




Khartoum
PROCESS

Trafficking in Human Beings



**The 4Ps
Revisited**

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List of Abbreviations

ASEAN	Association of Southeast Asian Nations
AUC	African Union Commission
AU-HoAI	African Union Horn of Africa Initiative
BLA	Bilateral Labour Agreement
BMM	Better Migration Management
CBO	Community-based Organisation
ECOWAS	Economic Community of West African States
ELA	European Labour Authority
EEMIS	External Employment Management Information System
ESAAMLG	Eastern and Southern Africa Anti-Money Laundering Group
EU	European Union
EUTF	Emergency Trust Fund for Africa
FAST	Finance Against Slavery and Trafficking
FATF	Financial Action Task Force
GI-TOC	Global Initiative Against Transnational Organized Crime
GRETA	Council of Europe Group of Experts on Action against Trafficking in Human Beings
HoA	Horn of Africa
ICMPD	International Centre for Migration Policy Development
IGAD	Intergovernmental Authority on Development
ILO	International Labor Organization
IO	International Organisation
IOM	International Organization for Migration
JIT	Joint Investigation Team
JLMP	Joint Labour Migration Programme

LMIS	Labour Market Information System
MENAFATF	Middle East and North Africa Financial Action Task Force
MGSLD	Ministry of Gender, Labour and Social Development
MRC	Migrant Response Centre
NAP	National Action Plan
NCCPIM & TIP	National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons
NCCM	National Council for Childhood and Motherhood
NCW	National Council for Women
NEA	National Employment Authority
NGO	Non-governmental Organisation
NRM	National Referral Mechanism
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
RAS	Rapid Alert Systems
REF	Research and Evidence Facility
ROCK	Regional Operational Centre in support of the Khartoum Process and AU-Horn of Africa Initiative
SOM	Smuggling of Migrants
SOP	Standard Operating Procedure
STR	Suspicious Transaction Report
TAHUB	Traffic Analysis Hub
TAT	Tech Against Trafficking
THB	Trafficking in Human Beings
TIP	Trafficking in Persons
TRM	Transnational Referral Mechanism
UN	United Nations
UNODC	United Nations Office on Drugs and Crimes
VHT	Village Health Teams
VOT	Victims of Trafficking

Executive summary

The topic of trafficking in human beings (THB) and complementary issues have been addressed during various past Khartoum Process meetings. Since the completion of these meetings, a wealth of initiatives and efforts have been carried out by the Khartoum Process partners. The 4Ps (Prevention, Protection, Prosecution, Partnership) framework provided the perfect structure to revisit the topic of THB from the perspective of more recent and current good practice examples and initiatives from Khartoum Process members and, if and where applicable, reflect on the transformations triggered by the COVID-19 health crisis on these four areas of collaboration. As a result of the global pandemic and, subsequently, the impossibility of organising in-person meetings, this topic was explored in the format of a 4-Module webinar series, each addressing one of the 4Ps respectively, under the guidance of the Chair of the Khartoum Process, The Netherlands.

On the topic of **Prevention**, the webinar explored good practices linked to the prevention of exploitation for the purpose of forced labour, through improved management of labour migration. Regional systems of cooperation were discussed, as well as means of reducing fraudulent or abusive recruitment practices and promoting better-informed, rights-based migration.

On the topic of **Protection**, the webinar covered regional and national good practices linked to the protection of victims of trafficking by exploring structural and policy responses, as well as the direct support and assistance provided to victims, including legal and psychological assistance.

On the topic of **Prosecution**, the webinar focused on good practices in international cooperation, including means of overcoming the challenge associated with the transnational nature of the THB crime, information

sharing, and joint investigations. Special attention was given to the matter of capacity building.

On the topic of **Partnership**, the webinar aimed to go deeper into the topic of fostering partnerships to combat human trafficking by looking at a number of good practices previously not explored in the framework of the webinar series. Several existing cross-sectoral initiatives in the financial and technology sector, as well as examples of institutional partnerships were explored, in the hope that these emerging types of partnerships would provide inspiration for our partners in the Khartoum Process region, for new and innovative future endeavours.

In the spirit of partnership and collaboration as the cornerstone of the Process, taking stock of and giving visibility to such national and regional examples provided valuable lessons and inspiration for the broader membership.

To support this virtual exchange of good practices and experiences, and to establish a common base for discussion, four background notes were prepared in preparation for the webinars. The four background notes aimed to gather in a compact form the key relevant theoretical and practical insights on the four respective Ps, thus establishing a backdrop against which the virtual exchanges could take place.

The present document, a reader, aims to give an overview of the four webinars and to bring together the four background notes, for easy reference.

The Webinar Series, the four Background Notes and the present Reader have been organised and developed under the guidance and with the tremendous support of the Chair of the Khartoum Process, The Netherlands.

Webinars overview

MODULE 1

Prevention | Thematic Focus: Labour Exploitation

The **first webinar** on the **Prevention of Trafficking for the Purpose of Labour Exploitation** looked at regional and national initiatives linked to the prevention of exploitation for the purpose of forced labour, through improved management of labour migration. It also addressed the means of reducing fraudulent or abusive recruitment practices and promoting better-informed, rights-based migration.

Ms Aida Awel, International Labour Organization (ILO) expert, set the stage for the discussion by providing an overview on labour exploitation in the Khartoum Process region, looking at trends, challenges, and responses. She highlighted the importance of moving away from *ad hoc* and fragmented labour migration governance, through improved capabilities at policy, legislative and institutional level to achieve improved mobility and labour migration.

The panel on regional cooperation to prevent labour exploitation included presentations on Uganda's Ministry of Gender, Labour and Social Development (MGLSD) external cooperation to prevent trafficking in human beings for the purpose of labour exploitation through bilateral and regional agreements. Uganda's Bilateral Labour Agreements with countries like Saudi Arabia, UAE and Jordan, for example, have led to more migrants accessing jobs through registered companies in those destinations, thus diminishing the risk of labour exploitation. The second panel presentation included the work of the European

Labour Authority (ELA) that serves as a good example of coordination and information exchange between EU countries and also supporting EU Member States to tackle undeclared work.

The next panel focused on the topic of pre-departure trainings and awareness raising on the road. Presentations included Kenya's National Employment Authority (NEA) pre-departure trainings for Kenyan migrant workers and the Better Migration Management (BMM) initiative in cooperation with Stop the Traffik, using public transport to raise awareness on the dangers of human trafficking. This session highlighted the importance of assisting communities, governments, and non-government stakeholders to develop well-informed communication strategies that speak to the needs and aspirations of migrants and potential migrants.

In a third and final panel on ethical recruitment, Uganda's External Employment Management Information System (EEMIS) and Seefar's project, TERA, for safe and sustainable migration outcomes through ethical recruitment, were presented. Both initiatives respond to the pressing need of ensuring that labour migrants make informed decisions, in compliance with laws and regulations, while also providing mechanisms for grievances to be centralised and followed-up on.

Among the recommendations, governments

were encouraged to formulate and implement, in consultation with social partners, measures to prevent abusive practices, migrant smuggling and trafficking in

persons, working in consultation with employers' and workers' organisations and engaging in international cooperation to promote orderly migration.

MODULE 2

Protection | Thematic Focus: Victim Support

The **second webinar** on the **Protection of Victims of Trafficking** explored regional and national good practices linked to the protection of victims of trafficking, by touching on structural and policy responses, as well as the direct support and assistance provided to victims.

In her keynote speech, Ms Conny Rijken, Professor of Human Trafficking and Globalisation at Tilburg University, set the stage with respect to the issue of human trafficking and victim protection, looking at the importance of understanding victims of trafficking, the (difficult) identification of victims, and lack of self-identification, as well as proper assistance and obstacles thereof. She also highlighted some of her research findings concerning the obstacles in criminal proceedings, among which the duration of proceedings, and the detailed questioning or the victims not being believed/taken seriously.

The first session focused on structural and policy measures as prerequisites for the successful provision of support and assistance to victims of trafficking, starting from the identification to referral and shelter provision as well as rehabilitation. Mechanisms such as National Action Plans (NAPs), National Referral Mechanisms (NRMs) and Standard Operating Procedures (SOPs) are the structural backbone of practical responses. In the Khartoum Process region, there are numerous good practice examples, both in Europe and in Africa. In this session, Mr Vincent Cochetel, Special Envoy for the Central Mediterranean Situation, UNHCR and General Counselor Siham Osman Mohamed – Undersecretary of the Ministry of Justice and Head of the NCCT, Sudan were invited to speak on the importance of National Action

Plans and the recent update of Sudan's National Action Plan to Combat Human Trafficking and the provisions on victim protection. The new plan is organised around the 4Ps and the principles of rule of law, victim rights, non-discrimination, gender equality, coordination and cooperation. In terms of implementation, it is foreseen that the plan will require a whole of government approach and the mobilisation of national partners, including target population groups and host communities.

The second session looked at concrete examples of victim assistance and protection. Ms Suzanne Hoff, International Coordinator at La Strada International, spoke about European assistance and protection mechanisms in place, integration and reintegration, as well as access to compensation and to residence as a means of supporting the integration of victims of trafficking. Ms Raoudha Laabidi, President of the National Authority to Combat Trafficking in Persons, Ministry of Justice, Tunisia, elaborated, among others, on Tunisia's support to foreign victims of trafficking, including physical protection, legal assistance, temporary residence permits, social and medical assistance etc.

The importance of multi-stakeholder partnerships in victim protection was highlighted also throughout this webinar. While governments play a key role in ensuring the right legislative framework is in place, various actors perform very important and vital functions in the area of protection and support to trafficked persons and other vulnerable individuals. NGOs, for example, often operate on the frontline, reaching out to potential victims of trafficking and enabling them to access the assistance and support they need and to which they are entitled.

MODULE 3

Prosecution | Thematic Focus: International Cooperation

The webinar on **Prosecution and International Cooperation**, the **third** in the series, looked at recent developments in the Khartoum Process region and beyond concerning ongoing efforts to investigate and prosecute traffickers, as well as current challenges.

Mr Johan Kruger, Head of Transnational Organised Crime, Illicit Trafficking & Terrorism Programmes for Eastern Africa, UNODC, set the scene for the discussion based on insights from UNODC's work in the region. Among others, he outlined challenges associated with achieving full compliance with the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons. He also illustrated the complexity of the crime through a transnational trafficking in persons scenario, where cooperation on investigation, intelligence, joint operations and prosecution needs to take place across borders.

The keynote presentation was followed by a first session on joint regional and international investigations and cooperation, with Mr Guy Fourmage, ROCK Technical Advisor, presenting the experience of the Regional Operational Centre in Support of the Khartoum Process and the AU-Horn of Africa Initiative (ROCK). His presentation highlighted the importance of enhanced regional capacity to better track and share information on irregular migration flows and associated criminal networks. Ms Annalisa Pauciuillo, Crime Prevention and Criminal Justice Officer, Regional Office for Western and Eastern Africa, UNODC, gave an overview of the Liaison Magistrate Initiative, designed to foster judicial cooperation through the deployment of prosecutors among African and European states, in an effort to harmonise and strengthen legal frameworks on smuggling of migrants (SOM) and trafficking in persons (TIP) and enhance the capacities of practitioners to effectively detect, investigate and prosecute SOM and TIP cases.

The second session looked at concrete ways of supporting more efficient investigations and prosecution through building capacity for response, specifically for law enforcement and judiciary. Ambassador Naela Gabr, Chairperson of the National Coordinating Committee for Preventing and Combating Illegal Migration and Trafficking in Persons, Egypt, spoke about the Egyptian experience with training law enforcement officials and the judiciary to enhance capacity for prosecution. This included the design of different capacity building programmes customised to the nature of the activity of each beneficiary. Target groups include the Ministry of Interior and Administrative control authority, judges, and prosecutors. To ensure the sustainability of the capacity building programme, a guideline on Trafficking in Persons for Law Enforcement Officers, covering all the relevant national and international legislative frameworks, as well as investigation and searching methods has been developed. Mr Marco Bufo, CIVIPOL Regional Coordinator and Team Leader for the Better Migration Management (BMM) Programme, outlined some concrete work done on integrating capacity building for investigation of human trafficking and migrant smuggling into Police Academy training. The Training Curriculum on Investigating Trafficking in Persons and Smuggling of Migrants for the Regular Training Programmes of the Law Enforcement Training Institutions, currently being implemented in Ethiopia, Uganda, and Djibouti, is based on a participatory needs assessment and design process, thus ensuring that it responds to real needs and ownership by national stakeholders.

The speakers highlighted the importance of formal and informal international cooperation, inter-departmental coordination and cross-cutting national strategies. Successful investigations, in particular, involve a variety of actors across multiple industries and jurisdictions, including the judiciary, law enforcement, financial sector and technology.

MODULE 4

Partnership| Thematic Focus: Good Practices

The **fourth webinar** in the series, addressed more in-depth the topic of **fostering partnerships to combat human trafficking** by looking at a number of good practices of innovative cooperation examples. Presentations included several existing initiatives in the financial and technology sector, in the hope that these emerging types of partnerships will provide inspiration for our partners in the Khartoum Process region, for new and innovative future endeavours.

A first example of partnership was introduced by Mr Vincent Cochetel, UNHCR. The Rapid Alert System (RAS), a collaborative approach currently being piloted by IOM, UNODC, and UNHCR, is aimed at acting and responding to information about victims of trafficking and others in vulnerable situations by referring information directly or through a third party.

Further, Mr James Kofi Annan presented the work of the Finance Against Slavery and Trafficking (FAST) initiative, looking at the role of the finance sector in the global efforts to tackle human trafficking. Considering the size of the financial flows associated with this crime, his presentation highlighted the importance of mobilising the finance sector in the fight against human trafficking.

Given the ever increasing and more sophisticated use of technology for the purpose of human trafficking operations, part of the webinar was

allocated to discussions on partnerships with the tech sector. The Tech against Trafficking platform, presented by Ms Thi Hoang (Gi-TOC), is a coalition of technology companies collaborating with global experts to help eradicate human trafficking using technology. This was followed by a short video from Microsoft addressing their commitment to supporting anti-trafficking efforts and making tools available to combat human trafficking. Mr Neil Giles presented the Traffik Analysis Hub, a collaboration across multiple sectors united by the common goal of preventing human trafficking and the damage it does to humanity, by using artificial intelligence (AI) technology for data collection and visualisation.

Ms Mercy Otieno of HAART Kenya outlined the role of multiagency partnerships and the key role played by NGOs in this constellation. Her presentation concluded with a video-recorded testimony of a survivor, illustrating the real life impact of anti-trafficking efforts.

In the lead-up to the four webinars, the Khartoum Process Secretariat prepared a series of background notes, outlining some of the legal and policy considerations pertaining to each of the four Ps, existing good practice examples, current gaps and several recommendations as to possible ways forward, all of which were further discussed during the webinars.

The 4Ps: Policy and legal frameworks, challenges and good practices

PREVENTION OF HUMAN TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION

Context

Trafficking in human beings (THB) for the purpose of labour exploitation accounts for about 38% of the total trafficking cases detected globally in 2018¹. Some regions of the world, such as Sub-Saharan Africa, South Asia, Eastern Europe and Central Asia, detect more cases of trafficking for forced labour than other types of trafficking. Modern slavery was found most prevalent in Africa (7.6 per 1,000 people), followed by Asia and the Pacific (6.1 per 1,000) then Europe and Central Asia (3.9 per 1,000).²

Due to its characteristic of infiltrating the legal economy, this form of trafficking is widespread and interacts with many economic sectors, such as construction, domestic work, agriculture, food production and distribution, textile and manufacturing. Companies, recruiting agencies or other actors operating in the labour market, often perpetrate exploitative practices nurturing this phenomenon.

The literature identifies push factors (such as poverty, lack of decent work, underemployment or political instability) and pull factors (such as demand for cheap labour and services, demographic shift),

that make people vulnerable to forced labour in the private sector and the links of these factors to trafficking. The direct connection between increased socio-economic vulnerability and discrimination and the risk of exploitation has been further demonstrated with the outbreak of the COVID-19 pandemic. Measures restricting freedom of movement have disproportionately affected workers in low income and emerging economies, by loss of employment, income or land. Migrant workers are disproportionately affected due to being concentrated in sectors that are usually temporary, informal or unprotected, with no access to social protection and low wages, mostly in the care work, which is largely carried out by women migrant workers. The International Labour Organization (ILO) estimates that there will be between 20.1 million and 35 million more people in working poverty than before the COVID-19 pandemic³ with an estimated 1.6 billion informal sector workers affected. Increased economic hardship and unemployment rates have escalated the risk for vulnerable people to become victims of trafficking. The reduced availability and access to basic services, the disruption of regular migration patterns, the rise in the number of people

1 UNODC "Global Report on Trafficking in Persons" 2020. Available [here](#).

2 Global estimate of Modern slavery, 2017. Available [here](#).

3 ILO report "International Labour Organisation COVID-19 and the world of work: Impact and policy responses" Geneva: International Labour Office, 2020. Available [here](#).

who need to migrate to gain employment, the loss of societal support through disruption of education, health and other services and social networks are few of the drivers of trafficking for the purposes of labour exploitation. The closure of education and training institutions as part of the COVID-19 prevention and mitigation strategy has also exposed children to child labour and early pregnancy for girls.

Human trafficking for labour purposes, especially child labour, often falls outside most of the existing monitoring systems and the mixed nature of migration in the region makes it a challenge to identify different types of migrants. The data available for the Khartoum Process region shows that there are three main destinations for migrants from Eastern Africa: namely Europe, the Middle East and Southern Africa. The Gulf countries are prominent destination countries for labour migrants from the East and Horn of Africa and some countries such as Kenya, Ethiopia and Uganda have negotiated bilateral labour agreements with Gulf countries to protect their nationals abroad, who are frequently exploited, abused and subjected to trafficking⁴. As stated in the 2020 edition of the US Department of State Trafficking in Persons report⁵, domestic workers from African nations are increasingly susceptible to labour exploitation in Gulf countries such as Bahrain, where they arrive via direct recruitment from local employers.

However, as underlined in a 2020 IOM⁶ report, many smuggling networks are based in the Horn of Africa, in countries such as Kenya, which are largely transit countries. Court cases involving hundreds of victims of trafficking for forced labour around Europe⁷ prove that it is often an international phenomenon, with recruiters being active already in the countries of origin, while THB within the borders of the same country is still common.

An estimated 40.3 million people were victims of modern slavery in 2016. Women and girls are disproportionately affected by modern slavery, accounting for 28.7 million, or 71 per cent of the overall total. One in four victims of modern slavery were children.⁸ According to the ILO⁹, pull factors such as the unevenness of development between countries and the growing demand for cheap labour to fill up low-income job positions are contributing to make trafficked labour more attractive to employers as compared to less- or non-exploitative forms of labour. Trafficked workers represent not only a cheaper and more compliant workforce but they represent a way to elude national regulations that usually limit the number of low skilled workers allowed to enter a country legally.

Moreover, the business of trafficking for labour exploitation generates profits also through the system of debt bondage, which starts in the country of origin, where victims are recruited with promises of jobs, also using kinship ties. Out of the estimated 16 million people in forced labour in the private economy in 2016, 51 per cent were in debt bondage. In some cases, they voluntarily leave their countries of origin, driven by their desire to improve their living standards. The recruitment of the victims happens in their countries of origins in much larger proportion than for any other form of trafficking. Once in the destination country, fellow nationals, who orchestrate their exploitation, may approach them acting as intermediaries between them and the labour supply agents in the country of destination. Victims are charged the cost of their transportation and other employment fees by exploiters in order to be able to work. Sometimes, no employment has been arranged upon their arrival, and they are kept in captivity and in extremely poor and inhumane conditions. Additional charges and deductions for

4 UNHCR report “smuggling and trafficking from the east and horn of Africa progress report”, 2012. Available [here](#).
5 TIP report June 2020. Available [here](#).
6 IOM World Migration Report 2020. Available [here](#).
7 UNODC “Global Report on Trafficking in Persons” 2020. See note 1.
8 Global estimate of Modern slavery, 2017. Available [here](#).
9 ILO “Combating Trafficking in Human Beings for Labour Exploitation” 2011. Available [here](#).

housing or other services might be applied to their wages, placing the exploited workers in further debt and a more precarious state of dependence.

With human trafficking for the purposes of labour exploitation being a rather structured business and covering the entire migratory cycle, migrants in transit can also be exposed to such forms of exploitation. In the Khartoum Process region, reports¹⁰ show that many transit migrants are drawn to bonded labour to pay off their debts and continue their journey.

As mentioned, trafficked migrants for purposes of labour exploitation are exploited in a wide range of industries and economic sectors, however, physically intensive occupations such as domestic work, agriculture, fishing industry, mining, manufacturing, construction and street trading seem to be the most common. Although patterns of trafficking for forced labour vary across economic sectors, common trends can be identified in the deterioration of labour

rights, such as lower salaries, longer working hours, withholding documentation (passport), reduced protection and informal employment. The gender and the age of forced labour trafficking victims, along with their geographical distribution, vary according to the sector involved. Adult men are detected on large construction sites or in the fishing industry. Conversely, where forced labour revolves around domestic servitude, women and girls predominate. Finally, informal sectors, such as domestic labour are those, where victims suffer more extreme harm, including also other forms of abuse such as sexual, physical and emotional abuse.

Despite being one of the more widespread forms of trafficking in human beings, trafficking for the purpose of labour exploitation still lacks a clear definition and recognition at the institutional level. This, together with its new and emerging legal, economic, and social implications challenge the work and the impact of prevention measures.

Legal and Policy Framework at regional and international level

Due to its twofold legal nature¹¹ and its inherent relation with the national law, the concept of “labour exploitation” in the context of THB is not defined as such in international legal instruments. However, International and European law refers to notions such as forced labour or services, modern slavery, slavery or practices similar to slavery, and servitude¹². Slavery is the subject of a United Nations (UN) Convention¹³ which defines it as “the status or condition of a person over whom any or all of the powers attaching to the

right of ownership are exercised”. The international prohibition on slavery is absolute¹⁴; there are no exceptions, as there are for forced labour¹⁵. While Slavery is a permanent condition, which involves forced labour, not all forced labour involves slavery. The 1930 ILO Convention and its 2014 Protocol, which enjoys almost universal ratification, with a few marked exceptions such as China, the United States and Canada, determines forced labour as “all work or service, which is exacted from any person under the

- 10 K. Marchand, I. Roosen, J. Reinold, M. Siegel “Irregular Migration from and in the East and Horn of Africa” 2016. Available [here](#).
- 11 On the one side the irregular movement, regulated by both national and international law, and the labour exploitation, component mostly regulated at national level.
- 12 United Nation “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” adopted in 2000.
- 13 UN Slavery Convention Signed at Geneva on 25 September 1926 entered into force in 1927.
- 14 See for example article 4 of the UN Universal Declaration of Human Rights 1948 “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”.
- 15 Article 2(2) of ILO Forced Labour Convention, 1930 (No. 29) describes five situations, which constitute exceptions to the “forced labour” definition under certain conditions Available [here](#).

menace of any penalty and for which the said person has not offered himself voluntarily". It is important to note that forced labour is not the same as worker exploitation. People who work in exploitative conditions and receive extremely low wages, but who are not subject to physical or psychological trauma, are not victims of forced labour¹⁶. Freedom from forced labour is a human right and a 'fundamental right at work', as stated in the International Covenant on Economic, Social and Cultural Rights, in the European Convention for Human Rights¹⁷ and in the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families¹⁸, to mention few. Children are particularly vulnerable to forced labour and they are subject to specific international law instruments such as ILO Conventions that address minimum wages for child labour (ILO Convention No. 138) and the worst forms of child labour (ILO Convention No. 182). Another exploitative work practice mentioned in the UN Convention on the Abolition of Slavery¹⁹ is debt bondage, defined as a practice similar to slavery because it involves a debt that cannot be refunded in a reasonable time and manner. The employer who engages in this criminal practice artificially inflates the amount of debt and deducts little or nothing from the debt, thus increasing the amount of time the so-called debtor must work. Hence, the labour is not necessarily forced by violence or threats; rather it is enforced by the worker's involuntary acceptance of the obligation to repay the artificial debt.

Referring to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime²⁰, THB is defined by three elements: the act, the means, and the purpose. The act encompasses the recruitment, transportation, transfer, harbouring or receipt of persons, by the means of the threat or use of force or other forms of coercion for the purposes of exploitation. Further, exploitation is described as "the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"²¹. The extension of the definition of THB to labour exploitation requires additional skills, knowledge and awareness for effective investigation and prosecution, and for the identification and assistance of victims of this form of THB.

The blurred definition provided by international legal instruments is reflected in regional anti-trafficking legal frameworks, which address the issue differently. For example, both the Inter-American Commission²² and Economic Community of West African States (ECOWAS)²³ have politically recognised the implementation of the international definition at a regional level without setting up any regional anti trafficking instrument. More recently, The Intergovernmental Authority on Development (IGAD) developed a Protocol on the Free Movement of Persons and on Transhumance²⁴ aiming to improve

16 As the ILO observes, "Forced labour cannot be equated simply with low wages or poor working conditions. Nor does it cover situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives" (ILO 2005, 5).

17 Article 4 "Prohibition of slavery and forced labour".

18 Article 11 explicitly prohibits both slavery and forced labour.

19 Article 1 of the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in 1965 refers to it as "the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined".

20 UN resolution 55/25.

21 Article 3(a) UN Trafficking Protocol.

22 Article 6(1) of the American Convention on Human Rights prohibits slavery, servitude, trafficking in women and slaves in all its forms and Article 6(2) prohibits requiring someone to perform forced or compulsory labour.

23 Article 5 of the African Charter of Human and Peoples' rights focuses upon right to respect of dignity and prohibits all forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment.

24 Available [here](#).

opportunities for regular labour mobility and decent work in the region. Based on the Ouagadougou Declaration and Action Plan²⁵, the African Union Commission (AUC) in 2014 established the African Union Horn of Africa Initiative (AU-HOAI) on human trafficking and smuggling of migrants to respond to the irregular and concerning migration flows within and from the Horn of Africa to different destinations²⁶. Similarly, in 2014 the African Union Commission and the European Union established the Khartoum Process, a platform for political cooperation to support member states²⁷ in addressing trafficking in human beings and the smuggling of migrants along the migration route between the Horn of Africa and Europe. The Council of Europe²⁸ and the Association of Southeast Asian Nations (ASEAN)²⁹ also created a regional anti-trafficking mechanism, which replicates the international definition. Further, by adopting the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting victims extended the definition of human trafficking, the European Union set provisions for the protection of victims, as well as to prevent the crime.

Despite the existing international and regional frameworks, the lack of a unified definition has triggered conflation and confusion between the forms of exploitation, a lack of legal certainty, and a fragmented and inconsistent domestic implementation of existing legislation. In various countries, policies and laws to combat human trafficking for the purposes of labour exploitation still target the illegal movement of workers without

taking into account the exploitation suffered, thus not effectively protecting people from forced labour and trafficking³⁰. Workers are often identified and persecuted as perpetrators of administrative migration regulations, rather than supported as victims of human rights violations. Hence, exploiters remain unpunished and the identification of workers trafficked for labour exploitation proves to be very challenging. As a result, after coming into contact with authorities, exploited migrants are likely to be deported to the country of origin without compensation for any abuse suffered. This may deter victims of trafficking for the purpose of labour exploitation from coming forward to denounce perpetrators, thus making the crime more difficult to detect and investigate.

Instead of overhauling the existing international frameworks, there is a need for continued efforts to harmonise regional and national counter-trafficking responses by using the existing policy tools and standards not only for the repression of human trafficking but also in terms of prevention. For example, such measures could entail endorsing and implementing the ILO's International Labour Standards (ILS) and Decent Work Agenda that aim at reinforcing rights-based approach by taking into consideration labour market needs and covering all migrant workers irrespective of nationality. In addition, ratification, domestication and implementation of relevant conventions and protocols, such as the Protocol 1930 on Forced Labour Convention of 2014, is essential.

25 Available [here](#).

26 It has been launched formally through the signing of the Khartoum Declaration in October 2014. It includes the core countries of the AU-HOAI (Egypt, Eritrea, Ethiopia and Sudan), and the neighbouring countries of Djibouti, Kenya, Somalia and South Sudan. See [here](#)

27 See [here](#).

28 See The Council of Europe Convention against Trafficking in Human Beings article 4.

29 See the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, article 6.

30 C. Rijken "Combating Trafficking in Human Beings for Labour Exploitation" 2011. Available [here](#).

Focus on prevention measures: focus on the Khartoum Process Region

As stated in the 2017 report³¹ released by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), trafficking in human beings for the purpose of labour exploitation is one of the most challenging aspects of “*modern-day slavery*”. The absence of an agreed-upon definition of the crime leaves room for discrepancies in the interpretation and application of labour standards, in the prevention and persecution of labour exploitation. This has an impact on particularly vulnerable categories, such as migrant workers, especially seasonal and irregular migrant workers, as well as asylum seekers with limited or no access to the labour market, who risk becoming victims of THB for the purpose of labour exploitation. Similarly, it affects victims of THB who, due to their vulnerability and dependency on their traffickers for work and housing, if not supported by a solid policy and legal framework, are often reluctant to lodge complaints or stand as witnesses with the fear of being deported. Against this backdrop, vulnerability to exploitation and trafficking has become a key element in prevention strategies and policy frameworks at international, regional, national and local level. However, the notion of vulnerability is broad and determined by a combination of factors, many of which are structural and are linked to social, economic, labour and immigration policies.

In this light, prevention, as one of the cornerstones of the 4 “Ps”³² paradigm to combat trafficking in persons, focuses on the ‘root causes’ of trafficking, such as poverty, under-development, general lack of economic and regular migration opportunities and gender inequality. Therefore, at national level, measures preventing THB for labour exploitation cover a large spectrum of issues, ranging from the rectification of international THB and labour law and

standards to their enforcement; from addressing significant vulnerabilities to raising awareness among the concerned institutions and populations, to name a few. Moreover, preventive strategies and actions are also very complex to implement as, in order to include all parts of the trafficking chain (from forced recruitment to the actual exploitation); they need to take into account the specificity of each situation in a particular part of the chain. Hence, measures in countries of origin is critical as the exploitation usually starts at this stage. In addressing the recruitment phase, it is critical to implement the General Principles and Operational Guidelines for fair recruitment and definition of recruitment fees and related costs,³³ while adapting to the local situation in a given country, which differs from the reality in countries of destination, where the actual exploitation materializes.

At regional level, both in the European Union and in the Horn of Africa region, several initiatives have been implemented to improve prevention of THB for the purpose of labour exploitation at structural level. The European Labour Authority (ELA), established in 2019, helps ensure that EU rules on labour mobility and social security coordination are enforced in a fair, simple, and effective way, and makes it easier for citizens and businesses to reap the benefits of the internal market³⁴. In 2016, the Intergovernmental Authority on Development (IGAD) as part of a EUTF project, took important steps to facilitate the free movement of persons and improve regular labour migration and mobility in the IGAD region, notably by encouraging the adoption, ratification and implementation of the IGAD Protocols on Free Movement of Persons and on Transhumance by IGAD Member States.

31 7th General Report on GRETA’s activities. Available [here](#).

32 The universal framework for discussing anti-trafficking actions that includes prosecution of traffickers, protection of victims, prevention of human trafficking and partnership between various stakeholders involved in anti-trafficking action.

33 Available [here](#).

34 Available [here](#).

At national level, governments as ultimate bearers of responsibility for upholding human rights³⁵, including migrants' rights, have a central role to play in carrying out structural interventions to ensure prevention of THB for labour purposes. Recently, many countries in the Khartoum Process region³⁶ have shown their political will to fight against this phenomenon, by fostering cooperation with receiving countries and engaging in structural changes that may require more time to achieve, but are also likely to have wide-ranging impact. This shows that policy approach to combating trafficking is shifting towards a more proactive and anticipative approach which emphasises the role of prevention.

On the one side, workers need to be informed and given support and assistance before they leave their country. A good case in point is the response to the obligations of the Council of Europe Convention on Action against Trafficking in Human Beings put in place by several European countries³⁷. Here, national authorities established provisions of information to labour migrants both pre- and post-departure to allow them to take informed decisions about migrating and opened drop-in centres for irregular migrant workers³⁸. Moreover, specific targeted prevention activities have been carried out in communities, such as the Roma communities, which are often affected by poverty, unemployment and inadequate access to services, rendering them particularly vulnerable to human trafficking³⁹. In terms of awareness raising, innovative practices can be found in some East African countries⁴⁰,

where governments passed innovative employment regulations to ensure, for example, that employment contracts are in accordance with the standard employment contract and other laws, regulations and collective bargaining agreements. Other recent provisions involve recruitment agencies which, together with the employer can be held accountable for all claims that may arise in connection with the implementation of the employment contract, including wages, death and disability compensation, and repatriation⁴¹. The enforcement of such regulations is often supported by pre-departure trainings for migrant workers.

On the other hand, governments and institutions need support in the fight against THB for labour exploitation. As such, with the objective of reinforcing labour market institutions in the region, many projects and initiatives, such as the Better Migration Management (BMM)⁴² and Joint Labour Migration Programme (JLMP)⁴³ are currently developing Labour Market Information Systems (LMISs), which should serve as an evidence base for enhancing labour migration and mobility opportunities with a view to spur socio-economic growth needs.

Another important feature of prevention is its direct link with immigration policies that, if too restrictive, can inhibit regular labour migration to meet measurable labour demands. As a result, to satisfy the labour demand, employers and migrants are willing to pay increasingly higher prices to meet each other in an internationalised labour market

35 International human rights law is a subset of public international law, and as such, it engages the commitment of nation states.

36 See for example [here](#).

37 According to the 7th General Report on GRETA's activities: Austria, France, Denmark, Germany, Italy, Malta, the Netherlands and Switzerland.

38 7th General Report on GRETA's activities. Available [here](#)

39 See above (note 38)

40 See the examples of the [2005 regulation for Recruitment of Ugandan Migrant Workers Abroad](#) and [Rules and regulations Governing the Recruitment and employment of Ugandan migrant workers abroad](#).

41 See for example With the adoption of the 2016 Code of Conduct for Private Recruitment Agencies, Kenya is promoting the establishment of written, understandable, and enforceable employment contracts that serve as the basis for determining obligations and responsibilities. Within this framework, the National Coordination Mechanism on Migration (NCM).

42 Available [here](#).

43 Available [here](#).

and resort to illicit practices such as trafficking and smuggling of migrant labour. Overall, recent national plans have an increasingly broader vision on prevention and demand reduction that includes improvement of migration management as an important tool. Hence, migration departments and labour market institutions, such as labour ministries, labour inspectors, national employment services, and vocational training schools are involved in their design and implementation. In the IGAD region that hosts large pools of low-skilled migrants, national governments are both concerned with protecting their labour markets and providing job opportunities for their citizens. Notably, the Middle East and Gulf countries have been preferred destination for those migrants, often supported by their national governments. As such, some countries have made the foreign deployment of its workers an explicit policy that is captured in various national development frameworks, to provide work opportunities for its citizens and to enhance remittances flows. Other IGAD member states⁴⁴, drafted legal and policy frameworks to facilitate these labour migration flows, as well as bilateral labour agreements (BLAs) with countries of destination. Such agreements allow also governments to protect citizens living abroad, by reacting to large number of reports of abuse and exploitation, by issuing temporary labour migration bans⁴⁵ to targeted receiving countries.

Finally, another important feature characterising prevention measures, is the role and involvement of

the private sector. Although states are the primary actors in preventive strategies, they are dependent on the cooperation of other actors and stakeholders. Generally, THB prevention is not conducted only by the state itself but by private actors—for example corporations, which can prevent THB in the production of goods and the demand and recruitment agencies, which, as already discussed, intervene in the supply for labour and services. In relation to the supply of products, preventive strategies shall provide guarantees that products on the market are produced THB-free and that products from suppliers are THB-free. Furthermore, corporations play a role in the prevention of THB in ensuring that employees are treated in accordance with national labour laws and international standards. In that context, the ILO has developed a broad normative framework set out in the Declaration on Fundamental Principles and Rights at work, which together with the 2011 UN Guiding Principles on Business and Human Rights guides countries and companies in preventing and addressing human rights abuses committed in business operations and working places. Governments also adopted prevention measures increasingly on the promotion of ethical and human-rights-based recruitment practices and involve private employment agencies.⁴⁶

The inclusion of all concerned private and public actors in the society must be considered when structuring preventive strategies combating THB for labour exploitation, which, in the context of the 4Ps' paradigm, remains primarily a state obligation.

44 such as Ethiopia and Kenya

45 To address these shortcomings, a number of African governments have imposed temporary labour migration bans on GCC and Middle Eastern countries, including Kenya (2012), Ethiopia (2013) and Uganda (2016) making it illegal for their domestic workers to migrate to these countries for labour reasons. Available [here](#).

46 See for example Ethiopia that adopted the ILO Private Employment Agencies Convention (No. 181) and revised in 2016 its legislation to significantly strengthen provisions to protect migrant workers abroad. According to the new Proclamation, standard employment contracts have to be signed by all parties – recruitment agencies in Ethiopia, partner agencies in destination countries, the employer and the Ministry of Labour. Agencies and employers can be held jointly and separately liable for violations of the contract. The Government is required to appoint labour attachés in key destination countries to follow-up on complaints and to monitor agencies abroad. Moreover, the Ethiopian Government in 2020 adopted a revised trafficking and smuggling proclamation.

Conclusion

Trafficking for the purpose of labour exploitation occurs in the formal and informal economies, with migrant workers particularly at risk. The increasing precariousness of work, exacerbated by the Covid-19 crisis, increments further the chances for the most precarious workers to become victims of trafficking.

Against this backdrop, given the complex nature of the crime of trafficking for labour exploitation and its blurred definition provided by international and national legal instruments, prevention measures play a crucial role in combating it. As analysed in the previous paragraphs, many are the efforts deployed by governments at national and regional level in the Khartoum Process Region. They mainly range from awareness-raising, support and assistance to migrant workers, as one of the most vulnerable category, to improved legal and policy frameworks to regulate labour migration flows (such as BLAs). However, to

ensure efficient implementation of the prevention measures, the involvement of the private sector is no longer negligible. Trafficking for labour exploitation is usually committed by private individuals or legal entities. Recruitment agencies, corporations and private business are hence invaluable allies in prevention. While some steps have already been taken in this direction, with for example, the THB-free products or the promotion of ethical and human-rights-based recruitment practices, a systematic involvement of the private sector in anti- trafficking strategies should be aimed for. Governments, which legally are at the forefront in the fight against this crime, have a major role in fostering cooperation between actors and stakeholders, avoiding duplication and ensuring efficiency of the efforts mobilised, by setting up co-ordination bodies and specialised structures for combating human trafficking for the purpose of labour exploitation.

PROTECTION OF VICTIMS OF TRAFFICKING

Context

The protection of victims of human trafficking (VoTs) is complementary and intrinsically linked to the core mandate of the Khartoum Process – tackling the challenges of trafficking in human beings (THB) and smuggling of migrants (SoM). The Rome Declaration, signed in November 2014, lists protection as a priority issue for partners to jointly work on, underscoring the importance of “promoting a victim-centred approach, supporting the victims of trafficking and protecting the human rights of smuggled migrants and the needs of the most vulnerable ones, including through, where appropriate, the involvement of civil society in accordance with national law.”⁴⁷

States have the responsibility to protect victims as part of their international obligations under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the United Nations Convention against Transnational Organized Crime (Trafficking Protocol)⁴⁸ and other international instruments, including international human rights conventions, and regional commitments. The Office of the High Commissioner for Human Rights (OHCHR) Recommended Principles and Guidelines on Human Trafficking states the following: “The trafficking cycle cannot be broken without attention to the rights and needs of those who have been trafficked. As such, appropriate protection and support should be extended to all trafficked persons without discrimination.”⁴⁹

The Ouagadougou Action Plan to Combat Trafficking in Human Beings (2006) called the state to base their policies, programmes and other measures for victim protection and assistance on international human rights instruments. Among other, the it called upon states to identify victims of trafficking so as to provide them with appropriate assistance and protection, taking fully into account their special vulnerabilities, rights and needs; and find the most appropriate measures to ensure protection and assistance to the victims.⁵⁰

In the Khartoum Process region, the IGAD Regional Migration Policy Framework from 2012 puts forward recommended strategies related to responding to trafficking in human beings, such as strengthening national policy, structures, and laws, increasing awareness, reinforcing information gathering systems, providing protection to victims, and strengthening law enforcement.⁵¹ Furthermore, the Council of Europe Convention on Action against Trafficking in Human Beings is a comprehensive treaty mainly focused on the protection of victims of trafficking and the safeguard of their rights⁵², while the EU Anti-trafficking Directive 2011/36/EU provides binding legislation on the prevention of trafficking and prosecution of traffickers, as well as the protection of victims⁵³.

The protection, rehabilitation, and (re)integration of VoT may be secured through different actions, at various levels: from community initiatives to structural

47 Declaration of the Ministerial Conference of the Khartoum Process, 2014, available [here](#)

48 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children of the United Nations Convention against Transnational Organized Crime, 2003, available [here](#)

49 Office of the High Commissioner for Human Rights, Recommended Principles and Guidelines on Human Rights and Human Trafficking, 2002, available [here](#)

50 Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children As adopted by the Ministerial Conference on Migration and Development, 2006. Available [here](#).

51 IGAD, Regional Migration Policy Framework, 2012, available [here](#)

52 Council of Europe Convention on Action against Trafficking in Human Beings, 2005, available [here](#)

53 The EU Anti-trafficking Directive 2011/36/EU, 2011, available [here](#)

reposes at national level, from identification to ensuring the safety of victims, to promoting societal

understanding of their situation to avoid stigma and securing their socio-economic (re)integration.

Identification and referral of victims of trafficking

The states' anti-trafficking response must include a comprehensive victim protection and assistance system based on human rights principles, and ensure that all victims of trafficking have access to adequate resources to provide for legal remedies and fair treatment, assistance and support, safety and protection, restitution, compensation, reinstatement of rights as well as regularisation of immigration status. The implementation of these measures represents an obligation that states have under international law; namely to provide victims of human rights violations with effective remedies.

In order to ensure assistance to and protection of all victims of trafficking through a comprehensive human rights-based, victim-centred and trauma-informed approach, there is a need to establish and implement comprehensive and effective national and regional assistance and protection systems in the form of institutionalised co-operative frameworks.⁵⁴

A precondition to the provision of effective victim assistance and protection is victim identification and referral to appropriate services. The successful identification and compensation of victims shall be ensured by laws and regulations, which provide them with protection, assistance and support, in accordance with international principles of protection, some of which are mentioned above. Identification measures need to be multi-disciplinary and trauma-informed. Failing to properly identify victims leads to their continued exploitation and possible further re-trafficking.

Some of the factors that hinder VoT identification and protection include: the mistaken assumption that trafficking victims may have consented to their exploitation, especially when they are engaged in sex work and other activities that meet with the general disapproval of society and/or inadequate training provided to law enforcement and immigration officials with respect to the identification of VoTs.⁵⁵ Furthermore, fear of deportation or detention prevents VoTs from initiating contact and cooperating with law enforcement and, in some cases, they may not even be aware that they are being trafficked.

Not only does the risk of criminalisation prevent victims from coming forward to seek assistance, but "criminalising victims who have engaged in acts of trafficking directly plays into their instrumentalisation by traffickers to avoid punishment", according to the 2020 UNODC Global Report on Trafficking in Persons.⁵⁶ The report highlights increasing numbers of female victims who become perpetrators, as a result of traffickers pushing them into committing crimes such as the recruitment of new victims, collecting proceeds, imposing punishments, or posting advertisements for victims' sexual services. These are all low-level roles, that expose VoTs to law enforcement authorities – meaning they are more likely to get caught and traffickers are more likely to escape liability and prosecution.

To avoid this risk of victim criminalisation, the EU Anti-trafficking Directive 2011/36/EU highlights that "victims of trafficking in human beings should, in accordance with the basic principles of the legal

54 ICMPD (2021). Developing and Monitoring National Anti-Trafficking Response. A Practitioner's Guide. (Forthcoming in 2021.)

55 UNHCR, Trafficking for sexual exploitation: victim protection in international and domestic asylum law, 2011, available [here](#)

56 UNODC, Global Report on Trafficking in Persons, 2020, available [here](#)

systems of the relevant Member States, be protected from prosecution or punishment for criminal activities, such as the use of false documents, or offences under legislation on prostitution or immigration, that they have been compelled to commit as a direct consequence of being subjected to trafficking.⁵⁷

States should develop clear and understandable policies, practices and laws to support the effective implementation of the non-punishment principle at all stages of the criminal justice system, as well as in non-criminal processes that expose the victim to possible punishment (e.g., immigration matters, or administrative and public order related offences). Any indication that a victim of THB purportedly consented (either to the intended exploitation or to committing the alleged offence) must not be used to deny access to measures that implement the non-punishment principle at the national level.

In this respect, a good practice for states is to develop standard screening forms and specific indicators for exploitation that are sufficiently detailed to allow first responders, in many cases law enforcement officials, to identify vulnerable migrants early on and to refer them to the appropriate channels.⁵⁸

Key stakeholders in the identification of victims, therefore, need to be aware of what is referred to as indicators of trafficking. A long list of indicators include, for example, showing signs of one's movements being controlled, not being in possession of one's travel or identity documents, showing signs of injury, being found in or connected to a type of location likely to

be used for exploiting people etc.⁵⁹ Indicators also differ, depending on the purpose of trafficking (i.e. whether someone has been trafficked for the purpose of sexual exploitation or labour exploitation will have implications in terms of relevant indicators). Indicators need to be regularly revised to make sure they remain relevant against the developing nature of the trafficking crime in the particular country.

As VoTs can be found in a variety of situations, the range of stakeholders potentially involved in their identification is quite broad. In particular, law enforcement agencies play a key role in the early identification and follow-up on suspected cases of trafficking, while social workers are often the first point of contact for VoTs. Local authorities may facilitate identification by raising awareness and setting up adequate mechanisms. Lastly, as many VoTs do not perceive themselves as a victim, particularly in the case of labour exploitation, making victims aware of their rights is often the first step towards self-identification.

Given the complexity of the phenomenon and the large number of actors involved in the response, the implementation of **Standard Operating Procedures (SOPs)** for the identification and referral of VoTs is being proposed at national level as one of the modalities of ensuring the quality of procedures for victim identification and, subsequently, the protection of their rights.⁶⁰ Such SOPs define the stakeholders involved in various stages of identification and referral, as well as determine their respective tasks and obligations. In theory, SOPs

57 The EU Anti-trafficking Directive 2011/36/EU, 2011, available here [The non-punishment principle found in the OHCHR Recommended Principles and Guidelines](#), which state that "Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons" (Principle 7). The non-punishment principle is expressly included featured in the UNODC Model Legislative Provisions against Trafficking in Persons (Art. 13). The CoE Trafficking Convention provides for the possibility of not imposing penalties on victims for their involvement in unlawful activities if they were compelled to do so by their situation (Art. 26). The principle can also be found in the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (Art. 14 (7)) and in the Commonwealth of Independent States Model Law on Providing Assistance to the Victims of Trafficking (Art. 5).

58 Human trafficking and smuggling of migrants in the context of mixed migration flows: State of play in the IGAD Region, 2015, available [here](#)

59 A detailed list of indicators is available [here](#) Also [ILO Operational Indicators](#)

60 An overview of various guidelines for the identification of victims of trafficking in human beings at EU level, including specific guidelines to identify and support child victims of traffic, is available [here](#)

form the backbone of a National Referral Mechanism (NRM)⁶¹. While SOPs are not yet a standard practice in all countries in the Horn of Africa (HoA) region, encouraging steps are being taken by a number of countries. For example, Djibouti developed formal identification and referral procedures to guide officials in the proactive identification of victims⁶², while Kenya reports the establishment of a NRM, including SOPs and standardised screening tools for victim identification and assessment⁶³.

The OHCHR Guidelines make a clear link between the identification of a trafficked person and their subsequent access to rights:

.....

“A failure to identify a trafficked person correctly is likely to result in a further denial of that person’s rights. States are therefore under an obligation to ensure that such identification can and does take place.”⁶⁴

.....

Therefore, the most essential element to ensuring a human rights-based approach is for states to introduce measures for rapid identification of victims of trafficking. This is the very essence and purpose of NRM.⁶⁵ The basic aims of an NRM are to ensure the respect of the human rights of trafficked persons and to establish the effective mechanism and tools to refer victims of trafficking to the necessary services.

Functioning NRMs are a prerequisite for advancing the inter-state co-operation through agreements for

cross-border comprehensive assistance and transfer of identified or potential trafficked persons. Such Transnational Referral Mechanism (TRM) links all stages of the referral process from the initial screening, through formal identification and assistance, to the voluntary assisted return, the social inclusion, and the civil and criminal proceedings. The TRM is meant to build upon the NRMs or any other existing procedures and take them to a transnational level.

In practice, challenges remain concerning the dissemination and implementation of existing SOPs and the operationalisation of⁶⁶ NRMs, as outlined in the 2020 US TIP report for countries in the HoA region. Some of these challenges are linked to financial constraints, to the dissemination of these procedural guidelines, and the need for more capacity building among relevant stakeholders. The Egyptian National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NCCPIM & TIP) provided victim identification trainings among police officers, while the Egyptian National Council for Childhood and Motherhood (NCCM) and the National Council for Women (NCW) report using trafficking indicators to identify VoT.⁶⁷

In some of the countries in the Khartoum Process region, Migrant Response Centres (MRCs), such as the ones in Khartoum (Sudan), Bossaso (Somalia) and Hargeisa (Somaliland) further contribute to VoTs identification efforts, as part of their broader work of assisting migrants in vulnerable situations, also by engaging with migrant communities to identify protection needs and provide referrals.⁶⁸

61 A comprehensive definition of NRMs is provided by the OSCE as follows: “a cooperative framework at national level by which state actors coordinate their efforts in a strategic partnership with civil society to identify, protect and assist victims of trafficking in human beings to ensure that the human rights of trafficked persons are respected and to provide an effective way to refer victims of trafficking to services” in their Practical Handbook on National Referral Mechanisms, available [here](#)

62 US Department of State Trafficking in Persons Report, 2020, available [here](#)

63 The Republic of Kenya (2019), Guidelines on the National Referral Mechanism for Assisting Victims of Human Trafficking, 2019, available [here](#)

64 OHCHR (2002), Guideline 2.

65 OSCE/ODIHR (2004), p. 15, OSCE/ODIHR (2021) (forthcoming).

66 ICMPD (2010). Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU, available [here](#).

67 US Department of State Trafficking in Persons Report, 2020, available [here](#)

68 IOM, Reducing Vulnerabilities and Empowering Migrants, 2018, available [here](#)

Another element that has been found to contribute to the identification and provision of assistance to VoTs are hotline services. While hotline services for VoTs do not appear to be systematically established by governments in the HoA, efforts are being made towards launching a steady provision of this service across the countries in the region. According to the US 2020 TIP Report, the Women Ministry in Djibouti promulgated 2019 its hotline for reporting domestic abuse and trafficking cases on its website and local radio and television stations. For the first time, the hotline reported receiving five to ten calls per day, while the number of trafficking-specific calls or if it identified any traffickers as a result is unknown. In Egypt, the NCCM identified 49 potential child trafficking victims out of more than 20,000 complaints it received through its hotline services. NGOs received referrals from victims or concerned witnesses, police during investigations, and via calls to the national

gender-based violence and NGO-run child hotlines. In Kenya, two national hotlines are operational 24 hours per day, year round. One of the existing NGO-run hotline received 11 calls regarding trafficking in 2019⁶⁹.

In the EU, one example of such a hotline is the Austrian Federal Crime Office's (FCO). This 24-hour operated trafficking hotline received 500-600 calls and emails in 2019, with translation available in multiple languages. Another example is the initiative of the Italian government, which launched a national campaign to raise awareness of its national hotline for trafficking victims. Local authorities and NGOs distributed brochures, posters, bumper stickers, and media advertisements providing information on victim assistance⁷⁰. These examples highlight the value of setting up safe communication channels for victims and publicising this information such that victims are aware of these possibilities.

Physical, psychological, and medical recovery of victims of trafficking in human beings

Social support, assistance and protection of all victims of trafficking, irrespective of their willingness to cooperate with the authorities in criminal proceedings, are the central pillars of a human rights-based national anti-trafficking strategy.⁷¹ In addition to fulfilling the states' human rights obligations and preventing the re-victimisation of victims of trafficking by the state authorities, timely and effective assistance is essential to for recovery and reintegration of the trafficked persons while delays and limitations in assistance may lead to vulnerability and re-trafficking or abuse.⁷²

Direct assistance to VoTs takes a variety of forms, often the most immediate need being that of physical safety,

while psychological and medical assistance are essential for the long-term recovery of the victims. Regardless of the type of assistance provided, a number of principles should guide interventions at any level: respect for and protection of human rights; informed consent; non-discrimination; confidentiality and right to privacy; self-determination and participation; individualised treatment and care; comprehensive approach to direct assistance; and best interest of the victim.⁷³

As a general practice, the physical safety of victims of trafficking is ensured via the availability of shelters, where victims may stay when they escape or are removed from the trafficking situation.

69 US Department of State Trafficking in Persons Report, 2020, available [here](#)

70 Ibid.

71 UNGA (2019). Report of the Special Rapporteur on trafficking in persons, especially women and children, A/HRC/41/46, para 11.

72 CoE Europe Group of Experts on Action against Trafficking in Human Beings (2019), 8th General Report on GRETA's Activities, covering the period from 1 January to 31 December 2018, para. 87.

73 IOM, Guidelines for Assisting Victims of Human Trafficking in the East Africa Region, 2011, available [here](#)

However, it must be noted that different profiles of VoTs necessitate a system of support that caters to their individual needs. It is recommended that specialised centres should be designed for meeting the specific needs of VoTs, and even further disaggregated by gender and age. For example, the Europe-based Group of Experts on Action against Trafficking in Human Beings (GRETA), responsible for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, strongly urges states that children victims should be hosted in specialised shelters, due to the differentiated nature of their needs⁷⁴ and the fact that they require protection frameworks that take into account their age-specific vulnerabilities. In the course of being trafficked, children may experience many different violations of their rights (right to education, to healthcare, to rest and leisure etc.) and suffer both physically and psychologically, leaving a permanent mark on the child concerned ⁷⁵, all of which requires specialised interventions for rehabilitation.

Most countries in the HoA region lack specialised centers for VoTs, with women VoTs often being hosted in shelters for victims of domestic violence, for example, or, in the case of children, in shelters for vulnerable street children, orphans or neglected children.

A report assessing the protection of VoTs in Finland, Germany, and Sweden shows that all three countries face the challenge of ensuring appropriate housing for VoTs. A particularly problematic aspect for the three countries analysed (as well as for other countries in Europe, such as France, for example⁷⁶) is providing accommodation for trafficked men, children, or whole families. The first shelter for male victims of human trafficking was recently opened in Gothenburg, Sweden while services aimed specifically at men

trafficked for the purpose of sexual exploitation and male victims of violence are available in Berlin, Germany.⁷⁷ In Belgium, for instance, the government announced in December 2019 that it had approved a proposal to open a shelter specifically for female child sex trafficking victims, expected to open in 2021.

As regards the specific situation of children and the need to follow a comprehensive approach to their protection, an example is the UNHCR 2014-16 project “Live, Learn and Play Safe”, implemented with the governments of Egypt, Sudan, and Ethiopia. This project aimed at achieving a holistic protection of children at risk in these countries, including awareness-raising for police and border guards, tracing missing children, supporting family reunification when in the best interest of the child, ensuring access to education and vocational training, as well as fostering inclusion in the host country⁷⁸.

In addition to the above-outlined imperatives of attending to the specific needs of VoTs depending on their gender and age, shelter staff also require training on the special psychological needs of VoTs. Overlooking the importance of psychological intervention in the early phases of the rehabilitation may lead to overall flawed psychological care of victims. Psychological support to prevent the re-traumatisation of VoTs is often required, especially in instances where victims are part of investigation processes and being interviewed and/or providing testimony in court cases. Apart from the need for immediate psychological assistance, it is important to underline that such support is essential in the long-term. In this respect, the involvement of stakeholders with specific expertise on the issue has proven successful, for instance, in understanding the traumas that the Ethiopian migrants who had fallen victims of trafficking and had been deported

74 GRETA, Assistance to Victims of Human Trafficking, 2018, available [here](#)

75 UNICEF, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe, 2006, available [here](#)

76 US Department of State Trafficking in Persons Report, 2020, available [here](#)

77 The Council of the Baltic Sea States, Road map for integration of victims of human trafficking among migrants in Finland, Germany, and Sweden, 2018, available [here](#)

78 UNHCR Child Protection Regional Initiative - Live, Learn & Play Safe, 2014-2016, information available [here](#)

from Saudi Arabia after detention, were suffering from⁷⁹. A study conducted among migrant returnees from Middle Eastern countries in Ethiopia's Amhara Region showed prevalence of depression disorder in approximately 35% of the respondents. Among the traumatic experiences, they reported, were imprisonment, ill health condition without access to medical care, physical injury from combat situation, witnessing violence, sexual abuse, and torture, forced separation from family, isolation from others, lack of shelter, etc.⁸⁰ Medical assistance is also often necessary for victims of trafficking who have been exploited or have suffered physical violence. The assistance may also allow evidence to be kept of the violence so that, if they wish, the victims can take legal action⁸¹.

In some settings, communities can also play an essential role in the identification of vulnerable migrants and their vulnerabilities, and in the provision of assistance and protection to VoTs, with governments, NGOs and international organisations relying on community-based workers or volunteers to deliver critical services. Depending on the migration context, it may be the migrant's own community or a host community, or both. In Uganda, for example, Village Health Teams (VHTs) made up of community volunteers selected by fellow community members are trained to identify and treat uncomplicated diseases and to mobilise community members to seek out health services. Uganda has also used the VHT model in the refugee context, whereby VHTs have been recruited from within the refugee community in Uganda to provide basic health services to other refugees.⁸² There are also examples of shelters established and ran by migrants. For

example, migrants in Sudan have created migrant community associations, some of which also run shelters.⁸³ In light of the potential contribution to victim support, it is recommended that the potential role of the community should be taken into account when developing NRMs.

To address the need of centralising and gaining an overview of the variety of actors involved in addressing VoTs needs, the BMM Programme funded a mapping exercise of agencies and organisations providing essential services to victims of trafficking in Kenya, Ethiopia, Somaliland and Djibouti. The goal is to create a web platform through which legal aid providers find information and refer the victims to the different services available. The end result is expected to enable faster service provision, partnerships and exchange of knowledge between agencies and organisations, and ultimately benefit the service provision for victims of trafficking.⁸⁴

Lastly, in addition to ongoing national actions and initiatives, efforts are also being undertaken by some governments to provide shelters for their nationals who may be VoTs abroad. Among others, this is helpful as victims can receive support in their own language. To this end, some Ethiopian diplomatic missions to Gulf States provide temporary shelter for victims on their respective mission compounds and the missions engaged with host governments on behalf of victims.⁸⁵ Where the mission provides shelter to VoTs, consular staff may play a role in supporting victims. For this reason, it is considered a good practice that consular staff have the basic knowledge as well as working methods to identify and assist victims of human trafficking.⁸⁶

79 Medecins Sans Frontiers, MSF complements medical provision with psychosocial support for returnees, 2014, available [here](#)
80 Atinkut Zewdu, Depression and Coping Mechanism among Migrant Returnees from Middle East Countries in Amhara Region, Ethiopia, 2018, available [here](#)
81 GRETA, Assistance to victims of human trafficking, 2018, available [here](#)
82 IOM, Guidance on Referral Mechanisms, 2019, available [here](#)
83 IOM, Reducing Vulnerabilities and Empowering Migrants, 2018, available [here](#)
84 BMM Mapping Project described [here](#) and [here](#)
85 US Department of State Trafficking in Persons Report, 2020, available [here](#)
86 Council of the Baltic Sea States, Handbook for diplomatic and consular personnel on how to assist and protect victims of human trafficking, 2011, available [here](#)

Socio-economic integration and reintegration

The aim of integration is to foster and strengthen the social inclusion of the trafficked persons into the society. Integration may take place domestically (in their country of origin, in which case we may refer to the process as reintegration) or in a country, where trafficked persons have been identified. Their integration into the society is essential, and the recognition of their rights is implicit in achieving integration. Trafficked persons' integration needs may vary greatly, largely due to personal circumstances, but also due to factors such as their legal status in the country and their migration history.⁸⁷

Depending on the trafficking experience, some victims may be able and willing to return to their countries and families/communities of origin, while others want to integrate in the new country or community. In some cases, return, even when voluntary, will not be possible, owing to on-going safety and security concerns or humanitarian considerations, which is why states should have the capacity to provide both short-term and long-term solutions as alternatives to return.⁸⁸

A system of temporary or permanent protection is sometimes necessary for a victim who is at risk of re-trafficking or to protect the fundamental human rights when these rights cannot be guaranteed through the return of the victim to the country of origin. At a regional level, in the European Union, one of the means of ensuring protection of VoTs from being penalised for irregular entry and residence according to immigration laws and provide the conditions for their recovery and (re)integration, as well as for their cooperation with any criminal prosecutions is to have

a framework in place to automatically protect foreign victims of trafficking by issuing temporary residency permits, as stipulated in existing EU legislation.⁸⁹

In Finland, for example, victims are eligible to apply for a residence permit on the ground of being a victim of trafficking, thus outlining two possibilities for identified victims: return or integration into the Finish society. Trafficked migrants may be granted a reflection period for a maximum of six months even if they have not reported the trafficking offence to the police. However, the continuation of this specialised assistance after the initial six months is often contingent on an on-going criminal justice process.⁹⁰

In the HoA region, it is worth highlighting the national example of Tunisia, where the government, based on its national legislation, offered all foreign trafficking victims relief from deportation and in 2016 it provided permanent residence to four victims of trafficking who had chosen to stay in the country, which included the possibility of seeking employment.⁹¹

In addition to the legal and administrative aspects of a victim's integration, the aspect of empowerment is central, and that the victim is provided with meaningful alternatives. It is important to nurture such essential life skills like making connections, complex problem solving, self-motivation to regain control over one's life, critical thinking etc. that facilitate integration, as well as social and labour inclusion. After having experienced trauma, VoTs can become mistrustful and insecure, which might make it difficult for them to master these skills without adequate

87 IFRC, Guidance for European Red Cross National Societies on Assistance and Protection to Victims of Human Trafficking, 2017, available [here](#)

88 GRETA, Assistance to Victims of Human Trafficking, 2018, available [here](#)

89 EUR-Lex, Residence permit for victims of human trafficking, 2015 available [here](#)

90 The Council of the Baltic Sea States, Road map for integration of victims of human trafficking among migrants in Finland, Germany, and Sweden, 2018, available [here](#)

91 US Department of State Trafficking in Persons Report, 2020, available [here](#)

support. This type of support is relevant both for integration and reintegration processes.

Indeed, although (temporary) residency permits represent an instrument to ensure safety (and integration) of victims in some contexts, in certain situations it is in the best interest of the victim to be assisted in leaving the country. Cooperation between host countries and countries of origin is paramount in this case. Often as part of a Transnational Referral Mechanism (TRM)⁹², countries cooperate by conducting identification checks, undertaking risk and social-inclusion assessments prior to a trafficked victim's return, issuing the necessary personal, travel and other documents, and to determine whether the planned return of a trafficked victim is safe.

Once returned, income generation support and skills-development represent components of socio-economic **reintegration** that contribute to the prevention of re-trafficking and/or reverting to irregular migration. In Ethiopia, the government, supported by IOM, implemented a skills development programme for victims of trafficking with the aim of increasing their prospects of finding work⁹³. Under the EU-IOM joint initiative for migrant protection and reintegration⁹⁴, counsellors and returnees jointly define individual reintegration plans, and the support may be offered to individuals, groups, and communities.⁹⁵

If they have the consent of the trafficked person, both the returning and receiving countries should monitor the return of victims of trafficking, with a

focus on ensuring the ongoing safety and security of the trafficked person. Such monitoring activities should be conducted in a non-intrusive manner and should not interfere with the rights and privacy of the individuals involved.⁹⁶

The efforts of governments and international organisations to reintegrate trafficking victims are often complemented by those of NGOs and community-based organisations. For instance, in Uganda, the NGO Uganda Youth Development Link carries out rehabilitation and livelihood skills programs for vulnerable youth, including victims of trafficking and of worst forms of child labour⁹⁷. However, NGOs and community-based organisations (CBOs) face several challenges when addressing reintegration of victims, namely lack of technical, financial, and logistical capacities.⁹⁸

In cases where trafficking of children entailed their exploitation in armed combat, rehabilitation and reintegration in the community may be especially challenging due to the stigma attached to the victims. As a means of responding to the phenomenon of child soldiers in the country, South Sudan established a National Disarmament, Demobilization and Reintegration Commission (NDDRC) that aims at the reintegration of ex-combatants, including child soldiers. UNICEF supported the NDDRC in the reintegration of child soldiers, which included tracing their families and providing psycho-social support. In addition to efforts to overcome the issue of stigmatisation, Uganda also offers its child soldiers blank amnesty.⁹⁹ The children VoTs trafficked for the removal of body parts

92 TRM refers to mechanisms and the associated procedures designed for the comprehensive assistance and transnational support of trafficked persons. The TRM integrates the process of referral from initial identification through return and assistance between countries of transit, destination and origin. As per ICMPD Report, *The Way Forward in Establishing Effective Transnational Referral Mechanisms*, 2012, available [here](#)

93 As per the presentation delivered by The Republic of Ethiopia at the Khartoum Process Thematic Meeting on the Protection of Women and Girls on the Move, 18-19 September 2018, Stockholm, Sweden

94 EU-IOM Joint Initiative for Migrant Protection and Reintegration, information available [here](#)

95 IOM, *Towards an INTEGRATED APPROACH TO REINTEGRATION in the context of return*, 2017, available [here](#)

96 OSCE – ODIHR, *Guiding Principles on Human Rights in the Return of Trafficked Persons*, 2014, available [here](#)

97 [Uganda Youth Development Link, information accessible here](#)

98 CMI, *Human Smuggling and Trafficking in Eastern Sudan*, available [here](#)

99 Human Trafficking Center, *Difficulties in Re-Integrating Uganda's Child Soldiers*, available [here](#)

and witchcraft pose a further challenging situation requiring special reintegration support, as a result of

which, Uganda expanded its trafficking definition to include this particular child offense.

Conclusion

In light of the ongoing COVID-19 pandemic, there are widespread concerns among experts and organisations on the ground that the economic impact of this crisis will very likely, push already vulnerable populations at further risk of exploitation, including trafficking, which is estimated to have increased during the pandemic¹⁰⁰. It is, therefore, of paramount importance that states continue their prevention efforts and victim protection efforts, accounting for the new vulnerabilities and allocating resources to bolstering capacity of law enforcement, to assist them in adapting to the new realities and traffickers' ways of operating.

Victim protection remains a major concern, especially as referral mechanisms, which are essential for the identification of VoTs and their access to rights, are impacted as vital cogs have, in some cases, slowed

down, as a result of the restrictions on mobility or in-person meetings, among others. Shelters, psychological services and access to legal support have also been affected, therefore it is important that funding is allocated for essential services in support of VoTs. The special vulnerabilities of children need to be accounted for, especially since school closures have not only precluded many from access to education but also from a main source of shelter and nourishment.

There is, as highlighted above, a wealth of experience and available good practices among Khartoum Process member states. In this current context, states may capitalise on the above-mentioned efforts and continue exchanging on such good practices, collaborating at bilateral and regional level, to address remaining gaps.

100 CEDAW (2020), para. 37. See also Global Initiative Against Transnational Organized Crime (2020). Policy Brief: Aggravating Circumstances. How coronavirus impacts human trafficking.

PROSECUTION AND INTERNATIONAL COOPERATION

Context

Along with prevention and protection, prosecution is widely seen as one of the main pillars of an effective national and cross-border response to the crime of trafficking in human beings (THB). There is consensus among government officials, criminal justice practitioners, civil society and experts working in the anti-trafficking field that putting an end to this widespread crime and securing justice for those who have been trafficked requires vigorous prosecution of trafficking crimes.

Strongly linked to the core mandate of the Khartoum Process, the subject matter of prosecution is outlined in the Rome Declaration as one of the key action areas, to be addressed through “assisting [Member States] in improving identification and prosecution of criminal networks by enhancing national law enforcement agencies, and the judicial systems responses, enhancing, and where appropriate, setting up systems of proper financial investigations and measures to prevent laundering of proceeds of crime, as well as tackling corruption more effectively.”¹⁰¹

Similarly, the Terms of Reference for the African Union Horn of Africa (AU-HOA) Initiative on Human Trafficking and Smuggling of Migrants list prosecution as one of the focus areas, aiming at enhancing “cooperation among participating countries especially in the area of dismantling, investigating and prosecuting the criminal networks of smugglers and traffickers, while ensuring protection for the victims.”¹⁰²

The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children

makes reference to the need to “ensure the effective prosecution of those suspected of involvement in trafficking in human beings, and deterrent penalties for those found guilty of trafficking and further specifies the importance of amending or adopting national legislation in accordance with regional and international legal instruments so that the crime of trafficking is precisely defined in national law and ensure that all practices covered by the definition of trafficking are also criminalised.”¹⁰³

At the EU level, the EU Anti-trafficking Directive has been the backbone of the EU’s efforts in combatting human trafficking, with numerous provisions concerning investigation and prosecution of criminals included in the document. Among others, the Directive foresees that “those responsible for investigating and prosecuting such offences should also have access to the investigative tools used in organised crime or other serious crime cases. Such tools could include the interception of communications, covert surveillance including electronic surveillance, the monitoring of bank accounts and other financial investigations.”¹⁰⁴

As highlighted above, the paramount importance of prosecution as a means of ending impunity for criminals and securing victims’ access to justice is recognised by several high level documents and initiatives, thus highlighting an ever increasing acknowledgement of the need for concerted efforts and commitment to action from various stakeholders. However, a series of complex challenges arise in practice.

101 Declaration of the Ministerial Conference of the Khartoum Process, 2014, available [here](#)

102 African Union, Terms of Reference for the AU-HOA Initiative on Human Trafficking and Smuggling of Migrants, 2014, available [here](#).

103 Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children As adopted by the Ministerial Conference on Migration and Development, 2006, available [here](#).

104 The EU Anti-trafficking Directive 2011/36/EU, 2011, available [here](#)

The complexity of the trafficking crime and related evidentiary difficulties go some way to explaining the unsatisfactory performance of States when it comes to addressing the high levels of impunity currently enjoyed by those who exploit others for economic gains.

At the same time, the overlapping nature of two otherwise distinct crimes, trafficking in human beings and smuggling of migrants, makes it challenging at times to prosecute criminals on the one hand, and to ensure protection for victims on the other hand. This can occur as a result of difficulties in distinguishing between smuggled migrants and victims of trafficking, as after contracting the services of smugglers, smuggled migrants may face human rights violations, including exploitation. Additionally, it is not uncommon for victims of human trafficking to remain unprotected and be subjected to punishments for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration or prostitution violations, resulting in

the so-called criminalisation of victims.

Furthermore, highly integrated networks of transnational organised criminal groups constantly shift their business models in response to efforts to combat and prosecute perpetrators, in some cases resorting to corruption of government officials to ensure seamless travel across borders¹⁰⁵, thus making the work of institutions and agencies involved in prosecution efforts ever more challenging. In the age of technological advancements, human traffickers misuse these advancements for the exploitation and abuse of vulnerable migrants. “Now, internet-based trafficking spans from the basic advertisement of victims online, to advanced combinations of smartphone apps in integrated business models to recruit victims and transfer profits.”¹⁰⁶ As a result of the COVID-19 pandemic, traffickers moved to a new business model of online recruitment and exploitation of victims, making it even more difficult for law enforcement and the judiciary to respond.¹⁰⁷

Normative and Legislative Frameworks

Legislation is one of the most powerful tools at our disposal in the fight against human trafficking, because it allows to define the crime, set sanctions and common objectives to prosecute criminals, and protect the victims.

National, regional, and international stakeholders, as well as individuals vulnerable to trafficking or seeking the services of smugglers, are subject to a legal framework and to policies implemented by countries. International conventions represent the broader legal framework, from which regional conventions and initiatives and national laws and policies stem.

Efforts to combat trafficking in human beings and to prosecute criminals are underpinned by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the United Nations Convention against Transnational Organized Crime (Trafficking Protocol).¹⁰⁸

The table below charts the status of this legal instrument in African Khartoum Process countries.

105 IGAD, Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route, 2016, available [here](#)

106 UNODC, Global Report on Trafficking in Persons, 2020, available [here](#)

107 European Commission, EU Strategy on Combatting Trafficking in Human Beings, 2021, available [here](#)

108 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children of the United Nations Convention against Transnational Organized Crime, 2003, available [here](#)

	UNTOC CONVENTION	PROTOCOL ON HUMAN TRAFFICKING
EGYPT	Ratified in 2004	Ratified in 2004
TUNISIA	Ratified in 2003	Ratified in 2003
LIBYA	Ratified in 2004	Ratified in 2004
SUDAN	Ratified in 2004	Acceded in 2014
SOUTH SUDAN	--	--
ETHIOPIA	Ratified in 2007	Acceded in 2012
ERITREA	Acceded in 2014	Acceded in 2014
DJIBOUTI	Acceded in 2005	Acceded in 2005
KENYA	Acceded in 2004	Acceded in 2005
SOMALIA	--	--
UGANDA	Ratified in 2005	Signed in 2000

In summary, the table shows that all African members of the Khartoum Process, except Uganda who signed the Protocol in 2000, have ratified/acceded¹⁰⁹ to the Protocol. The youngest country in the region, South Sudan, has neither signed nor ratified the Protocol as of yet.

Further to that, Djibouti, Egypt, Ethiopia, Kenya, Sudan, Tunisia, and Uganda have enacted anti-trafficking legislation. In countries where specific legislation is not in place, such as South Sudan, for example, provisions in the penal code and other legislative documents can be used to prosecute traffickers and smugglers.¹¹⁰

The commitment of Khartoum Process members to fight trafficking in human beings as reflected in the legislative initiatives has been manifested in the increased number of relevant cases investigated and prosecuted. For instance, in 2019 the Egyptian government convicted 67 perpetrators for forced labour and sex trafficking under the anti-trafficking law, which represented an increase from the 11 convictions of traffickers during the previous reporting period.¹¹¹ Similarly, Djibouti reported prosecuting 80 suspected traffickers in 33 cases under the 2016 anti-trafficking law, a notable increase from 58 suspected traffickers in 29 cases the prior year. However, similar to previous reporting periods,

109 "Accession" is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification (Dag Hammarskjöld Library, accessed [here](#)).

110 IOM, Human Trafficking and Smuggling of Migrants in the Context of Mixed Migration Flows: State of Play in the IGAD Region, 2015, available [here](#)

111 US Department of State Trafficking in Persons Report, 2020, available [here](#)

officials did not achieve any trafficking convictions due to judges' determination of insufficient evidence to prove trafficking; the majority of prosecutions resulted in smuggling convictions¹¹². This example reflects a widespread challenge countries face as a result of severe resource and capacity limitations that impede officials' ability to develop comprehensive investigations of trafficking indicators and crimes.

As briefly mentioned above, another difficulty linked to the legal aspects of prosecution is that, while it is true that national legislation in most cases makes the distinction between trafficking in human beings (THB) and smuggling of migrant (SoM), with different penalties prescribed for each, experience shows how difficult it is to differentiate them in practice during investigations and prosecutions.

Connected to the above is the additional challenge of distinguishing between THB and other crimes such as prostitution or black market labour, depending on the purpose for which the victim is trafficked.

While officials (law enforcement, border guards etc.) in principle, detect SoM when trespassing a border, identifying and prosecuting THB offences often requires the testimony of vulnerable victims. This brings to attention the complex matter of victim testimony as instrumental to the investigation and prosecution process. It is worth noting here that the right to effective criminal proceedings ought to be granted without regard to the immigration status of the victim.¹¹³ On the contrary, victims' lack of rights would represent a barrier for prosecuting traffickers, as investigations would be hampered by victims fearing wrongful prosecution or even deportation of victims without due justice. On the other hand, practitioners in the field of anti-trafficking suggest that linking victim participation in legal proceedings as a condition for the provision of assistance and protection (particularly the granting of reflection periods for victims with an illegal immigration status as a result of their being trafficked) represents a problematic practice. In this regard, the focus on prosecution should not influence victim protection.¹¹⁴

International Cooperation

The 2020 UNODC Global Report on Trafficking in Persons found that, in Sub-Saharan Africa, 78% of convicted traffickers are national offenders, while 22% are foreigners from the region. Around 70% of the offenders were males and victims are predominantly trafficked for the purpose of labour exploitation within the eastern Africa region.¹¹⁵ According to an IGAD report, the principal smugglers and trafficking kingpins who dominate the Central Mediterranean Route are predominantly Eritrean in nationality, but they collaborate with ethnic Somalis, Ethiopians, and

Sudanese in order to be able to operate easily across borders and amongst the diverse communities of the Horn of Africa.¹¹⁶

The number of convictions per 100,000 people recorded in Sub-Saharan Africa has been generally lower compared to the rest of the world.¹¹⁷ For that reason, national, regional and international efforts to prosecute and convict offenders in the Horn of Africa are of utmost urgency. Such efforts may include exchange of information, extradition of the criminals involved, transfer

112 *Ibid.*

113 ICMPD, Anti-Trafficking Training Material for Judges and Prosecutors, 2016, available [here](#)

114 Anti-Trafficking Review, Special Issue – Prosecuting Human Trafficking, 2016, available [here](#)

115 UNODC, Global Report on Trafficking in Persons, 2020, available [here](#)

116 IGAD, Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route, 2016, available [here](#)

117 UNODC, Global Report on Trafficking in Persons, 2020, available [here](#)

of sentences persons, as well as joint investigations and cooperation for the purpose of confiscation.¹¹⁸

International law enforcement and judicial cooperation to dismantle criminal networks involved in human trafficking is an essential prerequisite to combat trafficking in persons. A significant proportion of trafficking in persons cases are transnational and even those cases within a single jurisdiction may involve victims or offenders who originate outside that jurisdiction. Therefore, informal and formal methods of international cooperation are important in order to deprive traffickers of safe haven.¹¹⁹

At the EU level, EU agencies, such as Europol and Eurojust, have been facilitating close cooperation and coordination between national authorities for successful operational actions to bring criminals to justice and to identify and protect victims.¹²⁰

In the African region of the Khartoum Process, the Regional Operational Centre in Khartoum (ROCK)¹²¹ in support of the Khartoum Process and the AU-Horn of Africa Initiative functions as an intelligence-sharing hub on human trafficking and people smuggling networks in the Horn of Africa. The ROCK is a project funded by the Emergency Trust Fund for Africa of the European Union, and implemented by CIVIPOL, with the French Ministry of Interior, on behalf of a consortium of EU Member States. In terms of police cooperation, the African Union's AFRIPOL initiative¹²² aims at improving information sharing on trafficking crimes and related criminal databases within the continent.

The Africa – Europe Prosecutors Conference on International Judicial Cooperation in Investigating and Prosecuting Trafficking in Persons and Migrant

Smuggling, hosted by Egypt in 2018, endeavoured to support constructive dialogue and the promotion and establishment of a regular cooperation platform for prosecutors, as a means to overcome existing difficulties and find pragmatic solutions to obstacles that hamper the investigation and prosecution of cases of trafficking in persons. The three-day conference also resulted in a Declaration with the specific aim to enhance international cooperation in criminal matters. Among others, the Declaration encourages States to consider ways to ensure streamlining and expediting extradition and mutual legal assistance requests within the framework of bilateral and multilateral treaties for extradition and exchange of legal assistance in criminal matters related to transnational crime and in particular trafficking in persons and the smuggling of migrants.¹²³

The regional programme Better Migration Management (BMM) Programme in the Horn of Africa, initiated in 2016, is currently continuing with its second phase, to address some of the very specific capacity building needs highlighted above. Inter alia, BMM supports the implementation of curricula and trainings for universities and other law enforcement training institutions to improve the quality of investigation and prosecution of trafficking and smuggling cases, as well as the establishment or adaptation of standard procedures shall enhance the cooperation between police and prosecution.¹²⁴

Despite evidence that efforts to cooperate are gaining momentum, the IGAD Report on Human Trafficking and Smuggling on the Horn of Africa – Central Mediterranean Route points to the fact that most governments continue to treat human

118 UNODC, Anti-human trafficking manual for criminal justice practitioners – Module 6, 2009, available [here](#)

119 *Ibid.*

120 European Commission, EU Strategy on Combatting Trafficking in Human Beings, 2021, available [here](#)

121 Information about the ROCK project available [here](#)

122 AFRIPOL website available [here](#)

123 Declaration of the Africa-Europe Prosecutors Conference on International Cooperation in Criminal Matters to Combat Trafficking in Persons and the Smuggling of Migrants, 2018, available [here](#).

124 More information available [here](#)

smuggling and trafficking as a domestic problem and international cooperation to counter the threat remains limited and largely ad hoc – in part because they naturally tend to focus on individuals who can be prosecuted within their respective jurisdictions.¹²⁵

However, as the report highlights, transnational criminal networks straddle multiple jurisdictions and can only effectively be dismantled by timely, effective information sharing and operations between concerned authorities.

Focus on Financial Investigations

To disrupt the criminal business model of trafficking, countries are encouraged to employ the tools and approaches more broadly used for removing profits of organised crime and preventing infiltration into the legal economy and society, as referenced in various national and international normative frameworks addressing organised crime in general. This includes the systematic use of financial investigations in law enforcement investigations as well as developing and implementing a robust framework to identify, seize and confiscate criminal assets. In some instances, national legislation even foresees the use of recovered assets to support the victims and for their compensation. Such provision is included, for example, in the EU Anti-trafficking Directive. Similarly, the UNODC Toolkit to Combat Trafficking in Persons¹²⁶ prompts States to confiscate any property and money resulting from trafficking and use it to compensate victims. In this respect, States should also strengthen international law enforcement cooperation to secure access to the traffickers' assets moved abroad.

In its recent report looking at the impact of COVID-19 on human trafficking and responses to the crime, the Office for Democratic Institutions and Human Rights (ODIHR) recommends that governments should prioritise financial investigations and confiscation of assets in THB cases and provision of easily accessible compensation to victims of trafficking during

and after the pandemic, especially in light of the exacerbated vulnerabilities resulting from economic hardship. In this respect, patterns of reintroduction of proceeds into the financial system may be used by law enforcement to identify perpetrators and increase the effectiveness of prosecutions.¹²⁷

The 2012-2016 EU Strategy Towards the Eradication of Trafficking in Human Beings (subsequently replaced by updated strategies) raises a crucial point regarding the value of financial investigations, which is the fact that evidence gathered from money trails might provide the necessary additional proof for convictions, thus relieving victims of the burden of testifying in court, and thus avoiding re-traumatisation or the fear of prosecution often experienced by the victims.¹²⁸

A study on financial flows related to trafficking in human beings carried out by the Financial Action Task Force (FATF) found that the financial flows associated with proceeds from trafficking for the purpose of sexual exploitation, forced labour, or removal of organs differ, and therefore require different mechanisms to launder the proceeds, which according to some estimates total at 150 billion US Dollars a year.¹²⁹

Adding a further layer of complexity to the challenging task of tracking financial flows of human trafficking proceeds, the FATF report references

125 IGAD, Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route, 2016, available [here](#)

126 UNODC, Toolkit to Combat Trafficking in Persons – Tool 8, 2008, available [here](#)

127 ODIHR, Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic, 2020, available [here](#)

128 The EU Strategy Towards the Eradication of Trafficking in Human Beings, 2012 – 2016, available [here](#)

129 The Financial Action Task Force & The Asia/Pacific Group on Money Laundering, Financial Flows from Human Trafficking, 2018, available [here](#)

instances of terrorist organisations who have controlled, or partially controlled territory, having used human trafficking as a way to raise funds and support to their organisations and activities. In the Khartoum Process region, such organisations include Boko Haram and Al-Shabaab.

According to the same report, the more exposure the offender and/or victim have to the formal financial sector or government, the greater the opportunities for identifying signs of money laundering from human trafficking. For example, human trafficking, which involves labour via an employment agency or some form of registered business will require some degree of formal interaction with financial institutions, or potentially a government agency. Examples of such formal interaction are opening a bank account, registering for tax purposes or the payment of wages into the victim's account.

At the national level, investigating the financial aspects of the crimes of trafficking in human beings and smuggling of migrants in the Khartoum Process region remains hindered by limited investigative resources, lack of verifiable data and information among the authorities and the private sector, as well as by weak anti-money laundering legal frameworks, corruption, and limited regional and international cooperation. As a positive example, in Ethiopia, the Financial Reporting Centre carries out a financial investigation and submits findings to the Federal Police for further investigation and an eventual submission to the prosecutor.¹³⁰

A comprehensive investigation on trafficking in human beings, including the financial aspects thereof, requires cross-border cooperation between the countries in the region and currently there appears to be no platform

facilitating such cooperation. AFRIPOL, for instance, is yet to develop and operationalise itself in such role. However, a number of regional initiatives are worth noting in this respect. The Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) is relevant in advancing the financial investigation capacities in and among the region's countries, particularly in the field of coordination, cooperation, and information sharing. Ethiopia, Kenya, and Uganda are members.¹³¹ In addition, Djibouti, Egypt, Libya, Somalia, Sudan, and Tunisia are members of the Middle East and North Africa Financial Action Task Force (MENAFATF),¹³² which aims to combat money laundering by implementing the recommendations of the Financial Action Task Force (FATF).¹³³

A more recent initiative aimed at increasing national capacity in anti-money laundering and countering illicit financial flows in the Horn of Africa is the regional programme Disrupting criminal trafficking and smuggling networks through increased anti-money laundering and financial investigation capacity in the Greater Horn of Africa (AML/THB). The programme is funded by the Emergency Trust Fund for Africa (EUTF) and implemented by CIVIPOL.¹³⁴

In addition to interstate cooperation, a study conducted by The Research and Evidence Facility (REF) recommends the involvement of financial institutions in financial investigations and anti-money laundering (AML) efforts.¹³⁵ Their role could be many-fold. For instance, they can provide supporting evidence in an investigation and prosecution (such as account and transactions history) or they could monitor and report suspicious activity, thus helping law enforcement agencies to refine or focus their investigation efforts.

130 Research & Evidence Facility, Rapid Assessment of Organised Criminal Networks Responsible for Human Smuggling and Trafficking Migration between the Horn of Africa and Yemen: Findings from Puntland, 2019, available [here](#)

131 ESAAMLG website available [here](#)

132 MENAFATF website available [here](#)

133 FATF, International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF Recommendations, 2012, available [here](#)

134 More information is available [here](#)

135 Research and Evidence Facility (REF), Rapid Assessment of Organised Criminal Networks Responsible for Human Smuggling and Trafficking Migration between the Horn of Africa and Yemen, 2019, available [here](#)

Conclusion

Effective prosecution of traffickers is a necessary component of any long-term effort to substantially reduce the prevalence of trafficking. The prosecution of human traffickers is both an essential means of ensuring that justice is provided for victims of trafficking, and a clear signal that impunity for traffickers is a major preoccupation for government officials, criminal justice practitioners, and others working in the anti-trafficking field.

In practice, however, this remains a challenging task across the globe, as reflected in the low (though steadily increasing) number of prosecutions, despite significant efforts at national, bilateral and regional level aimed at increasing capacity and cooperation on matters of investigation and prosecution.

In addition to difficulties linked to effective coordination, both among national actors as well as across borders, including on data sharing and tracking cases from beginning to end across institutions and jurisdictions, the current COVID-19 crisis has added a new layer of complexity to the task of investigating and prosecuting human traffickers. It has done so by

pushing more and more operations (recruitment and exploitation) online and hampering victim identification, court hearings, victim testimonies and other prosecution-linked actions that require unimpeded travel and in-person meetings.

Nonetheless, access to justice must be safeguarded. Where feasible, technology should be utilised to facilitate access to judicial processes and enable the collection and provision of evidence, the submission of documents and the filing or adjudicating of motions or petitions to courts.¹³⁶ As traffickers adapt their modus operandi, law enforcement officials must remain vigilant in addressing these new and evolving crime patterns and adapt their responses to prevent human traffickers from acting with impunity during the pandemic and after. Further to that, there is a need for systematic data collection and analysis on the impact of COVID-19 on trafficking in persons, as experiences and data from one country could be vital to others. Now, more than ever, international cooperation is essential to addressing the fast-moving and multi-faceted nature of this crime that recognises neither borders nor travel restrictions.

136 UNODC, Impact of the COVID-19 Pandemic on Trafficking in Persons, 2020, available [here](#)

FOSTERING PARTNERSHIP TO COMBAT HUMAN TRAFFICKING

Context

The U.N. treaties and European law devoted to fighting human trafficking as a modern form of slavery have the same touchstones for areas of action. Introduced in 2000, the Palermo Protocol to the U.N. Convention on Organized Crime (U.N. General Assembly, 2000) adopted a holistic approach, by establishing norms around three Ps: prosecution of traffickers, protection of victims of trafficking (VoTs), and prevention of the offense. While the addition of the fourth P, partnership is more recent, multidisciplinary and inclusive partnerships play a key role in anti-trafficking efforts at all levels. This approach has been endorsed more recently at European level notably with the 2005 Council of Europe Convention on Action against Trafficking in Human Beings¹³⁷, which represents a crucial step in the process of strengthening international cooperation against this phenomenon. The Convention entered into force in 2008 and it followed a series of other actions by the Council of Europe for responding to trafficking in human beings. It has a human rights-based and victim-centred approach, defining trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. Along the same lines, the European human anti-trafficking policy with Directive 2011/36/EU¹³⁸ on preventing and combating trafficking in human beings and protecting its victims provides binding legislation to prevent and contrast the phenomenon, affecting more areas of action such as criminal law provisions, prosecution of offenders, victims' rights in criminal proceedings, prevention and monitoring of the implementation. At the national level, an increasing number of countries are adopting National Action Plans to Combat Human Trafficking based on the 4Ps approach that provides a common

legal ground for facilitating and creating new cross-national partnerships.

21 years after the adoption of the primary United Nations treaty, improvements have been registered in many areas: from the mapping and identification of trafficking networks, to the provision of immediate care and economic empowerment of survivors; from the prevention through awareness, training and reducing demand, to the prosecution of perpetrators; as well as through mobilisation and coordination of resources. When coordinated in multisector partnerships, involving all relevant sectors of society, these actions ensure targeted responses against human trafficking crimes, which can be replicated and extended across borders to maximise their impact. However, effective collaboration is difficult and is not a permanent achievement. Differences in the power, status, and financial resources of the organisations attempting to collaborate, tensions between differing sector-based values, priorities, and power dynamics that vary by sector and geographical areas can weaken established partnerships. Some scholars¹³⁹ indicate that partnerships are more likely to last and effectively reduce trafficking if they account for market mechanisms incentivising perpetrators, enablers, and customers, synergy between partners' missions, and the soundness and substance of partners' motives. Financial incentives and partners' motivation play a role in defining long-lasting partnership along with good communication and cross-sectorial knowledge sharing.

As illustrated in the previous three webinars in the 4Ps Revisited Series, human trafficking is a cross-cutting issue, which cannot be tackled in a vacuum and whose multifaceted nature needs to

137 Council of Europe Convention on Action against Trafficking in Human Beings, available [here](#).

138 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework, available [here](#).

139 Traits of Transformative Anti-Trafficking Partnerships, available [here](#).

be recognised and acknowledged in order to create efficient mechanisms to counter it. The lack of connection, of knowledge, and data sharing among bodies involved in anti-trafficking efforts has severe repercussions for the victims and for the economy. As such, the establishment of communication channels and communities that can regularly, and safely, share rapidly evolving knowledge and data has the ability to bring justice and prevent future trauma.

Anti-trafficking strategies have to be embedded and mainstreamed in every policy area, from improving female education in source countries, so that girls are less vulnerable to trafficking, to increasing police pay in destination countries so that officers are less susceptible to bribery, to mention a few. Close collaboration between local, regional,

national and international authorities, private sector and community partners are essential to enhance coherence in the everyday efforts to fight human trafficking as they widen the network to identify and rescue victims of this crime and bring the perpetrators to justice. Given the vast range of actors involved and the complexity of the crime, the role of the private sector has become increasingly vital. Private businesses started to effectively engage in addressing and combating human trafficking and to share their critical knowledge, experience, and skills with public-sector organisations and the media, NGOs, universities and research institutes. For this very reason, as will be outlined in the following paragraphs, partnership is key at all stages of the anti-trafficking efforts, from prevention, to protection, and prosecution.

Partnership: the efficacy of a coordinated approach

a. Partnership in Prevention

Trafficking in human beings (THB) can take many forms, such as forced and bonded labour, domestic servitude, and commercial sexual exploitation. Due to the complex nature of this crime, prevention of trafficking in persons requires creative and coordinated responses with a twofold objective: addressing root causes and raising awareness on potential risks. On the one hand, efforts to deter traffickers by tackling the root causes that led them to become traffickers go hand in hand with the deterrent impact of criminal justice efforts. In this light, victim assistance efforts to break the cycle of trafficking and prevent victims from being re-trafficked or from becoming traffickers are key. On the other hand, while awareness about human trafficking and the factors that make individuals and communities vulnerable has increased, prevention efforts designed to proactively address known risk factors are still few. Actions typically address exploitation after harm occurs, in spite of not always being reported, it is easier to detect. To address this

gap, prevention efforts cannot ignore the socio-economic contexts where trafficking vulnerabilities occur. Comprehensive, multi-tiered counter trafficking policies focusing on prevention ought to be deployed at individual, family/neighbourhood, and societal levels, designed and implemented in partnership with all relevant actors. Community-based approaches that are customised to address a range of vulnerabilities across diverse groups are key in this sense.

Another important feature characterising prevention measures, is the role and involvement of the private sector. Although states are the primary actors in preventive strategies, they are dependent on the cooperation of other actors and stakeholders. Generally, prevention of trafficking in human beings is not conducted only by the state itself but by private actors—for example corporations, which can prevent human trafficking in the production of goods and the demand, and recruitment agencies, which, as already discussed, intervene in the supply of labour and services. In relation to the supply of products,

preventative strategies shall provide guarantees that products on the market are produced THB-free and that products from suppliers are THB-free. Furthermore, corporations play a role in the prevention of human trafficking in ensuring that employees are treated in accordance with national labour laws and international standards. In that context, the ILO has developed a broad normative framework set out in the Declaration on Fundamental Principles and Rights at Work¹⁴⁰, which together with the 2011 UN Guiding Principles on Business and Human Rights¹⁴¹ guides countries and companies in preventing and addressing human rights abuses committed in business operations and workplaces. Governments also adopted prevention measures increasingly on the promotion of ethical and human-rights-based recruitment practices and involve private employment agencies.

Another key stakeholder in prevention efforts is the civil society, sensitised through information campaigns and other awareness raising interventions. Particularly in the case of community-based organisations, with a thorough grasp of the situation on the ground, civil society needs to be accounted in planning and programming. Often times, civil society also provides capacity building and expertise, thus positioning themselves as valuable partners in the fight against human trafficking.

The inclusion of all concerned private and public actors in the society must be considered when structuring preventive strategies combating THB for labour exploitation, which, in the context of the 4Ps' paradigm, remains primarily a state obligation.

b. Partnership in Protection

There is no single profile for VoTs. Human trafficking can occur to adults and minors in rural, suburban, or urban communities across all countries. VoTs

have diverse socio-economic backgrounds, varied levels of education, and may be documented or undocumented. However, some categories of people are more vulnerable than others. Significant risk factors include recent migration or relocation, substance use, economic instability, mental health concerns and homelessness, to mention a few. Among migrants, vulnerable groups such as unaccompanied minors, separated children and youth, people with disabilities, and women are particularly at risk to human trafficking. Often, traffickers identify and leverage their victims' vulnerabilities in order to create dependency. Many of the victims are exploited in the shadows and have little or no opportunities to seek assistance and protection from institutions.

A precondition to the provision of effective victim assistance and protection is victim identification and referral to appropriate services. National laws and regulations shall ensure the successful identification and compensation of victims; provide them with protection, assistance and support, in accordance with international principles of protection. Identification measures need to be multi-disciplinary and trauma-informed. Failing to identify victims leads to their continued exploitation and possible further re-trafficking. To this extent, co-operation and strategic partnership among state authorities and NGOs is crucial. NGOs are capable of reaching out to particular vulnerable groups, and detecting new forms of trafficking that have not been identified in the past, they are better placed to establish relationships of trust, which facilitates their access to immediate assistance, care, and support.

While it is imperative that states' anti-trafficking responses include a comprehensive victim protection and assistance system based on human rights principles, granting access to adequate legal remedies, assistance and support, the formal inclusion of NGOs and grassroots organisations

140 ILO Declaration on Fundamental Principles and Rights at Work, available [here](#).

141 Guiding Principles on Business and Human Rights, available [here](#).

in many cases has proven beneficial, especially in the identification of VoTs¹⁴². In order to ensure assistance to and protection of all VoTs, there is a need to establish and implement comprehensive and effective national and regional assistance and protection systems in the form of institutionalised co-operative frameworks with countries of origins. Against this backdrop, multi-stakeholder partnerships, involving civil society and private actors, is key in ensuring protection and support to trafficked persons and other vulnerable individuals.

Another relevant initiative is represented by the Transnational Referral Mechanism (TRM) as a co-operative agreement for the cross-border comprehensive assistance and/or transfer of identified or potential trafficked persons¹⁴³, which are designed to support different countries in fulfilling their obligations to promote and protect the human rights of trafficked persons. Practically, a TRM is an operational framework linking the different stakeholders from two or more countries involved in identification, referral, assistance, repatriation, and monitoring by defining clear roles for each stakeholder, along with procedures to follow, to ensure the protection of the victims' human rights all along their reintegration path. In this way it links different national referral mechanisms (NRM) one with each other while ensuring that a victim-centred approach is adopted at a transnational level.

At national level, as detailed in the previous 4Ps Revisited Series webinars, many countries in the Khartoum Process region, host Migrant Response Centres (MRCs) which further contribute to VoTs identification efforts, as part of their broader work of assisting migrants in vulnerable situations, also by engaging with migrant communities to identify protection needs and provide referrals. Within this framework, partnership with civil society appears

essential in complementing the work done by national and international institutions, which, due to their own nature, are not always in the best position to adequately identify and protect VoTs.

c. Partnership in Prosecution

Prosecution of traffickers is a fundamental governance element that is related to several activities such as the adoption of effective anti-trafficking laws, the arrest of traffickers, the freezing of their assets, and the training of police officers, lawyers, judges and prosecutors. While governments are the primary responsible actors, International Organisations (IOs) are highly involved in training judicial and law enforcement officials, followed by NGOs having a watchdog and supporting function.

However, the prosecution of trafficking in human beings crimes is complex as it is strongly related to the elusive nature of the crime and the modus operandi of perpetrators often depending on socio-economic conditions at both the local and global levels. Traffickers are able to avoid detection and prosecution by constantly and rapidly adapting their methods to conceal their crimes, using hidden means such as crypto-currency, encrypted communications, anonymous or fake online profiles for recruiting victims or selling services. Therefore, law enforcement authorities need to carefully monitor the situation and maintain fruitful inter-ministerial and inter-department cooperation in order to recognise and prosecute the crime. In spite of an increasing number of countries in the Khartoum Process region adopting tailored legal frameworks on combating trafficking in human beings, reports¹⁴⁴ show that only a small number of VoTs receive justice and remedy for the harm they endured. For example, in the OSCE region, data collected over the past years¹⁴⁵ shows a decline in the number of prosecution cases while the number

142 The Critical Role Of Civil Society In Combating Trafficking In Human Beings, available [here](#).

143 as defined by OSCE, available [here](#).

144 Global Report On Trafficking In Persons, available [here](#).

145 Ending Impunity Delivering Justice through Prosecuting Trafficking in Human Beings, available [here](#).

of identified victims has risen. Consequently, there is a large and growing disparity between a high number of estimated victims, a much lower number of identified victims, and an extremely low rate of prosecutions and convictions.

This gap has its roots in the practical difficulties in implementing the existing national legislation and in distinguishing between THB, smuggling of migrants and other crimes such as prostitution or black market labour, depending on the purpose for which the victim is trafficked. Not to mention the obstacles in providing evidences which, in trafficking cases is often elusive as it involves deception, manipulation, intimidation, trauma and psychological coercion, which are difficult to prove but deeply impede victims' ability to co-operate with authorities in prosecuting cases. Concerns related to victims' data and privacy protection, the lack of access to legal representation in court, and rarely successful compensation procedures are elements feeding into victims' fear to report and low trust in the system. To add on this, the complex, cross-border and cross-cutting nature of the crime clearly creates evidential issues. Often, collecting evidence in multiple countries requires overcoming cooperation challenges and disparities in legal systems. Moreover, the data gap about perpetrators is also an impediment to the development of effective prosecution strategies.

Against this backdrop, however many positive results have been achieved over the last decades through high-level inter-agency commitment and the use of joint investigative tools across countries. Notably, following the establishment of the Convention on Mutual Assistance in Criminal Matters between the member states of the European Union signed in 2000¹⁴⁶, member states have a legal basis for easily setting-up Joint Investigation Teams (JITs) as a means

to ease cross-border THB investigations related to any other Member State¹⁴⁷. Moreover, in 2011, the EU Anti-trafficking Directive 2011/36/EU¹⁴⁸ called on authorities in member states to involve Eurojust in the coordination of investigation and prosecution of THB cases. In the last decade, Eurojust has strengthened its operational functions through important proactive prerogatives of its national members such as, for example, increased levels of information exchange with the European Union Agency for Law Enforcement Cooperation (Europol) based on a hit/no hit system and assessment of operational needs with third countries¹⁴⁹. However, these cooperation tools, which allow for a dynamic and close collaboration to pursue common investigative goals, and flexibility and speed in adjusting the investigative measures, require political will to ensure information sharing between the police, prosecutors, and members of the judiciary.

Employing bilateral agreements, formalising methods of co-operation and the assistance of international actors such as Interpol, Europol and Eurojust is key to improve the investigation and prosecution of THB cases that involve the movement of victims or money across borders. Similarly, close cooperation with centralised authorities enables the quick granting of mutual streamlined coordination and consensus building around best practices to develop joint multidisciplinary strategies covering, inter alia, financial, terrorism, narcotics, border security crime legal assistance with the aim of expediting legal requests and overcoming bureaucratic hurdles. Governments therefore should work to streamline the system of transmission of requests for international co-operation and transfer of procedures, conduct systematic bilateral meetings between countries of origin, transit and destination, and periodically evaluate multilateral efforts to adjust international THB responses.

146 Council Act of 29 May 2000, available [here](#).

147 2000 EU Mutual Legal Assistance Convention, available [here](#).

148 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision, available [here](#).

149 Eurojust Report on Trafficking in Human Beings, available [here](#).

As detailed in the following paragraphs, the use of financial investigations to identify traffickers and uncover assets for victim compensation can be a highly effective tool in helping to prosecute THB crimes. Similarly, law enforcement officers need to be trained on how to use digital technologies to investigate THB-related offences and identify traffickers who are using the Internet to recruit and sell the services of victims.

Finally, the cooperation with civil society organisations, which have historically been at the forefront of THB-related criminal justice responses, should not be neglected. Their contribution covers many areas, from the identification of victims, bringing lawsuits at national level against traffickers, assisting and counselling victims/witness in criminal proceedings, supporting and representing victims in judicial proceedings to uphold their rights and obtain compensation and training criminal justice professionals. NGOs have also engaged in strategic litigation at the national and international level to

contribute to the development of law and policy in the field of combating trafficking in human beings. Specialized NGOs have also been involved in cases brought to the European Court of Human Rights. For instance, the Paris-based NGO CCEM and the AIRE Centre (Advice on Individual Rights in Europe) have provided advice and assistance to victims of human trafficking, including representing victims before the European Court of Human Rights or through third-party interventions¹⁵⁰.

NGOs have also been pioneers in organising communication campaigns and actions for the protection of victims' rights. A good example in practice is the COMP.ACT¹⁵¹ project – European Action for Compensation for Trafficked Persons (2009-2012). As an umbrella initiative grouping together more than 15 NGOs, COMP.ACT contributed to bring about systematic and practical changes in the EU that would ensure trafficked persons obtaining compensation for the harm suffered and the unpaid work they had been forced to carry out.

The role of the financial sector in combating trafficking in human beings

Trafficking in human beings is a vast, complex, and highly profitable crime, which is at the core financially motivated. According to the International Labour Organisation (ILO), this illegal business was estimated at a worth of around \$150 billion a year.¹⁵² Often, efforts to combat trafficking in human beings focus on the crime itself and less on the financial proceeds derived from and invested in it. Financial investigation as a promising anti-trafficking tool as it is, currently lacks expertise and coordination between law enforcement officers and financial investigators.¹⁵³ Financial institutions have a key role to play in the fight against this illicit global crime. As traffickers

exploit the formal banking system to spend, transfer and launder illegal funds, financial institutions have access to data that can be used to identify cases of exploitation and provide the corroboration needed to disrupt it and prosecute those responsible. Confiscating finances derived from this crime will not only disrupt the traffickers' business model but the illegal profits can and should be invested into the assistance of victims as a form of compensation. Hence, the goal is to transform trafficking in human beings from a low risk, high reward business to a high risk, low reward crime, by countering the perceived impunity of human traffickers.

150 The Critical Role Of Civil Society In Combating Trafficking In Human Beings, available [here](#).

151 COMP.ACT - European Action Pact for Compensation for Trafficked Persons, available [here](#).

152 Economics of forced labour, available [here](#).

153 Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings, available [here](#).

Efforts to combat trafficking in human beings by following the money are rare and isolated, therefore in 2019, the Organisation for Security and Co-operation in Europe (OSCE) collaborated with the Secretariat to the Liechtenstein Initiative to develop *Following the Money: A Compendium of Resources and Step-by-Step Guide to Financial Investigations related to trafficking in Human Beings*. This Compendium was produced based on the Liechtenstein Initiative's *Blueprint for Mobilizing Finance Against Slavery and Trafficking*¹⁵⁴, which identifies five goals that serve as a framework for the financial sector in their anti-trafficking efforts. The five goals include (1) Compliance with laws against modern slavery and human trafficking; (2) Knowing and showing modern slavery and human trafficking risks; (3) Using leverage creatively to mitigate and address modern slavery and human trafficking risks; (4) Providing and enabling effective remedy for modern slavery and human trafficking harms and (5) Investment in innovation for prevention. This Blueprint gave rise to the Finance Against Slavery and Trafficking (FAST) Initiative, which currently undertakes research and trainings and advises on the implementation of the goals.¹⁵⁵

Such frameworks are designed to serve as models for operations. Cross-sectoral partnerships are

paramount in the fight against traffickers of human beings. A collaborative effort will provide law enforcement and international authorities with access to data that is usually in the hands of the private and banking sectors. This data serves as indicators of financial footprints of human trafficking, especially for prosecutors. Often we find that insufficient evidence, dependence on victim testimony and lack of cooperation between law enforcement agencies become obstacles in the prosecution of perpetrators. Hence, "financial evidence can, for example, assist in identifying victims and alert authorities even before receiving a victim's report; it can corroborate a victim's testimony and provide additional context as to the scope of criminal activity; and it can help to identify associates and institutions that may be complicit in the crime."¹⁵⁶ The private sector serves as a contact point for trafficking in human beings and the financial service industry, thus all anti-trafficking response systems must build partnerships with the private sector to accomplish the goals summarised above. Likewise, the private sector has a strong incentive to identify and eliminate the misuse and exploitation of their businesses for the purpose of trafficking in human beings and can therefore benefit from partnerships with the public sector, especially law enforcement.

Harnessing technology to combat trafficking in human beings

Perpetrators of trafficking in human beings are increasingly using technological advancements to benefit their criminal endeavours, from the recruitment, movement tracing, advertising, to the exploitation of victims, adapting their practices as technology advances. Precisely because technology is a tool often used by traffickers to simplify and facilitate the operations, it is of utmost significance to use the same tool to identify and prosecute the

traffickers as well as to protect the victims. The internet serves as the perfect business platform for perpetrators of trafficking in human beings, not only facilitating their operations and providing them access to a larger digital market, but also removing themselves from the illegal transactions, victims, and buyers in order to avoid criminal liability and thus reducing the risk. The decreased risk factor does not only apply to the seller but also the buyers,

154 A Blueprint for Mobilizing Finance Against Slavery and Trafficking, available [here](#).

155 FAST Initiative. The Blueprint, available [here](#).

156 *Following the Money. A Compendium of Resources and Step-by-Step Guide to Financial Investigations Related to Trafficking in Human Beings*, available [here](#).

who are now able to indulge in illegal services without any consequences. This means an increase in demand, which increases supply and thus leads to an overall increase in the frequency of transactions. The exploitation of victims of trafficking in human beings is made possible due to the violent control and manipulation of their perpetrators. To maintain control and influence over their victims, traffickers use various technologies to blackmail, threaten and isolate the victims. Lastly, cryptocurrency is a form of digital money that the traffickers use to hide financial traces. The use of cryptocurrency to move and receive payments is recently becoming more common. Thus, technology and its many advancement has provided traffickers with the anonymity to operate without scrutiny and consequence.

Even though technology-based solutions to trafficking in human beings subsist, there is very little awareness about existing tools, which increases the risk of disconnected efforts and duplication. Against this backdrop, in 2018, a coalition of technology companies and relevant stakeholders established Tech Against Trafficking (TAT), to advance the use of technology to prevent trafficking in human beings. In order to enable tool discovery, gap identification, and technology advocacy, TAT designed the Interactive Map of anti-trafficking tools, a global landscape mapping of technology tools hosted in Microsoft BI. The map currently encompasses 300 anti-trafficking technology tools and allows users to search tool categories, including victim/trafficker identification, supply chain management,

awareness raising and data trends and mapping.¹⁵⁷ Similarly, the Traffik Analysis Hub (TA Hub) designed a data collection and analysis platform for evidence-based policy-making with the common goal in preventing human trafficking. This tool is hosted in a secure IBM Cloud environment, and uses the highly advanced technologies of IBM Watson Artificial Intelligence (AI), to provide secure data formatting, analysis and outputs.¹⁵⁸

Recently, the COVID-19 health crisis has resulted in further digitalisation of trafficking operations, both in terms of recruitment and exploitation, a trend that is likely to continue after the pandemic is over. Being that almost a third of trafficking victims are children¹⁵⁹, particularly in the case of sexual exploitation, this allows traffickers to groom their victims via social media applications and other digital platforms. Against this backdrop, we have seen the development of several technological tools to support in the prevention and fight of trafficking in human beings, most commonly used for victim/trafficker identification, awareness raising and education and data trends and mapping.¹⁶⁰ Thus, even though the tools exist, many either are outdated, duplicates or lack a wider and holistic purpose; therefore, future collaborations are paramount to enable technologists to apply their work toward capabilities needed most by the community. Thoughtfully designed technology has the power to disrupt illicit operations and to empower the public sector to invest further in the development of useful technological tools to combat trafficking in human beings.

Conclusion

As outlined in the previous paragraphs, partnership lays a foundation for any meaningful intervention to

address the challenges of modern-day slavery as it allows for effective coordination and ensures constant

157 Tech Against Trafficking. Interactive Map, available [here](#).

158 Traffik Analysis Hub, available [here](#).

159 Rising Human Trafficking Takes On 'Horroric Dimensions': Almost A Third Of Victims Are Children, available [here](#).

160 Leveraging Innovation To Fight Trafficking In Human Beings: A Comprehensive Analysis Of Technology Tools, available [here](#).

innovation to face such a fast-changing crime. However, long-lasting and inclusive partnerships are not easy to achieve and to maintain. Many elements, such as partners' divergent interests, power dynamics, changing leaderships, lack of political will, poor legal framework and unclear communication, to mention a few, are likely to undermine their functioning and sustainability. To productively deal with some of the challenges facing internal and external collaboration, partnership should be inclusive, based on clear legal and policy frameworks, functional communication and data sharing, supported by partners' willingness to engage, and mechanisms for constant revision and update. While effective collaboration is more easily conceptualised than accomplished, several tools are conducive to establishing a culture of collaboration both at national and international level. Multi-stakeholder meetings, webinars, workshops and specific training focusing on the wide spectrum of anti-trafficking issues are essential to engage a variety of actors, identify main gaps in the existing strategies and therefore to set the ground for improving existing partnership and creating new ones. Being able to clearly outline the incentives and benefits (as well as the negative implications), for the various actors to commit resources (human capital, finances, knowledge) to something as resource-intensive as meaningful partnerships is paramount in this regard.

Although the challenges to fostering partnership with the financial sector to combat trafficking in human beings are considerable, all actors involved should take steps to address the challenges and potential to combating illicit operations. National authorities should consider adapting the legal and institutional framework, enhancing the resources and capabilities of investigative authorities, tapping the full potential of financial analysis and investigations, improving inter-agency and international co-operation, as well as working

directly with Financial Institutions to improve the quality and usefulness of suspicious transaction reports (STRs). Further, the financial sector should consider enhancing their collaboration with law enforcement agencies, using risk models and developing proactive measures to identify trafficking-related activities. Similarly, NGOs should continue to increase awareness raising efforts, and continue close cooperation with law enforcement.¹⁶¹

In order to maximise the value of technology-based solutions, while ensuring that ethical considerations are fully addressed, relevant actors must act accordingly. National authorities should consider applying policies and legislation to mitigate the misuse of technology, supporting technology-based solutions to trafficking in human beings by incentivising the positive use of tools and increasing resources invested into the awareness raising and training of law enforcement agents for a more effective use of tech-based solutions. Technologists, on the other hand, should consider aligning their work with existing initiatives, while also engaging the target group in the development process and being well informed of changes and advancements in both the technology and trafficking context.¹⁶²

In conclusion, partnership has an overarching role in creating and enhancing synergies, avoiding duplication, and ensuring a domino effect throughout the network of concerned actors. The cooperation among state institutions, NGOs, and the private sector to share promising practices, international, and national legal frameworks regarding government obligations and businesses responsibilities, as well as new trends and developments is of utmost urgency to fight trafficking in human beings. A cross-sectoral and coordinated approach to combating trafficking in human beings results in holistic perspectives and maximised results.

161 Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings, available [here](#).

162 Leveraging Innovation To Fight Trafficking In Human Beings: A Comprehensive Analysis Of Technology Tools, available [here](#).



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