of origin may also face risks of victimization or revictimization for trafficking in persons, which need to be clearly examined and addressed in return and (re)integration responses, including by addressing the specific needs of women and girls. Re-traumatization and revictimization of migrants who have been trafficked can also result from punishment for illegal conduct committed as a consequence of being trafficked, or the consequences of a lack of protection as well as stigma faced in home-communities, especially in cases of trafficking for sexual exploitation. It is vital that essential services including from the criminal justice system and victim support services providers (including health and social services sectors) are provided to victims/survivors of trafficking in persons.

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Further, a solid evidence base is critical to effective policymaking and implementation to respond to trafficking in persons in the context of international migration. However, the lack of reliable and accurate sex-disaggregated data on trafficking in persons, including on its links with global mobility trends, remains a key challenge hampering efforts to provide increasingly targeted, gender-responsive and age-sensitive responses to this crime.

Through this submission, ICAT calls on States to adopt a broader perspective that duly reflects the interlinkages between trafficking in persons and other migration-related crimes and concerns and increase their efforts towards a gender-responsive implementation of GCM objectives and related actions that can achieve tangible impact on trafficking in persons in the context of international migration. In doing so, ICAT recommends that the forthcoming Progress Declaration on the GCM includes specific recommendations on trafficking in persons that prioritize the following areas:

- More urgently implement the trafficking in persons-specific actions detailed in the GCM through a gender-responsive perspective and increase reporting of such.
- Take into consideration existing frameworks, such as the Global Plan of Action to Combat Trafficking in Persons, the Political Declaration on the Implementation of the GPA, and the CEDAW General Recommendation No.38 on Trafficking in Women and Girls in the Context of Global Migration, in devising their actions in response to trafficking in persons.
- Address the vulnerabilities of migrants to trafficking in persons, including those emerging in the context of crises, and address the root causes contributing to irregular migration and equally fueling trafficking in persons.
- Strengthen national and international capacities to identify, protect and assist trafficking victims in migration flows in a gender-responsive and child-sensitive manner.
- Strengthen access to justice for migrant victims of trafficking in persons, irrespective of their status, and ensure accountability for their perpetrators.
- Take more decisive steps to ensure that victims of trafficking in persons are protected from punishment for unlawful acts committed as a consequence of being trafficked, as well as from re-traumatization and re-trafficking.
- Increase investments in the collection and analysis of sex- and age-disaggregated data on trafficking in persons, and vulnerability to trafficking in persons among people on the move
- Strengthen multi-sector coordination to assist and protect victims and survivors of trafficking in persons, and promoting their comprehensive inclusion.

The following section provides specific detailed recommendations on the above-mentioned priorities for possible inclusion or reference in the forthcoming Progress Declaration.

**PROPOSED RECOMMENDATIONS**

To consolidate and further progress towards the implementation of the GCM, ICAT recommends to States:

**A. To better prevent trafficking in persons amongst migrant populations by:**
Expanding pathways for safe, orderly and regular migration, including for unaccompanied and separated migrant children, through for example mobility agreements between countries and regions.

Regularizing migration status and access to the regular labour market, including by accelerating family reunification procedures; strengthening the best interest procedures for migrant children including in cross-border contexts; issuing student, and trainee visas; and setting up labour migration schemes for all skill levels that take into consideration migrants’ right to family life.

Taking measures to understand and address the root causes that push people to migrate and be exposed to trafficking in persons, including creating more conducive political, economic, social and environmental conditions for people to lead peaceful, productive and sustainable lives in their own country and to fulfil their personal aspirations, while ensuring that deteriorating environments do not compel them to seek a livelihood elsewhere through irregular migration.

Addressing gender and racial discrimination as well as gender-based violence that contribute to create vulnerabilities that perpetuate trafficking in persons, especially of women and girls.

Empowering migrants using self-protection approach and providing them with information, in accessible formats, on preventing and reporting trafficking in persons activities.

**B. To better identify and support migrants who have been trafficked by:**

Enhancing systematic data collection and protocols for early identification of victims in places of first arrival, including by establishing dedicated and standardized procedures for the identification of indicators of vulnerability and assistance of victims and potential victims of trafficking through referral to protection services in areas of arrival of large influxes of people, and profiling and systematically including indicators of migrants’ situations of vulnerabilities that can lead to a risk of trafficking.

Addressing lack of protection and assistance of victims of trafficking, including lack of resources for front-line responders responsible for delivering such, implementation of a minimum 90-days of reflection and recovery period for victims and potential victims of trafficking with the aim for long term social inclusion, without conditionality and respecting the international law principle of non-discrimination.

Ensuring firewalls between immigration services and other services so as to not deter migrants from voluntarily contacting authorities.

Supporting safe return, long-term rehabilitation and reintegration of survivors of trafficking in persons, providing them with real opportunities to build skills and including the perspectives of survivors in anti-trafficking efforts, and preventing risks of their re-trafficking.

Improving access to justice, including by providing legal aid and language support, and access to appropriate remedies such as compensation and the possibility for migrant victims of trafficking in persons to remain in countries of transit or destination.
Decriminalizing the provision of humanitarian aid to smuggled migrants who are, because of their circumstances, at heightened risk of exploitation by traffickers.

Criminalizing humanitarian actors can deter rescue missions and hinder early detection, rescue, assistance and protection of trafficked migrants.

Strengthening legislation to ensure protection of migrants who were victims of trafficking in persons from punishment for illegal conduct committed as a consequence of being trafficked.

Ensuring national referral mechanisms (NRM), between different protection systems, specifically provide for adequate assistance to migrants who are victims of trafficking in persons and are implemented.

Linking the NRMs with transnational referral mechanisms (TRM) in order to consider cross-border cooperation by involving relevant public authorities and civil society responsible for following up on the identification, assistance and protection of trafficked victims.

Ensuring an enabling legal and policy framework and adequate resourcing for civil society and human rights defenders, including trade unions and worker-led initiatives.

C. To take stronger action against existing trafficking in persons affecting migrants by:

Increasing multi-agency cooperation on trafficking in persons among States, law enforcement agencies, private sector, humanitarian actors, state social services providers, actors engaged in COVID-19 response as well as those involved in climate change adaptation and mitigation, disaster risk reduction, etc., and along migratory routes, including through regional and global taskforces and operations to dismantle transnational organized crime groups engaged in trafficking in persons.

Capacity building and strengthening of all criminal justice, border control and immigration officials to better detect, investigate and prosecute trafficking in persons, including monitoring of online platforms, and through financial investigations.

Advancing on the use of special investigation techniques and sharing intelligence on trafficking in persons among countries of origin, transit and destination through secure communication channels.

Increasing international cooperation, including through formal MoU and agreements, between origin and destination countries to protect victims of trafficking in persons among migrant workers, and increase monitoring of the work of recruitment agencies to address gaps in protection of migrants' labour rights and prevent risk of trafficking in persons in supply chains.