

CALL for inputs – Special Rapporteur on Trafficking in persons and protection of refugees, stateless persons and internally displaced persons (IDPs)

Deadline: 28/02/2023

- **Promising practices at country or regional level, on ensuring effective access to protection for victims of trafficking who are refugees, asylum seekers or stateless persons**
- **Gendered inequalities in access to international protection for victims of trafficking**
- **Identification and protection of refugees, asylum seekers and stateless persons who are victims of trafficking: challenges and gaps**
- **Prevention of trafficking among refugees, IDPs and stateless persons in conflict situations**

UNODC research has shown that conflicts increase vulnerability to trafficking in persons, and increase the severity of exploitation. This is because people have recourse to negative coping strategies, leading to them being victimized or even perpetrating trafficking themselves, and because conflict increases demand for goods and services provided through exploitation and for exploitation in combat and support roles.¹ In 2020, before the escalation of the conflicts in Afghanistan and Ukraine, about 12 per cent of the total victims of trafficking in persons detected globally originated from a country affected by conflict. Most detected victims of trafficking originating from countries affected by ongoing conflict are African nationals and they are mostly detected within Africa and in the Middle East (2020 data or most recent).²

People forced to flee and leave their homes, families and friends can quickly turn into easy targets for traffickers.³ People fleeing conflict often have no better option than to trust offers of passage across borders, becoming subjects of migrant smuggling, and some may eventually be coerced into exploitative conditions at their destination or during travel.⁴

Large-scale movements of people also provide opportunities to traffickers, as seen for example in the vulnerability to trafficking of Afghans recorded moving towards Europe following the intensification of the conflict and the Taliban takeover in Afghanistan. Already in 2020, Afghan victims of trafficking in persons were detected in many parts of the world, including Australia and Western and Southern Europe.⁵ The Syrian conflict also caused significant vulnerability to trafficking in persons in Syria and the neighbouring countries, due to lack of access to legal migration pathways and lack of access to basic needs.⁶

¹ UNODC, Global Report on Trafficking in Persons 2018, Booklet 2: Trafficking in persons in the context of armed conflict (United Nations publication, Sales No. E.19.IV.2). and UNODC, Global Report on Trafficking in Persons 2022; UNODC (2018). Countering Trafficking in Persons in Conflict Situations – Thematic Paper. Vienna: UNODC.

² UNODC, Global Report on Trafficking in Persons 2022.

³ UNODC, Global Report on Trafficking in Persons 2022.

⁴ UNODC, Global Report on Trafficking in Persons 2022.

⁵ UNODC, Global Report on Trafficking in Persons 2022.

⁶ ICMPD (2015). Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons – A Study of Syria, Turkey, Lebanon, Jordan and Iraq. Vienna: ICMPD. Healy, Claire (2018). The Strength to Carry On: Resilience and Vulnerability to Trafficking among People Travelling along Migration Routes to Europe. Vienna: ICMPD.

Vulnerability to trafficking in persons of people fleeing conflicts is exacerbated when movement of people is sudden and leaves them off-guard.⁷ In the context of the current conflict in Ukraine, internally displaced people and people in areas of active conflict are at heightened vulnerability to physical and sexual violence, trauma and other abuses.⁸ This, in turn, increases the risk of sex trafficking, labour trafficking, and exploitation in armed conflict, particularly for children, minorities (especially Ukrainian Roma people), survivors of sexual and gender-based violence, the elderly, and people with disabilities.⁹ Economic need is also recorded as prevalent among Ukrainian refugees hosted in Central European countries.¹⁰ Being in economic need is the most important risk factor for people to be targeted by traffickers.¹¹

Prior to the escalation of conflict in 2022, Ukraine was already a significant origin of human trafficking. Between 2017 and 2021 victims trafficked outside Ukraine were detected in 40 countries in Central Europe, Southern Europe and Eastern Europe.¹² Victims were also trafficked to the Middle East and to a minor extent, to the Americas and East Asia. Analysis based on data emerging from the 2014 conflict that took place in the Eastern part of the country suggests that trafficking as result of the broader 2022 conflict is likely to increase. Trafficking victims out of Ukraine increased in the aftermath of the beginning of the armed conflict in certain districts of the Donetsk and Luhansk regions in 2014. A first wave of displaced population from Ukraine to Western and Central Europe was recorded in the second half of the decade. This eventually resulted in an uptick in Ukrainian trafficking victims detected in Western and Central Europe in 2015 suggesting a clear relationship and the detection of Ukrainian trafficking victims in Western and Central Europe a year later. As a much larger number of Ukrainian people were displaced in 2022 a statistical linear modelling would suggest a high risk of trafficking for the refugees, asylum seekers and the population displaced by the conflict.¹³ There are some differences compared to the past however as many countries receiving refugees from Ukraine have put in place measures to mitigate individual vulnerabilities, such as temporary protection and residence permits in EU States, coupled with access to the labour market and social welfare.

The fact that Ukrainians can travel through Europe regularly, quickly, safely and cheaply, and rapidly access protection status, as well as employment and social services, is a major source of resilience to trafficking in persons.¹⁴ Available administrative data suggests that indeed the trafficking risk may have been mitigated so far. Since the beginning of the conflict, EU Member States reported over 80

⁷ UNODC, Global Report on Trafficking in Persons 2022.

⁸ UNODC, Conflict in Ukraine: Key Evidence on Risks of Trafficking in Persons and Smuggling of Migrants, Update December 2022.

⁹ UNODC, Conflict in Ukraine: Key Evidence on Risks of Trafficking in Persons and Smuggling of Migrants, Update December 2022. See also : EUAA, IOM & OECD (October 2022). Forced displacement from and within Ukraine: Profiles, experiences, and aspirations of affected populations; Cockbain, E. & Sidebottom, A (29 April 2022). The war in Ukraine and associated risks of human trafficking and exploitation Insights from an evidence-gathering roundtable; UNHCR (April 2022). "Ukraine crisis creates new trafficking risks"; IOM (16 March 2022). "IOM Warns of Increased Risk of Trafficking in Persons for People Fleeing Ukraine". On the specific protection needs of people with disabilities in this context, see: European Disability Forum and UNHCR (2 December 2022). Ensuring the Protection of Persons with Disabilities Fleeing from Ukraine.

¹⁰ UNCHR, Regional Bureau for Europe, Lives on Hold: Profiles and Intentions of Refugees from Ukraine, July 2022.

¹¹ UNODC, Global Report on Trafficking in Persons 2020 – Chapter 2, page 69 (United Nations publication, Sales No. E.20.IV.3).

¹² UNODC, Global Report on Trafficking in Persons 2022.

¹³ UNODC, Global Report on Trafficking in Persons 2022 – Chapter 1, page 56 (United Nations publication, Sales No. E.23.IV.1).

¹⁴ UNODC, Conflict in Ukraine: Key Evidence on Risks of Trafficking in Persons and Smuggling of Migrants, Update December 2022.

suspected trafficking cases involving Ukrainians in total, but only a minority of them were confirmed as trafficking cases after criminal investigation.¹⁵ On the other hand, the large number of people displaced should keep the international community on alert, as an unprecedented number of Ukrainians could fall victims of trafficking if specific counter trafficking measures are not quickly considered in the emergency response.¹⁶

Possible responses to trafficking in persons in conflict settings:

- Member States and international organizations to reduce vulnerability to trafficking within conflict areas by ensuring safe access to essential services and humanitarian support for affected populations.
- Member States and international organizations to systematically integrate counter-trafficking measures in emergency humanitarian assistance for displaced populations.
- Member States to extend humanitarian support and durable protection measures to all populations fleeing from countries in conflict, drawing on protections afforded under international laws both on trafficking in persons and refugee law¹⁷
- International organizations and donor community to enhance action for the demobilization and reintegration of children recruited by armed forces.
- Member States and international organizations to enhance counter-trafficking training for military personnel, UN and peacekeeping personnel. International organizations to monitor evolving patterns and flows of trafficking in persons in crisis situations.

Source: UNODC, Global Report on Trafficking in Persons 2022.

- Child protection and child trafficking among refugee, stateless persons and IDPs
- Armed groups recruit or abduct children to use them as combatants. In conflict zones, armed groups recruit or abduct women and girls for forced marriages, domestic work and sexual slavery. Similarly, they recruit or abduct men and boys for forced labour, for instance, in the exploitation of natural resources, as soldiers or for slavery.¹⁸ In 2020 the UN documented the recruitment of 232 children to be used as combatants in the Central African Republic, 578 children were used in support roles such as bodyguards, manning checkpoints, spies, messengers, porters and carrying out domestic tasks. Similar patterns are documented in the

¹⁵ UNODC, Conflict in Ukraine: Key Evidence on Risks of Trafficking in Persons and Smuggling of Migrants, Update December 2022.

¹⁶ UNODC, Global Report on Trafficking in Persons 2022 – Chapter 1, page 56 (United Nations publication, Sales No. E.23.IV.1).

¹⁷ In 2017, the ICAT Network developed an issue brief entitled “Trafficking in persons and refugee status” which tackles conceptual issues on the relationship between the international law on refugees and on trafficking in persons. Among others, it elaborates on the type of persecution that an individual or group can fear in the trafficking context, including exploitation based on one’s ethnicity or minority group, or possible reprisals, or re-trafficking in the country of origin. The legal status of victims of trafficking which is a key pre-requisite to accessing other forms of assistance can be explored through wider exploration of available avenues to ensure the best protection. <https://icat.un.org/sites/g/files/tmzbd1461/files/publications/icat-ib-03-v.2.pdf>

¹⁸ UNODC, Global Report on Trafficking in Persons 2022 – Chapter 1, page 53 (United Nations publication, Sales No. E.23.IV.1).

Middle East, East Asia and in other conflicts in Sub-Saharan Africa.¹⁹ Detention and non-penalisation of refugee, asylum-seeker and stateless victims of trafficking

- **Specific protection gaps: access to international protection for LGBTQI+ victims of trafficking, minorities, indigenous peoples or stateless persons who are victims of trafficking**

Recent studies show that LGBTQI+ children and young adults can be especially vulnerable to trafficking in persons for forced labour and sexual exploitation. First, their high vulnerability arises from their young age, as they are assumed to be easily manipulated and unable to protect themselves. Second, their LGBTQI+ identity increases their vulnerability, as they are often marginalized in society and ostracised by friends and relatives who may force them out of their home. This combination is particularly appealing to traffickers who seek persons who are at the margins of societies and are less protected.²⁰

LGBTQI+ are over-represented amongst children living on the streets and are often exposed to discrimination by law enforcement, social service providers, emergency housing and shelter facilities. LGBTQI+ youth are more likely to engage in illegal activities or resort to 'transactional sex' in exchange for money, shelter, food and other necessities, compared to homeless heterosexual youth. LGBTQI+ persons face more intense societal stigma, and those who fall victim to trafficking and are forced into same-sex sexual exploitation are labelled as criminals rather than acknowledged as victims, violating the United Nations Trafficking Protocol and preventing LGBTQI+ victims of trafficking from exercising their rights and seeking help.²¹

- **Prevention of trafficking in persons among IDP, refugees, asylum seekers and stateless persons including, in particular:**
 - **Practical limitations in access to socio-economic rights (e.g. to education, labour market and decent work) and restrictions to freedom of movement for refugees, asylum seekers, and stateless persons, as factors exacerbating vulnerability to trafficking**
 - **Risk factors and vulnerabilities emerging when people flee to seek safety (including issues related to lack of protection services along the routes, challenges in provision of support to meet basic/essential needs**

UNODC research as shown that counter-smuggling efforts in the Sahel, in particular the implementation of strict migrant smuggling laws, have contributed to the emergence of more clandestine and diverse routes in an attempt to evade increasing controls by the defense and security forces, exposing refugees and migrants to greater risks of abuse and human rights violations, including trafficking in persons.

¹⁹ UNODC, Global Report on Trafficking in Persons 2022 – Chapter 1, page 53 (United Nations publication, Sales No. E.23.IV.1).

²⁰ UNODC, Global Report on Trafficking in Persons 2020 – Chapter 1, page 39 (United Nations publication, Sales No. E.20.IV.3).

²¹ UNODC, Global Report on Trafficking in Persons 2020 – Chapter 1, page 39 (United Nations publication, Sales No. E.20.IV.3).

Important risk factors of exploitation and abuse for migrants and refugees in the Sahel explicitly emerging from the research include female gender, young age, poverty, irregular legal status, physical location, use of smugglers and being a foreigner. Overwhelmingly, women and children on the move in the Sahel are described as most at risk to suffer from exploitation and abuse. Women and children clearly possess gender- and age-specific vulnerabilities which place them at an increased risk to suffer harm. Qualitative findings particularly emphasized the vulnerability of women to sexual exploitation.²²

Beyond female gender, there were also clear implicit risk factors which made refugees and migrants more likely to suffer certain harms. For example, some migrants' inability to pay for their journey exposed them to certain harms such as forced labor, sexual exploitation in prostitution and transactional rape ("survival sex"). Being a foreigner and potentially not speaking the local language also exacerbated migrants' risks as they were then less able to access supportive state and community structures where available. As a result, they were less able to cope with risks and harms they endured.

In addition, UNODC research also points at gold-mining sites in the Sahel being locations of human trafficking for sexual and labor exploitation (especially in Burkina Faso and Mali). Women, often from Nigeria, are trafficked for sexual exploitation and men are forced into indentured labour.²³ Moreover, smuggling groups in Burkina Faso were reported to be implicated in sexual exploitation by more than half of survey respondents, which is also likely to be connected to gold-mining sites, but in some cases may also related to "*chambres de passe*" or "*maisons closes*" (brothels) in towns and cities and in border areas.²⁴ Linkages to trafficking around the gold mining sites in northern Mali have also been made by the UNSC Mali Panel of Experts.²⁵

Possible responses:

- Enhancing support to national counter-trafficking efforts could also prove beneficial, given the connections between smuggling and trafficking in persons. This should be a priority both for national authorities and for their international partners. Smuggling may be particularly conducive to trafficking in environments such as mining sites; targeting law enforcement towards such areas could therefore help prevent such outcomes. This is also true for locations, such as border towns, where smugglers may have linkages to trafficking for sexual exploitation in prostitution. And, as UNODC has noted, seeking to increase the representation of women in law enforcement positions can be helpful in interactions with victims of sexual exploitation and violence, who are disproportionately female
- The systematic protection of the human rights of smuggled migrants and refugees at borders and smuggling hubs needs to be ensured, through a human rights and protection-based approach towards all people on the move.

²² This is discussed further in the Enablers section.

²³ IOM, *Etude sur la Traite des Êtres Humains – Etat des Lieux* (2021), p. 34-39.

²⁴ UNODC Transnational Organized Crime Threat Assessment in the Sahel (2023), Booklet on Smuggling of Migrants (2023)

²⁵ Mali Panel of Experts (August 2021) [op. cit.](#)