



Review of UNHCR's  
efforts to prevent and  
respond to human  
trafficking

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## Table of Contents

Executive Summary .....	1
1: Introduction.....	5
2: UNHCR exposure to trafficking.....	9
3: Development of UNHCR policy on trafficking.....	11
4: Human resources dedicated to prevention and response activities.....	17
5: UNHCR staff understanding and support of UNHCR policy .....	23
6: Training opportunities for UNHCR staff.....	27
7: UNHCR handbooks, manuals and guidelines .....	35
8: Implementation of UNHCR policy on trafficking .....	43
9: Internal reporting on trafficking activities.....	67
10: Interagency Cooperation.....	71
Annex 1: List of people that have been consulted during the review.....	79
Annex 2: List of UNHCR materials reviewed .....	86
Annex 3: Terms of Reference .....	90
Annex 4: Steering Committee .....	93
Annex 5: Situation of trafficking in the selected countries .....	94
Annex 6: Bibliography of research on refugees and trafficking .....	113
Annex 7: UNHCR research on trafficking .....	116
Annex 8: International organizations working on anti-trafficking .....	117
Annex 9: UNHCR Trafficking Focal Points .....	123
Annex 10: UNHCR good practices .....	126
Annex 11: Tool for follow up suggested recommendations.....	136
Annex 12: List of Acronyms.....	143



## **Executive summary**

In response to the High Commissioner's Dialogue on Protection Challenges, the UNHCR Policy Development and Evaluation Service (PDES) undertook a review of UNHCR's efforts to prevent and respond to human trafficking as relates to persons of concern. The purpose of the review is to determine if UNHCR has an adequate policy on trafficking as relates to persons of concern and how that policy is being implemented.

UNHCR has a responsibility to ensure that persons of concern do not fall victim to trafficking and to ensure that individuals who have been trafficked or who fear trafficking have access to the asylum procedure. Trafficking as relates to persons of concern represents one of the many protection issues for which UNHCR staff is responsible worldwide. It is important to note that much of UNHCR's protection work does serve to prevent trafficking and to ensure access to international protection. The purpose of this review though is to focus primarily on those activities specifically designed by UNHCR to prevent and respond to trafficking as relates of persons of concern.

UNHCR has an established policy on trafficking as relates to persons of concern. This policy is represented in a variety of documents and most clearly reflected in the Trafficking Guidelines.<sup>1</sup> The guidelines, however, focus primarily on issues relating to the adjudication of asylum claims based on trafficking as the alleged persecution and are quite lengthy. Although they do mention factors which may place certain refugees and other persons of concern at greater risk of trafficking than others, they do not address prevention issues in any significant detail. For this reason, a short guidance note should be developed which complements the guidelines, elaborating on UNHCR's prevention and protection role as relates to trafficking and persons of concern. Such a document will be helpful to clearly explain UNHCR policy and act as an important reference for all relevant stakeholders.

UNHCR staff have done a significant amount of work to implement UNHCR policy on trafficking as relates to persons of concern. However, UNHCR's implementation of its policy has generally been inconsistent. Some offices and regions have done quite a bit of work on trafficking while others have done little or no work. Some staff believe that greater focus should be directed towards the issue while others believe that the limited resources under which they operate should not be diverted from other more pressing protection issues. Most of the staff interviewed for this report demonstrated a sound understanding of trafficking and UNHCR policy but they commented that many of their colleagues have little knowledge of the issue. The recommendations in this report, if implemented, should contribute to a more consistent approach to implementation of the policy throughout the organization.

In general, UNHCR has devoted limited resources to trafficking as relates to persons of concern. Although many field offices have designated focal points to work on trafficking issues, the majority have not. Staff who have been designated as trafficking focal points devote an average of 5% of their time to trafficking issues. Only one bureau at headquarters has specifically designated a staff person as

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<sup>1</sup> Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked , 7 April 2006.

trafficking focal point and is active in maintaining communication with its field offices on trafficking issues. UNHCR has designated a trafficking focal point within POLAS to work on the issues at headquarters in Geneva. Trafficking constitutes only a small part of the POLAS focal point's portfolio. Most staff reported being unable to devote adequate time to trafficking issues as relates to persons of concern due to the amount of other protection-related work for which they are responsible. In order to effectively mainstream UNHCR policy throughout the organization, additional staff and staff time are needed.

A small number of programs designed to train UNHCR staff do contain helpful and adequate information on trafficking as relates to persons of concern. But the majority of the programs need to be updated in order to better address the issue in greater depth. Although a number of staff interviewed have participated in UNHCR training programs, many reported that they were unaware of the different UNHCR training programs. Some staff have participated in external trainings on trafficking which they have found helpful. Given the small number of those who have participated in training, it is important that senior management create opportunities for their staff to participate in both internal and external training programs in order to improve their knowledge of protection generally and, more specifically, of trafficking as relates to persons of concern.

A number of UNHCR handbooks, manuals and guidelines address the issue of trafficking as relates to persons of concern. Several of the publications provide practical and helpful information to guide staff when confronted by trafficking issues in the field. The Trafficking Guidelines, in particular, serve as an excellent resource for decision-makers to use in analyzing and adjudicating asylum claims based on trafficking. However, the majority of relevant handbooks, manuals and guidelines examined as part of this review contain little reference to trafficking as relates to persons of concern. There is no need for UNHCR to create any additional, stand-alone guidance on trafficking. But there is a need to update the publications mentioned in this review and any other materials which the UNHCR POLAS trafficking point believes necessary in order to better reflect trafficking as a protection concern within the organization and to provide guidance to staff and others on how to address the issue as relates to persons of concern.

UNHCR staff and its implementing partners have done an impressive amount of work thus far to implement UNHCR policy as relates to trafficking and persons of concern. They have been involved in a variety of activities related to preventing victims of concern from falling into trafficking. These activities include: advocacy to promote asylum-sensitive anti-trafficking legislation; specific advocacy interventions to prevent trafficking of persons of concern; resettlement as a solution to prevent trafficking of refugees; research addressing the risks of trafficking faced by refugees and others of concern; awareness-raising among refugee and IDP populations on the risks of trafficking; and, identification of persons of concern at risk of trafficking.

UNHCR staff has also been quite active in their efforts to ensure that victims or potential victims of trafficking have access to asylum procedures, mostly focusing in training government officials and other relevant stakeholders on the link between asylum and trafficking. Some offices have also used resettlement as a solution to protect trafficking victims identified as refugees. Almost all offices who participated in this review reported that they had shared the Trafficking Guidelines with

government officials in charge of refugee issues. Several governments have entertained and granted asylum based on a fear of trafficking. However, UNHCR itself in its RSD operations has entertained very few applications based on trafficking despite taking the lead in creating important guidance on this issue. In order to access those trafficking victims or potential victims who may have a claim for refugee status, UNHCR should carry out greater outreach within the countries in which they operate in order to raise awareness of its protection role as relates to trafficking and persons of concern.

Regarding interagency cooperation, there has been significant cooperation between UNHCR staff and external actors at the field level. This cooperation has taken the form of: participation in working groups on trafficking; the creation and implementation of referral mechanisms; joint trainings carried out by UNHCR and others on trafficking; and, joint projects to provide protection and assistance to trafficking victims. Cooperation at headquarters level has focused on participation in working groups, international advocacy efforts and information sharing. Currently, headquarters is working with IOM on the development of standardized guidelines and operational procedures for response to trafficking in the field. Interagency cooperation should continue and expand to include greater contact with organizations such as the International Labour Organization and others.

Prevention and protection work as related to trafficking and persons of concern should be given the necessary priority by UNHCR field offices consistent with the context of the problem in the countries in which they operate. This review does not suggest that trafficking should take any greater or lesser priority than other protection issues. However, it is important that UNHCR field offices assess the situation of trafficking as relates to persons of concern in their countries and then plan on which prevention and protection responses are most appropriate given that assessment.

Finally, it is recommended that the Assistant High Commissioner for Protection and the Director of the Department of International Protection Services with the support of PDES review this report and determine which recommendations are to be implemented.<sup>2</sup> The Executive Office will then issue instructions with regard to how implementation will be carried out.

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<sup>2</sup> Appendix 11 contains a chart summarizing the recommendations resulting from this review.



# 1: Introduction

## Background on trafficking and UNHCR's role

1. Kaung, who was born in Thailand of Burmese parents, was ten years old when a trafficker paid his estranged father 1,000 baht (US\$25) for him while his mother was temporarily away from home. The trafficker then resold him to a gang that operated begging rings in Bangkok. Kaung lived with two other boys and one girl while working in a begging gang. They were locked in the home of the traffickers, where they slept on the floor with no blankets or mosquito netting. Each day, the traffickers gave Kaung approximately one cup of ramen noodles, which he had to share with another boy. This was his only food, leaving him constantly hungry. [...] the traffickers beat him with a metal rod, stuck him with needles and burnt him with cigarettes. He also witnessed severe abuses against the other children. The traffickers took one of the boys away one day. When he came back, he no longer had hands or feet. Kaung believes that the traffickers had severed his limbs to keep him from running away.<sup>3</sup>

2. Kaung is just one of thousands of trafficking victims from around the world facing abuse and exploitation with little prospect of help. Human trafficking can take different forms in different regions and countries world-wide. However, most trafficking follows a similar pattern. Traffickers use acquaintances or false advertisements to lure men, women and children and then transfer them to another city, region or country for exploitation. Trafficking victims are recruited or transported through the use of force, fraud, or coercion for the purposes of subjecting them to sexual exploitation, forced labour or the harvesting and sale of organs. In some cases, individuals may freely enter into an agreement with traffickers to help them cross international borders. However, after arrival in their destination country, they are exploited by the traffickers who take advantage of their lack of knowledge about the culture or their inability to speak the language. Traffickers exploit their victims' fears by telling them that they will be deported if they seek help from the government or the police. Trafficking victims are forced to work in both private and public sectors and often under dangerous conditions.

3. Traffickers control their victims by physically confining them, confiscating their identity documents and threatening their families. Trafficked children are forced to beg for money in cities, work in sweatshops, on farms and in people's homes. Trafficked children are also exploited sexually and forced to participate in pornography. Trafficked women are forced into slave-like conditions as domestic servants, strip club dancers and prostitutes. Trafficked men are often forced into working in the agricultural sector and on fishing vessels.

4. Although there is a wide range of estimates regarding the extent of the problem, it is difficult to state with a high degree of certainty how many trafficking victims there are worldwide. The International Labour Organization (ILO) estimates that 2.5 million men, women and children are victims of trafficking at any point in

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<sup>3</sup> Women's Commission for Refugee Women and Children, *Abuse without End: Burmese Refugee Women and Children at Risk of Trafficking*, New York (January 2006), p. 1.

time and that at the very least one-third of these are trafficked for economic purposes other than sexual exploitation.<sup>4</sup> According to the United States Department of State, there are approximately 800,000 people trafficked annually across national borders. This number does not include the millions trafficked within their own countries.<sup>5</sup>

5. In the refugee and displaced persons context, there is little research on the number of trafficking victims who may be persons of concern to UNHCR.<sup>6</sup> However, several studies have found that a growing number of refugees and internally displaced persons (IDPs) are at risk of trafficking.<sup>7</sup> They often have little resources to provide for their needs and are vulnerable to opportunities offered to them by traffickers. Many have lost their traditional family and community support networks which could potentially protect them from traffickers. Refugees are often forced to turn to criminal networks – including trafficking rings -- to help them leave their homes as more and more countries adopt stricter visa and entry requirements. Additionally, victims or potential victims of trafficking may have a claim to refugee status depending on the facts of their cases and both the UNHCR and several governments have recognized such claims.

6. Given its concerns for refugees and other persons of concern at risk of being trafficked as well as the international protection needs of victims or potential victims, UNHCR first became actively involved in the issue in 1999 when it participated in international negotiations relating to the passage of the International Convention against Transnational Organized Crime and its two Protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.<sup>8</sup> UNHCR's commitment to address trafficking and protection issues has since been endorsed in several policy documents including the Agenda for Protection, the High Commissioners Dialogue on Protection Challenges, the 10-Point Plan of Action and in several Executive Committee Conclusions.<sup>9</sup> In 2006, UNHCR published formal guidelines addressing the issue of eligibility for refugee status of trafficking victims.<sup>10</sup> For the first time, the organization clearly enunciated its responsibility on trafficking as relates to persons of concern. First, UNHCR is required to prevent persons of concern from falling into trafficking. Second, UNHCR is to ensure that trafficking victims have access to asylum procedures and accompanying protections.

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4 ILO, Global Report Under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work, Geneva, 2005, p. 46.

5 U.S. Department of State, Trafficking in Persons Report, Washington, D.C., 2008, p. 7.

6 Persons of concern to UNHCR are: refugees; returnees; asylum seekers; internally displaced persons; stateless persons; and, others of humanitarian concern.

7 See Appendix 6 for reports which address the link between trafficking and displacement. See Appendix 7 for a list of UNHCR reports addressing the issue.

8 United Nations Convention Against Transnational Organized Crime, U.N. GOAR, 55th Sess., Annex 1, U.N. Doc. A/55/383 (2000); Protocol Against the Smuggling of Migrants by Land, Sea and Air, U.N. GAOR, 55th Sess., Annex 3, U.N. Doc. A/55/383 (2000) (hereinafter "Smuggling Protocol"); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, G.A. Res. 55/25, U.N. GAOR, 55th Sess., Annex 2, U.N. Doc. A/RES/55/25 (2002) (hereinafter "Trafficking Protocol").

9 See Chapter 3, Development of UNHCR policy on trafficking.

10 Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, 7 April 2006 (hereinafter "Trafficking Guidelines").

7. Given UNHCR's growing concern for victims or potential victims of trafficking who may come under its mandate, the UNHCR Policy Development and Evaluation Service (PDES) along with the Division of International Protection Services (DIPS) agreed to carry out a review of activities undertaken in the field and at headquarters to assess compliance with its prevention and protection obligations. This review addresses the following topics:

- Development of UNHCR policy on trafficking as relates to persons of concern
- Staff understanding, knowledge and competency on trafficking issues
- Staff support for UNHCR policy on trafficking as relates to persons of concern
- UNHCR guidelines, handbooks and manuals addressing trafficking
- Implementation of UNHCR policy on trafficking as relates to persons of concern
- UNHCR good practices
- Inter-agency cooperation on trafficking issues

### **Methodology of the review**

8. This review was initially prompted by the High Commissioner's Dialogue on Protection Challenges whose purpose was to identify protection gaps facing persons of concern to UNHCR. The purpose of this review is to evaluate UNHCR policy on trafficking as relates to persons of concern and to determine if and how this policy is being implemented at both field and headquarters level. It is important at the outset to highlight that many of the activities forming the basis of UNHCR's general protection work serves to prevent trafficking of persons of concern and to provide international protection to qualifying victims or potential victims of trafficking, thereby protecting them from further harm. For example, income-generating activities provide vulnerable persons who may be targets of traffickers with the means to sustain themselves and their families. Education is one of the most important tools to protect boys and girls from the risk of trafficking. Documentation of all refugees and others of concern is both an important prevention and protection tool to address trafficking. However, this report will not address general prevention or protection activities. Rather it will address activities taken in response to the specific protection challenge resulting from trafficking. This challenge demands coherent protection responses designed to empower persons of concern and, thereby, reduce their vulnerability to trafficking. This review looks at these responses.

9. The Terms of Reference for the review were developed by PDES in collaboration with POLAS in April 2008.<sup>11</sup> A Steering Committee was created for the purpose of reviewing and endorsing the terms of reference and for monitoring the progress of the review.<sup>12</sup> The review has been carried out by a PDES staff member and an independent consultant.

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11 See Appendix 3, Terms of Reference.

12 See Appendix 4, Steering Committee List.

10. The review is based on qualitative interviews with internal and external key stakeholders and a literature review of a wide range of materials prepared by units at Headquarters and by field offices, as well as by international organizations, regional bodies, non-governmental organizations (NGO)s, universities and academics.<sup>13</sup> Questionnaires were drafted, addressing the issues listed in the Terms of Reference, and used as a guide in carrying out the interviews. The evaluators carried out in-person interviews with stakeholders located in Geneva. All other interviews were carried out by telephone or through e-mail correspondence.

11. Relevant staff in headquarters and two UNHCR liaison offices provided information on issues relating to policy, guidelines and training. In order to obtain a global overview of field activities to prevent and respond to trafficking as relates to persons of concern, forty-three UNHCR field offices were selected to be interviewed. Selection was based on three factors. First, the selected field offices were chosen because they are located in countries which have been identified as source, transit and destination countries for international human trafficking or because there is a large amount of internal trafficking in the country where persons of concern face a risk of trafficking.<sup>14</sup> Second, several of the countries, primarily located in Europe, were selected because they have a track record of involvement in trafficking issues and have created good practices relating to prevention and protection of trafficking victims. Third, many of the field offices selected were suggested for inclusion in the review by the UNHCR Regional Bureaus.

12. Aside from UNHCR staff, the evaluators also contacted personnel from the following international organizations: International Organization for Migration (IOM); the International Labour Organization (ILO); the Office of the High Commissioner for Human Rights (OHCHR); the UN Office on Drugs and Crime (UNODC); United Nations Children's Education Fund (UNICEF); and, the organization for Security and Cooperation in Europe (OSCE). Representatives from five major international non-governmental organizations were also interviewed about their collaboration with UNHCR on trafficking issues and their opinions of UNHCR activities relating to trafficking and persons of concern.<sup>15</sup>

13. This review has been undertaken in accordance with UNHCR's evaluation policy, as well as the United Nations Evaluation Group (UNEG) Norms and Standards for Evaluation in the UN System.<sup>16</sup>

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<sup>13</sup> See, Appendix 1 for a list of persons that have been consulted during the review and Appendix 2 for a list of documents reviewed.

<sup>14</sup> See, Appendix 5, Brief description of trafficking situation in the selected countries.

<sup>15</sup> Women's Commission for Refugee Women and Children, International Catholic Migration Commission, La Strada, International Rescue Committee and Terres des Hommes International Federation.

<sup>16</sup> These norms are available on the home page of the United Nations Evaluation Group at <http://www.uneval.org>.

## 2: UNHCR exposure to trafficking

14. UNHCR staff are exposed to trafficking in a variety of circumstances. UNHCR operates in source, transit and destination countries for trafficking.<sup>17</sup> Several countries are source, transit and destination countries at the same time. The transnational trafficking routes go from less developed countries to more developed countries.

15. In addition, persons are also trafficked transnationally from one developing country to another. There is a significant number of internally trafficked persons, especially in the developing countries where UNHCR works. Internal national trafficking routes normally go from less prosperous regions or cities to the more prosperous ones. Countries such as Colombia, the Democratic Republic of the Congo (DRC), Nepal, Thailand, Sudan and Afghanistan have a significant amount of internal trafficking with trafficking routes going from the country side to big cities.<sup>18</sup>

16. UNHCR staff report contact with trafficking, trafficking victims and traffickers in different occasions and in different settings where UNHCR operates. Staff come into contact with trafficking situations in refugee camps, asylum centres and collective centres. UNHCR staff report that they suspect that persons of concern to UNHCR have been targeted by traffickers in reception centres and in refugee camps. UNHCR Nepal reports that there have been a couple of cases where refugees from UNHCR camps have been trafficked from the camps. Bhutanese women are generally the victims and are brought to India or big cities in Nepal. They are sexually exploited in brothels. UNHCR Thailand reports that there have been cases of Burmese refugees from UNHCR camps that have been trafficked internally in Thailand. The Thai authorities increasingly inform UNHCR about these cases and the victims can be returned to the camps.

17. During their work with refugees and other persons of concern, staff run the risk of encountering recruiters for traffickers among the persons of concern to UNHCR. For example, UNHCR Nepal suspects that traffickers use refugees in camps to assist traffickers in identifying and recruiting the most vulnerable refugees.<sup>19</sup>

18. Traffickers in Bosnia, the Czech Republic, Spain and Switzerland sometimes force their victims to apply for asylum based on fraudulent claims in order to legalize their stay in the country. UNHCR staff members that have worked in Bosnia report that traffickers sometimes accompanied victims to the asylum interviews to control the stories the victims were telling. This is discussed in the UNHCR study on trafficking and asylum seekers in the Czech Republic. The study notes:

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17 For more information on the situation of trafficking worldwide, see, U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., 2008. A description of the situation of trafficking in the countries included in this review is contained in Appendix 5.

18 See, U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., 2008.

19 This is illustrated by an IOM study which describes how refugees become traffickers themselves, recruiting close friends or families as a survival mechanism. According to the study traffickers in South Africa are refugees that recruit victims from the refugee-producing countries in Africa to come to South Africa. See, IOM, *The Trafficking of Women and Children in the Southern Africa Region*, Geneva, 2003.

*“Owners of nightclubs are aware that during police checks they are most likely to lose prostitutes staying in the Czech Republic illegally. It is therefore in their interest to arrange for the stay of the trafficked woman to become legalised. An asylum application is one of the solutions.”*<sup>20</sup>

19. At times, staff come into direct contact with trafficking victims during refugee status determination (RSD) interviews. A small number of offices report that that staff have done RSD interviews with trafficking victims seeking asylum. Some staff feel that this presents a security risk as traffickers sometimes force victims to file an asylum claim. Despite these fears, no staff reported any threats from traffickers. The UNHCR study in the Czech Republic highlights that trafficking victims who file legitimate claims based on the trafficking experience face threats from their traffickers because such claims could jeopardize their businesses.<sup>21</sup> UNHCR staff also comes into contact with trafficking victims when victims with a potential international protection need are referred to an UNHCR office by other international organizations, NGO's or governments.

20. UNHCR staff are thus working in an environment and in a field where they are potentially exposed to meeting several actors from the trafficking environment ranging from traffickers to the victims themselves. UNHCR staff meet these actors in different settings in the work they are doing. Contact with both victims and traffickers can pose a potential risk for UNHCR staff if they are not aware of how to safely operate in a highly criminal environment.<sup>22</sup>

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<sup>20</sup> UNHCR, *Women Asylum Seekers and Trafficking*, Prague, 2001.

<sup>21</sup> This is illustrated by an IOM study which describes how refugees become traffickers themselves, recruiting close friends or families as a survival mechanism. According to the study traffickers in South Africa are refugees that recruit victims from the refugee-producing countries in Africa to come to South Africa. See, IOM, *The Trafficking of Women and Children in the Southern Africa Region*, Geneva, 2003.

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### 3: Development of UNHCR policy on trafficking

21. Over the years, UNHCR has increasingly expressed concerns regarding the international protection needs of victims or potential victims of trafficking. In the UNHCR Global Appeal for 2005, the High Commissioner noted that the challenge of curtailing irregular flows and human trafficking would remain a priority for the organization over the following year. UNHCR has recognized trafficking as a threat to the well-being of persons of concern and has committed to strengthen a range of activities geared towards empowering and protecting them. This commitment is highlighted in the many documents discussed below. The purpose of this chapter is to discuss the historical development of UNHCR's policy on trafficking as relates to persons of concern and to determine if an adequate policy on trafficking exists within the organization.

#### **Convention against Transnational Organized Crime and its protocols**

22. In 1999, UNHCR staff began monitoring developments of the Ad-hoc Committee created by the UN General Assembly to elaborate the International Convention against Transnational Organized Crime and its Trafficking and Smuggling Protocols. UNHCR staff participated in the drafting process, in the form of oral interventions during the sessions of the Ad-Hoc committee in Vienna, and by lobbying relevant issues informally with States' delegations.<sup>23</sup>

23. As a result of UNHCR's advocacy work as well as that of other organizations, a savings clause was included in the Trafficking Protocol, to guarantee respect for trafficking victims' rights under international law, especially as relates to rights contained in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.<sup>24</sup> The savings clause, contained in Article 14 of the Trafficking Protocol, provides as follows:

*Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.*

24. This clause provides important protections to trafficking victims who may qualify for refugee status as it recognizes their rights to do so.

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23 For more on the advocacy work done by UNHCR, see, Mission Report on the Eighth Session of the Ad Hoc Committee on the Elaboration of a Convention Against Transnational Organized Crime concerning the Revised draft Protocol against the Smuggling of Migrants By Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, Vienna , 28 February - 3 March, 2000 (on file with authors).

24 UNHCR and others succeeded in having a savings clause contained in the Smuggling Protocol. A saving clause is a provision exempting from coverage something that would otherwise be included. It is generally used to preserve rights and claims that would otherwise be lost.

## **Agenda for Protection**

25. The Agenda for Protection was adopted by States in 2002 as a common UNHCR and State action plan to improve refugee protection worldwide. One of its six objectives calls for protecting refugees within broader migration movements. Goal 2, Objective 2 of the Agenda calls for strengthened international efforts to combat smuggling and trafficking. In adopting this goal and objective, UNHCR recognized the increasing importance of addressing the issue of trafficking within the wider refugee protection framework. The objective calls on States to consider acceding to the 2000 United Nations Convention against Transnational Organized Crime and its Protocols. It also calls on States to ensure that trafficked persons have access to asylum procedures within their systems, especially women and girls. Finally, it calls on UNHCR to convene an experts meeting to focus on the needs of trafficked children.

## **UNHCR Trafficking Guidelines**

26. Shortly after the Agenda for Protection was issued, UNHCR headquarters staff began to draft international protection guidelines to address the issue of trafficking and asylum. In April 2006, the Trafficking Guidelines were released and clearly stated UNHCR's understanding and interest in trafficking as relates to persons of concerns.<sup>25</sup> The Trafficking Guidelines do not constitute a policy document but certainly reflect UNHCR's policy on the issue.

27. The Guidelines highlight that UNHCR's involvement on the issue of trafficking is based upon its international mandate for the protection of refugees, asylum-seekers, internally displaced persons, stateless persons and other persons of concern.<sup>26</sup> According to the Guidelines, UNHCR's involvement is two-fold:

- First, UNHCR has a responsibility to ensure that refugees, asylum seekers, IDPs, stateless persons and other persons of concern do not fall victim to trafficking.
- Second, UNHCR has a responsibility to ensure that individuals who have been trafficked and who fear persecution if returned to their country of origin, or persons who fear being trafficked, whose claim to international protection falls within the refugee definition, are recognized as refugees and afforded international protection.

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<sup>25</sup> Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked , 7 April 2006. See, also, Inter-Office Memorandum No. 29/2006/Field-Office Memorandum No. 29-2006 (7 April 2006). The guidelines are intended to provide legal guidance for governments, legal practitioners, decision-makers and the judiciary, as well as UNHCR staff in carrying out refugee status determination in the field.

<sup>26</sup> UNHCR's efforts are mandated by the Statute of the Office of the United Nations High Commissioner for Refugees and guided by the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

## **The High Commissioner's Dialogue on Protection Challenges**

28. The First Dialogue on Protection Challenges convened by High Commissioner Antonio Guterres in December 2007 focused on refugee protection, durable solutions and international migration. In preparation for the Dialogue, a discussion paper was drafted addressing the issue of refugee protection in the context of international migration.<sup>27</sup> The paper specifically discusses human trafficking and smuggling. It recognizes that while victims of trafficking do not leave their countries in search of international protection, they may become persons of concern to UNHCR by virtue of human rights violations experienced during the trafficking process, coupled with the risk that they could be re-trafficked or subjected to trafficking if returned to their home countries.<sup>28</sup> It reiterates UNHCR's objective to ensure that victims and potential victims of trafficking who have a fear of returning to their country of origin are identified and given access to asylum procedures. It also emphasizes UNHCR's responsibility to prevent persons of concern from becoming victims of trafficking.<sup>29</sup>

29. Identification of protection gaps was one of the themes which emerged during the Dialogue. Specifically, participants stressed the protection gaps affecting those individuals involved in mixed migration movements. During the dialogue, there were calls to protect the rights and welfare of people moving for reasons unrelated to refugee status, but who become vulnerable to abuse and exploitation during the course of their journey and following arrival. Although not specifically mentioned in the High Commissioners' summary of the Dialogue, this group logically includes victims of trafficking and smuggling networks. In recognition of a need to address this gap, the High Commissioner proposed the creation of an informal working group involving several international organizations and NGOs, to more closely examine the question of existing gaps, the different agencies that operate to fill these gaps and how better cooperation and partnership can address these gaps. The High Commissioner's emphasis on finding solutions to these gaps demonstrates the organization's continued commitment to its policy relating to trafficking and persons of concern.<sup>30</sup>

## **The 10-Point Plan of Action**

30. UNHCR's 10-Point Plan of Action is another document which provides further support for UNHCR's policy as relates to trafficking.<sup>31</sup> The 10-Point Plan is intended as a framework for cooperative action relating to refugee protection and mixed migration between affected States, governmental bodies, regional and international organizations as well as local and international NGOs. The Plan is based on the Agenda for Protection and acts as a follow-up on the High Commissioner's Dialogue on Protection Challenges mentioned above.

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27 Discussion Paper - Refugee protection and durable solutions in the context of international migration, UNHCR/DPC/2007/Doc.02 (19 November 2007).

28 *Ibid.*

29 *Ibid.*

30 Additional support for UNHCR policy relating to international protection for trafficking victims or potential victims can also be derived from the various guidelines and policy documents relating to women and children. See, UNHCR Policy on Refugee Women (20 August 1990); UNHCR Five Global Priorities for Refugee Children (1997); UNHCR Policy on Refugee Children (6 August 1993); and, UNHCR's Five Commitments to Refugee Women (December 2001).

31 UNHCR, Refugee Protection and Mixed Migration: A 10-Point Plan of Action, Geneva, January 2007.

31. The plan sets out ten key areas in which UNHCR has an interest and plays a role; it is especially relevant to situations where refugees are at risk of refoulement, human rights violations and hazardous onward movements.<sup>32</sup> The 10-Point Plan is relevant to trafficking as it addresses mixed migration. There is a greater risk of persons of concern to UNHCR falling victim to traffickers as they often use illegal routes without appropriate safeguards in attempting to reach countries of asylum. The 10-Point Plan recognizes the dangers faced by people who are obliged to travel in this manner, placing their lives at risk and facing potential situations of exploitation and abuse. The plan sets out ten areas in which UNHCR has an interest and a particular role to play, and includes the following which are relevant to victims or potential victims of trafficking: 1) data collection and analysis; 2) creation of a protection-sensitive entry system to combat international crime including trafficking; 3) appropriate reception arrangements; 4) mechanisms for profiling and referral; 5) different processes and procedures to address people with special needs, including trafficking victims; and, 6) addressing secondary movements of refugees and asylum seekers.

32. UNHCR's commitment to the implementation of these points supports its policy to prevent persons of concern from falling into trafficking and to provide the necessary international protection where appropriate, such as access to asylum and protection against refoulement, to victims or potential victims of trafficking.

### **Executive Committee Conclusions**

33. Over the last several years, the UNHCR Executive Committee has expressed its concern over the dangers of trafficking and the need to provide adequate protection to persons of concern who may be subject to trafficking. Although there is no one specific conclusion which addresses prevention and protection as relates to victims or potential victims of trafficking, several conclusions do acknowledge that issues relating to trafficking may have implications for the protection of refugees and for the work of UNHCR.

- ExCom Conclusion No. 90 (LIV-2001): In a General Conclusion issued in 2001, the Executive Committee strongly condemned the trafficking of persons, especially women and children, and expressed concern that many victims of trafficking are rendered stateless due to an inability to establish their identity and nationality status.<sup>33</sup>
- ExCom Conclusion No. 96 (LIV-2003): In its Conclusion on the Return of Persons Found Not to Be in Need of International Protection, the Executive Committee recalled the emerging legal framework for combating criminal and organized smuggling and trafficking and noted that the special needs of women and children and those who are otherwise vulnerable should be considered as a matter of priority.<sup>34</sup> It also noted the savings clause

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<sup>32</sup> The ten points contained in the plan are: 1) cooperation among key partners; 2) data collection and analysis; 3) protection-sensitive entry systems; 4) reception arrangements; 5) profiling and referral; 6) differentiated procedures; 7) solutions for refugees; 8) secondary movements; 9) options for non-refugees; and, 10) information strategy.

<sup>33</sup> ExCom Conclusion No. 90 (LIV 2001) - General.

<sup>34</sup> Ex Com Conclusion No. 96 (LIV 2003) - Conclusion on the Return of Persons Found Not to Be in Need of International Protection.

included in the Trafficking and Smuggling Protocols, making reference to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the principle of non-refoulement.

- ExCom Conclusion No. 97 (LIV-2003): In its Conclusion on Protection Safeguards in Interception Measures, the Committee noted with concern the growth in trafficking and smuggling of persons and encouraged States to adopt measures to ensure the adequate treatment of asylum seekers and refugees among those persons intercepted by States. 35
- ExCom Conclusion No. 105 (LIV-2006): The Executive Committee recognized that women and girls may be exposed to certain risks, such as trafficking, in adopting this conclusion regarding the identification of women and girls at risk, prevention strategies and individual response and solutions. 36
- ExCom Conclusion No. 106 (LIV-2006): In its conclusion relating to reduction of statelessness, the Committee called upon States parties to the Trafficking and Smuggling Protocols to respect their obligation to assist in verifying the nationality of persons with a view towards issuing travel and identity documents and facilitating the return of such persons. 37
- ExCom Conclusion No. 107 (LIV-2007): In its Conclusion on Children at Risk, the Committee recognized trafficking as a risk factor faced by children, that child trafficking constitutes persecution and called on States, UNHCR and other relevant agencies and partners to work in greater collaboration to prevent children from being placed at heightened risk and respond through recommended prevention, response and solution measures. 38

34. A proposal for a conclusion relating to the protection of trafficking victims seeking asylum was drafted by the Department of International Protection Services in 2007.<sup>39</sup> The proposal focused on issues relating to criteria and mechanisms to identify and channel victims or potential victims of trafficking into the asylum process; examination of the roles and responsibilities of various stakeholders in ensuring protection of victims; review of special considerations in the reception and care of trafficking victims; and, consideration of durable solutions for trafficking victims, including the use of resettlement where applicable. Because of other thematic issues which were pending presentation to the Executive Committee, the draft trafficking proposal was not put forward.

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35 ExCom Conclusion No. 97 (LIV 2003) – Conclusion on Protection Safeguards in Interception Measures.

36 ExCom Conclusion No. 105 (LIV 2006) – Conclusion on Women and Girls at Risk. After the adoption of this conclusion, UNHCR committed to target 10% of its resettlement referrals towards women and girls at risk, including trafficking victims.

37 ExCom Conclusion No. 106 (LIV 2006) – Conclusion on the Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons.

38 ExCom Conclusion No. 107 (LIV 2007) – Conclusion on Children at Risk.

39 Informal Consultative Meeting, Proposals for an Executive Committee Conclusion on the Protection of Victims of Trafficking Seeking Asylum, Department of International Protection Services, 16 January 2007 (on file with authors).

## Conclusions and recommendations

35. The development of and commitment to UNHCR policy on trafficking as relates to persons of concern is clearly demonstrated by the documents, statements and activities carried out by UNHCR as discussed herein. Although not a formal policy document, the Trafficking Guidelines represent the only formal UNHCR document which clearly outlines its policy on trafficking as relates to persons of concern.<sup>40</sup> The responsibility defined in the Trafficking Guidelines sufficiently and succinctly describes UNHCR policy to prevent trafficking and protect victims and potential victims of trafficking who may be persons of concern to UNHCR. However, it focuses on providing legal guidance on possible refugee claims based on trafficking as persecution and provides little information on potential prevention activities. Based on the information discussed above and these conclusions, the following is recommended:

- UNHCR should create a short guidance note to complement what is already contained in the Trafficking Guidelines and to clearly explain its policy on trafficking as relates to persons of concern. Since UNHCR has a well-established policy on trafficking as relates to persons of concern, there is no need to create a formal policy document. Rather UNHCR should create a short document explaining this policy. This document should clearly state UNHCR policy on trafficking as discussed in the various documents discussed herein and as clearly laid out in the Trafficking Guidelines. It should include a more detailed discussion on what UNHCR means by prevention of persons of concern from falling into trafficking. Although the Trafficking Guidelines are an excellent resource as discussed later in this review, they are lengthy and are intended for use in refugee status determination procedures. The purpose of creating a shorter, more user-friendly document would be to act as a quick reference both internally and externally, explaining UNHCR policy on the issue and describing in greater detail what it means by prevention.
- UNHCR staff should promote the adoption of a conclusion by the Executive Committee relating to the access to protection of victims or potential victims in need of international protection. Adoption of such a conclusion would serve two important purposes. First, it would send a clear message to all stakeholders of UNHCR's commitment to its policy on trafficking as relates to persons of concern. Second, it would highlight the importance of ensuring that victims or potential victims of trafficking have access to asylum. This is especially important given governments' reluctance to consider such claims as well as the low number of cases presented in UNHCR's RSD operations.<sup>41</sup>

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40 Guidelines on International Protection are intended to provide authoritative legal guidance on the correct interpretation of the 1951 Convention relating to the Status of Refugees. They do not equate to an operational policy.

41 See RSD Procedures, § 8.9.

## 4: Human resources dedicated to prevention and response activities

36. This chapter discusses human resources dedicated to prevention and response activities relating to trafficking and persons of concern in UNHCR field offices and at headquarters. It also assesses whether sufficient staff, both in terms of quantity and quality, are allocated to work on the issue.

### UNHCR field offices

37. Trafficking is normally addressed as a protection issue and, thus, is dealt with by protection staff. Often, the gender and SGBV focal points within field offices also work on trafficking issues as relates to persons of concern. In other cases, trafficking is addressed by protection staff working on mixed migration flows.

38. Out of the 43 field officers interviewed, a total of 31 have designated certain staff to act as trafficking focal points. Twenty focal points were identified in Europe; five in the Americas; three in Asia; and, three in the MENA region. There are no designated trafficking focal points in field offices in Africa. The high number of designated UNHCR trafficking focal points in Europe is, in part, due to the Europe Bureau's efforts to promote designation of such focal points in each office. UNHCR field offices in the Americas have consistently designated trafficking focal points whereas this has not been done in other regions.

39. The vast majority of assigned trafficking focal points work as protection staff. Persons with different employment grades and responsibility act as focal points for trafficking within the organization. For example, the employment grade of the trafficking focal points ranges from United Nations Volunteers (UNV) to UNHCR Representatives. The trafficking focal points reported, according to their own estimates, that they spend anywhere from between one percent to thirty-five percent of their work time on issues related to trafficking. The vast majority, however, reported that they dedicate around five percent of their time to the issue. UNHCR field offices with no designated trafficking focal points report working on the issue on an ad hoc basis when a trafficking case arises. In these countries, trafficking is dealt with by the protection unit or community services.

40. UNHCR offices in Thailand, Nepal, Spain and Bosnia-Herzegovina report that trafficking issues have been mainstreamed in their operations. Therefore, all staff members are required to be familiar with trafficking issues and work on it from their perspective as protection and community services officers.

41. The majority of UNHCR staff members interviewed indicated that they would like more time to devote to trafficking issues but they find it difficult, if not impossible, given that their offices are often overloaded with other priorities. They reported that prevention and response activities relating to trafficking and persons of concern are often not considered a priority by UNHCR Representatives. Consequently, staff members are often removed from such assignments because

other issues are considered to be more pressing. It is important to note that this is not a problem specific to trafficking. UNHCR staff report being understaffed and under funded which impedes their ability to satisfactorily carry out the level of protection work expected from them in other areas as well.

42. The trafficking focal points reported that, in general, they do not share good practices or information with each other. There is a general lack of awareness of the identity of assigned trafficking focal points in other UNHCR field offices. Only a few of the trafficking focal points from field offices in Europe were aware of the other focal points in the region and accessed each other as a resource on questions related to trafficking. In general, there is little networking building within the organization on trafficking issues as relates to persons of concerns.

### **UNHCR Headquarters**

43. The regional bureaus in UNHCR headquarters have not systematically assigned a focal point to work on trafficking within each bureau. With the exception of the Europe Bureau, the issue is dealt with by the senior protection officer, senior legal advisor or the senior legal officer on an ad hoc basis. Only the Bureau for Europe has had one staff member from its policy unit assigned to trafficking issues as part of his or her job duties during the last five years.

44. The focal point in the Bureau for Europe estimates that three percent of her time is spent working on trafficking. She maintains contact with the trafficking focal points in the UNHCR field offices in Europe, and requests that they systematically report to the bureau on the trafficking situation in the countries where they operate. In addition, the trafficking focal point has produced training material for RSD officers in Europe which includes information relating to trafficking.<sup>42</sup> The Bureau encourages all of its staff members to direct part of their attention to the issue in their work. The UNHCR field offices in Europe report good contact with the trafficking focal point in the Bureau. Additionally, the senior protection advisor for the Americas maintains consistent contact with the field on trafficking issues. However, the other bureaus report little contact with field offices on trafficking issues.

45. Since 2000, responsibility for trafficking issues has been included in the job description of a staff member within POLAS. Trafficking-related work is but one of several areas assigned to the staff person who has been formally designated as the trafficking focal point at headquarters. The POLAS trafficking focal point is responsible for gathering and disseminating relevant information on trafficking, for participating in conferences on trafficking and for participating in inter-agency and NGO working groups focusing on trafficking issues. The focal point does not work full-time on the issue. Rather she is limited to devoting approximately five percent of her time in light of other responsibilities.

46. The limited amount of time combined with the press of other work affects the POLAS focal point's ability to assure that staff are sufficiently aware of UNHCR policy on trafficking as relates to persons of concern and to generally support implementation of the policy throughout the organization. It has also affected her

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42 UNHCR, Ensuring Gender Sensitivity in the Context of refugee Status Determination and Resettlement, Brussels, 2005.

ability to meaningfully participate in inter-agency efforts to combat trafficking. Several of the international agencies and NGOs interviewed as part of this review expressed concern at the limited amount of time and energy that headquarters dedicates to trafficking as relates to persons of concern and felt it weakens cooperation between agencies.

### **Perception of UNHCR allocation of human resources to trafficking issues**

47. A large number of interviewees stated that they believe UNHCR devotes too few human resources to the issue. Several interviewees, UNHCR staff as well as external partners, believe that the amount of staff time dedicated to trafficking issues suggests a weak commitment to the issue on the part of the organization. A number of interviewees noted that the majority of international organizations have at least one full-time staff person assigned to trafficking. It should be noted, however, that several of these organizations have a full-time mandate to address trafficking activities. Several mentioned that the lack of human resources dedicated to working with trafficking seems inconsistent with the organisation's stated responsibility to prevent people of concern from falling prey to traffickers and to ensure access to asylum for victims or potential victims of trafficking.

### **Conclusions and recommendations**

48. In general, UNHCR offices in Europe and the Americas have consistently designated trafficking focal points whereas the countries in Asia and in the MENA region have not. No field office in Africa has assigned specific staff to take responsibility for prevention and protection responses to trafficking as relates to persons of concern. A few offices have managed to mainstream trafficking within their general protection and community services work, thus promoting staff members with different capacities to include prevention and protection activities as part of their protection work.

49. Offices which have designated trafficking focal points, or which have mainstreamed prevention and protection activities in response to trafficking in their work, have taken a more pro-active approach to working on the issue. They tend to spend more time on trafficking issues, whereas the offices with no trafficking focal points are limited to working on the issue on an ad hoc basis. UNHCR field office staff are more involved in trafficking issues in countries where there already exists some form of national legislation providing protection for trafficking victims as well as already developed NGO networks dedicated to combating trafficking. This is the case in many European countries and to some extent in the countries in the Americas where UNHCR is or has been significantly involved in trafficking issues. Conversely, in countries in Asia, Africa and MENA region, there has been little involvement by UNHCR staff in combating trafficking.

50. With the exception of the Bureau for Europe, none of the bureaus at headquarters level have assigned a staff member to act as a trafficking focal point within their bureaus. The focal point in the Bureau for Europe carries out significant and useful liaison activities with the trafficking focal points in the respective European field offices. Although there is no designated focal point within the Americas Bureau, the senior protection officer is in contact with staff in the field

regarding their work on trafficking issues. The other bureaus have little contact with trafficking focal points where they exist in their regions or with other staff working on the issue.

51. Trafficking is only a small part of the portfolio of the POLAS staff member assigned as focal point at headquarters. The assigned focal point is overloaded with work, and does not have sufficient time to focus on trafficking in any significant way, or to support greater implementation of the policy both at headquarters level and in the field. The limited amount of time the focal point spends on the issue negatively impacts inter-agency efforts to combat trafficking.

52. Because UNHCR devotes limited human resources to its work on prevention and response relating to trafficking and persons of concern, it is seen by others as a sign of a lukewarm commitment to the issue despite UNHCR policy to the contrary. Based on the information above and these conclusions, the following is recommended:

- UNHCR should assign a staff person to assist the POLAS trafficking focal point with trafficking and other work relating to refugee protection and international migration issues. UNHCR should seek funding for a Junior Professional Officer to be supervised by the trafficking focal point. Part of the JPO's responsibilities will include assisting the POLAS trafficking focal point with her work relating to trafficking in addition to other tasks assigned relating to refugee protection and international migration issues. Providing additional staff support on trafficking issues will contribute towards mainstreaming the issue in the organization.
- UNHCR should identify focal points within each bureau. The Bureaus should officially assign the senior legal advisors or other appropriate staff as trafficking focal points. The Bureaus' trafficking focal points should then act as liaison between the UNHCR field trafficking points in a given region and the POLAS trafficking focal point.
- UNHCR field offices should designate trafficking focal points: All UNHCR field offices should identify a trafficking focal point that has official responsibility for prevention and protection responses to trafficking in their respective offices. The Bureaus can play an important role in encouraging this. The amount of work which a trafficking focal point will be responsible for will vary depending on the trafficking situation in the country. However, it is important that a person within the office is responsible for trafficking issues. The trafficking focal point should maintain close working relations with the multi-functional teams to keep them abreast of issues relating to trafficking and persons of concern and encourage that trafficking is mainstreamed in UNHCR's protection activities. Field offices should avoid appointing the SGBV focal point as trafficking focal point in order to avoid exclusion of issues relating to forced labour and other forms of trafficking. Where a UNHCR operation is significantly involved in trafficking cases, responsibility for trafficking-related duties should be shared among several staff members in the protection unit. This is vital in order to make sure that the trafficking focal point is not easily identifiable, and thus vulnerable to intimidation by traffickers.

- UNHCR should create an effective internal communication structure to share information on its prevention and protection activities as relates to trafficking and persons of concern. The POLAS trafficking focal point should consult with the bureaus and the liaison offices to agree on an effective internal communication structure to share information on prevention and response activities on trafficking as relates to persons of concern and to facilitate internal communication among focal points throughout the organization. NHCR should promote greater networking among its trafficking focal points and other staff working on trafficking issues. Trafficking focal points in the field should access each other as important resources in their work on trafficking. In order to facilitate greater cooperation among the trafficking focal points in the field offices, a list of all trafficking focal points should be established by the POLAS trafficking focal point in cooperation with the bureau focal points.<sup>43</sup>

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<sup>43</sup> The trafficking focal point can build on the list that has partly been established during this evaluation. See, Appendix 9 for a current list of UNHCR trafficking focal points.



## 5: UNHCR staff understanding and support of UNHCR policy

### **Staff understanding of trafficking as relates to UNHCR's mandate**

53. In general, UNHCR staff members interviewed for this review have a solid understanding of how UNHCR's policy on trafficking. The vast majority were aware that UNHCR has a responsibility for prevention and response activities relating to trafficking and persons of concern. This awareness is based primarily on the Trafficking Guidelines which were distributed by an inter-office memorandum/field office memorandum (IOM/FOM) to UNHCR staff worldwide in 2006. Even though the great majority of persons interviewed for this review were aware of the policy, some expressed more familiarity than others. The European and Latin American offices demonstrated a particularly good understanding of the policy. Offices in the other regions were less familiar with the details and could not easily express how the policy should be implemented.

54. The designated trafficking focal points within the organization demonstrated the greatest familiarity with the policy and with trafficking in general. All interviewed staff members working on the issue were able to describe what trafficking is and distinguish trafficking from smuggling.<sup>44</sup> The trafficking focal points working in Europe and Latin America demonstrated a very detailed knowledge of the phenomenon.

55. In general, the UNHCR Representatives interviewed expressed a good basic understanding of trafficking and how it relates to the UNHCR mandate. This may be based on the fact that the representatives that agreed to participate in the interviews demonstrated a specific interest in the issue. A few of the interviewed representatives had problems, though, distinguishing trafficking from smuggling.

56. UNHCR staff members who are actively working on trafficking issues, including the trafficking focal points, report that there is a general lack of understanding among their colleagues on both the UNHCR policy and the definition of trafficking and smuggling. They note that their colleagues do not understand what trafficking is and how it relates to the mandate. They often confuse trafficking and smuggling. Several interviewed reported that senior staff in their offices are especially unaware of the issue. However, other staff with an interest and acquired knowledge on trafficking issues seem more familiar with the policy.

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<sup>44</sup> People often have difficulties in distinguishing smuggling and trafficking. Despite some common elements, however, they are very different. Smuggling is essentially a voluntary act involving the payment of a fee to the smuggler for a specific service. The relationship between the migrant and the smuggler normally ends either with the migrant's arrival at his or her destination or with the individual being abandoned en route. Trafficking is distinguished from smuggling by the nature of the exploitation victims endure, which includes serious and ongoing abuses of their human rights at the hands of their traffickers. The confusion is even more common in Spanish speaking countries because smuggling is translated as "trafico" and trafficking is translated as "trata."

57. In discussing trafficking, many of the staff interviewed only spoke of it within the context of sexual exploitation and abuse of women and children. Several UNHCR offices - especially outside Europe - only focus on trafficking issues as part of their SGBV program. Some offices did not seem to recognize that trafficking can also affect men and boys and can be for the purpose of forced labour or forced begging.

58. The majority of UNHCR offices understood trafficking as a transnational crime where the victim is recruited in one country and exploited in another country. There was a general lack of awareness that internal trafficking is an even bigger problem. Some staff in countries with large IDP populations did not see trafficking as an issue for them to address under their responsibilities.

### **Conclusions and recommendations**

59. Even though staff working directly with trafficking issues demonstrates a solid understanding of the phenomenon and how it relates to UNHCR's mandate, there is a lack of awareness among general protection staff on the issue and its relevance to their work under the UNHCR mandate. There especially seems to be a lack of knowledge that trafficking can take place internally in a country and it can be for purposes other than sexual exploitation. Staff members' understanding of culture and their own cultural backgrounds affect what situations they would categorize as trafficking in some cases. In general, the organization seems to be divided among a small number of people with a highly specialized knowledge on the issue and how it relates to UNHCR's mandate and a greater number with far less knowledge. Based on these conclusions, the following is recommended:

- UNHCR should arrange a Food for Thought Session at headquarters. A Food for Thought session should be arranged by DIPS to raise awareness of the issue at headquarters. This session could be used to make staff members aware that trafficking can be both transnational and domestic and that trafficking is not confined to sexual exploitation of women and girls, but also is done for the purpose of forced labour and organ removal.

### **Staff support for UNHCR policy on trafficking**

60. All staff interviewed agree with and support the UNHCR policy on trafficking. However, several staff members as well as some international agencies and NGOs cautioned that UNHCR should be very clear on its role and only provide protection and assistance to those victims or potential victims who are persons of concern to UNHCR.

61. Staff members working on trafficking in the field and in headquarters see a need for UNHCR to become more involved in implementing the policy. Several trafficking focal points from the field expressed frustration that UNHCR has a policy on the issue which is not sufficiently implemented. They feel that UNHCR is not adequately complying with its responsibility and that the issue is not being taken seriously by the organization in general. A number of staff members reported that many of their UNHCR colleagues in the field are unaware of trafficking issues

generally, are uninformed of UNHCR policy on trafficking as relates to persons of concern specifically and, therefore, uninterested in working on the issue.

62. Several interviewed staff members expressed concern that the organization appeared divided on the issue, with some advocating greater involvement and that others are less interested. Some compared the current discussions and divisions in the organization to those which took place before UNHCR agreed to operationalize its mandate as relates to the protection of stateless persons and IDPs.

63. UNHCR representatives who were interviewed for this review generally support more involvement by UNHCR on trafficking issues as relates to persons of concern. However, several noted that in order to more effectively implement UNHCR policy on trafficking, they will need additional resources. Several representatives also stated that they would only become more engaged in prevention and response activities where evidence indicates that trafficking is actually affecting persons of concern in the countries in which they operate. Therefore, they suggested that more research and information gathering is needed.

64. Despite support voiced by UNHCR Representatives who were interviewed for this review, several staff members in the field expressed a general dissatisfaction with the support they have received from their representatives to engage fully on the issue. Several UNHCR staff members working on trafficking reported that their representatives do not understand why UNHCR should work on trafficking as they do not see it as a priority. One UNHCR staff member reported: *“The deputy representative told staff members that he was against UNHCR’s decision to acknowledge trafficking victims as people of concern to UNHCR as all the women working in prostitution that were called trafficking victims came by their own will. Since these women knew they were going to work as prostitutes, he said they were not in need of protection.”*

## **Conclusions and recommendations**

65. To some extent, UNHCR staff are divided on how much time should be given to the issue of trafficking. Those with greater knowledge and familiarity with the issue believe that more time should be allocated to implementing the current policy. Those with less knowledge are reluctant to focus what they consider limited resources on this issue, especially given competing priorities. The analogy made by staff regarding UNHCR’s discussions on operationalization of its mandate to protect stateless and internally displaced persons with current discussions on trafficking is correct. UNHCR is not extending its mandate to protect victims of trafficking but rather acknowledging trafficking as the potential outcome of a range of human rights abuses which can affect persons of concern. Where UNHCR takes sufficient action to empower such persons of concern, their vulnerability to trafficking can be reduced if not eliminated entirely.

66. In order to gather greater support in both the field and headquarters for implementation of UNHCR policy on trafficking as relates to persons of concern, the following is recommended:

- Include a session on trafficking during regional protection meetings or during regional representative meetings. Regional meetings provide an opportunity to sensitize UNHCR staff from headquarters and the regions

on trafficking issues as well as to create a forum where they can discuss their opinions on UNHCR policy and involvement in prevention and protection responses to trafficking as relates to persons of concern. The POLAS trafficking focal point or a trafficking focal point from one of the field offices in a region should attend the regional meetings and give a presentation on UNHCR policy and trafficking.



## 6: Training opportunities for UNHCR staff

67. UNHCR provides optional training possibilities to its staff on a wide range of protection-related issues. These include facilitated learning programs, self study programs and possibilities for participating in external training. This chapter highlights opportunities available for UNHCR staff directed at improving their skills and knowledge on trafficking.

### **Protection Learning Program**

68. The *Protection Learning Program* is offered to junior and mid-career UNHCR staff members and serves to sensitize them to a broad range of protection issues, including trafficking. Approximately 400 junior and mid career UNHCR staff members have taken the program since trafficking was included as a unit in 2004. The program contains a self study training module and a training workshop held in Geneva. The unit within the program which addresses trafficking trains staff in understanding the difference between smuggling and trafficking. Participants are asked to read the Trafficking and Smuggling Protocols, UNHCR's Trafficking Guidelines as well as other important background information. They are then trained to determine whether a person has been smuggled or trafficked through group work on the film, *Dying to Leave*, which documents the journey of three individuals after they have left their countries.

### **Thematic Protection Learning Program on Protection Strategies**

69. The *Thematic Protection Learning Program on Protection Strategies, in the Context of Broader Migration Movements* is primarily offered to senior staff and is intended to provide in-depth training to participants on protection needs of people in broader migration movements, including the protection needs of trafficking victims. Approximately 150 senior staff members have taken the thematic protection learning program since trafficking was included in 2004.

70. The program addresses trafficking within the broader context of migration movements. The program provides a basic understanding of how restrictive migration policies create a market for traffickers and smugglers. The program also gives an introduction to the human rights complications of trafficking and smuggling. It contains self study training modules and a training workshop. When participants have completed the self study modules they are invited to a five-day participatory training workshop where they are encouraged to discuss issues related to broader migration movements, including trafficking, in the countries where they operate.

### **RSD Learning Program**

71. The *RSD Learning Program* is a mandatory six-day intensive training required for all RSD officers and supervisors. The primary objective of the training is to ensure that RSD staff understand the eligibility requirements for refugee status. The

issue of smuggling and trafficking always comes up during the trainings, according to UNHCR staff in charge of the program. Staff are sometimes confused on the distinction between trafficking and smuggling and the training staff try to sensitize participants to the differences. Training staff do share the UNHCR Trafficking Guidelines with participants. However, the program itself does not include a session or any case studies dedicated to the issue of trafficking and asylum.

### **Human Rights and Refugee Protection**

72. In 2006, the Protection Capacity Section of the Division of International Protection Services developed self-study modules, entitled *Human Rights and Refugee Protection*. These modules were developed to create a greater awareness and understanding of human rights issues in the refugee context. Trafficking is mentioned very briefly several times throughout Volume II. However, the only substantive discussion is confined to the sections addressing women and children in a one-page chapter discussing trafficking and exploitation of women for prostitution. This chapter makes specific mention of the fact that trafficked persons may have a claim to refugee status. However, there is no reference made to UNHCR's Trafficking Guidelines which specifically address this issue.

### **Gender Sensitivity in Refugee Status Determination and Resettlement**

73. UNHCR's Bureau for Europe produced a training package in 2005 to provide guidance on refugee status determination as a follow-up to the *Regional Analysis of Gender-Related Persecution in European National Legislation and Practice*, which was published in May 2004. This package – *Ensuring Gender Sensitivity in the Context of Refugee Status Determination and Resettlement* – consists of three manuals which can be used for either one or two day training events. The first module focuses on substantive, gender-sensitive analysis of gender-related and gender-specific asylum claims. The second module addresses procedural and evidentiary issues with regard to gender-related claims. The third module aims to ensure gender-sensitivity in the resettlement process. The issue of trafficking is dealt with sparingly in the training package and is only addressed in the module on resettlement. Trafficking is identified as a protection need for women and girls which can form the basis for resettlement. The materials include an excellent case study offered to analyze whether a trafficked woman is eligible for resettlement. Unfortunately, there is no mention of the link between asylum and trafficking in the first module addressing gender-specific asylum claims.

74. The training modules were distributed to all country offices throughout Europe. They were also shared with the Asia and Americas Bureaus who expressed interest in distributing them with their country offices. The modules were used by offices to train staff and partners in the implementation of UNHCR guidelines on gender-related persecution.

### **UNHCR Code of Conduct**

75. All UNHCR staff are required to sign the UNHCR Code of Conduct. In addition, they are required to participate in yearly refresher courses on the code. This year's refresher course focused on how staff should carry out their

responsibilities without exploiting others. For example, the session alerted staff against becoming possible consumers of trafficking by visiting brothels. As part of the training, participants watched the film, *To Serve with Pride: Zero Tolerance for Sexual Exploitation and Abuse*. This film advises staff that they also have a responsibility to assist trafficking victims if they request help.

76. The UNHCR Code of Conduct itself also trains UNHCR staff on how to avoid supporting trafficking. Upon signing the code, all staff members agree that they will neither “support nor take part in any form of illegal, exploitative or abusive activities, including, for example, child labour, and trafficking of human beings and commodities.”<sup>45</sup>

### **Internal training days**

77. A small number of UNHCR field offices have arranged training days to highlight that trafficking is an important protection issue for staff to consider and address. During these sessions, UNHCR’s Trafficking Guidelines are analyzed and UNHCR’s responsibility for trafficking as relates to persons of concern is discussed among participating staff. The UNHCR protection staff in Ecuador have carried out internal training for UNHCR and partner agency staff on the identification, responses to, and prevention of human trafficking as well as training on the application of the UNHCR Trafficking Guidelines. The UNHCR office in India does provide protection training to all staff on a yearly basis. Trafficking as a protection risk is included in these trainings. UNHCR in Ethiopia has a national protection meeting every year. A half a day is addressed to the asylum migration nexus during which the issue of trafficking as a protection issue is discussed.

### **Staff participation and satisfaction with UNHCR training opportunities**

78. Few of the staff interviewed for this review have participated in the *Protection Learning Program* or in the *Thematic Learning Program*. More staff participated in the first program than the second. The majority of the trafficking focal points interviewed have not participated in any training on trafficking. The majority of the focal points, however, have done quite a bit of self-study to improve their skills and knowledge of trafficking issues.

79. Staff members who have participated in the *Protection Learning Program* feel that the program provided them with a solid basic understanding of trafficking and how trafficking relates to UNHCR’s mandate. Some of the staff members who participated in the *Thematic Protection Program* mentioned it did not help them understand practically how they could implement UNHCR policy on trafficking as relates to persons of concern.

80. Almost all interviewed UNHCR staff members working on trafficking noted a greater need for more in-depth training on trafficking issues as relates to UNHCR’s mandate, especially on identification of victims. Staff who work on trafficking issues within the organization feel that they are not properly trained on how to determine if victims or potential victims of trafficking are in need of international protection. The

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45 UNHCR Code of Conduct.

focal points believe that the lack of training contributes to the small number of victims identified for protection assistance by UNHCR. <sup>46</sup>

81. Several interviewed staff members also felt a need for more training on security issues, for example, on how to protect personal security when working with trafficking cases. Many felt that the lack of appropriate training jeopardizes their own security as they are not trained on what precautions to take when working in an environment where traffickers operate. None of the existing training opportunities in house meet these demands for in-depth training.

### **Staff participation in external trainings**

82. Some of the interviewed UNHCR staff members have attended trainings held by IOM, NGOs and national governmental agencies addressing trafficking. <sup>47</sup> The great majority of external training in which UNHCR staff have participated have been led by IOM. Some UNHCR offices have made fixed training arrangements with IOM to ensure that UNHCR staff can participate in anti-trafficking trainings hosted by IOM. UNHCR Turkey has made such an agreement with IOM on training cooperation relating to trafficking. IOM has trained all staff in UNHCR Costa Rica who work on trafficking. Staff members from UNHCR Romania were invited to attend seminars and training sessions organized by IOM for various stakeholders. Staff in UNHCR Kenya have received training relating to identification of victims from IOM. Also UNHCR in Jordan has recently entered into discussions with IOM to arrange for training of UNHCR personnel by IOM staff on trafficking issues.

83. Some of the interviewed staff members that have participated in trainings held by other organizations highlight that these trainings have been particularly helpful since other organizations have more experience in working directly with trafficking victims. Several of the interviewees mentioned that UNHCR should acknowledge that it can learn from other organizations like IOM when it comes to trafficking. However, many noted that participation in external trainings led by others is not sufficient to make sure that UNHCR staff are properly trained as these other organizations do not address trafficking from a protection angle.

### **Conclusions and recommendations**

84. The *Protection Learning Program* gives a very good basic understanding of the difference between smuggling and trafficking and sensitizes the participants to trafficking as a protection issue. The program provides very basic skills for distinguishing a trafficking victim from a smuggled person. As the purpose of the protection learning program is to provide a basic training to UNHCR staff on a broad range of protection issues, the evaluators find that trafficking as a potential protection issue is covered adequately in the protection program. Based on the information above and these conclusions, the following is recommended:

- UNHCR should urge greater staff participation in the protection learning program. UNHCR should continue to offer this training program to as

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<sup>46</sup> The issue of victim identification is addressed in greater length in Chapter 7.

<sup>47</sup> The UNHCR Switzerland trafficking focal point attended an IOM training. The UNHCR Albania trafficking focal point attended an NGO training in Albania.

many staff as possible and should make active efforts to increase the number of participants.

85. The *Thematic Learning Protection Program* provides a basic understanding of how restrictive migration policies create a market for traffickers and smugglers. The program also gives an introduction to trafficking as a human rights violation. The program, however, does not provide examples or information on how UNHCR policy on trafficking as relates to persons of concern can be implemented in practice. Given that it is a more sophisticated training program directed at senior staff, it should include more concrete and detailed information on trafficking. For example, it fails to train participants on issues relating to identification of victims or potential victims within populations of concern, interviewing techniques, and referral and assistance for trafficking victims with a potential international protection need. The program also fails to address issues relating to potential security risks faced by UNHCR staff working on trafficking cases. The program's intent to provide in-depth training on protection strategies in the context of broader migration movements falls short in relation to trafficking as only basic information is included. Based on the information above and these conclusions, the following is recommended:

- UNHCR should update the Thematic Protection Learning Program. The sections addressing trafficking in this program should be revised and updated in consultation with the POLAS trafficking focal point. Any revisions should include information relating to identification, interview techniques, referral and assistance for trafficking victims.

86. The module *Human Rights and Refugee Protection, Volume II*, provides helpful information on trafficking as affects women and children but fails to make any mention of forced labour and trafficking which affects millions of people worldwide. Although it does advise readers that trafficking victims may have a claim for refugee status, it contains no reference to the UNHCR Trafficking Guidelines which provide clear and concise guidelines on how to analyze such a claim. Based on the information above and these conclusions, the following is recommended:

- Any future updates should include references to the Trafficking Guidelines and discuss how trafficking may result in forced labour. Any future updates should include a reference to the Trafficking Guidelines. Additionally, any update should include a discussion on forced labour and trafficking and clearly state that men are also victims of trafficking.

87. The *RSD Learning Program* presents the perfect opportunity to highlight UNHCR policy to ensure access to asylum for victims or potential victim of trafficking. As discussed later in this report, very few claims for refugee status related to the act of trafficking have been adjudicated by RSD staff. This is of particular concern given the large number of trafficking victims present or in transit in the countries which formed part of this review. In order to implement UNHCR policy as relates to trafficking, staff must be aware of eligibility issues relating to claims for refugee status filed by trafficking victims. The *RSD Learning Program* is the channel through which to raise this awareness among staff and profile the issue. Based on this information and on these conclusions, the following is recommended:

- UNHCR should update the RSD Learning Program to include information on trafficking and asylum. UNHCR staff in charge of implementing the

RSD Learning Program should revise the training materials to better address trafficking, including creating a case study for participants to analyze.

88. The training package -- *Ensuring Gender Sensitivity in the Context of Refugee Status Determination and Resettlement* -- provides the essential materials to implement a solid training on gender-sensitivity in refugee status determination and resettlement. As noted above, it addresses trafficking minimally but does provide an excellent case study involving a trafficked woman. Based on the information above and these conclusions, the following is recommended:

- UNHCR should update the training package – *Ensuring Gender Sensitivity in the Context of Refugee Status Determination and Resettlement* – to address trafficking. Any future updates should include more information on trafficking and asylum and specifically include references to the UNHCR Trafficking Guidelines, which were published after this package was produced.

89. The *UNHCR Code of Conduct* contains sufficient mention of the issue of trafficking to alert its staff to their responsibilities. Several studies have revealed that trafficking of human beings for both purposes of sexual exploitation and forced labour increases when international staff from NGOs, UN agencies and security forces are present in a country.<sup>48</sup> Staff should understand their potential role in trafficking.

90. *Internal training days* are effective way to teach staff that trafficking is a protection need and to sensitize them to their responsibility for trafficking as relates to persons of concern. Given that there is no mandatory training for all staff – with the exception of the RSD learning program for RSD officers– this is an important mechanism to use to put the issue of trafficking squarely on the map in field offices. Based on the information above and these conclusions, the following is recommended:

- UNHCR should implement internal training days in field offices: It is recommended that field offices follow the examples of their counterparts in Ecuador, India and Ethiopia and implement such training days.

91. *External trainings* are an appropriate and helpful source of training for UNHCR staff, especially as these trainings are led by people with direct experience working with trafficking victims. Based on the information above and these conclusions, the following is recommended:

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<sup>48</sup> Literature on human trafficking which examine why peacekeeping operations have served as a magnet for the trafficking of persons includes: Panagiota Tritaki, *Peacekeepers and Sex Trafficking: Supply and Demand in the Aftermath of the Kosovo Conflict*, 2003; Amnesty International, *So does that mean I have rights? Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo*, London, May, 2004; Picarelli, John T., *Trafficking, Slavery, and Peacekeeping: The Need for a Comprehensive Training Program* (Conference Report), U.N. Interregional Crime and Justice Research Institute, Turin, 2002; Refugees International, *Liberia: UNMIL's Crackdown on Trafficking Puts Women at Risk*, Washington, D.C., 2004; Skjelsbæk, Inger, Elise Fredrikke Barth, and Karen Hostens, *Gender Aspects of Conflict Interventions: Intended and Unintended Consequences*, International Peace Research Institute, Oslo, 2003; United Nations Department of Peacekeeping Operations, *Human Trafficking and United Nations Peacekeeping*, DPKO Policy Paper, New York, 2004.

- UNHCR should identify external training opportunities for staff. UNHCR field offices should identify the training agendas of other organizations, governmental agencies and universities working on trafficking issues and promote UNHCR staff attendance and participation in such trainings. For example, UNHCR field staff should identify relevant learning programs and trainings given by other UN agencies, national governments, universities and NGOs and notify its staff of these trainings.



## 7: UNHCR handbooks, manuals and guidelines

92. UNHCR regularly produces handbooks, manuals and guidelines designed to assist its own staff, partners and governments in refugee and other humanitarian relief operations. This chapter will describe how the issue of trafficking is addressed in the various handbooks, manuals and guidelines with a focus on the most relevant publications. It will also discuss UNHCR staff familiarity with the guidelines. Finally, it will assess if additional or different guidelines or materials are necessary to better instruct staff and implementing partners on their responsibilities on trafficking as relates to persons of concern.

### Trafficking Guidelines

93. In 2006, DIPS published Guidelines on International Protection relating to the refugee status of trafficking victims.<sup>49</sup> These guidelines are intended to provide interpretative legal guidance for governments, lawyers, decision-makers and the judiciary, as well as for UNHCR staff in carrying out refugee status determinations.

94. UNHCR's understanding of human trafficking as outlined in its Trafficking Guidelines is based on the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. The protocol defines trafficking as follows:

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

95. The Guidelines identify three essential and interlinked sets of elements:

- The act: recruitment, transportation, transfer, harbouring or receipt of persons.
- The means: by threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability, or of

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<sup>49</sup> Guidelines on International Protection: The application of Article 1A (2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, 7 April 2006. See, also, Inter-Office Memorandum No. 29/2006/Field-Office Memorandum No. 29-2006 (7 April 2006). Since 2002, the Department of International Protection Services (DIPS) has issued several Guidelines on International Protection which are intended to complement the *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*.

giving or receiving of payments or benefits to achieve the consent of a person having control over the victim.

- The purpose: exploitation of the victim, including, at a minimum, the exploitation or 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.<sup>50</sup>

96. The definition of trafficking presented in the Trafficking Guidelines thus reflects an understanding of trafficking as a process comprising a number of interrelated actions rather than a single act at a given point in time.

97. The Trafficking Guidelines clearly establish UNHCR's involvement with the issue of trafficking. First, the organization has a responsibility to ensure that persons of concern do not fall victim to traffickers. Second, UNHCR has a responsibility to ensure that individuals who have been trafficked or who fear trafficking have access to asylum procedures. The guidelines are careful to point out that not all victims or potential victims fall within the scope of the refugee definition.

98. The guidelines recognize that a claim for international protection presented by a victim or potential victim may arise in a number of different circumstances and analyze how such circumstances may form the basis for a grant of refugee status. The guidelines discuss how the harm feared by a victim or potential victim of trafficking can amount to persecution. They note with concern special vulnerability of women and children to traffickers.<sup>51</sup> The guidelines discuss in detail the issue of the place of persecution, highlighting that even where the exploitation occurs outside of the victim's country of origin, this does not preclude the existence of a well-founded fear of persecution within the country of origin.

99. Finally, the guidelines discuss the causal link between the fear of persecution and one or more of the Convention's grounds. Specifically, to qualify for refugee status, the individual's well-founded fear of persecution must be because of reasons of race, religion, nationality, membership in a particular social group or political opinion.

100. The guidelines provide an explanation of how a fear of persecution relating trafficking can be linked to one or more of the grounds for refugee status. They note that trafficking victims face the risk of becoming stateless because of traffickers' practice of confiscating identity documents as a way to exert control over their victims. They urge States to extend diplomatic protection to their nationals abroad. Finally, the guidelines address important procedural issues such as the reception of trafficking victims; interviewing of victims; gender-sensitive procedures; and, special attention for children's claims.

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<sup>50</sup> It is important to note that UNHCR also briefly discusses trafficking for the purposes of forced prostitution or sexual exploitation as a form of persecution in its Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002.

<sup>51</sup> It is important to note that UNHCR also briefly discusses trafficking for the purposes of forced prostitution or sexual exploitation as a form of persecution in its Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002.

## **UNHCR Handbook for the Protection of Internally Displaced Persons**

101. The *UNHCR Handbook for the Protection of Internally Displaced Persons* contains a separate section within the chapter addressing protection risks. It identifies trafficking as a protection risk and provides suggestions for prevention, mitigation and response to the situation.<sup>52</sup> The handbook defines trafficking, discussing it within the context of internal displacement, and talks about the protection implications of trafficking during displacement. It also identifies individuals and groups at particular risk and discusses key legal principles relating to trafficking. The handbook talks about the role of human rights and humanitarian actors in addressing trafficking situations during displacement and provides a list of ideas about activities to be carried out to combat trafficking. This list includes suggestions for protection assessments, awareness raising, referral and response mechanisms, interim care and support of victims, legislative advocacy, legal aid, livelihood and income-generating activities, victim and witness protection and family tracing and reunification.

## **UNHCR Handbook for the Protection of Women and Girls**

102. The *UNHCR Handbook for the Protection of Women and Girls* contains a section in one of its chapters which addresses smuggling, trafficking and abduction.<sup>53</sup> The handbook discusses the applicable international legal standards and guidelines and the responsibility of states to prevent and combat trafficking. It identifies smuggling, trafficking and abduction as protection challenges faced by women and girls and provides case examples from the field to help readers understand the risks faced by them. The handbook also clearly states UNHCR responsibility as outlined in the *Trafficking Guidelines*. It provides suggested actions which UNHCR, together with partners, should carry out to protect women and girls from trafficking, similar to those suggested in the *Handbook for the Protection of Internally Displaced Persons*. Finally, the handbook gives examples of effective field practices to prevent women and girls of concern from falling into trafficking.

## **SGBV Guidelines for Prevention and Response**

103. The issue of trafficking is addressed in several places throughout the *Guidelines for Prevention and Response to Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*. The guidelines discuss the definition of trafficking, recognizing it as a particular risk for refugees, IDPs and returnees, including children. They identify it as a form of gender-based violence and the prevention of trafficking as a particular protection need for refugees, IDPs and returnees. The guidelines encourage the use of incident report forms in order to create an effective reporting and referral system. However, the sample monthly reporting form does not specifically include trafficking on its list of types of incident. Nor do the chapters which address prevention and response make any mention of anti-trafficking strategies or responses to assist trafficking victims who are persons of concern to UNHCR.

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<sup>52</sup> UNHCR Handbook for the Protection of Internally Displaced Persons, Part V, Action Sheet 7, Geneva, December 2007 (Provisional Release).

<sup>53</sup> UNHCR Handbook for the Protection of Women and Girls, § 5.3.2, Geneva, 2008.

## Other manuals, handbooks and guidelines

104. Although UNHCR has not produced any other materials which address trafficking to the extent that the above guidelines and handbooks do, the issue has been mentioned in several other guidelines, manuals and handbooks as follows:

- UNHCR Handbook for Emergencies: There are a few references to trafficking in the handbook. In a discussion on the legal basis for UNHCR protection activities, it cites to the Trafficking Protocol among several other instruments. The handbook identifies trafficking as gender-based violence and as a specific protection issue. It lists the Trafficking Guidelines as a key reference under refugee status determination resources.
- UNHCR Handbook for Registration: The handbook cites trafficking as a specific risk faced by unregistered boys and girls and notes that registration can act to protect against trafficking. It notes that where boys and girls are unable to provide identify documents to the authorities, they run a risk of being trafficking.
- UNHCR Handbook for Repatriation and Reintegration Activities: The only reference to trafficking in the handbook can be found in the section addressing strategy development and programme design. In an annex to this section, the issue of trafficking is included in part of a checklist for staff to determine whether sufficient mechanisms exist in national laws and practices to prevent the trafficking of women and girls.
- Resettlement Handbook: There are few references to trafficking in the handbook. Trafficking is mentioned as one of the several physical protection needs to take into account when determining whether a refugee should be resettled. In the chapter on refugee status and resettlement, resettlement officers are encouraged to read an article relating to refugee status determination based on fear of trafficking.
- UNHCR Guidelines on Formal Determination of the Best Interests of the Child: These guidelines make several references to trafficking. In discussing family unification, the guidelines caution staff to verify that reunification is in the child's best interest as such verification is important to avoid the possibility of trafficking. The guidelines urge priority BID processing for children who risk being trafficked. Persons who will be part of any BID panel should have knowledge and experience in a variety of areas, including trafficking. It cautions that in cases of trafficking, the safety and security of the child must determine who should be interviewed in carrying out the BID process. Finally, the guidelines point out that provisions contained in the Convention on the Rights of the Child require that States prevent trafficking of children.
- Guidelines on International Protection: Child Asylum Claims under Article 1 of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees (Final Draft Version, 17 June 2008): The Department of Protection Services has drafted guidelines addressing children's asylum claims. These guidelines identify child trafficking and child labour as specific forms of persecution. They note that trafficking constitutes a serious violation of a range of fundamental child rights. They encourage adjudicators to consider issues relating to reprisals by traffickers, and discrimination and social

exclusion faced by children if they are returned to their home countries. Finally, they urge adjudicators to pay special care to indications that a child's parents may have been involved in the trafficking.

- **Refugee Children: Guidelines on Protection and Care:** Although the guidelines discuss the many risks refugee children face, they make no mention of trafficking as a specific risk. In response to this gap, CDGECS in consultation with the POLAS trafficking focal point began to draft an update in 2007 to include the issue of trafficking in the guidelines. These draft guidelines addressed issues relating to identification of child victims of trafficking, refugee status determination for child-victims or potential victims of trafficking and procedural issues, such as individual case assessment and assistance to child victims. However, staff discontinued work on the draft because they felt there were questions which they could not answer due to gaps in UNHCR's general approach and policy on trafficking.<sup>54</sup>
- **SPCP Protection Gaps: Framework for Analysis - Enhancing Protection of Refugees:** This important manual, developed by the UNHCR Strengthening Protection Capacity Project (SPCP), provides a framework for UNHCR staff in the field to identify protection gaps in order to improve the protection environment. Only two of the suggested questions to ask in order to identify gaps in a country's protection environment address trafficking. They inquire as to whether measures exist to combat trafficking within the country and whether trafficking is considered a criminal offence.

### **Staff familiarity with relevant handbooks, manuals and guidelines**

105. During interviews with the various field offices, UNHCR staff were asked if they were familiar with the Trafficking Guidelines and the other documents which more significantly address trafficking, such as the *UNHCR Handbook for the Protection of Internally Displaced Persons* and in the *UNHCR Handbook for the Protection of Women and Girls*. They were also asked if they were familiar with the references to trafficking contained in the *UNHCR Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons – Guidelines for Prevention and Response*.

106. Almost all of the staff questioned were familiar to varying degrees with the Trafficking Guidelines. Those who were familiar with the guidelines found them clearly written and helpful in explaining the link between refugee protection and trafficking.

107. The majority of the field offices interviewed had not yet received the UNHCR Handbook for the Protection of Women and Girls by the time that they were interviewed for this review.<sup>55</sup> However, many had heard generally of it and some had seen electronic versions of the handbook. Few reported any specific familiarity with the sections addressing trafficking. Few offices – including those with IDP

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<sup>54</sup> It is important to note that UNHCR also briefly discusses trafficking for the purposes of forced prostitution or sexual exploitation as a form of persecution in its Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002.

<sup>55</sup> UNHCR headquarters began distribution of the handbook to field offices in June 2008.

caseloads -- were aware that the *UNHCR Handbook for the Protection of Internally Displaced Persons* specifically addressed the issue of trafficking.

108. All staff interviewed stated that they were familiar with the *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons – Guidelines for Prevention and Response* and reported heavy reliance on them in working with SGBV issues in their offices

## **Conclusions and recommendations**

109. The *Trafficking Guidelines* are an excellent resource to guide UNHCR staff, NGOs, lawyers and government officials in analyzing an asylum claim based on trafficking. They provide a solid introduction to the problem of trafficking. Importantly, they make a clear distinction between trafficking and smuggling, which often causes confusion among UNHCR staff and partners. Because they are intended primarily to provide legal guidance for staff and governments carrying out refugee status determination, they do not address the issue of prevention of persons of concern from falling victim to traffickers. However, they are adequate for their intended purpose in providing clear and precise information on how a trafficking victim or potential victim may qualify for refugee status.

110. Similar to the *Trafficking Guidelines*, the *UNHCR Handbook for the Protection of Internally Displaced Persons* provides a solid overview of what constitutes trafficking, making a clear distinction between trafficking and smuggling. The list of suggested activities to respond to trafficking covers all the necessary areas to provide protection to victims and can and should be used as a checklist by UNHCR staff and partners in devising a plan relating to the prevention of persons of concern from falling into trafficking.

111. The sections addressing trafficking in *UNHCR Handbook for the Protection of Women and Girls* provide clear and helpful information for staff, partners and other actors on the importance of the trafficking issue in the protection arena. The handbook contains helpful testimonies of victims of smuggling, trafficking and abduction which give the readers an idea of the similarities and differences among the three. It effectively describes factors which may increase women and girls' risk of being trafficked. The handbook includes a list of suggested actions similar to that contained in the *UNHCR Handbook for the Protection of Internally Displaced Persons*. The list addresses relevant areas to provide adequate protection to trafficking victims and should be used as a checklist by UNHCR staff and partners in creating a plan relating to the prevention of persons of concern from falling into trafficking.

112. Although there are many references to trafficking throughout the *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons – Guidelines for Prevention and Response*, there is little information regarding specific prevention or response strategies directed towards trafficking victims. It is important to note, however, many of the activities and strategies relating to prevention of and response to cases of sexual and gender-based violence, such as rebuilding family and community support systems, designing effective services and facilities, education and awareness activities, training and establishing referral, monitoring and evaluation mechanisms, can be applied in the trafficking context to protect victims or potential victims.

113. The *UNHCR Guidelines on Formal Determination of the Best Interests of the Child* and the proposed *Guidelines on International Protection relating to children's asylum claims* adequately address how trafficking affects children and provides important information on how to protect children from the risks of trafficking. The BID Guidelines provide specific information on both prevention and protection as relates to children who have been trafficked or who risk trafficking in determining the most appropriate solution in their cases. Once finalized, the proposed Guidelines on International Protection will be particularly helpful for children who have been trafficked or who are at risk of trafficking and are in need of international protection. They provide important information to decision-makers to aid them in adjudicating such cases.

114. There are significant gaps in information relating to trafficking in the remaining UNHCR handbooks, manuals and guidelines. The issue of trafficking is addressed to only a superficial extent in all of those reviewed. Although most of the publications identify trafficking as a risk to refugees and other persons of concern, none provide any detailed treatment of the issue within their specific context. For example, none of the materials discuss how to assess the risk of trafficking and respond to it during the different operational stages.

115. Finally, it is important to note that most references to trafficking in the many UNHCR handbooks, manuals and guidelines focus primarily on trafficking for purposes of sexual exploitation with little mention of labour exploitation. Given that labour exploitation is as serious a problem as sexual exploitation, UNHCR should take care to address this issue when producing any new materials or updating existing materials to guide staff on prevention and response strategies. Trafficking should not be confined to the SGBV framework but must be considered in a broader context in order to include all victims or potential victims who may be persons of concern to UNHCR.

116. Overall, UNHCR has developed extensive guidelines and related materials to instruct staff and implementing partners on their responsibilities during the various stages of displacement. There is no need to create additional guidance. However, it is important that existing materials be updated and improved. Based on the information above and these conclusions, the following is recommended:

117. UNHCR should make sure that trafficking issues are addressed in greater detail in the relevant handbooks, manuals and guidelines it produces. UNHCR should make sure to address trafficking in a more significant way than has been done thus far in its handbooks, manuals, guidelines and other instructive materials identified above. In future updates of these materials, detailed information regarding prevention against trafficking and responses thereto should be included. Given the risk for trafficking at almost all stages of displacement, trafficking issues should be taken into account in all operational activities, from the initial emergency through to a final durable solution. UNHCR is encouraged to look to materials already developed by others when preparing any updates and share these materials as well with staff and partners.<sup>56</sup>

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<sup>56</sup> See, OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002); WHO Ethical and Safety Recommendations for Interviewing Trafficked Women (2003); UNICEF Guidelines on the Protection of Child Victims of Trafficking (2006); UNICEF Reference Guide on

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Protection the Rights of Child Victims of Trafficking in Europe (2006); IOM Handbook on Direct Assistance for Victims of Trafficking (2007); RCM Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking (2007). The IOM handbook contains an appendix - Ethical Principles in Caring for and Interviewing Trafficked Persons - which is an adaptation of the WHO Ethical and Safety Recommendations for Interviewing Trafficked Women.

## 8: Implementation of UNHCR policy on trafficking

118. Both headquarters and field staff carry out a wide range of activities to implement UNHCR policy to combat trafficking as relates to persons of concern. These activities focus on attempts to prevent persons of concern from falling into trafficking and to provide victims or potential victims of trafficking access to refugee protection where they so qualify. Activities relating to prevention carried out by UNHCR staff and its implementing partners include: advocacy; research; awareness raising; income-generating activities; external training; and, outreach and counselling. Protection activities include: pre-screening and victim identification procedures; border monitoring; refugee status determination; support for shelters for trafficking victims; psycho-social and legal assistance; and access to durable solutions such as resettlement.

119. This chapter will provide an overview of what UNHCR staff around the world are doing to prevent persons of concern from falling into trafficking and to protect those who face trafficking or have already been trafficked.

### **Identifying trafficking victims or potential victims of concern to UNHCR**

120. Before discussing activities carried out by UNHCR staff and partners to implement its policy on trafficking as relates to persons of concern, it is important to first discuss issues surrounding identification of victims or potential trafficking victims who may come under UNHCR's mandate. In order to effectively implement UNHCR policy on trafficking, staff and partners must be able to identify those persons at risk in order to prevent trafficking and to identify those victims or potential victims who may have a claim for refugee status in order to assure their access to asylum procedures. Many of the staff interviewed indicated that identification of victims or potential victims is the biggest challenge they face in trying to implement the policy.

121. Given the clandestine and dangerous nature of trafficking, many victims are hidden away with little access to the outside world. Given their own limited contact with many of the agencies, organizations or persons who encounter trafficking victims, UNHCR staff admit that they generally do not come into contact with victims or potential victims of trafficking. The great majority of victims or potential victims are identified because they are either referred to UNHCR or come on their own accord to UNHCR seeking some form of assistance or protection.

### **Identifying persons of concern at risk of trafficking**

122. The UNHCR Trafficking Guidelines outline what personal characteristics – such as age, gender, appearance, physical strength, race, ethnicity, etc. – make certain persons of concern more vulnerable to trafficking than others. They also highlight the situations within which such persons are at heightened risk of trafficking, for example, during conflict or when crossing international borders. Despite these guidelines, none of the offices interviewed as part of this review reported any systematic effort to map persons of concern at risk of trafficking in the countries

where they operate. There have been a few attempts to identify groups at risk in India, Malaysia, Nepal and Thailand. For example, UNHCR Malaysia has identified detained refugees as being at risk of trafficking if they are facing deportation to the border. UNHCR Nepal has identified girls at risk of trafficking along the Nepal/India border as a result of cases brought to their attention. UNHCR India has recognized that female refugees in urban settings seeking employment run the risk of being trafficked.

123. UNHCR Thailand has made significant efforts to identify recognized refugees who have been trafficked out of the refugee camps. After becoming suspicious about the disappearance of a young boy who regularly visited their offices in Maesot, UNHCR Thailand staff began to investigate and discovered that a local family was running a trafficking ring, selling children to traffickers in Bangkok to beg on the streets. Staff were successful in finding the boy and establishing a referral mechanism with the relevant government authorities and with the government-run shelters for trafficking victims to refer refugees found by them back to UNHCR for necessary protection-related assistance.

124. Besides these examples, no other offices have made any significant efforts to identify persons of concern within their responsibility who are at particular risk of trafficking. Nor have they formally identified and created a list of risk factors which place some refugees and others of persons under their responsibility at greater risk of trafficking than others.

### **Identifying trafficking victims who may have a refugee claim**

125. UNHCR offices have made some attempts to identify trafficking victims who may be in need of international protection primarily through border-screening procedures and training measures. For example, prior to a change in law which eliminated UNHCR's role, UNHCR Switzerland was involved in the accelerated airport procedure during which they identified a number of women suspected of having been trafficked. One case involving a woman from Thailand was referred to the asylum system. UNHCR Colombia has trained NGO representatives on how to identify trafficking victims in need of international protection.

126. As discussed in the subsection addressing refugee status determination later in this chapter, UNHCR is responsible for carrying out refugee status determination procedures in sixty to eight countries. They receive thousands of applications for refugee status each year. During the process of this review, the evaluators were only able to identify a small handful of cases involving claims by trafficking victims based specifically on their fear of trafficking presented to UNHCR. When questioned about the reason for the small number of applications, interviewees noted how difficult it is to identify trafficking victims in need of international protection. Unlike other applicants, they generally do not self-identify and present themselves to UNHCR offices.

### **Tools for identification of victims**

127. UNHCR has created tools which may assist in the identification of persons of concern who may be at risk of trafficking. UNHCR has recently released the

*Heightened Risk Identification Tool* (HRIT) to increase UNHCR's capacity to identify persons of concern at risk of particular harms.<sup>57</sup> The tool is intended for use by UNHCR staff involved in community services and/or protection activities, including resettlement staff, and for their implementing partners. It applies in all cycles of a UNHCR operation, in both the camp and urban refugee context. The HRIT does include a question for UNHCR staff to pursue during interviews as to whether women or girls at risk and unaccompanied or separated children have faced trafficking. It also contains a series of questions on an interviewee's pre-arrival experiences, including questions relating to the circumstances surrounding how the interviewee arrived in the country of refuge. However, it makes no mention of trafficking in the forced labour context nor do the questions regarding pre-arrival experiences address issues of potential trafficking.

128. In addition to the *UNHCR Heightened Risk Identification Tool*, the SGBV standard operating procedures may be helpful in identifying victims or potential victims of trafficking. All UNHCR offices have developed standard operating procedures (SOPs) as part of their work to establish effective SGBV prevention and response programmes.<sup>58</sup> Standard operating procedures facilitate joint action by relevant actors to prevent and respond to incidents of SGBV, which includes trafficking. UNHCR CDGECs has designed a standard SOP template which has been distributed to offices to aid them in the development of SOPs adapted to the context in which they operate. According to the standard SOP, all actors who become aware of a victim/survivor of SGBV abuse are obligated to bring this to the attention of the Head of the UNHCR office or the designated responsible staff member.<sup>59</sup> Therefore, UNHCR staff personnel do not have to rely solely on victim self-identification in order to investigate allegations of abuse and provide assistance and protection. This is important in the trafficking context as so many victims fail to self-identify.

## **Conclusions and recommendations**

129. UNHCR offices have done little to identify persons of concern who may be at risk of trafficking in order to determine appropriate prevention activities. Nor have they done any significant work to proactively identify those trafficking victims who may have a claim to refugee status. If UNHCR staff are unable to map persons who may be at risk of trafficking or identify those victims who may have a refugee claim, they will fail in implementing UNHCR policy on trafficking as relates to persons of concern. Mapping of persons at risk and identification of those who have already suffered harm are the vital first steps in order to prevent trafficking and provide protection to those who have already been trafficked.

130. The tools discussed above provide some guidance to staff in identifying victims or potential victims but do not go far enough. The HRIT addresses the issue primarily in the SGBV context but fails to address risks of trafficking for purposes of forced labour. Although the SGBV SOPs are adequate for protection of women and girls, they are applicable only within that context. There are no SOPs within UNHCR

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<sup>57</sup> The HRIT was released in May 2008.

<sup>58</sup> See, IOM/FOM No. 62/2006, Standard Operating Procedures for Prevention of and Response to SGBV, 28 July 2006.

<sup>59</sup> See, IOM/FOM no. 62/2006, Standard Operating Procedures for Prevention of and Response to SGBV, 28 July 2006.

which are designed to identify and respond to victims of trafficking who are, for example, subject to forced labour.

131. If UNHCR is to effectively implement its policy relating to prevention and protection, it must develop better procedures to identify victims or potential victims who are persons of concern and in need of assistance in the form of prevention and protection-related activities. Given the hidden nature of trafficking and the difficulty that victims and potential victims encounter in seeking help, the organization cannot rely on them to voluntarily come forward. It is important to note, however, that UNHCR's mandate does not require staff to necessarily go out and identify trafficking victims in the many places where they may be to determine if they have an international protection need. UNHCR should focus its efforts on heightening the understanding of asylum authorities and other relevant actors that trafficking may be a form of persecution which can result in the grant of refugee status.

132. Based on the information above and these conclusions, the following is recommended:

- UNHCR should do greater outreach to stakeholders working more closely with trafficking victims. UNHCR offices should meet with non-traditional actors – such as police, social workers, child welfare specialists, labour unions, anti-trafficking organizations – to make them aware of UNHCR's role in providing protection to victims or potential victims who may be refugees and ask them to refer cases where there is a potential need for international protection.
- UNHCR should pay particular and regular attention to boys and girls who are located in detention and reception centres. UNHCR staff should make efforts to more regularly visit detention and reception centres to identify boys and girls who may be persons of concern at risk of trafficking. Where UNHCR does not visit the centres, staff should make contact with those organizations which do and inform them of UNHCR's protection work so that appropriate referrals can be made.
- UNHCR field offices should create their own list of risk factors consistent with their national context to aid in identifying persons of concern who may be at risk of trafficking. Organizations, such as IOM and OSCE, have already developed guides on risk factors to assist those working with trafficking victims. UNHCR should access these resources to use in adapting their own list of risk factors as relevant to persons of concern in the countries where they operate. Such a list will help staff identify persons of concern who may fall risk to trafficking and prompt them to design activities to prevent this from happening.
- UNHCR staff should update the HRIT to better address trafficking issues. The HRIT should be updated to address trafficking in more detail. It should prompt staff to inquire in greater detail about the circumstances surrounding the refugee's arrival in the country of refugee. For example, did a third party arrange his or her travel? Were his or her travel documents confiscated? Was he or she threatened in any way? Trafficking should not be confined to the SGBV context in the tool and should address trafficking for purposes of forced labour. UNHCR is encouraged to look at existing materials on victim identification created by other organizations for

guidance in adapting current tools to adequately capture all necessary information to determine the risk(s) faced by refugees for trafficking.

## **Advocacy**

133. UNHCR has been actively involved in advocacy efforts to promote greater protection of persons of concern within the trafficking context for the past several years. During the negotiations for the Trafficking and Smuggling Protocols in Vienna in 1999 and 2000, UNHCR liaison and headquarters staff attended negotiation meetings, released statements and participated in events related to the passage of the protocols. As a result of coordinated advocacy efforts among the organizations, including UNHCR, the Trafficking Protocol included a savings clause guaranteeing victims' access to international protection.<sup>60</sup>

134. In addition to international advocacy efforts, UNHCR staff are involved in a range of advocacy activities at the national level in countries where they are present. UNHCR staff advocate to ensure that national anti-trafficking legislation and law enforcement efforts are protection-sensitive and to ensure that victims of trafficking receive international protection where appropriate. For example, many offices have been or are involved in advocating that National Action Plans and national protocols for responding to trafficking incorporate a focus on international protection.<sup>61</sup> Many offices have also been active in advocating for asylum-sensitive anti-trafficking legislation.<sup>62</sup> Some offices have been instrumental in promoting the inclusion of refugee protection in guidance which law enforcement is required to follow in investigating trafficking cases.<sup>63</sup>

135. In addition to advocacy promoting protection-sensitive legislation and related matters, UNHCR staff are also involved in less formal and more individual advocacy interventions. For example, UNHCR Italy, upon learning that a prostitution ring was operating around a reception centre, quickly notified authorities and urged them to implement preventive measures to protect the women in the centre. UNHCR Malaysia advocates for the release of refugees detained by authorities for deportation. Refugees who are deported to the border area run the risk of trafficking if they cannot pay smugglers to bring them back into Malaysia. Through its direct advocacy with the government, UNHCR Malaysia prevents the trafficking of refugees in a large number of cases.

136. Although a number of offices are or have been involved in advocacy efforts to implement UNHCR policy relating to trafficking, the large majority of those interviewed have not. A small number noted that because significant advocacy work on anti-trafficking was being done by other organizations, they felt no need to duplicate efforts. Others stated that trafficking as related to persons of concern did not appear to be a problem in the countries where they were working. However, when asked the extent of the problem, they admitted that they had insufficient information available to respond with any degree of certainty and acknowledged

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60 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, cl. 14, G.A. Res. 55/25, U.N. GAOR 55th Sess., Annex II, U.N. Doc. A/RES/55/25 (2001).

61 Albania, Armenia, Bosnia-Herzegovina, Costa Rica, Ecuador, Romania, Serbia, and Spain .

62 Albania, Armenia, Croatia, Georgia, Ireland, Mexico, Morocco, and the United Kingdom.

63 Canada.

that it could in fact be a problem. Several offices cited the pressure of other priorities and work which took precedence over any advocacy on trafficking as relates to persons of concern.

### **Conclusions and recommendations**

137. Those offices which are carrying out advocacy to implement UNHCR policy relating to trafficking are active and effective. Many have been successful in promoting the inclusion of asylum-sensitive provisions in legislation. Others have been an effective voice in urging governments to provide greater protection for trafficking victims. Individual advocacy interventions have acted to prevent persons of concern from falling into trafficking. However, the large majority of UNHCR offices interviewed do little advocacy work for the reasons noted above.

138. Because of its access to refugees and other persons of concern and its expertise in international protection matters, UNHCR is in a unique position to credibly and forcibly advocate on behalf of those who have been trafficked or who face trafficking. Based on the information included above and these conclusions, the following is recommended:

- UNHCR offices should advocate for asylum-sensitive anti-trafficking legislation. UNHCR field staff should provide input in draft national legislation to urge inclusion of asylum-sensitive provisions.
- UNHCR should urge governments to address international protection issues in their National Action Plans and protocols addressing trafficking. UNHCR field staff should actively participate in the drafting and development of National Action Plans and governmental protocols designed to respond to trafficking in the countries where they are working. UNHCR advocacy in this area should focus on promoting international protection for eligible victims or potential victims of trafficking.
- UNHCR staff are encouraged to advocate in individual cases to prevent trafficking. Where UNHCR becomes aware of the risk of trafficking to refugees and other persons of concerns, it should create a mechanism to raise their concerns with the relevant authorities.
- UNHCR field offices are encouraged to share advocacy strategies. Within regions, UNHCR staff should share information on effective advocacy strategies developed to promote protection-sensitive legislation, protocols and procedures to protect victims and potential victims of trafficking.

### **Research on trafficking of persons of concern to UNHCR**

139. Many of the offices interviewed cited the need for more research and knowledge on trafficking in their countries and regions in order to plan and prioritize the work to more effectively implement UNHCR policy. A few UNHCR offices have published country studies on how trafficking affects persons of concern in the county where they operate. Several UNHCR offices have cooperated with

other organizations in research and related projects. <sup>64</sup> UNHCR headquarters has published articles on trafficking victims and refugee protection. Finally, UNHCR is involved in planning future research projects and activities relating to trafficking.

140. UNHCR has done the following research on trafficking as relates to persons of concern:

- UNHCR Thailand camp study on trafficking: The study carried out by UNHCR Thailand at one camp in 2006 identified trafficking as a protection risk for refugees and concluded that labour exploitation is the most substantial risk facing refugees who leave the camp. <sup>65</sup> According to the study, labour exploitation has affected only a small number of refugees thus far. Some refugees are also exposed to sexual exploitation.
- UNHCR Czech Republic country study on trafficking. The study carried out by UNHCR in the Czech Republic in 2001 focused on the risk of trafficking faced by female asylum seekers. <sup>66</sup> The study noted that a very small number of women who identify themselves as trafficking victims actually seek asylum each year. It highlighted that female asylum seekers living in private accommodations rather than group accommodation centres face greater risk of trafficking. The study demonstrated that the asylum system is used by traffickers to “document” their victims. Victims also apply for asylum if their “owner” is arrested and they risk expulsion from the country. Asylum acts as a tool for traffickers to assure their victims’ stay in the country.
- UNHCR Europe Bureau overview of trafficking in Europe: UNHCR Headquarters carried out a research project through its Europe Bureau which provides an overview of UNHCR’s work to combat trafficking in Europe. <sup>67</sup> The research report provides regional and country-specific information on statistics, trends and national legal frameworks in 33 of the 42 countries covered by the UNHCR Europe Bureau. It also highlights activities carried out by UNHCR offices in Europe to combat trafficking,
- PDES articles on trafficking and refugee protection: The Policy Development and Evaluation Services division within UNHCR headquarters has published several articles by external researchers on how trafficking victims may qualify for refugee protection. <sup>68</sup> These articles have been published through PDES’s New Issues in Refugee Research, a series of research papers on refugees, humanitarian and migration issues.

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<sup>64</sup> UNHCR Cameroon cooperated with ILO on a study relating to forced labour and children. UNHCR Iraq met with IOM research staff working on a study of trafficking in the region. In 2007, UNHCR Colombia in collaboration with IOM and other organizations published the “Guia de asistencia a victimas de la trata de personas in Colombia,” a guide on assistance for trafficking victims.

<sup>65</sup> UNHCR, *Mobility and Protection Risks: A Study of Ban Mai Nai Soi Refugee Camp*, Bangkok, 2006.

<sup>66</sup> UNHCR, *Women Asylum Seekers and Trafficking*, Prague, 2001.

<sup>67</sup> UNHCR, *Combating Human Trafficking: Overview of UNHCR Anti-Trafficking Activities in Europe*, Brussels, 2005.

<sup>68</sup> Kaori Saito, *International Protection for Trafficked Persons and Those who Fear Being Trafficked*, New Issues in Refugee Research, Research Paper No. 149 (Geneva 2007); Jenna Shearer Demir, *The Trafficking of women for sexual exploitation: A gender-based and well-founded fear of persecution?* New Issues in Refugee Research, Working Paper No. 80 (Geneva 2003); John Morison and Beth Crosland, *The trafficking and smuggling of refugees: the end game in European asylum policy?* New Issues in Refugee Research, Research Paper No. 39 (Geneva 2001).

141. In addition to the projects listed above, UNHCR offices are also planning future research projects and activities:

- UNHCR Morocco joint research project on trafficking: UNHCR Morocco in cooperation with other UN agencies has drafted the Terms of Reference for a major research project to be initiated in 2008 to study the situation of trafficking in Morocco. In addition to many other areas, the project will address whether persons of concern to UNHCR are falling victim to trafficking.
- UNHCR expert papers and meetings on trafficking: The Protection Operations and Legal Analysis Services division within UNHCR headquarters is planning to produce three papers as background documents for an expert meeting on the issue. Specifically the papers and the subsequent meeting will address: 1) the identification and referral of victims of trafficking to procedures to determine international protection needs; 2) the application of the refugee definition to asylum claims from victims of trafficking; and, 3) the protection of persons of concern from falling into trafficking through reducing risk factors. An independent consultant is already working on developing a background paper in preparation for this meeting addressing the protection needs of trafficked children.

142. POLAS has recently developed a webpage on the UNHCR website dedicated to trafficking issues. The page contains all UNHCR documents relevant to trafficking as well as external reports, guidelines and other documents.

143. Besides the publications and research activities mentioned above, most of the offices interviewed have not carried out or been involved in any research on trafficking as relates to persons of concern in the countries where they operate. Several offices interviewed stated that it was difficult to know what role they should play in anti- trafficking, when they were unaware of the extent of the problem, especially since they lack research or information on how many refugees and other persons of concern have actually been trafficked or who face the risk of trafficking.

144. Many noted that other work took priority and they had neither the time nor resources to carry out research. Some reported they were reluctant to be involved in research and information gathering relating to trafficking because of potential security risks given the criminal nature of trafficking networks.<sup>69</sup> However, all agreed on the importance of having access to more research to help them better understand the risks of trafficking as relates to persons of concern. As noted in the introduction to this section, staff feel that it is important to have this information in order to effectively implement UNHCR policy.

145. Even though UNHCR has produced few publications on trafficking and refugee protection, other organizations have published several. Several organizations, such as Amnesty International, the Women's Commission on Refugee Women and Children, Save the Children and IOM have carried out research on

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<sup>69</sup> The involvement of organized crime in trafficking creates risks of a kind that are relatively rare in social research. This potential danger has acted as a deterrent to pursuing particular questions or information sources and has had a limiting effect on what it has been possible to achieve in trafficking research. See, Kelly, Elizabeth, *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*, p. 11 (IOM 2002).

trafficking, displacement and asylum.<sup>70</sup> The Women's Commission for Refugee Women and Children published papers on trafficking in Burma, Colombia, the United States and the United Kingdom.<sup>71</sup> According to Womens' Commission staff, the purpose of carrying out this research was to highlight the risk of trafficking facing refugees and other persons of concern with the hope that other organizations, especially UNHCR, would then begin to prioritize the issue and carry out additional research and advocacy. Although organizations, such as the Women's Commission for Refugee Women and Children distribute their publications to UNHCR, few staff interviewed have seen any of these publications. Part of this may be attributed to the fact that there appears to be no systematic procedure in place to share information on trafficking with the relevant field staff, including publications and other materials by other organizations.

### Conclusions and recommendations

146. UNHCR has done a small amount of research to investigate whether persons of concern are falling victim to trafficking. The studies carried out by UNHCR Thailand and UNHCR Czech Republic do reveal that persons of concern are, in fact, at risk of being trafficked and serve to highlight the issue. The overview of the trafficking situation in Europe and UNHCR's activities relating to trafficking as relates to persons of concern provides easy access to helpful information on individual countries. Additionally, the report itself can be used as a resource by other countries in the identifying prevention and response activities relating to trafficking and persons of concern which they may replicate in their countries.

147. The three papers produced by PDES provide clear and concise information regarding how trafficking victims may qualify for asylum. These papers are particularly helpful and important given the inexperience of government adjudicators and UNHCR staff involved in the RSD process in entertaining and/or analyzing claims based on a fear of trafficking by claimants. Plans for future research projects in Morocco and POLAS' intention to produce expert papers on trafficking themes are hopeful signs of a growing commitment by UNHCR to more consistently address this issue in research projects.

148. UNHCR staff are generally unfamiliar with other research and publications specifically addressing the link between trafficking and international protection. Part of this may be due to the press of other priorities and work in the field offices. Additionally, the fact that there is no structure within the organization which acts as a nerve centre for trafficking issues and facilitates the sharing of trafficking research may contribute to staff's lack of awareness of these and other resources.

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70 See, Appendix 6 which provides a bibliography of research produced by NGOs on the link between trafficking and international protection.

71 Women's Commission for Refugee Women and Children, *Abuse Without End: Burmese Refugee Women and Children at Risk of Trafficking*, New York, 2006; Women's Commission for Refugee Women and Children, *Caught in the Crossfire: Displaced Colombians at Risk of Trafficking*, New York, 2006; Women's Commission for Refugee Women and Children, *The Struggle Between Migration Control and Victim Protection: The UK Approach to Human Trafficking*, New York, 2005; Women's Commission for Refugee Women and Children, *The US Response to Human Trafficking: An Unbalanced Approach*, New York, 2007.

149. Because there is little research or information available to staff on trafficking risks faced by persons of concern, it makes it difficult for them to prioritize the issue and to effectively plan how to carry out activities to implement UNHCR policy.

150. Based on the information above and these conclusions, the following is recommended:

- UNHCR should carry out studies relating to its obligations to prevent persons of concern from falling into trafficking and to ensure access to asylum for victims or potential victims of trafficking. Consistent with its current plans to produce background papers on trafficking, POLAS should carry out two studies addressing the issues of prevention and protection as relates to trafficking and persons of concern. The first study should address prevention of persons of concern from falling into trafficking, focusing on identifying which refugees and others of concern to UNHCR are vulnerable to trafficking and recommending suggested prevention responses. The second study should provide an overview of how governments and UNHCR RSD operations have addressed claims for refugee protection based on trafficking as the form of persecution alleged. It should provide recommendations on how to better ensure access to asylum for victims or potential victims of trafficking. These studies should contribute to UNHCR knowledge on the issue and promote more effective planning on how to prevent and respond to trafficking as relates to persons of concern.
- UNHCR should create a system to identify and disseminate relevant existing research. UNHCR should create a structure through which to identify research relating to trafficking as relates to refugees and other persons of concern done by other organizations, research centres, universities and governments on trafficking specifically as relates to international protection and to then disseminate that research to the field. Ideally, the person to implement this would be the POLAS trafficking focal point.

### **Awareness-raising and outreach**

151. Several UNHCR offices and implementing partners are involved in awareness-raising and outreach projects aimed at informing refugees and other persons of concern about the risks of trafficking. Several UNHCR offices have been involved in information sessions and information campaigns, and have produced leaflets and posters highlighting the risk of trafficking faced by refugees and other persons of concern to UNHCR.

152. Staff from UNHCR Malaysia visit detention centres and warn detainees of the dangers of trafficking they may face after deportation. UNHCR Romania and UNHCR Slovenia lead information sessions in reception centres, alerting refugees to warning signs of trafficking and providing them with information on available assistance and protection to victims. UNHCR Slovenia as well hands out an information brochure to all single females and separated children asylum seekers with the purpose of training the women and children in recognizing the signs of trafficking.

153. UNHCR Colombia along with NGOs have carried out a campaign to inform people of their right to leave the country and seek international protection. This campaign also addressed the dangers of trafficking faced by those planning to leave Colombia. From January through March 2008, UNHCR Ethiopia along with IOM carried out a joint awareness-raising campaign to combat trafficking and smuggling. Radio spots in four different languages were aired on local radio. Radio journalists broadcast programs on the topic. A hotline was created to provide information and counselling to callers.

154. UNHCR Albania supports campaigns by implementing partners to distribute information highlighting the dangers of trafficking and the importance of international protection during international events such as International Women's Day, World Children's Day and World Refugee Day. UNHCR Armenia with funding from the United Kingdom has carried out an awareness raising project on trafficking and smuggling. As part of the project, UNHCR staff facilitated several sessions to train NGO staff on how to carry out activities aimed at raising awareness of trafficking risks among refugees in Armenia.

155. A small number of UNHCR offices through their implementing partners have carried out outreach and counselling services aimed at combating trafficking. An implementing partner of UNHCR conducts hut-to-hut visits in the refugee camps to raise awareness among parents and girls on a series of issues, including the risks of trafficking. An implementing partner of UNHCR India counsels women on employment exploitation and staff accompany women on interviews with potential employers to assure that the employers pay fair wages and provide just working conditions. Where staff are suspicious of possible exploitation, they advise women against accepting the employment.

156. The large majority of offices interviewed, however, reported little activity relating to awareness-raising among refugees and other persons of concern under their responsibility regarding the risks of trafficking. When questioned why there was so little activity, many pointed to the fact that other organizations were quite active in raising awareness on the issue. Therefore, many of the offices did not want to duplicate efforts especially in light of their workload on other issues. Some offices, primarily those located in the Africa and MENA regions, felt that the issue is not a problem for persons of concern under their responsibility and, therefore, felt no need to carry out such awareness campaigns.

## **Conclusions and recommendations**

157. The great majority of offices interviewed do not carry out any awareness-raising activities or outreach to alert refugees and others of concern to the risks of trafficking. For the most part, those that are involved in awareness-raising activities have done so because of they have targeted groups at risk for trafficking – such as in Malaysia, Nepal or India – or work in countries where trafficking has been seriously and consistently addressed by governmental and non-governmental organizations for several years – such as Colombia and selected European countries.

158. The low amount of awareness raising initiatives can be contributed to several factors. First, many offices interviewed reported that other organizations actively carried out campaigns and, therefore, they felt no need to duplicate such work.

Second, several offices stated that they already felt overburdened with their current workload and were unable to take on additional initiatives. Third, several offices – primarily in the Africa and MENA regions – stated that trafficking as relates to persons of concern did not seem to be a problem in the countries where they operated. Therefore, they see no need to raise awareness or develop outreach projects to address the issue among persons of concern.

159. Based upon the information above and these conclusions, the following is recommended:

- UNHCR field offices should survey what awareness raising and outreach activities are done by NGOs and government authorities in the countries where they operate to determine how they can complement those activities. UNHCR offices should assess what awareness raising activities are carried out by governments and NGOs in the countries in which they operate to determine if they reach refugees and other persons of concern to UNHCR. Where they do not, UNHCR should consult with the governmental offices and NGOs involved in these activities to encourage them to raise awareness among refugee communities and other persons of concern. Where they indicate an inability or unwillingness to do so, UNHCR staff should develop projects to alert refugees and other persons of concern to the risks of trafficking and to advise them of assistance and protection provided by UNHCR to victims and potential victims of trafficking.

### **Training by UNHCR of external partners**

160. The vast majority of UNHCR field offices interviewed have provided some kind of external training addressing UNHCR's policy on trafficking as relates to persons of concern in the countries where they operate. The majority of UNHCR field offices include trafficking issues as part of their general protection trainings or as part of training sessions on mixed migration and protection needs which they organize for governmental authorities, NGOs and international agencies.

161. UNHCR field offices train a variety of government officials, including relevant ministry personnel, asylum eligibility officers, border guards and police officers, on the link between asylum and trafficking and the international protection needs for certain victims of trafficking.<sup>72</sup> Similar trainings have been developed and implemented by UNHCR staff in several countries for implementing partners and other NGOs.<sup>73</sup>

162. A small number of UNHCR field offices also participate in joint trainings with IOM of government officials and police working on anti-trafficking activities. During these joint trainings, UNHCR is generally responsible for explaining the link between asylum and trafficking as well as the international protection needs for certain victims.<sup>74</sup> One of the biggest joint trainings carried out by UNHCR and IOM occurred in Albania from 2004 through 2006. During that time period, the

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72 Albania, Bosnia-Herzegovina, Ethiopia, India, Kazakhstan, Kenya, Malaysia, Mexico, Nepal, Romania, Serbia, South Africa, Thailand, UK and USA.

73 Albania, Bosnia-Herzegovina, Colombia, Ecuador, India, Morocco, Nepal, South Africa, Thailand and USA.

74 Albania, Costa Rica, Jordan, Thailand and Turkey.

organizations carried out ten one-week courses for 172 border police officers in Albania, focusing on issues of migration, asylum and trafficking.

163. A few UNHCR field offices have provided training to international organizations like IOM, the United Nations Interim Administration Mission in Kosovo (UNMIK) the North Atlantic Treaty Organization (NATO) on the link between trafficking and asylum and on UNHCR's responsibility for trafficking as relates to persons of concern. UNHCR Colombia has provided training to all IOM field offices in Colombia to guarantee that they are able to provide assistance to trafficking victims with potential international protection needs. Currently, UNHCR Colombia is preparing training for UNODC on the link between trafficking and asylum. In 2002, UNHCR Kosovo trained UNMIK police on the link between trafficking and asylum and on victim identification issues. Similarly, UNHCR Turkey has trained NATO on the link between trafficking and asylum.

164. The POLAS trafficking focal point in UNHCR's headquarters also provides training for external counterparts such as government officials and international organizations when requested. For example, the focal point has trained government officials from Caribbean countries and from northern Africa and the Gulf on the link between trafficking and asylum. She has also done a presentation on this issue during a conference on trafficking held in Vienna in 2008. The POLAS trafficking focal developed a presentation in 2006 that has been shared with UNHCR staff in the field to use in preparing their own trainings for local governmental authorities, international agencies and NGOs. The trafficking focal point has received several requests for training on the link between asylum and trafficking from external partners. However, it has not been possible for the focal point to meet all of these requests due to a lack of time and resources.

165. All interviewed staff members in both the field and in headquarters working on trafficking acknowledge that it is important to train external partners on the link between trafficking and protection. However several staff members noted that they do not feel comfortable training NGOs, governmental authorities or international organizations until they themselves receive more in-depth training on the many issues relating to trafficking and persons of concern.

## **Conclusions and recommendations**

166. Almost a quarter of the offices interviewed provide training on the link between asylum and trafficking and potential international protection needs for certain trafficking victims to governmental authorities. A slightly smaller number provide similar trainings to implementing partners and other NGOs. Only three of the interviewed offices reported training international agency staff, such as IOM, UNMIK and NATO. Trainings carried out by UNHCR for external stakeholders are vital in order to raise awareness regarding UNHCR's role relating to trafficking and persons of concern. In order to promote continued and increased external training on UNHCR policy on trafficking as relates to persons of concern, the following is recommended:

- UNHCR field offices should create external training plans. UNHCR field offices should create a yearly training plan on trafficking issues and identify relevant stakeholders to be trained. UNHCR should make special efforts to

train those persons – governmental authorities, NGOs or international agency staff – who come directly in contact with trafficking victims in order to highlight UNHCR role in trafficking as relates to persons of concern. Once these individuals are aware of UNHCR’s policy, more victims with potential protection needs may be referred to UNHCR. Victim identification has been identified by many interviewed as one of UNHCR’s biggest weakness in carrying out its policy. Training of external partners in identifying victims with a potential protection need offers an opportunity to cure that weakness.

- UNHCR should increase the training capacity of its own staff. UNHCR field offices and headquarters should identify training opportunities for trafficking focal points and other staff to gain in-depth knowledge on this issue. When UNHCR staff are better trained on the issues they can then provide better training for external stakeholders.

### **UNHCR country papers**

167. UNHCR country papers provide an opportunity to alert decision-makers and governments of dangers of trafficking faced by refugees. UNHCR provides access to a wide range of up-to-date country of origin information which may help them in making decisions relating to refugee status or on possible return of refugees to their home countries. The organization is regarded as one of the most credible sources of objective refugee-related information and opinion, both on profiles of groups at risk of persecution in their country of origin and on the availability of effective protection in a third country.

168. Consistent with its responsibility to assure access to credible information for decision-makers in RSD processes and for governments contemplating return of refugees to their countries of origin, UNHCR regularly produces country-related papers, including country of origin (COI) position papers. These papers contain guidance on the eligibility or returnability of specific groups at risk within the current situation in the country of origin.<sup>75</sup>

169. Certain refugees face the risk of trafficking if compelled to return to their country of origin. Several of the UNHCR offices interviewed mentioned that it would be helpful to have this information included in COI position papers available to them in order to identify and regularly advocate for the most appropriate durable solutions on behalf of refugees and other persons of concern under their responsibility. Although some of the country position papers do include information on trafficking,<sup>76</sup> the majority do not consistently address the risk of trafficking facing returnees.

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75 For more on COI position papers and the other papers produced by UNHCR, see, IOM/FOM No. 082/2006, Policy relating to the issuance of country-related UNHCR papers, 7 December 2006.

76 For example, see, International Protection Considerations Regarding Colombian Asylum Seekers and Refugees (March 2005); Basis of Claims and Background Information on Asylum-Seekers and Refugees from the Republic of Belarus (Oct. 2004); Basis of Claims and Background Information on Asylum-Seekers and Refugees from the Russian Federation (June 2004).

170. The country of origin position papers are an appropriate and effective vehicle to advise decisions-makers on the risks of trafficking faced by certain refugees if they are returned to their country of origins. Therefore, the following is recommended:

- UNHCR should include information about trafficking in position papers. Given that certain refugees do, in fact, face risks of trafficking upon return, it is recommended that UNHCR include information relating to the situation of trafficking in country of origin position papers and identify persons vulnerable to such in its position papers.

### **Strengthening Protection Capacity Project**

171. The Strengthening Protection Capacity Project (SPCP) works with UNHCR field offices and partners to strengthen state and community capacities to protect refugees and other persons of concern. SPCP works with field offices and other stakeholders to identify protection gaps and propose solutions to remedy these gaps. SPCP is currently active in twelve countries on five continents.<sup>77</sup> The *SPCP Protection Gaps Framework for Analysis*, a guide for offices to use in conducting the gaps analysis, includes only two references to trafficking. The first inquires as to whether measures exist within the national legal system to combat trafficking. The second asks whether trafficking is considered a criminal offence in the respective country.

172. In carrying out a gaps analysis, UNHCR Thailand and UNHCR Ecuador have included trafficking as an issue of concern. In addressing trafficking in its gaps analysis, UNHCR Ecuador noted the importance of providing information to victims and potential victims of trafficking and informed that their offices are part of a newly-formed anti-trafficking network which is doing so. UNHCR Thailand highlighted the need for research on children as well as a possible project on this emerging protection concern. However, there are constraints in finding genuinely interested partners with adequate implementation capacity. Funding for this project would also be required.

### **Conclusions and recommendations**

173. The Strengthening Protection Capacity Project provides an important means to examine the situation of trafficking as affects persons of concern where SPCP projects are operating. Only two of the twelve countries participating in the project have addressed trafficking in their analysis despite the fact that trafficking occurs in the other ten countries as well. The *SPCP Protection Gaps Framework for Analysis* includes only two references to trafficking. Because of SPCP's important role in assisting field offices to identify protection gaps, the following is recommended:

- The SPCP Protection Gaps Framework for Analysis should include a greater focus on trafficking in any updates. Given the particularly hidden nature of trafficking, it is important to create mechanisms to identify victims or potential trafficking victims who may be persons of concern to UNHCR and assess the appropriate assistance and protection to address their needs. The treatment of trafficking should not be confined to the SGBV

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<sup>77</sup> Burundi, Kenya, Tanzania, Zambia, Bolivia, Ecuador, Thailand, Armenia, Azerbaijan, Georgia, Egypt and Yemen.

context. Therefore, it is recommended that any update of the Framework for Analysis treat the issue of trafficking in greater depth. For example, a question regarding whether trafficking victims have access to the asylum procedure should be included in the chapter addressing registration and status determination. Questions regarding risks of trafficking for the purposes of forced labour should be included under the chapter addressing security from violence and exploitation.

### **Referral mechanisms**

174. A referral mechanism is a cooperative framework through which relevant stakeholders fulfill their obligations to protect and promote the human rights of trafficked persons. The basic aim of a referral mechanism is to ensure that the human rights of trafficked persons - including access to international protection -- are respected and to provide an effective way to refer victims of trafficking to the appropriate services. They should be designed to formalize cooperation among government agencies, international organizations and NGOs dealing with trafficked persons.

175. UNHCR field staff have collaborated with international agencies and NGOs in creating both formal and informal screening and referral mechanisms to provide assistance and protection to trafficking victims. For example, UNHCR Italy works with IOM and NGOs in a European Union funded project relating to reception of migrants and refugees, including trafficking victims, arriving in mixed flows. The organizations have created a process to refer all arrivals to the appropriate agency for protection and assistance. Although IOM is generally responsible for the needs of trafficking victims, it will refer them to UNHCR where a potential need for international protection is identified. Several other UNHCR field offices have established informal referral mechanisms in collaboration with IOM, NGOs and governmental authorities in their respective countries to provide assistance and protection to victims or potential victims of trafficking.<sup>78</sup>

176. In addition to current referral mechanisms existing in the field, IOM and UNHCR at headquarters level are working together to develop standard operational guidelines and procedures to facilitate cooperation between the two organizations within the scope of their respective mandates. The objective of this project is to improve protection and assistance for victims of trafficking by developing guidelines and procedures to facilitate cooperation between IOM and UNHCR in identifying, sheltering, referring, reintegrating and resettling victims of trafficking.

177. Besides these initiatives, the vast majority of UNHCR field offices interviewed, however, have not created any mechanism to refer victims or potential victims to other organizations. According to these offices, they have not done so because they do not encounter victims or potential victims of trafficking in the course of their work. Therefore, they have not seen the need to create a referral mechanism.

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<sup>78</sup> Armenia, Bosnia-Herzegovina, Costa Rica, Kenya, Kosovo, Ireland, Jordan, Romania, Thailand and Turkey.

## Conclusions and recommendations

178. Referral mechanisms are in place in the countries where UNHCR staff have been working on trafficking issues and see the importance of cooperation in order to better assist and protect victims or potential trafficking victims. Those offices which do not see trafficking as a problem in the countries where they operate have made little effort to contact relevant organizations or government agencies to discuss the creation of a referral mechanism. Based on the information above and these conclusions, the following is recommended:

- UNHCR field offices should ensure that referral mechanisms exist in the countries in which they operate: UNHCR offices should ensure that a referral mechanism exists in the countries in which they operate in order to refer victims of trafficking to the appropriate agencies for protection and assistance. This includes confirming that a mechanism exists whereby other organizations refer victims or potential victims of trafficking to UNHCR or to government asylum systems for refugee processing. UNHCR staff should strengthen existing structures, including the National Referral Mechanisms as promoted by the OSCE Action Plan Against Human Trafficking with its participating states, to facilitate access to asylum and other protection mechanisms as needed. Where no such mechanisms exist, UNHCR should meet with relevant governmental officials, IOM staff, where present, and other organizations in the countries in which they operate to develop this mechanism.

## RSD procedures

179. Access to and obtaining of refugee status provides vital protection for certain eligible victims or potential victims of trafficking. This is especially so where national systems do not provide adequate alternative arrangements as part of their anti-trafficking legislation. Refugee status determination processes should generally be carried out by states. However, many – including those who have signed the 1951 Convention relating to the Status of Refugees and its 1967 Protocol – have handed over their responsibilities for adjudicating refugee claims to UNHCR which carries out RSD operations in between sixty to eighty countries yearly.<sup>79</sup> The great majority of the RSD workload is based in fifteen UNHCR operations.<sup>80</sup> Many of the countries

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<sup>79</sup> Non-signatory States where UNHCR conducts RSD under the mandate are: Eritrea, Hong Kong, India, Indonesia, Malaysia, Mongolia, Nepal, Pakistan, Sri Lanka, Thailand, Uzbekistan, Jordan, Kuwait, Lebanon, Libya, Saudi Arabia, Syria, UAE and Cuba. UNHCR occasionally conducts RSD under the mandate in another twelve non-signatory states (less than two cases per month). Signatory States where UNHCR conducts RSD under the mandate because there is no national RSD procedure or because the national RSD procedure cannot yet be considered fair or efficient are: Cameroon, DRC, Kenya, Sierra Leone, Somalia, Sudan, Cambodia, China, Kazakhstan, Kyrgyzstan, Algeria, Egypt, Iran, Mauritania, Morocco, Tunisia, Yemen, Azerbaijan, Turkey, and Trinidad and Tobago. It also occasionally conducts RSD under the mandate in an additional 21 signatory-states (less than two cases per month). Because of limited capacity in the national asylum systems of certain signatory-states, UNHCR is formally and/or actively involved in various aspects of the RSD procedures (e.g. reception, registration, interview and/or drafting eligibility recommendations) in the following countries: Burundi, China, Liberia, Mozambique, Nigeria, Uganda, Timor Leste, Israel, Russian Federation, Ukraine, Ecuador, Panama and Venezuela. It plays a supervisory role in 83 signatory states.

<sup>80</sup> Kenya, Malaysia, Turkey, Somalia, Egypt, Yemen, Cameroon, Libya, India, Pakistan, Syria, Hong Kong, Thailand, Morocco and Algeria.

where UNHCR is responsible for RSD processing are countries of mixed migration with significant smuggling and trafficking problems.

180. UNHCR offices have been active in advocating, adjudicating and analyzing claims based on trafficking. Many offices have shared the Trafficking Guidelines with national authorities and NGOs.<sup>81</sup> Offices have also provided training to adjudicators and other stakeholders on the Trafficking Guidelines, explaining how victims or potential victims of trafficking can be eligible for refugee status. Implementing partners of UNHCR have provided legal assistance and counselling to victims and potential victims seeking asylum based on a fear of trafficking.<sup>82</sup>

181. The refugee status determination process acts as an important protection tool for victims or potential victims who are in need of international protection. A quarter of the offices interviewed reported on specific asylum cases filed with government authorities or UNHCR offices based on a fear by the claimant of trafficking. These are:

- Albania: UNHCR Albania reported that ten individuals applied for asylum based on trafficking. Five of the applicants were granted refugee status. One applicant was granted temporary protection on humanitarian grounds. Two applicants were initially rejected and then left the country while their appeals were pending. Two other applicants left the country before their initial applications were decided.
- Bosnia-Herzegovina: During the period of time that UNHCR carried out RSD determinations as part of its operations, two trafficking victims applied for and received refugee status by UNHCR. The government has not granted refugee status based on a fear of trafficking to any applicants. However, four persons denied refugee status alleging trafficking as persecution were granted temporary protection for humanitarian grounds.
- Costa Rica: At the government's request, UNHCR Costa Rica submitted an advisory opinion in a case involving a Guatemalan victim of trafficking. It is one of the first cases that UNHCR is aware of in Costa Rica.
- Canada: UNHCR Canada reported that the government has considered asylum cases based on trafficking and has granted several applicants refugee status.
- Czech Republic: The UNHCR office reported that there have been between ten to fifteen asylum claims filed by trafficking victims with the national authorities. Some of the claims were based on a fear of trafficking.
- Germany: UNHCR Germany reported that there have been several cases where minor victims of trafficking have been granted subsidiary protection.

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81 Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked , April 2006.

82 Germany and Romania. UNHCR Colombia has an agreement with a University legal clinic which gives advice to asylum seekers and refers trafficking victims to UNHCR. In addition to providing legal assistance, UNHCR Nepal offers psycho-social assistance to trafficking victims. Two offices, UNHCR Bosnia-Herzegovina and Albania, support shelters which provide legal assistance and other services to trafficking victims.

At least three applications filed by women applicants fearing trafficking have been considered by the government and granted refugee status.

- Serbia: UNHCR reported that it has granted refugees status to two victims of human trafficking.
- Spain: UNHCR Spain reports that a small number of applicants who have filed claims based on a fear of trafficking have been granted humanitarian status. The national asylum office did grant refugee status to a victim who claimed fear of trafficking but the grant was based on the ground of political opinion unrelated to the trafficking claim.
- South Africa: UNHCR South Africa reported that there have been two asylum claims filed by women who base their claims on fear of trafficking. UNHCR was consulted in these cases and recommended that the government grant asylum.
- Thailand: UNHCR reported that mandate status was granted to one asylum applicant in 2007 based on a fear of trafficking.<sup>83</sup> Several other claims have been filed by applicants from Nepal and Vietnam which involved claims of past persecution based on of trafficking.
- Turkey: UNHCR Turkey reported that the office has identified seven cases involving trafficking. Three of the applicants were trafficked during their stay in Turkey. One of these applicants was granted refugee status unrelated to the trafficking experience. Another, a minor, was granted refugee status for a number of reasons, including trafficking. The other two applicants were granted refugee status based on their fear of trafficking. Of the remaining three applicants, one failed to appear for the interview; a second abandoned the application and returned home; and, a third applicant's claim was denied based on credibility concerns.<sup>84</sup>
- United States: There have been several claims filed by applicants seeking refugee status based on a fear of trafficking. Some have been granted and others denied.
- *United Kingdom*: UNHR UK reported that they have encountered cases of asylum based on trafficking, the majority of which have been granted complementary protection.

182. National governments have adjudicated a larger number of applications based on trafficking than UNHCR offices responsible for RSD procedures. With the exception of Bosnia-Herzegovina, Serbia, Thailand and Turkey, none of the other

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<sup>83</sup> It is important to note that UNHCR also briefly discusses trafficking for the purposes of forced prostitution or sexual exploitation as a form of persecution in its Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002.

<sup>84</sup> It is important to note that UNHCR also briefly discusses trafficking for the purposes of forced prostitution or sexual exploitation as a form of persecution in its Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002.

offices where UNHCR carries out RSD operations under its mandate reported adjudication of asylum applications based on trafficking.<sup>85</sup>

183. Because neither countries nor the UNHCR maintain statistics on the type of persecution alleged in asylum applications, it is difficult to determine with any precision the number of applicants who seek asylum based on a fear of trafficking. However, the number of claims filed based on a fear of trafficking pales in comparison to the number of persons trafficked internationally every year. A major obstacle to consideration and adjudication of a larger number of claims for asylum is the hidden nature of trafficking and the difficulties encountered in identifying victims in need of international protection. In addition to frustrations voiced relating to these obstacles, several offices reported concerns that traffickers are using the asylum system to obtain some form of legal status for the victims and avoid possible deportation.<sup>86</sup>

### **Conclusions and recommendations**

184. UNHCR offices have been very active in sharing the Trafficking Guidelines and training governmental authorities and other relevant stakeholders on the link between asylum and trafficking as previously noted. It is reasonable to conclude, therefore, that some governments have become more receptive to entertaining trafficking-based claims as a result thereof. Conversely, the organization itself has entertained very few such applications in their RSD operations despite taking the lead in creating guidance on the issue. This may be attributed to the fact that many offices do not recognize trafficking as a problem in the countries where they are working. Also, the failure to identify victims or potential victims of trafficking in need of international protection may contribute to the low number of applications being filed with UNHCR. This failure can be attributed, in some part, to offices' failure to carry out greater outreach in the community and to develop stronger relations with organizations and persons working directly with trafficking victims, outside of the refugee context.

185. However, it is important to highlight the reality faced by many trafficking victims, a reality that often prevents them from seeking any assistance. There are numerous obstacles that stand in the way of a trafficking victim seeking assistance through asylum. Most are held captive and, therefore, have little access to the outside world much less to services designed to provide them with protection. UNHCR needs to continue to work towards establishing strong referral mechanisms with other organizations in order to ensure that those victims who actually are able to escape have the opportunity to assess whether asylum is an option to pursue given their circumstances.

186. Therefore, based on the information above and these conclusions, the following is recommended:

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85 Those offices are: UNHCR Cameroon; UNHCR DRC; UNHCR Egypt; UNHCR India; UNHCR Kazakhstan; UNHCR Iran; UNHCR Jordan; UNHCR Kenya; UNHCR Malaysia; UNHCR Morocco; UNHCR Nepal; UNHCR Pakistan; UNHCR Sudan; and, UNHCR Yemen.

86 Bosnia-Herzegovina, Czech Republic, Spain and Switzerland.

- UNHCR should provide more specific training on the link between asylum and trafficking to its RSD officers. Given the extremely low numbers of cases adjudicated by UNHR in its RSD operations based on trafficking, it is recommended the RSD Learning Program training given to all new protection officers responsible for RSD place a greater emphasis on trafficking. The current program makes little mention of trafficking nor does it contain any case studies on trafficking. The objective of having better trained RSD officers is to increase their capacity to respond appropriately to trafficking cases when they arise.
- UNHCR should carry out greater outreach in order to reach victims or potential victims of trafficking. UNHCR field offices should establish closer relations with non-traditional actors such as police, child welfare agencies, faith-based organizations, labour unions, anti-trafficking organizations and others who have direct access to the victims and explain its role in providing international protection to eligible victims or potential victims of trafficking.

### **Resettlement as a durable solution for trafficking victims**

187. Of the three durable solutions promoted by UNHCR on behalf of refugees and other persons of concern, resettlement seems to be the solution primarily used by field offices to protect refugees who have been victims of trafficking or who are at risk of trafficking. Four of the forty-three offices interviewed reported specifically resettling trafficking victims.<sup>87</sup> Over ten percent of individual cases referred for resettlement are women at risk. Presumably, a number of them are women who were at risk of trafficking or who had been trafficked.

188. Resettlement can act as both a strategy to prevent people of concern from falling prey to traffickers as well as an important protection tool for persons of concern who have been trafficked or risk being trafficked. In order for a refugee to be resettled, he or she must fit within one of the criteria for determining if resettlement is an appropriate solution.<sup>88</sup> According to the UNHCR Resettlement Service at headquarters, trafficking victims can be and are resettled under current criteria. For example, those offices which have resettled trafficking victims have done so under the criteria of legal and physical protection reasons and women-at-risk.<sup>89</sup>

189. The Resettlement Service sees resettlement as a durable solution for trafficking victims who cannot find protection in their first country of asylum. However, it cautions that it is important to determine when resettlement may not be the best option. For example, a victim may be at risk of further exploitation if he or she does not receive sufficient support in the third country. In such a case, it may be better for UNHCR to pursue local integration opportunities in the country of asylum. In the case of children, the Resettlement Service will first carry out a Best Interests of the Child Determination (BID) in order to determine if transfer of the victim to a safe and protected place in the country of asylum where they can be given special attention is

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<sup>87</sup> Bosnia-Herzegovina, Egypt, Serbia and Turkey.

<sup>88</sup> These criteria are: legal and physical protection needs; survivors of violence and torture; medical needs; women-at-risk; family reunification; children and adolescents; older refugees; and, refugees without local integration prospects.

<sup>89</sup> UNHCR Egypt reported resettling trafficking victims under these categories.

a better option. In analyzing which option – resettlement or local integration - is the most appropriate solution for a refugee who faces trafficking or who has been trafficked, it is important to determine which option will provide the best services for the individual based on his or her needs.

## **Conclusions and recommendations**

190. Of the three available durable solutions, resettlement seems to be the primary solution used by UNHCR field offices in trafficking cases. Trafficking victims are often unprotected in the country of asylum and, therefore, may be in special need of resettlement. However, resettlement of trafficking victims is only appropriate where they receive adequate services and protection to address their needs in countries of resettlement. Where their needs can be appropriately met in the country of asylum, there may be no need for resettlement and UNHCR staff should investigate those services available to ensure effective integration.

191. Current criteria establishing eligibility for resettlement are sufficient to provide the necessary protection to victims or potential victims of trafficking. For example, female victims or potential victims can easily fit into the category of women-at-risk. Because trafficking is a physical threat to the safety of a refugee, he or she may be resettled under the category of legal and physical protection reasons. Finally, a refugee who has suffered violence or torture as a result of the trafficking experience can be resettled under that particular category. Because current criteria adequately address the many situations faced by victims or potential victims of trafficking, there is no need to add a specific trafficking category to the resettlement criteria.

192. A word of caution may be appropriate relating to available resettlement data under current criteria. Given current resettlement criteria, it is difficult to identify the number of trafficking victims or potential victims who are resettled without manually going through case files. Therefore, UNHCR is prevented from determining to what extent victims or potential victims of trafficking are actually resettled. A discussion regarding whether UNHCR is adequately addressing the needs of victims or potential victims through resettlement is beyond the scope of this review. However, it is a question for the UNHCR Resettlement Service to consider.

193. Based on the information above and these conclusions, the following is recommended:

- *UNHCR should create a procedure to determine how many trafficking victims are considered for resettlement.* In order to determine if victims or potential victims of trafficking are accessing resettlement opportunities, a field addressing this issue should be included in the FOCUS database in order to capture such information.<sup>90</sup> UNHCR Resettlement staff should review the current FOCUS results-based management framework to determine where to insert the field. Creating such a field will assist the Resettlement Service in determining if and how it is responding to protection needs of victims or potential victims of trafficking.

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<sup>90</sup> For more on the FOCUS database, see Chapter 9, Internal reporting on prevention and protection responses to trafficking.

## **UNHCR good practices relating to trafficking and persons of concern**

194. A good practice is an intervention that addresses, in accordance with prevailing policy or guidelines, a specific protection issue, problem or challenge, resulting in better protection for persons of concern.<sup>91</sup> As the previous chapters have demonstrated, several UNHCR offices have developed good practices to implement UNHCR policy to prevent people of concern from falling victim to trafficking. Practices have also been developed to provide protection to trafficking victims with international protection needs.<sup>92</sup>

195. One of the most successful of these good practices is the Protection Against Trafficking and Sex and Gender-Based Violence (PATS) project, developed by UNHCR for implementation in Slovenia. The primary objective of the PATS project was to provide information to asylum-seekers most at risk of falling prey to human traffickers, and to assist and protect victims of human trafficking and sexual and gender-based violence identified within the asylum system. In 2004, a regional conference was held in Ljubljana to explore the regional applicability of the PATS project to other countries during which it was agreed that the project should be exported. In reaching this decision, the participants recognized that the project offered a unique model as it addresses both prevention and protection of asylum seekers at risk of trafficking, an element often missing in efforts to combat trafficking. As a result of this decision, 'PATS-like' pilot projects have been implemented in Croatia and Bosnia.

196. The PATS project is the only good practice identified by the review team which has been shared and duplicated by other UNHCR offices. According to several interviewed staff members, good practices are not shared systematically among UNHCR's trafficking focal points or others working on trafficking issues in field offices. This may be because there is no network within UNHCR to share such good practices nor has headquarters staff collected these practices in a format which could be shared.

## **Conclusions and recommendations**

197. The replication of the PATS project first implemented in Slovenia and later duplicated in Croatia and Bosnia-Herzegovina is a successful example of how UNHCR offices can learn from each other's experiences. Besides the PATS projects, there is no record of UNHCR offices systematically using each other's experiences to design and implement effective practices relating to trafficking and persons of concern. Because of this failure to share good practices among relevant UNHCR staff and to create a centralized collection of practices at headquarters, the organization has not been able to develop a base of acquired knowledge on trafficking and runs the risk of reinventing the wheel each time it creates a new project on prevention and protection responses to trafficking. Additionally, it runs the risk of making mistakes which could be avoided by drawing on prior experiences of other field offices that have already carried out similar projects. Based on the information above and these conclusions, the following is recommended:

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<sup>91</sup> UNHCR *Operational Protection in Camps and Settlements: A Reference Guide of Good Practices in the Protection of Refugees and Other Persons of Concern*, Geneva, 2005, p. 12.

<sup>92</sup> A list of UNHCR good practices relating to prevention and protection can be found at Appendix 10.

- *UNHCR should maintain an updated collection of good practices.* The POLAS trafficking focal point in collaboration with the regional bureaus should create and maintain a collection of good practices developed in the field and at headquarters to combat trafficking.<sup>93</sup> Periodically, a report on these best practices can then be shared with all UNHCR staff through the use of a IOM/FOM.

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<sup>93</sup> Appendix 10 which provides a list of good practices can serve as a starting point for continued collection of UNHCR good practices.

## 9: Internal reporting on trafficking activities

198. UNHCR field offices are required to report on their activities to headquarters on a yearly basis. This is generally done through the Annual Protection Report (APR), an internal document, which is a tool used for reporting, planning and improving UNHCR operations with regard to protection.<sup>94</sup> The 2007 APR instructions to field offices include a variety of categories that offices can reply to when reporting on their activities. The only specific question in the APR instructions addressing trafficking is found under the SGBV sub-category in the security from exploitation and violence chapter. Here offices are asked to report on different forms of sexual and gender based violence, which can include incidents of trafficking. There are no references in the instructions to other potential forms of trafficking such as for purposes of forced labour or trafficking in organs.

199. Thirty-one of the forty-three field offices interviewed did include information relating to prevention and response activities carried out by them or by implementing partners in their 2006 and 2007 Annual Protection Reports. For the 2006 and 2007 reporting period, most field offices included information on such activities in their APRs in a specific item addressing trafficking under the sub-category of sexual and gender based. A few offices reported their activities under the sub-category of national and regional migration policy in the favourable protection environment chapter. A small number of offices also addressed interagency cooperation on trafficking issues under the sub-category of partnerships contained in that same chapter.

200. In general, reporting on trafficking is not systematic in the Annual Protection Reports and references to prevention and protection responses to trafficking are sporadically placed in a number of categories and sub-categories as noted. Annual Protection Reports average 40 pages in length. Because there is no designated section to address trafficking - with the exception of a brief mention of trafficking under the SGBV category -- a person who is looking to collect information on prevention and response activities may have to comb through many pages before finding specific information.

201. A review of the APR process was done in 2004 by the UNHCR Evaluation and Policy Analysis Unit which found flaws in the reporting structure. As a result of the review, a pilot project was launched in 20 countries for the 2005/2006 Annual Protection Reports. A detailed questionnaire structured along the lines of the *SPCP Protection Gaps Framework for Analysis* was developed and sent out to the participating countries. The questionnaire included several references to trafficking. It requested offices to describe national policies to combat trafficking and whether countries had established special measures to protect victims and to identify the

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<sup>94</sup> See, Annual Protection Report General Instructions, 2007. Offices are required to provide an executive summary of the report and include an overview of populations of concern. There are then six different categories of information which they must address; these are: favourable protection environment; fair protection processes and documentation; security from violence and exploitation; basic needs and essential services; community participation and self management; and, durable solutions.

nationality of victims. It also asked whether potential victims of trafficking had been recognized as refugees. Under a section on prevention and response mechanisms to sexual and gender-based violence, offices were requested to describe the extent to which refugees are exposed to the risk of trafficking. The pilot project was overall considered to be successful by UNHCR headquarters. However, it was not extended beyond the 2005 and 2006 reporting period. Many of the participating field offices found the reporting process using the questionnaire to be too burdensome.

202. In parallel to efforts to improve the APR system, UNHCR is currently developing new software (FOCUS) to support results-based planning and management of UNHCR's operations world-wide. One of the primary goals of the database is to ensure that UNHCR is able to report on both its performance and the impact of its work. Once the program is in place in the field, all offices will be required to input data in fields, such as trafficking, as appropriate to their national context.<sup>95</sup> FOCUS will replace the Country Operation Plans and the Country Reports and field offices will be required to use the database in order to create budgets for their operations. There are ongoing discussions to determine whether protection reporting will continue through the use of the Annual Protection Reports in addition to the FOCUS database.

203. Once the FOCUS database is in place, it will be easier to collect and compare up-to-date information on particular issues, including trafficking. There are between 60 to 70 areas of impact included in the database, including several sections on trafficking. Offices can provide information under fields requesting information on national and regional strategies to combat trafficking of asylum seekers and access to asylum procedures for victims of human trafficking. Additionally, under the sexual and gender based category, offices can input whether information is disseminated in their countries on the dangers of human trafficking and whether referral mechanisms exist to refer victims to the appropriate agencies and organizations for assistance and protection.

## **Conclusions and recommendations**

204. It is encouraging that the majority of offices interviewed actually report on prevention and protection responses to trafficking in their APRs. However, the quality of reporting varied greatly and seemed dependent on the reporting person's ability, knowledge and interest in the issue.

205. Although there are categories in the current APR format where countries can insert information on their prevention and protection activities, trafficking is only specifically mentioned one time in the SGBV context. This makes it burdensome to easily gather information on such activities, especially as relates to trafficking outside of specific incidents involving SGBV, without going through the entire report. Because the APR can act as a checklist for future planning, the fact that there is little mention of trafficking in the instructions serves to minimize attention to the issue. Without additional sub-categories in relevant chapters in the APR, field office staff are not prompted to analyze and respond to requests for specific information on trafficking.

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<sup>95</sup> Initial field testing of the database has taken place in seven countries: Argentina, Bosnia-Herzegovina, Costa Rica, Malaysia, Tanzania, Thailand and Yemen.

206. The FOCUS database which mirrors, to some extent, the APR pilot project carried out in 2005 and 2006 provides an opportunity to quickly collect much more detailed and updated information on prevention and protection activities on trafficking as relates to persons of concern within UNHCR. Because there are several more fields addressing trafficking in the database, it is a more effective checklist for reporting and planning purposes to be used by field offices.

207. Although reporting can be burdensome for field staff, it is vital that information relating to victims or potential victims of trafficking be gathered and reported on in a more consistent manner. A failure to do so will result in a failure to protect victims and potential trafficking victims who are persons of concern to UNHCR. Therefore, a more systematic approach to gathering information on UNHCR's prevention and protection activities as relates to trafficking should be established. Based on the information above and these conclusions, the following is recommended:

- UNHCR should update the APR reporting instructions to request that staff provide information on prevention and protection responses to trafficking as relates to persons of concern. The Annual Protection Report instructions should be updated to capture information relating to prevention and protection activities carried out by UNHCR staff and implementing partners. For example, information regarding trafficking should be requested under the following categories in the chapter on favourable protection environment: national legal framework; national and regional migration policy; and, access to territory and safety. Information regarding access to the RSD process should be addressed in the chapter addressing fair protection process and documentation under the following categories: access to asylum procedures; and, refugee and stateless definitions. Under the durable solution chapter, offices should be encouraged to include information under the resettlement category relating to resettlement of trafficking victims.
- Additional fields on trafficking should be added to the FOCUS database. For example, requests for more information should be made under the category of Fair Protection Process and Documentation. Specifically, information as to whether trafficking victims who may be persons of concern have been identified should be added under the reception sub-category. Under the category of Durable Solutions, information whether there has been proactive identification of resettlement cases of trafficking victims should be requested.



## 10: Interagency Cooperation

208. During the past several years, UNHCR staff, both in the field and at headquarters, have collaborated with international organizations, governments and NGOs to combat trafficking. This collaboration has taken the form of participation in working groups and anti-trafficking networks, joint trainings led by UNHCR and IOM, capacity building of national actors involved in anti-trafficking, advocacy efforts and the development of formal and informal referral mechanisms to assist trafficking victims. The sections below describe this cooperation at both field and headquarters level and also discuss agency and NGO perceptions of UNHCR's work as relates to trafficking and persons of concern.

### UNHCR Field Offices

209. UNHCR Field Offices are involved in a wide range of activities relating to trafficking and persons of concern. Many of the offices interviewed reported that they are part of national or regional working groups, most of which focus primarily on trafficking, with some focusing on the broader issue of migration and refugee issues in addition to trafficking.<sup>96</sup> Some offices are particularly active. For example, UNHCR Ireland is part of three different working groups set up by the government to address trafficking and it plays a significant role in advocating protection for trafficking victims who may be eligible for asylum. UNHCR Spain was instrumental in forming the anti-trafficking network, comprised of representatives from NGOs, lawyers, universities and academic institutes, in the country in 2004.

210. UNHCR Thailand cooperates and coordinates closely with the administrators of the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP), dedicated to building a stronger and more coordinated response to trafficking in the region. UNHCR Thailand's preliminary contribution is to train and sensitize partners, including UN agency staff, on the link between trafficking and asylum as well as the unique protection issues facing refugees and asylum seekers. UNHCR Thailand also participates in UN country team working groups which address trafficking issues, including the UN Thematic Working Group on International Migration and Trafficking and the UN Theme Group on Social Protection. UNHCR Turkey participates along with IOM staff as observers at meetings of a governmental working group created to address trafficking in Turkey. In 2004 during negotiations relating to the passage of national trafficking legislation, UNHCR Canada organized a meeting between all relevant stakeholders to share information and discuss ways to advocate for greater protection for victims and potential victims of trafficking. Although the remaining offices interviewed do not participate formally in working groups or networks, most UNHCR field offices reported that they maintain good informal working relations with other international agencies, such as IOM, and NGOs working on trafficking issues.

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<sup>96</sup> Albania, Bosnia-Herzegovina, Costa Rica, Czech Republic, Colombia, Ecuador, Ethiopia, Georgia, Ireland, Malaysia, Mexico, Morocco, Pakistan, Romania, Serbia, Spain, Thailand and Turkey.

211. UNHCR field staff have also collaborated with other international agencies and NGOs in creating both formal and informal screening and referral mechanisms to provide assistance and protection to trafficking victims. For example, UNHCR Albania along with IOM, OSCE and the government of Albania successfully designed and implemented a pre-screening system which was eventually handed over to the Border and Migration Police in April 2006. UNHCR Italy along with IOM, Save the Children and the Red Cross is part of an EU funded project addressing reception of migrants and refugees, including trafficking victims, arriving in mixed flows. Upon arrival, each migrant or refugee, depending upon his or her particular needs, is channelled to the appropriate agency for assistance. IOM is generally responsible for attending to the needs of trafficking victims but will refer them to UNHCR where they see a potential need for international protection. Several other UNHCR field offices have established informal referral mechanisms in collaboration with IOM and NGOs in their respective countries to provide assistance and protection to victims or potential victims of trafficking.<sup>97</sup>

212. UNHCR field staff and IOM have carried out joint conferences with the participation of governmental officials, NGOs and other actors involved in anti-trafficking work. The U.S. Department of State Bureau of Population, Refugees and Migration have funded four such conferences in the Caribbean and hopes to replicate similar conferences in Africa. As per an informal agreement reached between IOM and UNHCR in Jordan in 2008, the two organizations are working together to design and implement joint training activities relating to assistance and protection for trafficking victims. From 2004 through 2006, UNHCR and IOM carried out ten one-week courses for 172 border police officers in Albania addressing issues of migration, asylum and trafficking. UNHCR Kenya has also been involved in joint trainings with IOM. UNHCR Costa Rica has done joint trainings with IOM field staff for government officials and members of the police, focusing on the link between asylum and trafficking.

213. UNHCR field offices have also carried out projects relating to prevention and protection of victims or potential victims of trafficking in collaboration with other agencies and governments. As discussed previously in the chapter on implementation, UNHCR Ethiopia carried out a joint awareness raising campaign to combat trafficking and smuggling with IOM from January through March 2008. In late 2003, UNHCR Slovenia along with national governmental authorities, non-governmental organizations, and the UNODC developed the Project Against Trafficking and Sex and Gender-Based Violence (“PATS project”). The objectives of the project were to empower persons and groups at particular risk of falling victim to trafficking and to identify, protect and assist trafficking victims in the national asylum procedure in Slovenia. PATS-like projects, supported by UNHCR, UNODC and the OHCHR, were also implemented in Croatia and Bosnia-Herzegovina.

### **UNHCR Headquarters and Liaison Offices**

214. Cooperation between international agencies and non-governmental organizations has been promoted at the highest levels within the organizations. For example, the UNHCR High Commissioner and the OSCE Secretary General have

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<sup>97</sup> Armenia, Bosnia-Herzegovina, Costa Rica, Kenya, Kosovo, Ireland, Jordan, Romania and Turkey.

committed to consider trafficking as a priority area for cooperation between the two agencies.<sup>98</sup> Also a General Assembly thematic debate was convened in June 2008 at United Nations Headquarters addressing ways forward in the global fight against trafficking. One of the anticipated outcomes of this meeting was to create proposals for improved cooperation and coordination of actions by the various stakeholders on combating trafficking in persons.

215. UNHCR Headquarters and liaison office staff have been involved in a range of interagency working groups on trafficking. UNHCR has participated as a member of the following international interagency working groups on trafficking.

- *IGO Contact Group on Human Trafficking and Smuggling:* In March 2001, an inter-agency contact group was created in Geneva to address issues of concern to the participants relating to trafficking and smuggling.<sup>99</sup> The aim of the group was to facilitate an exchange of information on trafficking and smuggling and to foster, where appropriate and feasible, inter-agency cooperation on a bi-lateral and multi-lateral basis. This group was chaired by OHCHR and UNHCR was an active participant, until the meetings came to an end in 2007 after several changes in personnel in OHCHR.
- *OSCE Alliance Against Trafficking in Persons:* UNHCR is a member of this alliance which is a broad international forum aimed at combining efforts of its members to combat trafficking. It is composed of national authorities, national and regional non-governmental organizations and international organizations.<sup>100</sup> The alliance has an Alliance Expert Coordination Team (AECT) of which UNHCR is also a member.<sup>101</sup> The purpose of the team is to develop networking and partnerships among stakeholders, facilitate sharing of experiences, effective practices and lessons learned, as well as implementing joint actions in the OSCE region. The AECT meets approximately twice a year and UNHCR participates in these meetings. The primary objective of UNHCR is to use the OSCE Alliance as a forum for advocacy and networking purposes, information sharing, and dissemination of relevant UNHCR position and policy papers.
- *Inter-Agency Cooperation Group Against Trafficking in Persons (ICAT):* ICAT was created in response to an ECOSOC request that intergovernmental agencies further cooperate in combating trafficking.<sup>102</sup> After a meeting organized by UNODC and held in Tokyo in October 2006, the creation of the ICAT coordinating group was proposed.<sup>103</sup> ICAT's overall aim is to improve coordination and cooperation between UN agencies and other international organizations to facilitate a holistic approach to preventing

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98 See, Letter, UNHCR High Commissioner, Antonio Guterres, to OSCE Secretary General Marc Perrin de Brichambaut, 12 September 2007.

99 Representatives from the following organizations participated in the group: OHCHR, UNHCR, IOM, ILO, Council of Europe, International Migration Policy Programme, Focal Point on Sexual Exploitation and International Movement Against All Forms of Discrimination and Racism.

100 A full list of participating members is available on the OSCE website at <http://www.osce.org/cthb/13413.html>.

101 A full list of AECT is also available on the OSCE website at <http://www.osce.org/cthb/13413.html>.

102 Res. 2006/27, Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking, 27 July 2006.

103 ICAT members are: UNHCR; ILO; IOM; UNICEF; UNDAW; and, UNODC.

and combating trafficking in persons including protection and support for victims for trafficking. Since its creation after the meeting in October 2006, ICAT has met twice since to share information and to continue to discuss possible cooperation and to share information. Currently, there is little activity being carried out by ICAT.

216. Although UNHCR participated in initial discussions regarding the creation of another important inter-agency initiative, the *United Nations Global Initiative to Fight Human Trafficking (UNGIFT)*, it was not asked to become a member of the Steering Committee.<sup>104</sup> Launched in March 2007, the purpose of UNGIFT is to coordinate efforts to combat trafficking and its goals are: to raise awareness on the issue of human trafficking; to gather information relating to data, facts and statistics on global trafficking; and, to increase technical assistance to stakeholders involved in combating trafficking around the world.

217. In addition to participating in interagency working groups with other international organizations on trafficking, UNHCR headquarters is part of a Steering Committee for a recently proposed project led by ICMC, calling for the development of humanitarian standards of response to migrant victims of violence and trauma in border crossings.<sup>105</sup> ICMC asked UNHCR to become involved because of its unique role in providing protection to refugees who often arrive as part of mixed flows with migrants. These arrivals include trafficking victims or potential victims who may be in need of refugee protection.

218. There has also been collaboration on advocacy efforts between UNHCR headquarters and the OHCHR before the European Union regarding trafficking. In 2001, the two organizations drafted and submitted joint observations to the European Commission relating to the Proposal for an EU Council Framework Decision on Combating Trafficking in Human Beings. The comments promoted the inclusion of international human rights and refugee standards in the framework.

219. Finally, UNHCR headquarters is working closely with staff at IOM to develop standard operational guidelines and procedures to facilitate cooperation between the two organizations within the scope of their respective mandates. The objective of this project is to improve protection and assistance for victims of trafficking by developing guidelines and procedures to facilitate cooperation between IOM and UNHCR in identifying, sheltering, referring, reintegrating and resettling victims of trafficking. IOM and UNHCR will convene a meeting of officials from both organizations in selected countries where IOM and UNHCR staff have already been cooperating.<sup>106</sup> The meeting is expected to result in a first draft of standardized operational guidelines and procedures to facilitate cooperation between IOM and UNHCR on victim identification and protection. Once a working draft has been agreed by the parties, IOM and UNHCR will facilitate two trainings for staff in high priority locations.

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<sup>104</sup> UNGIFT members are: UNODC; IOM; ILO; OHCHR; OSCE; and, UNICEF.

<sup>105</sup> The other Steering Committee members are IOM and IFRC. Additionally, selected NGO representatives from organizations in Djibouti, Greece, Italy, Malta, Mauritania, Somalia, Spain, Turkey and Yemen will also be part of the Steering Committee.

<sup>106</sup> The parties have not yet made a final decision on where the meetings will be held.

220. In addition to the efforts at headquarters level in Geneva, UNHCR has also been involved in collaboration at the regional level. For example, the UNHCR liaison office to the OSCE and UN agencies based in Geneva are in the process of developing a protection and protection-focused anti-trafficking project in the Balkans with UNODC and the OSCE. The project proposes to develop systematic institutional outreach activities to categories of persons with increased risk profiles, such as undocumented migrant women and unaccompanied minors in detention, pre-deportation and reception facilities or those seeking help from specialized local support organizations. It also proposes to provide personal counselling services and brochures with important contact information of service providers situated along the major trafficking routes in Europe to such persons. The project will create referral systems to channel identified victims to appropriate protection and assistance within and without the asylum channel. The project also envisions training of relevant governmental and NGO staff involved in managing migration and asylum by their peers from other countries in the region which have already implemented such projects. The project explicitly seeks to establish good practices suitable for transfer to other countries.

### **Perception of UNHCR's role as relates to trafficking**

221. As part of the review, the team interviewed representatives from several international organizations and international non-governmental organizations regarding their knowledge and perception of UNHCR's work on trafficking as relates to persons of concern and what role UNHCR can and should play in that field.<sup>107</sup> Almost all those interviewed were aware of UNHCR policy on trafficking as relates to persons of concern. However, few knew of any specific prevention and response activities undertaken by UNHCR relating to trafficking and persons of concern.

222. The general perception according to several of the international agencies and NGOs interviewed is that trafficking has a low profile within UNHCR. This perception is supported, in their opinion, by the small amount of time that the POLAS trafficking focal point devotes to trafficking issues. Several suggested that if UNHCR wants to be seen as a partner in the fight against trafficking in human beings, it must take a more pro-active stance.

223. A few organizations interviewed felt that there is not a clear understanding of trafficking - at headquarters or the field - among UNHCR staff and, therefore, there is a real need to train UNHCR staff on several issues, including the distinction between trafficking and smuggling and the role of international refugee law in providing protection to trafficking victims or potential victims.

224. All of the organizations interviewed felt that UNHCR has a unique role to play in the preventing and responding to trafficking given its mandate to protect refugees and its access to victims or potential victims of trafficking in reception centres, detention centres, refugee camps and in its own offices around the world. One

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<sup>107</sup> The team consulted representatives from the IOM, OHCHR, ILO, UNODC, OSCE, UNESCO, UNICEF, UNICRI, ICMC, IRC, the Womens' Commission for Refugee Women and Children and Terres de Hommes International Federation. The team also spoke with representatives of the U.S. Department of State Bureau of Population, Refugees and Migration.

organization noted that because of its operational capacity, UNHCR can play a unique role in identifying victims or potential victims of trafficking during emergencies and work with other agencies and governments in providing the necessary protection and assistance to them.

225. All those interviewed felt that there is potential for enhanced cooperation between the international agencies and organizations and UNHCR. Many suggested that the most appropriate way to promote such collaboration would be through the creation of specific, concrete projects. Most interviewees from the international organizations voiced frustration at the limited amount of more concrete cooperation among the agencies. All felt that information sharing was essential and helpful but that the collaboration should go further.

226. Several interviewees emphasized the importance and need for all agencies to work together to provide the best response to victims consistent with the respective mandates of each organization. They should determine how to complement each other's work rather than competing for resources and recognition in the trafficking context.

### **Conclusions and recommendations**

227. At the field level, there is significant inter-agency cooperation as demonstrated by UNHCR field office involvement in working groups on trafficking, in the creation and implementation of referral mechanisms, in joint trainings carried out with other organizations and in joint projects to identify, protect and assist trafficking victims. Given the more operational role of field offices, there is more project collaboration at field level than at headquarters. Cooperation at the headquarters level is focused more on information sharing. There is little work done on specific initiatives at the head quarters level with the exception of the pending joint project between IOM and UNHCR to create standardized guidelines and operational procedures for response to trafficking in the field.

228. Although external partners were generally familiar with UNHCR's role, few were able to identify any specific prevention and response activities to trafficking as relates to persons of concern carried out by the organization. UNHCR's profile on trafficking issues is generally perceived as weak by external partners. The limited amount of time which the trafficking focal point in UNHCR's headquarters has been able to dedicate to the issue is one cause of the problem. Although all trafficking focal points at headquarters have dedicated considerable time and energy to the issue, they have not had the time necessary to really establish strong working relationships with relevant stakeholders and to raise UNHCR's profile in the context of trafficking.

229. Given UNHCR's unique access to refugees and other persons at risk and its operational capacity, it should play a stronger role both on the ground and at headquarters level in combating trafficking consistent with its mandate. UNHCR should more effectively engage in cooperation with other agencies and organizations to promote a more holistic and protection-sensitive approach to combating trafficking.

230. Based on the information above and these conclusions, the following is recommended:

- The Assistant High Commissioner for Protection and the Director of the Department of International Protection Services should jointly convene a meeting of Excom members, UNHCR partners and NGOs to explain UNHCR policy on trafficking as relates to persons of concern and to share information gathered in this review. In addition to discussing both the policy and the review, the Assistant High Commissioner for Protection and the Director of DIPS will inform the participants what actions UNHCR intends take based on the review.
- UNHCR should place the issue of trafficking, particularly the organizational division of labour, on the agenda of the Global Migration Group. If UNHCR succeeds in placing the issue of trafficking on the agenda, it will ensure commitment at the highest levels within the participating organizations. After the issue is placed on the agenda, it is important to determine what each organization will contribute to combating trafficking consistent with their mandates.
- UNHCR should consult with IOM to assess the situation of trafficking in the countries where they operate. UNHCR field staff should consult with IOM field staff to determine the extent of trafficking in their respective countries. This information may be helpful to UNHCR staff in designing prevention and response activities on trafficking as relates to persons of concern. Forging better relationships with IOM can contribute to the development of strong and effective referral mechanisms between the organizations.
- UNHCR should be involved in more active networking at both field and headquarters level. UNHCR field staff are urged to better network with national governments, IOM and other partners in the field, such as ICRC and local NGOs, to raise awareness on their role to prevent and respond to trafficking as relates to persons of concern and to collaborate where appropriate. Additionally, staff should reach out to non-traditional actors, including anti-trafficking organizations, police units dedicated to anti-trafficking and religious organizations working with trafficking victims, in order to raise awareness on UNHCR policy relating to combating trafficking and its role in providing assistance and protection to persons of concern.
- UNHCR should negotiate joint training initiatives with IOM. Expanding on current efforts by UNHCR and IOM to create standard operating guidelines and carry out joint trainings, UNHCR field offices are urged to meet with their IOM counterparts in their respective countries and discuss joint training sessions directed at government officials, NGOs, lawyers and other relevant stakeholders.
- UNHCR should establish closer relationships with ILO. UNHCR should develop an institutional relationship with the ILO which has a clear rights-based approach and understanding of the full extent of forced labour and

involuntary servitude which is not limited by the current emphasis on sexual exploitation in the trafficking field.

## APPENDICES

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## **Annex 2: List of UNHCR materials reviewed**

### **Policy-related documents**

UNHCR Policy on Refugee Women (1990)

Conclusion of the Executive Committee on the International Protection of Refugees: No. 84 (LIV) - Conclusion on Refugee Children and Adolescents (1997)

Conclusion of the Executive Committee on the International Protection of Refugees: No. 87 (L) - General (1999)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (2000)

Protocol Against Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)

Interception of Asylum-seekers and Refugee: The International Framework and Recommendations for a Comprehensive Approach, Standing Committee, 18<sup>th</sup> meeting (9 June 2000)

UNHCR Summary Position on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (11 December 2000)

Conclusion of the Executive Committee on the International Protection of Refugees: Executive Committee Conclusion on International Protection: No. 90: General (2001)

Refugee Protection and Migration Control: Perspectives from UNHCR and IOM, Global Consultations on International Protection, Third Track, 2<sup>nd</sup> Meeting (31 May 2001)

The High Commissioner's Five Commitments to Refugee Women (12 December 2001)

Conclusion of the Executive Committee on the International Protection of Refugees: No. 97 (LIV) - Conclusion on Protection Safeguards in Interception Methods (2003)

Conclusion of the Executive Committee on the International Protection of Refugees: No. 96 (LIV) - Conclusion on the Return of Persons Found Not to be in Need of International Protection (2003)

Agenda for Protection (October 2003)

Are Refugees Migrants? A Dangerous Confusion, Speech by Erika Feller, Director of the Department of International Protection, SID lecture series "Migration and Development: Challenges for a World on the Move (27 January 2004)

UNHCR Background briefing note: UNHCR's role in responding to trafficking, prepared PPLAS/DIP (August. 19, 2004)

UNHCR Mandate and main activities related to human trafficking, HCR/GIP/06/07 (Apr. 7, 2006)

Conference of the Parties to the United Nations Convention against Transnational Organized Crime - Inter-agency coordination meeting on collaborative interventions to counter trafficking in persons, held in Tokyo on 26 and 27 September 2007: Report to the Secretariat (10 October 2006)

Refugee Protection and Mixed Migration: A 10 Point Plan of Action (January 2007)

Proposals for an Executive Committee Conclusion on the Protection of Victims of Trafficking Seeking Asylum (16 January 2007)

Ten Point Plan of Action for Refugee Protection and Mixed Migration for countries Along the Eastern and South Eastern Borders of European Union Member States (29 June 2007)

Letter from the High Commissioner to Marc Perrin de Brichambaut, Secretary General, Organization for Security and Cooperation in Europe (12 September 2007)

High Commissioner's Dialogue on Protection Challenges - Discussion Paper: Refugee protection and durable solutions in the context of international migration (19 November 2007)

High Commissioner's Dialogue on Protection Challenges: Refugee Protection, Durable Solutions and International Migration (11-12 December 2007)

Beyond the nexus: UNHCR's evolving perspective on refugee protection and international migration, by Jeff Crisp (April 2008)

Guidelines, Handbooks and Manuals

Refugee Children: Guidelines on Protection and Care (January 1994)

Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees (May 2002)

UNHCR Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons - Guidelines for Prevention and Response (May 2003)

UNHCR Handbook for Registration (Provisional Release September 2003)

UNHCR Handbook for Repatriation and Reintegration Activities (May 2004)

UNHCR Resettlement Handbook (November 2004)

Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked (7 April 2006)

UNHCR Handbook for Emergencies (February 2007)

UNHCR Handbook for the Protection of the Internally Displaced Persons (Provisional Release December 2007)

UNHCR Handbook for the Protection of Women and Girls (January 2008)

UNHCR Guidelines on Determining the Best Interests of the Child (May 2008)

Guidelines on International Protection: Child Asylum Guidelines under Article 1 of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked (Final Draft Version, 17 June 2008)

International Refugee Protection and Human Trafficking – Selected Legal Reference Materials (UNHCR July 2008)

### **Training Materials**

UNHCR Code of Conduct, Division of Human Resources Management (UNHCR Geneva 2004)

Ensuring Gender Sensitivity in the Context of Refugee Status Determination and Resettlement - Module 1: Ensuring Gender Sensitivity in Refugee Status Determination (Bureau for Europe, UNHCR Geneva 2005)

Ensuring Gender Sensitivity in the Context of Refugee Status Determination and Resettlement - Module 2: Ensuring Gender Sensitivity in Refugee Status determination- Procedural Issues (Bureau for Europe, UNHCR Geneva 2005)

Ensuring Gender Sensitivity in the Context of Refugee Status Determination and Resettlement - Module3: Ensuring Gender Sensitivity in Resettlement (Bureau for Europe, UNHCR Geneva 2005)

The Protection Learning Programme: Self study Workbook, Division of International Protection Services (UNHCR Geneva 2006)

Human Rights and Refugee Protection: Self-study Module No. 5, Vol. II (UNHCR 2006)

The Thematic Protection Learning Programmes: Protection Strategies in the context of broader migration movements. Protection Capacity Section, Division of International Protection Services (UNHCR Geneva 2007)

Dying to Leave: Slaves of the Free Market, Aaron Woolf, Producer (2004)

To Serve With Pride - Annual Code of Conduct refresher on prevention of sexual exploitation and abuse (UNHCR 2008)

### **Implementation**

UNHCR Albania Discussion noted: Female trafficking for sexual exploitation (2001)

UNHCR Slovenia Final Report: Project Against Trafficking and Sex and Gender Based Violence (PATS) (2005)

UNHCR, Bureau for Europe Policy Unit, Combating Human Trafficking: Overview of UNHCR Anti-Trafficking Activities in Europe (2005)

UNHCR Background note on UNHCR and the Protection of Victims of Trafficking in Bosnia and Herzegovina (May 2006)

UNHCR Croatia, Note for the file on the seminar: Project Against Trafficking and Sex and Gender Based Violence (PATS) (14-15 September 2006)

UNHCR Briefing note: Pre- screening of asylum-seekers and migrants in Albania (CARDS Project 2003) (June 2006)

UNHCR's Annual protection Reports from 2006 and 2007

UNHCR's 10 Point Plan in Central America, Western Africa, Eastern Africa and Southern Asia - a two year project (March 2008)

UNHCR Report on the Regional Conference on Refugee Protection and International Migration in the Gulf of Aden Region, Sana'a, Yemen (19-20 May 2008)

UNHCR Heightened Risk Identification Tool and User Guide (May 2008)

UNHCR Guide for Establishing GBV Standard Operating Procedures (May 2008)

UNHCR research publications

John Morrison and Beth Crosland: The trafficking and smuggling of refugees: the end game in European asylum policy? New Issues in refugee Research, Research paper 39, UNHCR Geneva, 2001

UNHCR, Women Asylum Seekers and Trafficking, Prague, 2001

Seema Chandra, The trafficking of women for sexual exploitation: A gender-based and well-founded fear of persecution? New Issues in Refugee Research, Working Paper No. 80. UNHCR, Geneva, 2003

UNHCR, Combating Human Trafficking: Overview of UNHCR Anti-Trafficking Activities in Europe, Geneva, 2005

UNHCR, Mobility and protection risks: a study of Ban Mai Nai Soi refugee camp, Bangkok, 2006

Kaori Saito, International protection for trafficked persons and those who fear being trafficked. Kaori Saito, New Issues in Refugee Research, Research Paper No. 149. UNHCR, Geneva, 2007

## **Annex 3: Terms of Reference**

### **Review of UNHCR activities in relation to human trafficking**

#### **Introduction**

As a follow-up to the High Commissioner's Dialogue on Protection Challenges of December 2007, UNHCR's Policy Development and Evaluation Service will undertake a review of UNHCR's activities to counter human trafficking. This document provides the terms of reference for the review, which will be undertaken in collaboration with the Division of International Protection Services (DIPS).

UNHCR's responsibility as relates to human trafficking is twofold. First, UNHCR has an obligation to ensure that persons of concern (refugees, asylum seekers, stateless persons, internally displaced persons and returnees) do not become victims of human trafficking. Second, the office has an obligation to ensure that individuals who have been trafficked or who fear being trafficked and whose claims fall within the refugee definition are recognized as refugees and provided the corresponding protection.

The purpose of this review is to examine UNHCR's effectiveness in meeting these two objectives on a global scale and to make recommendations that will enable the Office to discharge its responsibilities in countering human trafficking more effectively.

#### **Check list of themes that will be addressed in the anti trafficking review**

The review will focus on the following key themes:

##### *Scope of problem*

- The review will provide a brief overview of the scope of the trafficking problem in the introduction along with an explanation of UNHCR responsibility as relates to trafficking and persons of concern.

##### *Policy*

- The review will discuss how UNHCR policy on trafficking as relates to persons of concern has developed and describe the relevant documents forming the basis for this policy. It will assess the adequacy of UNHCR's policy on trafficking and determine if it has been effectively communicated to staff and other stakeholders.

##### *Resources*

- The review will look at what resources within the organization are allocated to prevention and protection responses to trafficking as relates to persons of concern and whether those resources are sufficient to ensure compliance with UNHCR's responsibility as relates to trafficking.

##### *Staff competency and training*

- The review will determine whether staff understand the issue of trafficking. It will assess if UNHCR staff are sufficiently trained on the policy generally and, more specifically, if they are trained on prevention and protection issues

as relates to victims or potential victims of trafficking victims. The review will also assess whether UNHCR has provided effective training on the link between asylum and trafficking to its implementing partners and government officials.

#### *UNHCR guidance on trafficking*

- The review will examine how trafficking is addressed in relevant UNHCR guidelines, manuals and handbooks to determine if the issue is adequately included and discussed. It will determine if UNHCR staff and other stakeholders are aware of these materials and if they are applying them to provide necessary assistance to victims or potential victims.

#### *Implementation of UNHCR policy relating to prevention of persons of concern from falling into trafficking*

- The review will examine the implementation of UNHCR policy on trafficking as relates to prevention of persons of concern from falling into trafficking as well as how offices plan and report on these activities. It will assess the scope and scale of activities to determine if offices are complying with the UNHCR responsibility and will identify any existing gaps on prevention. The review will address any constraints experienced by staff in implementing the policy and suggest possible responses to such.

#### *Implementation of UNHCR policy relating to protection of trafficking victims*

- The review will examine whether UNHCR staff is providing access to asylum procedures and corresponding protection to those recognized as refugees who are victims or potential victims of trafficking. It will assess the scale and scope of activities carried out by UNHCR staff, including examining the effectiveness of any identification procedures, referral mechanisms and RSD procedures as relates to persons of concern who are victims or potential victims. The review will look at how offices plan and report on these activities to determine if information is adequately shared and activities are sufficiently planned to carry out the policy.

#### *Interagency cooperation*

- The review will address cooperation between different agencies and UNHCR relating to trafficking. It will include information on how other international agencies and non-governmental organizations perceive UNHCR's policy as relates to trafficking, whether it is effective and whether there exists potential for future collaboration.

#### *UNHCR good practices*

- The review will identify examples of effective UNHCR practices and explain how they are effective in preventing trafficking or providing protection for trafficking victims who are persons of concern to UNHCR.

## **Process**

The review will begin April 2008 and be completed by October 2008. It will be undertaken in accordance with UNHCR's evaluation policy, the UN Evaluation

Group's Norms and Standards for Evaluation in the UN System and the UNEG Code of Conduct.

The review will be carried out by PDES staff member Maria Riiskaer, who has previous professional experience in the fight against trafficking. She will work closely with the Policy and Legal Advice Service (POLAS) of the Division of International Protection Services (DIPS) and will be supported by an independent consultant. The consultant is Anna Marie Gallagher, a refugee and migration lawyer with experience in representing trafficking victims. The review will be based on a desk review of relevant documents, interviews with key stakeholders and discussions with a selected number and geographically representative sample of UNHCR field offices.

The review will discuss and analyze UNHCR policy as relates to trafficking. It will provide an overview of implementation of the policy, identifying gaps in the areas of prevention and protection of victims who are persons of concern to UNHCR and highlight constraints faced by staff in carrying out the policy. The review will include recommendations based on the evaluators' analysis of the information provided after interviews with the various stakeholders and a review of relevant documents. Many of these recommendations will come directly from UNHCR staff in the field who are in a position to best identify the needs on the ground.

A steering committee has been created to provide oversight of the review process as well as to ensure implementation of the recommendations resulting from the review. It is comprised of a representative of each regional bureau, the director of DIPS, the Chief of Section for CDGECS, and former and current UNHCR HQ trafficking focal points. The steering committee will:

- advise and confirm the selection of the evaluation team;
- review and endorse the Terms of Reference;
- provide feedback to the team during the course of the review and monitor its progress;
- review the team's draft report; and,
- ensure that the finding and recommendations are effectively disseminated and implemented.

Once the review is complete, the steering committee will review the proposed recommendations and will make a final decision on which recommendations will be pursued. A plan identifying concrete tasks with deadlines will then be decided and agreed upon for implementation of the selected recommendations. Senior legal advisors for each bureau will be responsible for the implementation of the provisions in the plan relevant to their regions. The UNHCR headquarters trafficking focal point will be responsible for assuring implementation of those recommendations relevant to work carried out in Headquarters.

28/03/08

#### **Annex 4: Steering Committee**

The Steering Committee created for this review included staff members with a particular interest and expertise on trafficking and a representative of each regional bureau. The members of the Steering Committee are:

- Chiara Cardoletti, Policy Officer Policy Unit, The Bureau for Europe, UNHCR Geneva
- Alistair Boulton, Senior Legal Adviser AFOD Legal Advice Unit, The Bureau for Africa, UNHCR Geneva
- Anne-Birgitte Krum-Hansen, Senior Protection Officer RBAC Desk 1, The Americas Bureau, UNHCR Geneva
- Larry Bottinick, Senior Legal Officer RBAP Regional Desk, UNHCR Geneva
- Naoko Obi, Chief of Section, Com. Dev. Gender Equality & Children Section (CDGECS), UNHCR Geneva
- Karolina Lindholm-Billing, Senior Liaison Officer, Protection Operations and Legal Advice Section, UNHCR Geneva
- Anja Klug, Senior Legal Officer, Protection Operations and Legal Advice Section, UNHCR Geneva
- Vincent Cochetel, Deputy Director, Division of International Protection Services (DIPS) Office of the Director, UNHCR Geneva

The Committee was chaired by PDES and assigned the following responsibilities:

- To advise on the Terms of Reference for the evaluation;
- To assist in the selection of an evaluation team;
- To provide feed back to the team in the course of their work and monitor the progress of the project; and,
- To ensure that the findings and recommendations of the evaluation are effectively disseminated and utilized.

## Annex 5: Situation of trafficking in the selected countries

Below is a brief description of the situation of trafficking in those countries where UNHCR field office personnel were interviewed as part of the review. This information was drawn from the 2008 Trafficking in Persons Report, an annual publication prepared by the U. S. Department of State. The description for each country includes its designation by the U.S. Department of State on one of three lists, described as tiers. Placement on a certain tier is based on the extent of a government's action to combat trafficking, and not on the size of the trafficking problem. Governments which fully comply with the U.S. minimal standards for the elimination of trafficking as elaborated in the Trafficking Victims Protection Act are placed on Tier 1.<sup>108</sup> Governments which are making significant efforts to meet the minimum standards are placed on Tier 2. Special Watch List criteria are considered and, where applicable, Tier 2 countries are placed on the Tier 2 Watch List.<sup>109</sup> Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed on Tier 3. The population information included in each country description below is taken from the CIA World Fact Book.<sup>110</sup> The statistical information relating to UNHCR persons of concern can be found in the UNHCR Statistical Yearbook 2007.<sup>111</sup>

### AFRICA

#### *Cameroon*

Cameroon has a population of 18,467, 292 within its territory. The total population of concern to UNHCR is 62,207, the majority of whom are refugees. Cameroon is a source, transit, and destination country for women and children trafficked for the purposes of forced labour and commercial sexual exploitation. Most victims are children who are trafficked within the country. Girls are trafficked for purposes of domestic servitude and sexual exploitation. Both boys and girls are trafficked for forced labour in sweatshops, restaurants, bars and farming. Children are also trafficked into Cameroon from Nigeria, Chad, the Central African Republic, Congo, Benin and Niger for forced labour in farming, fishing, street vending and spare-parts shops. Cameroon is also a transit country for children trafficked from surrounding countries. It is a source country for women trafficked by criminal organizations for

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<sup>108</sup> Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, Div. A, § 108, 114 Stat. 1464 (Oct. 28, 2000). A copy of this Act is available in an appendix to the U.S. Department of State, *Trafficking in Persons Report* (June 2008) on the Department of State website at <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>109</sup> Special Watch List countries receive special scrutiny. The list is composed of: 1) countries listed as Tier 1 in the current report that were listed as Tier 2 in the previous report; 2) countries listed as Tier 2 in the current report that were listed as Tier 3 in the previous report; and, 3) countries listed as Tier 2 in the current report where the number of victims is significant or increasing, where the government fails to provide evidence of increasing efforts to combat trafficking from the previous year, or where the determination that a country is making significant efforts to comply is based on commitments by the country to take future steps in the upcoming year.

<sup>110</sup> To review individual country information, visit the CIA World Factbook at <https://www.cia.gov/library/publications/the-world-factbook>.

<sup>111</sup> See, UNHCR Statistical Yearbook 2007, Table 1: Refugees, asylum-seekers, internally displaced persons (IDPs), returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR by country/territory of asylum, end -2007.

sexual exploitation in Europe, primarily France, Germany and Switzerland. Because of its failure to provide evidence of its efforts to combat trafficking over the past year, Cameroon has been designated as a Tier 2 country.

#### *Congo, Democratic Republic of*

The Democratic Republic of the Congo (DRC) has a population of 66,514,506 within its territory. The total population of concern to UNHCR is 2,555,204. Over 1,300,000 are internally displaced persons. Another one million are returned internally displaced persons. The DRC is a source and destination country for men, women, and children trafficked for the purposes of forced labour and sexual exploitation. Most of the trafficking takes place in the unstable eastern provinces and is carried out by criminal gangs. Armed militia groups, such as the Democratic Forces for the Liberation of Rwanda (FDLR), the National Congress for the Defence of the People (CNDP) and various local militia (Mai-Mai), abduct and forcibly recruit Congolese men, women, and children, as well as smaller numbers of Rwandan and Ugandan children, to serve as labourers (including in mines), porters, domestics, combatants, and sex slaves. Some reports suggest that Congolese children are prostituted in brothels or in camps by loosely organized networks. There are reports that Congolese women and children are also trafficked by road to South Africa for sexual exploitation. Congolese girls are also believed to be trafficked to the Republic of the Congo for commercial sexual exploitation. A small number of Congolese children are also believed to be trafficked to Uganda through Rwanda for agricultural labour and sexual exploitation. Because of its failure to provide evidence of efforts to combat trafficking during the past year, the DRC has been designated as a Tier 2 country.

#### *Ethiopia*

Ethiopia has a population of 78,254,090 within its territory. The total population of concern to UNHCR is 85,395, the great majority of whom are refugees. Ethiopia is a source country for men, women, and children trafficked primarily for the purpose of forced labour and, to a lesser extent, for commercial sexual exploitation. Rural Ethiopians, adults and children, are trafficked to urban areas primarily for domestic servitude and, to a lesser degree, for commercial sexual exploitation and forced labour, such as begging, weaving or farming. Ethiopian women are trafficked transnationally for domestic servitude to Lebanon, Saudi Arabia, and the U.A.E., but also to Bahrain, Djibouti, Kuwait, Sudan, Syria, and Yemen. Some are trafficked into the sex trade after arriving at their destinations, while others are trafficked onward from Lebanon to Turkey, Italy, and Greece. Small numbers of men are trafficked to Saudi Arabia and the Gulf States for forced labour. The U.S. Department of State considers Ethiopia to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

#### *Kenya*

Kenya has a population of 37,953,838 within its territory. The total population of concern to UNHCR is 371,495; approximately 100,000 are stateless persons and the remainder is primarily refugees. Close to 6,000 are individual asylum seekers. Kenya is a source, transit, and destination country for men, women, and children

trafficked for the purposes of forced labour and sexual exploitation. Kenyan children are trafficked internally for domestic servitude, street vending, agricultural labour, herding, and work as barmaids, and commercial sexual exploitation. Kenyan men, women, and children are trafficked to the Middle East, other African nations, Europe, and North America for domestic servitude, work in massage parlours and brothels, and forced manual labour, including in the construction industry. Employment agencies facilitate and profit from the trafficking of Kenyan nationals to Middle Eastern nations, including Saudi Arabia, the U.A.E., and Lebanon, as well as Germany. Chinese, Indian, and Pakistani women reportedly transit through Nairobi en route to networks in Europe's commercial sex trade. Brothels and massage parlours in Nairobi employ foreign women, some of whom are likely trafficked. Children are trafficked to Kenya from Rwanda, the Democratic Republic of the Congo, Ethiopia, Uganda, and Somalia. The U.S. Department of State considers Kenya to be a Tier 2 country but notes that it has made significant efforts to comply with the minimum standards for the elimination of trafficking.

### *South Africa*

South Africa has a population of 43,786,115 within its territory. The total population of concern to UNHCR is 207,601. Close to 38,000 are refugees and the remainder comprise individual asylum seekers. South Africa is a source, transit, and destination country for trafficked men, women, and children. South African girls are trafficked internally for the purposes of commercial sexual exploitation and domestic servitude. Boys are trafficked within the country for work in street vending, food service, and agriculture. Child sex tourism occurs in a number of South Africa's cities. South African women are trafficked transnationally to Ireland, the Middle East, and the United States for domestic servitude. Women and girls from other African countries are trafficked to South Africa for commercial sexual exploitation, domestic servitude, and other work in the service sector. These women are occasionally trafficked onward to Europe for sexual exploitation. Thai, Chinese, and Eastern European women are trafficked to South Africa for sexual exploitation. Young men and boys from Mozambique, Zimbabwe, and Malawi are trafficked to South Africa for agricultural work. Organized criminal groups and local gangs facilitate trafficking into and within South Africa, particularly for the purpose of commercial sexual exploitation. The U.S. Department of State considers South Africa to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

### *Sudan*

Sudan has a population of 40,218,455 within its territory. The total population of concern to UNHCR is 1,695,573. One and a quarter million are internally displaced persons. Over 84,000 are returned internally displaced persons. Over 222,000 are refugees; 130,693 are returned refugees; and, 7,324 are asylum seekers. Sudan is a source country for men, women, and children trafficked within the country for the purposes of forced labour and sexual exploitation. It is also a transit and destination country for Ethiopian women trafficked abroad for domestic servitude. Sudanese women and girls are also trafficked to Middle Eastern countries for domestic servitude. The Lord's Resistance Army (LRA) continues to harbour small numbers of Sudanese and Ugandan children in the southern part of the country for use as cooks,

porters, and combatants; some of these children are also trafficked across borders into Uganda or the Democratic Republic of the Congo. Sudanese children are unlawfully recruited and used by armed rebel groups—including all SLA factions, the Popular Defence Forces, Janjaweed militia, and Chadian opposition forces—in Sudan’s ongoing conflict in Darfur; the Sudanese Armed Forces and associated militias also continue to exploit young children in this region. There are reports of unlawful child recruitment by the JEM/Peace Wing among communities of internally displaced persons in Dereig, South Darfur. Militia groups in Darfur, some of which are linked to the government, abduct women for short periods of forced labour and to perpetrate sexual violence. The U.S. Department of State has designated Sudan as a Tier 3 country for its failure to comply with minimum standards for the elimination of trafficking.

## **AMERICAS**

### *Canada*

Canada has a population of 33,212,696 within its territory. The total population of concern to UNHCR is 213,254 of which 175,741 are refugees and 37,513 are individual asylum seekers. Canada is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labour. Women and children are trafficked primarily from Asia and Eastern Europe for sexual exploitation. However, victims from Africa, Latin America, and the Caribbean also have been identified. Asian victims tend to be trafficked to Vancouver and Western Canada, while Eastern European and Latin American victims are generally trafficked to Toronto and Eastern Canada. A significant number of victims, especially South Korean females, are trafficked through Canada to the United States. Canadian girls and women, many of whom are aboriginal, are trafficked within the country for commercial sexual exploitation. According to non-governmental organizations, Canada is a destination for foreigners trafficked for labour exploitation; many of these victims enter Canada legally but then are unlawfully exploited in agriculture and domestic servitude. The U.S. Department of State has designated Canada as Tier 1 country as it fully complies with the minimum standards for the elimination of trafficking.

### *Colombia*

Colombia has a population of 45,013,674 within its territory. The total population of concern to UNHCR is 3,000,281, of which almost all are internally displaced persons. Colombia is one of the Western Hemisphere’s primary source countries for women and girls trafficked abroad for purposes of commercial sexual exploitation and involuntary servitude. Colombian women and girls are trafficked throughout Latin America, the Caribbean, Western Europe, East Asia, the Middle East, and North America, including the United States. Within Colombia, although some men are trafficked for forced labour, trafficking of women and children from rural to urban areas for sexual exploitation remains a larger problem. Internally displaced persons are at high risk for trafficking. Insurgent and paramilitary groups forcibly recruit and exploit children as combatants. Gangs and organized criminal networks—some connected to terrorist organizations—force relatives, acquaintances, and displaced persons, typically women and children, into conditions of commercial sexual

exploitation and compulsory labour, including forced begging and servitude in the illegal drug trade. Migrants from South America and China transit Colombia en route to Europe and the United States and some are reported to be trafficking victims. The U.S. Department of State has designated Colombia as a Tier 1 country because the government fully complies with the minimum standards for the elimination of trafficking in persons.

#### *Costa Rica*

Costa Rica has a population of 4,195,914 within its territory. The total population of concern to UNHCR is 17,701, the great majority are refugees and there is a small number of individual asylum seekers. Costa Rica is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labour. Women and girls from Nicaragua, the Dominican Republic, Colombia, Panama, Russia, Uzbekistan, and the Philippines are trafficked into the country for sexual exploitation. Costa Rica also serves as a transit point for victims trafficked to the United States, Mexico, Canada, and Europe. Costa Rican women and children are trafficked within the country and to El Salvador, Guatemala, Japan, and the United States for sexual exploitation. Men, women, and children are trafficked internally for forced labour in fishing and construction, and as domestic servants. Young men from Nicaragua, as well as Chinese nationals, are trafficked to Costa Rica for labour exploitation, mostly in agriculture and construction. The government of Costa Rica does not fully comply with the minimum standards for the elimination of trafficking. However, because it is making significant efforts to do so, the Department of State has placed it on the Tier 2 Watch List.

#### *Ecuador*

Ecuador has a population of 13, 927,650 within its territory. The total population of concern to UNHCR is 292,322, the majority of whom are refugees. There were 27,414 asylum seekers with pending cases as of end-2007. Ecuador is a source, transit, and destination country for women and children trafficked for the purposes of commercial sexual exploitation and forced labour. The majority of trafficking victims are believed to be children trafficked within the country from coastal and border areas to urban centres for sexual exploitation. Some children are trafficked to neighbouring countries and to European countries, including Spain and Italy. Women are trafficked to Colombia, Peru, Venezuela, and Western Europe, particularly Spain and Italy, for sexual exploitation. Although most trafficking occurs within the country, Colombian women and adolescent girls are trafficked into Ecuador for sexual exploitation. Since the government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking, it has been designated by the U.S. Department of State as a Tier 2 country. However, the Department recognizes that the government is making significant efforts to do so.

## *Mexico*

Mexico has a population of 109,955,400 within its territory. The total population of concern to UNHCR is 1,665, the majority of whom are refugees. Mexico is a large source, transit, and destination country for persons trafficked for the purposes of commercial sexual exploitation and forced labour. A significant number of Mexican women, girls, and boys are trafficked internally for sexual exploitation. According to the Mexican government, up to 20,000 children are victimized in commercial sexual exploitation in Mexico every year, especially in tourist and border areas. The majority of foreign victims trafficked into the country for sexual exploitation come from Central America, particularly Guatemala, Honduras, and El Salvador. Many trafficking victims transit Mexico en route to the United States and, to a lesser extent, Canada and Western Europe. Some Central American minors, travelling alone through Mexico on their way to the United States to meet family members, fall victim to traffickers, particularly near the Guatemalan border. Persons from South America, the Caribbean, Eastern Europe, and Asia also are trafficked into Mexico for sexual or labour exploitation, or transit the country en route to the United States. Organized criminal networks traffic women and girls from Mexico into the United States for commercial sexual exploitation. Mexican men, women and girls are trafficked into the United States for forced labour, especially in agriculture. Mexican men and boys are trafficked from southern to northern Mexico for forced labour. Central Americans, especially Guatemalans, have been subjected to agricultural servitude and labour exploitation in southern Mexico. The U.S. Department of State considers Mexico to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

## *United States*

The United States has a population of 303,824,646 within its territory. The total population of concern to the UNHCR is 365,103 of which 83,884 are asylum seekers with pending applications. The United States is principally a transit and destination country for trafficking in persons. It is estimated that 14,500 to 17,500 people, primarily women and children, are trafficked to the U.S. annually.<sup>112</sup> It is a destination country for men, women and children trafficked largely from East Asia, Mexico, and Central America for purpose of both sexual and labour exploitation. The majority of victims identified in 2007 were victims of trafficking for forced labour. Some men and women, responding to fraudulent offers of employment in the United States immigrate willingly, either legally or illegally, but are subsequently forced into involuntary servitude or debt bondage at work sites or in the commercial sex trade. An unknown number of American citizens and legal residents are trafficked within the country primarily for sexual exploitation.

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<sup>112</sup> It is important to note that UNHCR also briefly discusses trafficking for the purposes of forced prostitution or sexual exploitation as a form of persecution in its Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002.

## ASIA/PACIFIC

### *Kazakhstan*

Kazakhstan has a population of 15,340,533 within its territory. The total population of concern to UNHCR is 12,211 of which 4,285 are refugees, 70 are asylum seekers with pending applications and 7,856 are stateless persons. Kazakhstan is a source, transit, and destination country for men, women, and girls trafficked from Uzbekistan, Kyrgyzstan, Tajikistan, and Ukraine to Kazakhstan and on to Russia and the United Arab Emirates (U.A.E.) for purposes of commercial sexual exploitation and forced labour in the construction and agricultural sectors. Kazakhstan men and women are trafficked within the country and to the U.A.E., Azerbaijan, Turkey, Israel, Greece, Russia, and Germany and the United States for purposes of forced labour and sexual exploitation. The U.S. Department of State considers Kazakhstan to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

### *Thailand*

Thailand has a population of 65,493,298 within its territory. The total population of concern to UNHCR is 139,127. The great majority are refugees and there are over 13,000 asylum seekers with applications pending as of end-2007. Thailand is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labour. Thailand's relative prosperity attracts migrants from neighbouring countries fleeing poverty and, in the case of Myanmar, military repression. Illegal migration to Thailand provides traffickers with opportunities to force, coerce, or defraud undocumented migrants into involuntary servitude or sexual exploitation. Women and children are trafficked from Burma, Cambodia, Laos, the People's Republic of China (P.R.C.), Vietnam, Russia, and Uzbekistan to Thailand for commercial sexual exploitation. A number of women and girls from Burma, Cambodia, and Vietnam are trafficked through Thailand's southern border to Malaysia for sexual exploitation. Ethnic minorities such as northern hill tribe peoples who have not received legal residency or citizenship are at high risk for trafficking internally and abroad, including to Bahrain, Australia, South Africa, Singapore, Malaysia, Japan, Hong Kong, Europe, and the United States. Some Thai men who migrate for low-skilled contract work to Taiwan, South Korea, Israel, the United States, and Gulf states are subjected to forced labour and debt bondage after arrival. After migrating voluntarily to Thailand, men, women, and children, primarily from Burma, are subjected to forced labour in agricultural work, factories, construction, commercial fisheries and fish processing, domestic work, and begging. Children from Burma, Laos, and Cambodia are trafficked into forced begging and exploitative labour in Thailand. Four important economic sectors in Thailand -- fishing, construction, commercial agriculture, and domestic work -- rely heavily on undocumented Burmese migrants, including children, as cheap and exploitable labourers. The U.S. Department of State considers Thailand to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

## *India*

India has a population of 1,147,995,898 within its territory. The total population of concern to UNHCR is 163,966 of which 161,537 are refugees and the remainder represent asylum seekers with pending applications as of end-2007. India is a source, destination, and transit country for men, women, and children trafficked for the purposes of forced labour and commercial sexual exploitation. The majority of trafficking involves internal forced labour. Men, women, and children are held in debt bondage and face forced labour working in brick kilns, rice mills, agriculture, and embroidery factories. Although no comprehensive study has been completed, NGOs estimate that between 20 to 65 million Indians are at risk of forced labour. Women and girls are trafficked internally for the purposes of commercial sexual exploitation and forced marriage. Children are subjected to forced labour as factory workers, domestic servants, beggars, and agriculture workers. They have also been used as armed combatants by some terrorist and insurgent groups. India is also a destination country for women and girls from Nepal and Bangladesh trafficked for the purpose of commercial sexual exploitation. Children are also trafficked to India for forced labour in circus shows. Indian women are trafficked to the Middle East for commercial sexual exploitation. Some Indians who migrate willingly to the Middle East, Europe and the United States are also victims of labour trafficking for work as domestic servants and low-skilled labourers. In some cases, the workers are the victims of fraudulent recruitment practices that lead them directly into situations of forced labour, including debt bondage. In other cases, high debts incurred to pay recruitment fees leave them vulnerable to exploitation by employers in the destination countries, where they are subjected to conditions of involuntary servitude, including non-payment of wages, restrictions on movement, unlawful withholding of passports, and physical or sexual abuse. Men and women from Bangladesh and Nepal are trafficked through India for forced labour and commercial sexual exploitation in the Middle East. India does not fully comply with the minimum standards for the elimination of trafficking. However, because it is making significant efforts to do so, the Department of State has placed it on the Tier 2 Watch List.

## *Indonesia*

Indonesia has a population of 237,512,355 within its territory. There are 526 persons of concern to UNHCR; 315 are refugees and 211 are asylum seekers with pending cases as of end-2007. Indonesia is a source, transit, and destination country for women, children, and men trafficked for the purposes of commercial sexual exploitation and forced labour. The biggest threat facing Indonesian men and women is that posed by conditions of forced labour and debt bondage in more developed Asian countries and the Middle East. The government stopped allowing Indonesian women to travel to Japan and South Korea as "cultural performers," in an effort to curtail a practice that led to victims being trafficked for commercial sexual exploitation. Trafficking of young girls from Indonesia to Taiwan as brides continues. Traffickers use false marriage licenses and other false documentation to obtain visas and subsequently force the women and girls into prostitution. Women from the People's Republic of China, Thailand, and Eastern Europe are trafficked to Indonesia for commercial sexual exploitation, although the numbers are small compared with the number of Indonesians trafficked for this purpose. A significant

number of Indonesian men and women who migrate each year to work in construction, agriculture, manufacturing, and domestic service are subjected to conditions of forced labour or debt bondage in Malaysia, Japan, Saudi Arabia, Iraq, Singapore, Taiwan, Hong Kong, United Arab Emirates, Jordan, Kuwait, Qatar, Syria, France, Belgium, Germany, and the Netherlands. Malaysia and Saudi Arabia are the top destinations for legal and illegal Indonesian migrant workers who are trafficked for domestic servitude, commercial sexual exploitation, and forced labour. Internal trafficking is a significant problem in Indonesia with women and children exploited in domestic servitude, commercial sexual exploitation, agriculture, mining, fishing, and cottage industries. Women and girls are trafficked into commercial sexual exploitation in Malaysia, Singapore, and throughout Indonesia. Young women and girls are trafficked throughout Indonesia and via the Riau Islands, Kalimantan, and Sulawesi to Malaysia and Singapore. Malaysians and Singaporeans constitute the largest number of sex tourists, and the Riau Islands and surrounding areas operate a "prostitution economy," according to local officials. Sex tourism is rampant in most urban areas and tourist destinations. The U.S. Department of State considers Indonesia to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

### *Malaysia*

Malaysia has a population of 25,274,133 within its territory. The total population of concern to UNHCR is 140,824 of which 32,658 are refugees; 8,851 are asylum seekers with applications pending as of end-2007; 40,001 are stateless persons; and 61,314 are under UNHCR mandate for humanitarian reasons. Malaysia is a destination, and to a lesser extent, a source and transit country for women and children trafficked for the purpose of commercial sexual exploitation and men, women, and children for forced labour. Malaysia is primarily a destination country for men, women, and children who migrate willingly from Indonesia, Nepal, Thailand, the People's Republic of China (P.R.C.), the Philippines, Burma, Cambodia, Bangladesh, Pakistan, and Vietnam to work, some of whom are subjected to conditions of involuntary servitude by Malaysian employers in the domestic, agricultural, construction, plantation, and industrial sectors. Victims suffer conditions such as physical and sexual abuse, debt bondage, non-payment of wages, threats, confinement, and withholding of travel documents to restrict their freedom of movement. In addition, some female domestics from Indonesia, Thailand, the Philippines, Cambodia, Vietnam, Burma, Mongolia, and the P.R.C. are forced into commercial sexual exploitation after being deceived with promises of jobs or after running away from abusive employers. Employment agents sell women and girls into brothels, karaoke bars, or pass them to sex traffickers. Some Burmese registered with UNHCR as refugees, a status not recognized by the Malaysian government, are vulnerable to being trafficked for forced labour. To a lesser extent, some Malaysian women, primarily of Chinese ethnicity, are trafficked abroad for commercial sexual exploitation. Also, a few Malaysians, specifically women and girls from indigenous groups and rural areas, are trafficked within the country for labour and commercial sexual exploitation. The government of Malaysia does not fully comply with the minimum standards for the elimination of trafficking. However, because it is making significant efforts to do so, the Department of State has placed it on the Tier 2 Watch List.

### *Nepal*

Nepal has a population of 29,519,114 within its territory. The total population of concern to UNHCR is 1,032,455 of which 130,681 have been recognized as refugees by the Government of Nepal; approximately 500 are asylum seekers with applications pending as of September 2008; approximately 50,000 are internally displaced persons and 50,000 are returned internally displaced persons; 800,000 are stateless; and 221 have been recognized as refugees under UNHCR's mandate. Nepal is a source country for men, women, and children trafficked for the purposes of commercial sexual exploitation and involuntary servitude. Children are trafficked internally and to India and the Middle East for commercial sexual exploitation, forced marriage and for involuntary servitude as child soldiers, domestic servants, and circus entertainment or factory workers. There is a growing internal child sex tourism problem, with an estimated 5,000 to 7,000 girls trafficked from rural areas to Katmandu for commercial sexual exploitation. Additionally, it is estimated that there are over 20,000 child indentured domestic workers in Nepal. Bonded labour also remains a significant problem in Nepal. Entire families are forced into labour as land tillers or cattle herders. Nepali women are trafficked to India and to countries in the Middle East for commercial sexual exploitation. Some men and women also migrate willingly from Nepal to Malaysia, Israel, South Korea, the United States, Saudi Arabia, the United Arab Emirates (U.A.E.), Qatar, and other Gulf states to work as domestic servants, construction workers, or other low-skill labourers later face conditions of forced labour such as withholding of passports, restrictions on movement, non-payment of wages, threats, deprivation of food and sleep, and physical or sexual abuse. The U.S. Department of State considers Nepal to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

### *Pakistan*

Pakistan has a population of 167,762,040 within its territory. The total population of concern to UNHCR is 2,038,145. Over 2,000,000 are refugees; and the remainder are asylum seekers with application pending as of end-2007. Pakistan is a significant source, destination, and transit country for men, women, and children trafficked for the purposes of sexual exploitation and forced labour. Pakistan faces a significant internal trafficking problem reportedly involving thousands of women and children trafficked to settle debts and disputes, or forced into sexual exploitation or domestic servitude. Bonded labour is also a large internal problem in Pakistan; unconfirmed estimates of Pakistani victims of bonded labour, including men, women, and children, are in the millions. A large number of Pakistani women and men migrate voluntarily to the Gulf, Iran, Turkey and Greece for work as domestic servants or construction workers. Once abroad, some find themselves in situations of involuntary servitude or debt bondage, including restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. There are reports that Pakistani girls are trafficked to the Middle East for sexual exploitation. Pakistan is also a destination for women and children from Bangladesh, India, Burma, Afghanistan, Sri Lanka, Nepal, Azerbaijan, Iran, Kazakhstan, Kyrgyz Republic, Turkmenistan, Uzbekistan, and Tajikistan for commercial sexual exploitation and forced labour. Women from Bangladesh, Sri Lanka, Nepal, and Burma are trafficked through Pakistan to the Gulf. The U.S. Department of State considers Pakistan to be a

Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

## **EUROPE**

### *Albania*

Albania has a population of 3, 619,778 within its territory. The total population of concern to UNHCR is 101 persons, composed of refugees and asylum seekers. Albania is a primarily a source country for women and girls trafficked for the purpose of commercial sexual exploitation and forced labour. Albanian victims are trafficked to Greece, Italy, Macedonia, and Kosovo, with many trafficked onward to Western European countries such as the United Kingdom, France, Belgium, Norway, Germany, and the Netherlands. Children are also trafficked to Greece for begging and other forms of child labour. Approximately half of all Albanian trafficking victims are under age 18. Internal sex trafficking of women and children is increasing. Although the government of Albania does not fully comply with the minimum standards for the elimination of trafficking, it is making significant efforts to do so. Therefore, the Department of State has placed it on the Tier 2 Watch List.

### *Armenia*

Armenia has a population of 2,968,586 within its territory. The total population of concern to UNHCR is 4,664 persons, the great majority of whom are refugees. Armenia is a primarily a source country for women and girls trafficked to the United Arab Emirates (U.A.E.) and Turkey for the purpose of commercial sexual exploitation. Armenian men and women are trafficked to Turkey and Russia for the purpose of forced labour. Although the government of Armenia does not fully comply with the minimum standards for the elimination of trafficking, the Department of State has placed it on the Tier 2 Watch List because it is making significant efforts to do so.

### *Bosnia and Herzegovina*

Bosnia has a population of 4,590,310 within its territory. The total population of concern to UNHCR is 146,586 of which 7,367 are refugees; 627 are asylum seekers with pending applications as of end-2007; 130,984 are internally displaced persons; and 4,516 are returned internally displaced persons. Bosnia and Herzegovina is primarily a country of origin for domestic trafficking, but also a destination and transit country for women and girls trafficked to Western Europe for the purpose of commercial sexual exploitation. The number of Bosnian victims, many of them minors, trafficked internally dramatically increased during 2006-2007. Romani children are trafficked for forced labour continued. Victims from Serbia, Ukraine, Moldova, Romania, and Russia are generally trafficked into Bosnia and Herzegovina for commercial sexual exploitation. Most traffickers hold victims in private homes and safe-houses to avoid detection by the authorities and there were reports that some forced foreign victims to apply for asylum to keep them in the country. The U.S. Department of State considers Bosnia and Herzegovina to be a Tier 2 country

but notes that it has made significant efforts to comply with standards to eliminate trafficking.

#### *Croatia*

Croatia has a population of 4,491,542 within its territory. The total population of concern to UNHCR as of end-June 2008 was 4,841. Of this number, 610 were returnees; 1,544 were refugees; and, 2,687 were internally displaced persons. As of August 2008, 85 asylum seekers were awaiting a decision on their cases. Croatia is a source, transit, and increasingly a destination country, for women and girls trafficked for the purpose of sexual exploitation. Croatian females are trafficked internally and women and girls from Romania, Bulgaria, Serbia, Bosnia and Herzegovina, and other parts of Eastern Europe are trafficked to and through Croatia for the purpose of sexual exploitation. Croatian men are occasionally trafficked for forced labour. Victims in transit through Croatia from South-eastern Europe are trafficked into Western Europe for commercial sexual exploitation. IOM reports seasonal rotation of international women in prostitution to and from the Dalmatian coast during high tourist seasons, raising concerns about trafficking. Because the government of Croatia fully complies with the minimum standards for the elimination of trafficking, it has been designated by the Department of State as a Tier 1 country.

#### *Czech Republic*

The Czech Republic has a population of 10,220,911 within its territory. The total population of concern to UNHCR is 4,223; approximately half that number are refugees and the other half are asylum seekers with pending applications as of end-2007. The Czech Republic is a source, transit, and destination country for women from Russia, Ukraine, Romania, Belarus, Moldova, Slovakia, Bulgaria, China, and Vietnam trafficked to Germany, Austria, the Netherlands, and Denmark for the purpose of commercial sexual exploitation. The Czech Republic is a destination country for men and women trafficked from Ukraine, China, Vietnam, Moldova, and Belarus for the purpose of labour exploitation. Roma women are trafficked within the country and abroad for sexual exploitation. Because the government of the Czech Republic fully complies with the minimum standards for the elimination of trafficking, it has been designated as a Tier 1 country by the U.S. Department of State.

#### *Germany*

Germany has a population of 82,369,548 within its territory. The total population of concern to UNHCR is 622,033 of which 578,879 are refugees; 34,063 are asylum seekers with applications pending as of end-2007 and 9,091 are stateless persons. Germany is a transit and destination country for men and women trafficked for the purposes of commercial sexual exploitation and forced labour in the construction industry, in restaurants and ice cream parlours, and as domestic servants. Victims are trafficked primarily from Central and Eastern Europe and Nigeria to and through Germany to the United Kingdom and Scandinavian countries. In 2006, 23 percent of the victims of commercial sexual exploitation were German nationals trafficked within the country. Because Germany fully complies with the minimum standards

for the elimination of trafficking, it has been designated by the U.S. Department of State as a Tier 1 country.

### *Georgia*

Georgia has a population of 4,630,841 within its territory. The total population of concern to UNHCR is 275,590, the great majority of whom are internally displaced persons. Georgia is a source and transit country for women and girls trafficked primarily within the country and to Turkey and the U.A.E. for the purpose of commercial sexual exploitation. Women and girls from Ukraine, Moldova, Russia, and other former Soviet states are trafficked through Georgia to Turkey, the U.A.E., and Western Europe. Men are trafficked for the purpose of forced labour within the country and to Turkey, Russia, Greece, and the Gulf states. The breakaway regions of Abkhazia and South Ossetia are outside of the government's control and are likely source, destination, and transit areas for trafficking in persons. Because Georgia fully complies with the minimum standards for the elimination of trafficking, it has been designated by the U.S. Department of State as a Tier 1 country.

### *Ireland*

Ireland has a population of 4,156,119 within its territory. The total population of concern to UNHCR is 13,733 of which 9,333 are refugees and, 4,400 are asylum seekers with applications pending as of end-2007. Ireland is a destination country for women, men, and children trafficked for the purposes of commercial sexual exploitation and forced labour. According to research carried out by academic institutions, a minimum of 76 victims were trafficked into Ireland for sexual exploitation between 2000 and 2006. An NGO working with immigrants reported 46 cases of suspected labour trafficking from July 2005 to December 2007. Women from Eastern Europe, Nigeria, other parts of Africa, as well as smaller numbers from South America and Asia, have reportedly been trafficked to Ireland for forced prostitution. Labour trafficking victims reportedly consist of men and women from Bangladesh, Pakistan, Egypt, and the Philippines, although there may also be some victims from South America, Eastern Europe, and other parts of Asia and Africa. Most forced labour victims are found in domestic labour, and restaurant and agricultural work. Unaccompanied minors from various source countries, particularly in Africa, represent a vulnerable group in Ireland that may be susceptible to trafficking and exploitation. The U.S. Department of State considers Ireland to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

### *Italy*

Italy has a population of 58,145,321 within its territory. The total population of concern to UNHCR is 40,454 of which 38,068 are refugees; 1,500 are asylum seekers with pending applications as of end-2007 and 886 are stateless persons. Italy is a destination and transit country for women, children, and men trafficked for the purposes of commercial sexual exploitation and forced labour. Women and children are trafficked primarily from Nigeria, Romania, Bulgaria, Moldova, Albania, and Ukraine but also from Russia, South America, North and East Africa, the Middle

East, China, and Uzbekistan. Chinese men and women are trafficked to Italy for the purpose of forced labour. Roma children continue to be trafficked for the purposes of sexual exploitation and forced begging. Reportedly, an increasing number of victims are trafficked for labour, mostly for agriculture. . According to one NGO, 90 percent of foreign seasonal workers are unregistered and two-thirds are in Italy illegally, rendering them vulnerable to trafficking. The top five source countries for agricultural workers are Poland, Romania, Pakistan, Albania, and Cote d'Ivoire. Traffickers reportedly move victims more frequently within Italy, often keeping victims in major cities for only a few months at a time, in an attempt to evade police detection. Because the government of Italy fully complies with the minimum standards for the elimination of trafficking, it has been designated by the U.S. Department of State as a Tier 1 country.

#### *Kosovo*

Kosovo has a population of 2,126,708 within its territory. The total population of concern to UNHCR is 23,422. There are 20,279 internally displaced persons; 1,631 returned displaced persons; 865 returnees and 647 refugees. Kosovo is a source, transit, and destination country for women and children trafficked transnationally and internally for the purpose of commercial sexual exploitation. Most Kosovar victims are children, while most foreign victims are young women from Eastern Europe. Kosovo is a transit country for some victims en route to Macedonia, Italy, and Albania. Traffickers use private homes and escort services for the commercial sex trade in order to avoid law enforcement detention. Because Kosovo did not have an effective national government for most of 2006-2007, the U.S. Department of State designated the country as a special case and, therefore, did not assign a Tier designation in its 2008 report.

#### *Moldova*

Moldova has a population of 4,324,450 within its territory. The total population of concern to UNHCR is 1,893, the great majority being stateless persons. Moldova is a major source, and to a lesser extent, a transit country for women and girls trafficked for the purpose of commercial sexual exploitation. Estimates indicated that slightly more than one percent of the approximately 750,000 Moldovans working abroad are trafficking victims. Moldovan women are trafficked to Turkey, Russia, the U.A.E., Ukraine, Israel, Cyprus, Greece, Albania, Romania, Hungary, Slovakia, the Czech Republic, Italy, France, Portugal, Austria, and other Western European countries. Girls and young women are trafficked internally from rural areas to Chisinau. Children are trafficked for forced labour and begging to neighbouring countries. Labour trafficking of men to work in the construction, agriculture, and service sectors of Russia is increasingly a problem. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a significant source and transit area for trafficking in persons. Because the government of Moldova does not fully comply with the minimum standards for the elimination of trafficking, it has been designated as a Tier 3 country.

### *Romania*

Romania has a population of 22,746,862 within its territory. The total population of concern to UNHCR is 2,180 of which 1,757 are refugees; 166 are asylum seekers with applications pending as of end-2007 and 257 are stateless persons. Romania is a source, destination, and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labour. Romanian men, women, and children are trafficked to Italy, Spain, Switzerland, the Czech Republic, Greece, Germany, France, the Netherlands, Turkey, Austria, and Israel for the purposes of commercial sexual exploitation and forced labour in the agriculture, construction, and hotel industries. Romanian men, women, and children are also trafficked internally for the purposes of commercial sexual exploitation, forced labour, and forced begging. Women from Moldova, Ukraine, and Russia are trafficked to Romania for commercial sexual exploitation. Men from other European countries travel to Romania to sexually exploit Romanian children. The U.S. Department of State considers Romania to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

### *Serbia*

Serbia has a population of 10,159,046. The total population of concern to UNHCR is 326,853 the majority of whom are internally displaced persons. Serbia is a source, transit, and destination country for women and girls trafficked transnationally and internally for the purpose of commercial sexual exploitation. Victims are trafficked to Serbia from Macedonia, Ukraine, Moldova, Bosnia and Herzegovina, Bulgaria, Romania, Croatia, Albania, and the People's Republic of China. Serbia is a transit country for victims trafficked from Bosnia, Croatia, and Slovenia and destined for Italy and other countries in Western Europe. Internal sex trafficking of Serbian women and girls continued to increase, comprising more than three-fourths of trafficking cases in 2007. Some children continue to be trafficked into forced labour or forced street begging. Efforts to shut down known brothels continued to prompt traffickers to better conceal victims of trafficking. Because the government of Serbia does not fully comply with the minimum standards for the elimination of trafficking, it has been designated by the U.S. Department of State as a Tier 2 country.

### *Slovenia*

Slovenia has a population of 2,007,711 within its territory. The total population of concern to UNHCR is 4,408, the great majority being stateless persons. Slovenia is a transit, destination, and to a lesser extent, a source country for men, women, and children trafficked from Ukraine, Slovakia, Romania, Moldova, Bulgaria, Colombia, the Dominican Republic, Turkey, Albania, and Montenegro for the purposes of commercial sexual exploitation and forced labour, including in the construction industry. In 2007, disabled men from Slovakia were trafficked to Slovenia for the purpose of forced begging. Slovenian women are trafficked internally or to countries in Western Europe for commercial sexual exploitation. Because the government of Slovenia fully complies with the minimum standards for the elimination of trafficking, it has been designated by the U.S. Department of State as a Tier 1 country.

### *Spain*

Spain has a population of 40,491,051 within its territory. The total population of concern to UNHCR is 5,167 of whom the overwhelming majority are refugees. Spain is a transit and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labour. While most victims are women between the ages of 18 and 24 trafficked for sexual exploitation, females as young as 16 are also trafficked to Spain for the same purpose, and men are trafficked for forced labour, usually in agriculture. The primary source countries for victims are Romania, Russia, Brazil, Colombia and Nigeria, although victims are also trafficked from other areas of Latin America, Eastern Europe, and Africa. In smaller numbers, Chinese victims are trafficked to Spain primarily for labour exploitation. Because the government of Spain fully complies with the minimum standards for the elimination of trafficking, it has been designated by the U.S. Department of State as a Tier 1 country.

### *Switzerland*

Switzerland has a population of 7,581,520 within its territory. The total population of concern to UNHCR is 56,478 and there were 10,745 asylum applications pending as of end-2007. Switzerland is primarily a destination and, to a lesser extent, a transit country for women trafficked from Hungary, Poland, Bulgaria, Slovakia, the Czech Republic, Slovenia, Ukraine, Moldova, Brazil, the Dominican Republic, Thailand, Cambodia, Nigeria, and Cameroon for the purpose of commercial sexual exploitation. There are a limited number of cases of trafficking for the purpose of domestic servitude and labour exploitation. Because the government of Switzerland fully complies with the minimum standards for the elimination of trafficking, it has been designated as a Tier 1 country by the U.S. Department of State.

### *Turkey*

Turkey has a population of 71,892,807 within its territory. The total population of concern to UNHCR is 12,615; approximately half are refugees and the other half are asylum seekers with applications pending as of end-2007. Turkey is a significant destination, and to a lesser extent, transit country for women and children trafficked primarily for the purpose of commercial sexual exploitation. Women and girls are trafficked from Moldova, Russia, Ukraine, Belarus, Bulgaria, Kyrgyzstan, Turkmenistan, Uzbekistan, Azerbaijan, Georgia, and Romania for sexual exploitation. The U.S. Department of State considers Turkey to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

### *United Kingdom*

The United Kingdom (U.K.) has a population of 60,943,912 within its territory. The total population of concern to the UNHCR is 310,823 of which 299,718 are refugees; 10,900 are asylum seekers with applications pending as of end-2007 and 205 are stateless persons. The United Kingdom is a destination and, to a lesser extent, transit country for women, children, and men trafficked for the purposes of commercial sexual exploitation and forced labour. Some victims, including minors from the U.K.,

are also trafficked within the country. Migrant workers are trafficked to the U.K. for forced labour in agriculture, construction, food processing, domestic servitude, and food service. Trafficking victims come from the following countries: Lithuania, Russia, Albania, Ukraine, Malaysia, Thailand, the People's Republic of China (P.R.C.), Nigeria, and Ghana. Unaccompanied minors, including girls from the P.R.C., are trafficked for the purpose of sexual exploitation. British police estimate that up to 4,000 trafficked persons, primarily women, are being exploited in the U.K. at any given time. A large part of the trafficking problem occurs hidden in residential areas throughout the country. Because the government of the United Kingdom fully complies with the minimum standards for the elimination of trafficking, it has been designated by the U.S. Department of State as a Tier 1 country.

## **MIDDLE EAST/NORTH AFRICA (MENA)**

### *Egypt*

Egypt has a population of 81,713,517 within its territory. The total population of persons of concern to UNHCR is 112,515 of which 97,556 are refugees; 14,885 are asylum seekers with applications pending as of end 2007 and 74 are stateless persons. Egypt is a transit country for women trafficked from Uzbekistan, Moldova, Ukraine, Russia, and other Eastern European countries to Israel for sexual exploitation. Children are trafficked within the country for commercial sexual exploitation and domestic servitude. Some of Cairo's estimated one million street children—both boys and girls—are exploited in prostitution. Wealthy men from the Gulf reportedly travel to Egypt to purchase "temporary marriages" with Egyptian women, including in some cases girls who are under age 18, which are often facilitated by parents and marriage brokers. Children were also recruited for domestic and agricultural work; some of these children face conditions of involuntary servitude, such as restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Because the government of Egypt does not fully comply with minimum standards for the elimination of trafficking, but is making significant efforts to do so, it has been placed by the U.S. Department of State on the Tier 2 Watch List.

### *Iran*

Iran has a population of 65,875,223 within its territory. The total population of persons of concern to UNHCR is 964,743. The great majority of these persons are refugees and a small number; 1,188 are asylum seekers with pending cases. Iran is a source, transit, and destination for women trafficked for the purposes of sexual exploitation and involuntary servitude. Iranian women are trafficked internally for the purpose of forced prostitution and for forced marriages to settle debts. Iranian children are trafficked internally and Afghan children are trafficked to Iran for the purpose of forced marriages, commercial sexual exploitation and involuntary servitude as beggars or labourers. Iranian women and girls are also trafficked to Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, France, Germany, and the United Kingdom for commercial sexual exploitation. Because the government of Iran does not fully comply with the minimum standards for the elimination of trafficking, it has been designated by the U.S. Department of State as a Tier 3 country.

### *Jordan*

Jordan has a population of 6,198,677 within its territory. The total population of concern to UNHCR is 500,658, almost all of whom are refugees. Jordan is a destination and transit country for women and men from South and Southeast Asia trafficked for the purpose of forced labour. Jordan is also a destination for women from Eastern Europe and Morocco for prostitution; there are no reports that any of these women were trafficked for sexual exploitation. Women from Bangladesh, Sri Lanka, Indonesia, and the Philippines migrate willingly to work as domestic servants, but some are subjected to conditions of forced labour, including unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Additionally, some Chinese, Bangladeshi, Indian, Sri Lankan, and Vietnamese men and women have encountered conditions similar to forced labour in several factories in Jordan's Qualifying Industrial Zones (QIZs), including unlawful withholding of passports; non-payment of wages; and physical abuse. Because the government of Jordan does not fully comply with the minimum standards for the elimination of trafficking, but is making significant efforts to do so, it has been placed on the Tier 2 Watch List by the U.S. Department of State.

### *Morocco*

Morocco has a population of 34,343,219 within its territory. The total population of persons of concern to UNHCR is 1,457; approximately half are refugees and the other half are asylum seekers with applications pending as of end-2007. Morocco is a source country for children trafficked internally for the purposes of domestic servitude and commercial sexual exploitation. Morocco is also a source, transit, and destination country for women and men trafficked for commercial sexual exploitation and involuntary servitude. Young Moroccan girls from rural areas are recruited to work as maids in cities, but often face conditions of involuntary servitude, including restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Moroccan boys suffer involuntary servitude as apprentices in the artisan, construction, and mechanics industries. Moroccan boys and girls are also exploited through prostitution within the country and increasingly are victims of a growing child sex tourism problem. Moroccan girls and women are also trafficked internally and to Saudi Arabia, Qatar, Syria, U.A.E., Cyprus, and European countries for commercial sexual exploitation. In addition, men and women from sub-Saharan Africa, India, Bangladesh, Sri Lanka, and Pakistan often enter Morocco voluntarily, but illegally, with the assistance of smugglers. Once in Morocco, however, some women are coerced into commercial sexual exploitation to pay off smuggling debts, while men may be forced into involuntary servitude. The U.S. Department of State considers Morocco to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

### *Yemen*

Yemen has a population of 23,013,376 within its territory. The total population of concern to UNHCR is 195,080 of which 117,363 are refugees; 717 are asylum seekers with applications pending as of end-2007 and 77,000 are internally displaced persons. Yemen is a source country for children, mostly boys, trafficked for forced begging, forced unskilled labour, or forced street vending. Yemeni children are trafficked

across the northern border into Saudi Arabia or to the Yemeni cities of Aden and Sana'a for forced work, primarily as beggars. To a lesser extent, Yemen is also a source country for women and girls trafficked internally and possibly to Saudi Arabia for the purpose of commercial sexual exploitation. It is a possible destination country for women from Ethiopia, Eritrea, Somalia, and the Philippines. Street children are vulnerable to commercial sexual exploitation. The U.S. Department of State considers Yemen to be a Tier 2 country but notes that it has made significant efforts to comply with standards to eliminate trafficking.

## **Annex 6: Bibliography of research on refugees and trafficking**

This Annex provides a description of research published by international and national non-governmental organizations that addresses the links between conflict-caused displacement and human trafficking.<sup>113</sup>

**IOM, Traffickers Make Money through Humanitarian Crises, Trafficking in Migrants. No. 19 - 1999.** This report examines the link between armed conflict in Eastern Europe in the late 1990s and migrant and refugee smuggling and trafficking of women. The article reports that young refugee women were being abducted from the refugee camps by Albanian organized-crime gangs and forced into prostitution in Italy and elsewhere in Western Europe.

**UNHCHR, Situation of Human Rights in East Timor, UNHCHR Report for UN General Assembly, December, 1999.** The report's sections on torture and violence against women emphasize widespread violence against women and girls—including sexual slavery— by members of the Indonesian National Army (TNI), pro-government militias and paramilitary groups. Female refugees and IDPs were particularly vulnerable to enslavement by the TNI.

**Institute for Population and Social Research, Mahidol University, Combating the Trafficking in Children and Their Exploitation, Prostitution and Other Intolerable Forms of Child Labor in Mekong Basin Countries, 2000.** The report was carried out for the ILO's International Program of the Elimination of Child Labor and provides a detailed, six-country survey of cross-border trafficking of children in the Mekong region (Burma, Cambodia, China, Laos, Thailand, and Vietnam). The report notes there is a potential for refugee camps along the border of Thailand-Myanmar to become a major sending community for traffickers.

**Reproductive Health for Refugees Consortium, If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-Conflict Settings: A Global Overview, 2002.** The report contains country profiles (the Republic of Congo, Rwanda, Sierra Leone, Afghanistan, Pakistan, Burma, Thailand, East Timor, Azerbaijan, Bosnia, and Herzegovina and Kosovo). Part of the country profiles address human trafficking against refugee women and girls and IDPs.

**Save the Children, HIV and Conflict: A Double Emergency, 2002.**

This report highlights that separated children and children who have lost their parents as a result of conflict are most at risk of being abused and trafficked for sexual exploitation. It also notes that many young women and girls in refugee settings are trafficked for sexual exploitation. The trafficking experience exposes the victims to a high risk of contracting and spreading HIV.

**Protection Project, Human Rights Report on Trafficking in Persons, Especially Women and Children: Country Reports, 2002.** The report provides a country-by-

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<sup>113</sup> It is important to note that UNHCR also briefly discusses trafficking for the purposes of forced prostitution or sexual exploitation as a form of persecution in its Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002.

country survey of laws and the scope of the human trafficking in 190 countries. In some country reports, trafficking is linked to armed conflict and refugee producing countries.

**IOM, The Trafficking of Women and Children in the Southern Africa Region, 2003.**

The research found that trafficking of refugees to South Africa is significant, with victims coming from refugee-producing countries in Africa. The study also found that male refugees in South Africa, struggling to survive unemployment and xenophobia, recruit female relations from their countries of origin for trafficking to South Africa. Refugee traffickers then force the victims to apply for refugee status to prevent their deportation should they be detained by the police.

**Watchlist on Children and Armed Conflict, The Impact of Armed Conflict on Children in the Democratic Republic of Congo (DRC), 2003.**

The report documents that DRC is a significant country of origin for trafficking in persons. Internally displaced persons are especially at risk of trafficking for the purpose of forced military recruitment and prostitution within the military forces.

**UNAM, Agrarian Conflict, Internal Displacement and Trafficking of Mexican Women: The Case Of Chiapas State, 2004.**

The paper reports that 3,000 internally displaced young girls from Chiapas, a site of ongoing civil conflict, have been trafficked to Mexico City and Cancun, Acapulco, Merida, and Tapachula to work as prostitutes, table-dancers, and barmaids. Some are trafficked on to the United States and Canada. The paper also notes that the conflict has also resulted in increased trafficking of internally displaced men that are trafficked to the United States mainly for agricultural work.

**Watchlist on Children and Armed Conflict, Colombia's War on Children, 2004.** The report documents Colombia as one of the biggest sources of trafficking victims in the Western hemisphere, with an estimated 35,000 to 50,000 women and girls trafficked abroad a year. The increase in trafficking is attributed to the ongoing conflict and massive displacements in the country.

**Amnesty International, Sudan: Systematic Rape of Women and Girls, 2004.** This article summarizes reports from western Sudan that internally displaced women and girls have been trafficked to be used as sexual slaves and domestic workers by the government-backed armed militia, the Janjawid.

**NGO MODAR, Armed Conflicts and Human Trafficking in Tajikistan, 2004.** The report highlights that the main groups at risk of trafficking in Tajikistan are refugee women and internally displaced women. The report describes the emergence of internal trafficking in Tajikistan, due to displacements and uprooting which occurred during the conflict (1991-1997). The report notes that single women often fall prey to traffickers when they leave areas of conflict in search of asylum. The women are trafficked for sexual exploitation to countries of the Commonwealth of Independent States (CIS) such as Uzbekistan, Kazakhstan, Kyrgyzstan, Russia, and to Persian Gulf States such as Yemen, Iran or Saudi Arabia.

**IOM, Trafficking in Persons: An analysis of Afghanistan, 2004.** The report highlights that Afghan trafficking victims are drawn from the most vulnerable

communities among displaced people. The report maps a high degree of internal trafficking as well as trafficking of Afghan refugees to Pakistan and Iran.

**United Nations Development Fund for Women, Issue Brief on Trafficking, 2005.**

The article provides a short introduction to the link between armed conflict and human trafficking and highlights that refugees and internally displaced women and girls— especially in camp situations—are particularly vulnerable to trafficking and other forms of exploitation.

**Women’s Commission for Refugee Women and Children, The Struggle between Migration Control and Victim Protection: The UK Approach to Human Trafficking, Women’s Commission for Refugee Women and Children, 2005.**

This study addresses the lack of existing protection possibilities for trafficked persons in the UK. The study illustrates that increasingly restrictive asylum laws in the UK hamper the ability of trafficked persons to access protection either based on past trafficking or based on a fear of future trafficking or re-trafficking if forced to return to their home countries.

**Women’s Commission for Refugee Women and Children, Caught in the Crossfire: Displaced Colombians at Risk of Trafficking, 2006.**

This study found that a lack of adequate protection and assistance puts displaced Colombian women and children at grave risk of further human rights abuses, including trafficking. The study notes that at least fifteen percent of trafficked Colombians were first internally displaced within Colombia.

**Women’s Commission for Refugee Women and Children, Abuse without End: Burmese Refugee Women and Children at Risk of Trafficking, 2006.** Hundreds of thousands of refugees from Burma, many of them women and children, have fled into neighbouring Thailand. The report illustrates that the failure of Thailand to offer them meaningful protection puts them at risk of continued human rights abuses, including trafficking.

## **Annex 7: UNHCR research on trafficking**

### **Women Asylum Seekers and Trafficking, Prague, 2001**

This study about female asylum seekers in the Czech Republic focuses on the question of whether these women are in danger of becoming victims of human trafficking, under what conditions, and how to prevent such situations. The study concludes that it is difficult to determine to what extent female asylum seekers in the Czech Republic become victims of trafficking. Victims are generally identified as asylum seekers only after detention by the police and placement in a Ministry of Interior refugee centre. At that point, some request asylum.

### **John Morrison and Beth Crosland: The trafficking and smuggling of refugees: the end game in European asylum policy? John Morrison and Beth Crosland, New Issues in Refugee Research, Research Paper 39, Geneva, 2001**

This report analyses the response of European governments to the increasing problems of human trafficking. It concludes that much of existing policy-making is part of the problem and not the solution as the direction of current policy is moving towards ending the right of asylum in Europe.

### **Jenna Shearer Demir, The trafficking of women for sexual exploitation: A gender-based and well-founded fear of persecution? New Issues in Refugee Research, Working Paper No. 80, Geneva 2003**

This paper provides an analysis of how trafficked women, under certain circumstances may be eligible for refugee status and discusses how national anti-trafficking legislation may not be sufficient to address their protection needs.

### **Combating Human Trafficking: Overview of UNHCR Anti-Trafficking Activities in Europe, Geneva, 2005**

The report provides an overview of UNHCR's engagement in combating human trafficking in 33 European countries covered by the Europe Bureau. Regional and country specific data, national legal frameworks and UNHCR's activities related to trafficking are presented.

### **Mobility and protection risks: a study of Ban Mai Nai Soi refugee camp, Bangkok, 2006**

This study highlights the significant mobility-related protection risks which refugees face in Ban Mai Nai Soi camp, Thailand. Labour exploitation is presently the greatest risk. The study provided few cases of trafficking but highlights that the risk of trafficking could increase if current camp conditions persist.

### **Kaori Saito, International protection for trafficked persons and those who fear being trafficked, New Issues in Refugee Research, Research Paper No. 149, Geneva, 2007**

The paper reviews trafficking and asylum issues in four English-speaking trafficking receiving countries, Australia, Canada, the United Kingdom and the United States. The report compares pertinent case law in the four countries relating to claims of persecution based upon trafficking.

**Annex 8: International organizations working on anti-trafficking**

<b>Organization</b>	<b>Activities relating to anti-trafficking</b>	<b>Anti-trafficking focal points</b>
<p><b>United Nations Office on Drugs and Crime (UNODC)</b>  <a href="http://unodc.org">unodc.org</a></p>	<ul style="list-style-type: none"> <li>• Custodian of the Trafficking Protocol and Secretariat to the Conference of States Parties to United Nations Convention Against Transnational Organized Crime (UNTOC) and its three protocols</li> <li>• Assists states in efforts to combat trafficking through the Global Programme against Trafficking in Human Beings (GPAT)</li> <li>• UNODC/GPAT maintains a Trafficking Database on flows of trafficking in human beings.</li> </ul>	<p>Kristina Kangaspunta            Chief of the Anti-Human Trafficking Unit  <a href="mailto:Kristina.kangaspunta@unodc.org">Kristina.kangaspunta@unodc.org</a></p> <p>Troels Vester            Trafficking Focal point  <a href="mailto:troels.vester@unodc.org">troels.vester@unodc.org</a></p>
<p><b>International Organization for Migration (IOM)</b>  <a href="http://iom.int">iom.int</a></p>	<ul style="list-style-type: none"> <li>• IOM's primary aims are to prevent trafficking in human beings, to protect victims, and to offer them options for safe and sustainable reintegration and/or return. Since 1997, it has implemented over 500 projects in 85 countries and provided assistance to approximately 15,000 persons.</li> <li>• IOM carries out information campaigns in source, destination and transit countries. It provides technical cooperation activities to build capacity of government and civil society institutions. This includes trainings of NGOs and government officials and technical support to develop policies and procedures. It offers direct assistance to victims of trafficking, including shelter, medical and psychosocial support, skills development, vocational training, reintegration assistance, and options of return to country of origin, or resettlement to a third country.</li> <li>• IOM collects data on victims who have been assisted through its programmes and maintains that information in its Counter Trafficking Module (CTM) database.</li> </ul>	<p>Christine Aghazarm            Project Officer  <a href="mailto:caghazarm@iom.int">caghazarm@iom.int</a></p> <p>Sarah Craggs            Project Officer  <a href="mailto:scraggs@iom.int">scraggs@iom.int</a></p> <p>Richard Danziger            Head of Counter Trafficking Division  <a href="mailto:rdanziger@iom.int">rdanziger@iom.int</a></p>

<p><b>International Labour Organization (ILO)</b> <a href="http://ilo.org">ilo.org</a></p>	<ul style="list-style-type: none"> <li>• Through its Convention on Forced or Compulsory Labour (No. 29), Convention on the Abolition of Forced Labour (No. 105), Convention on the Worst Forms of Child Labour (No. 182) and the Palermo Protocol, ILO works towards the elimination of trafficking, with a focus on the labour dimensions. ILO's Committee of Experts monitors compliance of Member States with the conventions.</li> <li>• ILO provides technical assistance to its Member States through the International Programme on the Elimination of Child Labour (IPEC), the Special Action Programme against Forced Labour (SAP-FL) and the International Migration Programme.</li> <li>• ILO implements 28 anti-trafficking projects worldwide raising awareness; assists governments in developing and implementing laws to counter trafficking; develops and distributes training materials and guidance on forced labour, child labour and trafficking; implements field projects to prevent trafficking relating to forced and child labour; and, identifies and rehabilitates trafficked persons.</li> </ul>	<p>Beate Andrees Anti-trafficking Officer <a href="mailto:andrees@ilo.org">andrees@ilo.org</a></p>
<p><b>United Nations Development Fund for Women (UNIFEM)</b> <a href="http://unifem.org">unifem.org</a></p>	<ul style="list-style-type: none"> <li>• Anti-trafficking work is included within framework of violence against women. UNIFEM lobbies governments to develop and implement laws; supports capacity building of governments and NGOs; facilitates and strengthens anti-trafficking networks; and carries out legal analysis and research on trafficking.</li> </ul>	<p>Archana Tamang <a href="mailto:Archana.tamang@unifem.org">Archana.tamang@unifem.org</a></p>
<p><b>United Nations Division for the Advancement of Women (UNDAW) of the Department</b></p>	<ul style="list-style-type: none"> <li>• UNDAW provides support to the Commission on the Status of Women, the central intergovernmental body of the UN responsible for follow-up to and monitoring of the implementation of the Beijing Declaration and Platform in Action and the outcome of the 23<sup>rd</sup> special session of the UN General Assembly in 2000.</li> </ul>	<p>Christine Brautigam Chief, Women's Rights Section <a href="mailto:brautigamc@un.org">brautigamc@un.org</a></p>

<p><b>of Economic and Social Affairs (DESA)</b>  <a href="http://un.org/women/watch/daw/">un.org/women/watch/daw/</a></p>	<p>UNDAW also supports the General Assembly and the Economic and Social Council in their work on gender equality and empowerment of women.</p> <ul style="list-style-type: none"> <li>• UNDAW also provides support to the CEDAW Committee. CEDAW includes a provision against trafficking in women.</li> <li>• DAW/DESA reports to the General Assembly on trafficking in women and girls. In collaboration with UNOCD, it is currently preparing a publication on trafficking in women and girls.</li> </ul>	
<p><b>United Nations Children's Fund (UNICEF)</b>  <a href="http://unicef.org">unicef.org</a></p>	<ul style="list-style-type: none"> <li>• UNICEF's work on trafficking is integrated in its work to create a protective environment for children. Examples of anti-trafficking activities include: collaboration with NGOs and local governments in legislative reform for greater protection of children; the promotion of awareness and information on exploitation of children, including trafficking; promotion of education of children as a preventive measure; advocacy for improved care for child victims of trafficking; capacity building for social work/psychosocial response services; data collection; monitoring of trends; and, promotion of youth empowerment.</li> </ul>	<p>Karen Landgren  Chief, Child Protection Section  <a href="mailto:klandgren@unicef.org">klandgren@unicef.org</a></p>
<p><b>United Nations Institute for Training and Research (UNITAR)</b>  <a href="http://unitar.org">unitar.org</a></p>	<ul style="list-style-type: none"> <li>• UNITAR, an autonomous body within the United Nations, enhances the effectiveness of the UN through training and research. UNITAR, through its migration work, has and will provide capacity relating to anti-trafficking issues. This includes seminars relating to trafficking through the Migration and Development Policy Seminar Series which takes place at UN Headquarters.</li> </ul>	<p>Colleen Thouez  Chief, NY Office  <a href="mailto:Colleen.Thouez@un.org">Colleen.Thouez@un.org</a></p>
<p><b>United Nations Interregional Crime and Justice</b></p>	<ul style="list-style-type: none"> <li>• UNICRI carries out projects on trafficking of women and children for sexual exploitation in several countries as follows: action-oriented analysis and applied scientific</li> </ul>	<p>Angela Patrignani  Programme Coordinator  Counter Human Trafficking and Emerging Crimes Unit  <a href="mailto:patrignani@unicri.it">patrignani@unicri.it</a></p>

<b>Research Institute (UNICRI)</b> <a href="http://unicri.it">unicri.it</a>	research; technical assistance; awareness-raising initiatives; and, specialized training.	Francesca Bosco <a href="mailto:bosco@unicri.it">bosco@unicri.it</a>
<b>United Nations Educational, Scientific and Cultural Organization (UNESCO)</b> <a href="http://unesco.org">unesco.org</a>	<ul style="list-style-type: none"> <li>UNESCO is involved in the following anti-trafficking activities: research on the factors related to human trafficking; collection and evaluation of successful practices in tackling the factors; development of culturally sensitive prevention programmes; and, informing and training of NGOs, religious and community leaders, government officials to provide them with tools to combat trafficking.</li> </ul>	Saori Terada Coordinator, Fight Human Trafficking in Africa project <a href="mailto:s.terada@unesco.org">s.terada@unesco.org</a>
<b>International Criminal Police Organization (Interpol)</b> <a href="http://interpol.int">interpol.int</a>	<ul style="list-style-type: none"> <li>Interpol, the world's largest international police organization with 186 member countries, is responsible for supporting police and law enforcement agencies in its member countries to prevent crime and conduct criminal investigations.</li> <li>Interpol has a Sub-Directorate in its General Secretariat to provide support on law enforcement matters relating to crimes of human trafficking, smuggling, and crimes against children.</li> </ul>	Kristin Kvigne Assistant Director, Trafficking in Human Beings Sub-Directorate <a href="mailto:k.kvigne@interpol.int">k.kvigne@interpol.int</a>
<b>United Nations Population Fund (UNFPA)</b> <a href="http://unfpa.org">unfpa.org</a>	<ul style="list-style-type: none"> <li>UNFPA advocates for the prevention of trafficking and greater cooperation among countries to prosecute traffickers and provide protection and services for victims. UNICEF organizes international workshops and strengthens capacities within countries.</li> </ul>	Luz Melo Human Rights Adviser <a href="mailto:melo@unfpa.org">melo@unfpa.org</a>  Ann Pawliczko Population and Development Branchpawliczko@unfpa
<b>United Nations Development Programme</b> <a href="http://undp.org">undp.org</a>	<ul style="list-style-type: none"> <li>UNDP carries out research to support its advocacy for legislative reform relating to anti-trafficking. It supports efforts to collect data on human trafficking to improve its ability to monitor and report on progress towards eliminating trafficking. It also supports and develops training modules to raise awareness of human trafficking issues. It provides support for the creation of legal services, counseling, mediation and rehabilitation for trafficking victims,</li> </ul>	Bharati Silawal-Giri Gender and Development Specialist <a href="mailto:Bharati.silawal@undp.org">Bharati.silawal@undp.org</a>

	as well as support for micro-enterprise activities.	
<b>Office of the United Nations High Commissioner for Human Rights (OHCHR)</b> <a href="http://ohchr.org">ohchr.org</a>	<ul style="list-style-type: none"> <li>• OHCHR’s trafficking programme does the following: produces advocacy and training materials with the objective of integrating human rights into anti-trafficking work; issues briefs and comments on key instruments and declarations being negotiated at regional levels relating to trafficking; and, collaborates on trafficking-related research.</li> <li>• OHCHR played a founding role in the creation of group of UN agencies and representatives of the NGO caucus on Human Trafficking and Migrant Smuggling. This group is coordinated by OHCHR and meets regularly.</li> <li>• OHCHR prepares training modules for peacekeepers and humanitarian workers on trafficking.</li> <li>• In 2004, the Commission on Human Rights appointed a Special Rapporteur on trafficking in persons, for a three year period. The Special Rapporteur takes actions on violations committed against trafficked persons, including ensuring adequate redress for violations suffered and providing adequate medical, psychological, social and other necessary assistance.</li> </ul>	Mariana Katzarova Advisor on trafficking <a href="mailto:mkatzarova@ohchr.org">mkatzarova@ohchr.org</a>
<b>World Health Organization (WHO)</b> <a href="http://who.int">who.int</a>	<ul style="list-style-type: none"> <li>• The WHO reproductive health and research programme works with the regional and global programmes to develop strategies to prevent trafficking and to protect victims by working with health service providers in high-risk areas.</li> <li>• WHO does advocacy work to highlight health risks faced by women who have been trafficked. It developed the “WHO Ethical and Safety Recommendations for Interviewing Trafficked Women” in 2003 in collaboration with another organization.</li> </ul>	Claudia Garcia-Moreno <a href="mailto:garciamorenoc@who.int">garciamorenoc@who.int</a>
<b>Organization for Security and Cooperation</b>	<ul style="list-style-type: none"> <li>• The Office of the Special Representative and Coordinator for Combating Trafficking in Human</li> </ul>	Trafficking focal point Ruth Pojman <a href="mailto:ruth.pojman@osce.org">ruth.pojman@osce.org</a>

<b>in Europe (OSCE)</b> <a href="http://osce.org">osce.org</a>	Beings supports the development and implementation of ant-trafficking policies in OSCE member states.	
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## **Annex 9: UNHCR Trafficking Focal Points**

### *UNHCR trafficking focal points in Europe*

#### **UNHCR Albania**

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#### **UNHCR Armenia**

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#### **UNHCR Azerbaijan**

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#### **UNHCR Bosnia and Herzegovina**

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#### **UNHCR Czech Republic**

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## **Annex 10: UNHCR good practices**

Several UNHCR offices have developed practices to implement UNHCR policy to prevent persons of concern from falling victim to trafficking as well as to provide protection to trafficking victims with an international protection need. Below is a collection of some of UNHCR practices relating to prevention and protection as relates to persons of concern that have been validated by the field offices as effective practices to serve as inspiration for other UNHCR offices. The aim is that UNHCR offices will be able to use these practices as models when they design practices within their own national context. The collection of good practices in this Annex also serves an educational purpose by explaining why the highlighted practices are important and how they can serve to fulfil UNHCR policy on trafficking as relates to persons of concern.

### **Training of UNHCR staff on UNHCR policy**

It is essential that UNHCR's own staff understand the agency's responsibility to ensure that refugees, asylum-seekers, returnees, internally displaced persons and stateless persons do not fall victim to trafficking. Additionally, staff must understand their responsibility to ensure that individuals who have been trafficked and fear being subjected to persecution upon returning to their countries of origin are afforded the necessary international protection. Training is the most important tool available to make sure that UNHCR staff understands the organisation's responsibility. The following practices have been implemented by UNHCR offices to train and inform their staff on trafficking:

- UNHCR Turkey has made an informal agreement on training cooperation on trafficking issues with IOM. Staff from both organizations will participate in trainings led by the other on issues within their expertise.
- UNHCR in Geneva has developed the Protection Learning Programme. One section of the program is addressing trafficking and the potential protection needs of trafficking victims.
- UNHCR in Ecuador has carried out an internal training day for UNHCR staff on the identification, responses to, and prevention of human trafficking as well as training on the application of the Trafficking Guidelines.

### **Training of external stakeholders on UNHCR policy**

It is important that UNHCR makes sure that all relevant stakeholders understand that refugees, IDP's and stateless people can be at particular risk of trafficking. Additionally, it is important that UNHCR trains external partners on the link between asylum and trafficking and make partners aware that some trafficking victims may have a claim to refugee status. It is important to train UNHCR's counterparts as they are often the first ones to come in contact with trafficking victims. It is important to make sure that they are trained properly, so they are able to identify and refer victims with a potential protection need to the asylum system.

The practices below have been implemented by UNHCR offices to train relevant stakeholders:

- UNHCR Colombia has provided training to all the country's IOM field offices, thereby aiming to guarantee that they are able to provide assistance to trafficking victims with potential international protection needs. UNHCR's training focused on how trafficking victims may qualify for refugee status under the Geneva Convention relating to the Status of Refugees and its 1967 Protocol as well as the Cartagena Declaration on Refugees.
- UNHCR UK has provided training to the governmental authorities on the link between asylum and trafficking, based on the UNHCR Trafficking Guidelines.
- UNHCR Ecuador has conducted training for local authorities working in the field and at border locations and eligibility trainings with the General Directorate for Refugees staff. The training has focused on international protection needs for victims of trafficking and on the link between trafficking and asylum.
- UNHCR Thailand has trained Thai government officials, employees of government-run trafficking shelters, other UN agency personnel and NGO staff on UNHCR's protection role, how to identify refugees and asylum seekers, how to refer potential refugees and asylum seekers to UNHCR for RSD and other assistance, and the distinct protection concerns of these victims, such as dangers facing them if they are returned home, including the risk of being re-trafficked.
- UNHCR Serbia organised a Workshop on the Trafficking and Asylum Nexus, gathering more than 30 relevant actors from governmental and non-governmental sectors. The aim was to enhance awareness of the asylum and trafficking nexus.

### **Research on trafficking**

It is very important for UNHCR to get an accurate picture of the scope and the scale of human trafficking as relates to persons of concern. Research on trends related to trafficking is important to enhance UNHCR's knowledge and understanding of whether persons of concern to UNHCR are at risk of trafficking, and to better understand the link between asylum and trafficking. The following initiatives implemented by UNHCR offices have focused on extending UNHCR research on trafficking:<sup>114</sup>

- UNHCR Czech Republic carried out the research study "Women Asylum Seekers and Trafficking" commissioned by UNHCR Prague.
- UNHCR Thailand conducted the study "Mobility and protection risks: a study of Ban Mai Nai Soi refugee camp" which examined the vulnerability to trafficking of refugees in the Ban Mai Nai Soi refugee camp.

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<sup>114</sup> For a full list of these publications, see, Appendix 7.

-UNHCR Policy Development and Evaluation Service (PDES) in Geneva has published a series of academic research papers on the link between trafficking and asylum in its series, New Issues in Refugee Research.

-The Bureau for Europe at UNHCR Headquarters has published the study "Combating Human Trafficking: An overview of UNHCR Anti-Trafficking Activities in Europe." The study presents country-specific data for 33 European countries on trafficking and includes information on UNHCR field offices' prevention and response activities.

-POLAS has undertaken research on the protection needs of trafficked children as part of a project to address trafficking and protection issues as raised by the Agenda for Protection.

### **National anti-trafficking networks**

It is pivotal for UNHCR to participate in national anti-trafficking networks as trafficking is a complex challenge that no agency can combat alone. The purpose of a national network is to facilitate coordination and cross-sector sustainable dialogue between government, law enforcement bodies, international organisations and NGOs in a country. A national network serves as a tool for creating a 'common understanding' of trafficking by all relevant stakeholders, and can be used as a platform for UNHCR to inform other actors on the link between trafficking and asylum. The examples below are illustrations of how UNHCR has participated in national anti-trafficking networks.

-UNHCR Spain has been instrumental in the creation of an anti-trafficking network. During the early stages of its development, UNHCR Spain was the organisation which brought together all relevant actors – police, refugee office personnel, refugee and migrant NGOs, anti-trafficking NGOs, and researchers – to participate in a series of seminars and meetings on the issue of trafficking and refugee protection in Spain. As a result of these meetings, a formal network has evolved in Spain, of which UNHCR Spain is an observer. This network is working closely with the relevant governmental agencies in the creation of a national plan to address trafficking in Spain. UNHCR's purpose for participating is to ensure that the links between asylum and trafficking are given necessary consideration

- UNHCR Thailand is an active participant in UN country team working groups which address trafficking issues, including the UN Thematic Working Group on International Migration and Trafficking and the UN Theme Group on Social Protection. As a result of these collaborative efforts, three Memoranda of Understanding addressing response and prevention as relates to trafficking has been reached between the relevant stakeholders, including governmental agencies, UN agencies and NGOs.

- UNHCR Armenia participates in a UN Theme Group on Anti-Trafficking. The other group members are UNDP, IOM and OSCE who are the key players in the field of counter-trafficking in Armenia. UNHCR is a member of the legislative sub-group that monitors legal developments within the field of trafficking. The purpose is to

coordinate efforts to combat human trafficking among the different international organizations. UNHCR's purpose for participating is to ensure that the links between asylum and trafficking are given necessary consideration.

### **Advocating for access to asylum procedures**

It is important to make sure that national anti-trafficking legislation and national action plans to combat trafficking incorporate a focus on international protection for eligible trafficking victims. Advocacy for trafficking victims' rights to apply for asylum when new anti-trafficking laws or strategies are introduced is important to ensure that trafficking victims have access to the asylum procedure. The practices below illustrate how UNHCR has advocated actively that such a right be recognized in legislation and national action plans.

- UNHCR Romania was invited to participate in a series of meetings of the inter-ministerial working group which drafted the National Action Plan established to combat trafficking in human beings. UNHCR was successful in promoting the inclusion of a referral mechanism in the revised National Action Plan. The action plan states that non-national victims in need of international protection should be referred to specialized assistance services, including the asylum system.

-UNHCR Thailand has been successful in promoting the development of three separate Memoranda of Understanding on trafficking between relevant stakeholders. One of the MOUs - between UN agencies, NGOs and governmental entities -- contains a provision guaranteeing access by women and children to UNHCR assistance where repatriation may result in a threat to their lives.

- UNHCR Costa Rica has contributed to the elaboration of the "Protocol for the Return of Children and Adolescent Victims of Trafficking in Persons in Costa Rica." UNHCR emphasized that victims of trafficking may qualify for refugee status. UNHCR appealed for the inclusion of text in the protocol requesting that institutions inform the national RSD body and UNHCR about cases of trafficking. The aim is to protect the rights of the victims and coordinate assistance, particularly in cases involving international protection needs. UNHCR specifically worked on a paper with recommendations and comments to the draft protocol. The paper included a reference to UNHCR's Trafficking Guidelines and their role in analyzing trafficking cases.

### **Raising awareness of the risk of trafficking among persons of concern to UNHCR**

According to its policy, UNHCR has a responsibility to ensure that refugees, asylum-seekers, returnees, internally displaced persons and stateless persons do not fall victim to trafficking. This responsibility can be implemented by raising awareness among persons of concern to UNHCR about the potential risks of trafficking. Below is a selection of UNHCR practices aimed at raising awareness about these risks.

- UNHCR Romania carries out awareness sessions on human trafficking among asylum seekers and refugees in the reception and accommodation centres.

- UNHCR Ethiopia carried out a joint awareness raising campaign with IOM in 2008 to combat trafficking and smuggling. Radio spots in four different languages were aired on local radio. Radio journalist broadcast programs on the topic. A hotline was created to provide information and counselling to callers.

- UNHCR Armenia assisted two of its implementing partners – the Sakharov Human Rights Centre (SAHRC) and Mission Armenia (MA) -- in the implementation of a DIFID -funded awareness-raising project on trafficking and smuggling among the refugee population in Armenia. UNHCR facilitated the organisation of five training sessions in four different locations with the participation of local experts with the aim to prepare NGO staff for conducting activities aimed at raising awareness of trafficking risks among refugees.

- UNHCR Nepal's implementing partners are carrying out awareness-raising among the refugees through hut-to-hut information sessions with parents and girls. They have also set up a Peer Counselling Programme and have conducted Peer Group Discussions on the issue of trafficking.

- UNHCR Slovenia has implemented a Project against Human Trafficking and Sexual and Gender-Based Violence (PATS). The aim of the project is to provide potential trafficking victims with information on the warning signs and dangers of human trafficking, as well as to provide them with information on where victims can seek information and assistance in Slovenia and key destination countries in Europe. The asylum seekers are provided with this information in an individual information session performed by a specially trained PATS coordinator, and through the distribution of a dictionary with relevant information for potential victims.

-UNHCR India works with an implementing partner in New Delhi whose staff does outreach work in the community to warn persons of concern of the dangers of trafficking, especially in relation to offers of employment. When a person of concern to the UNHCR is offered employment, the implementing partner's staff will accompany the person to meet with the employer and determine conditions of employment and wage rates. Where the implementing partner believes there may be potential for exploitation, they will advise the person not to take the position.

### **Documenting persons of concern to UNHCR**

Systematic birth registration and issuance of birth certificates is an essential means to provide legal identity and nationality to children, and consequently grant them access to a number of services. Without the appropriate documentation, children lack access to health and education, important protection tools to protect them from exploitation and abuse, including trafficking. <sup>115</sup> Below is an example of how UNHCR uses systematic birth registration as a tool to prevent children from falling prey to traffickers:

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<sup>115</sup> See, Marta Santos Pais, Problem of Birth Registration, UNICEF Innocenti Research Centre, 2007.

-UNHCR Bosnia-Herzegovina and its implementing partner Legal Aid have made a joint intervention with the local authorities to ensure timely issuance of birth certificates to refugee children, and the appointment of guardians to unaccompanied minors. The aim is to ensure that the children do not become trafficking victims. The plan is to register 500 Roma children.

- UNHCR Thailand has successfully advocated for legislation which allows registration of non-nationals permitted to stay temporarily in the country, including their children born in the country. The legislation was passed in August 2008 and UNHCR Thailand is carrying out follow-up activities with governmental authorities and NGOs to ensure that all refugee and asylum seeking children born after the passage of the legislation receive documentation certifying their births. The office is also facilitating issuance of certificates to all refugee and asylum seeking children in the camps born prior to the passage of the legislation.

### **Emergency reporting of persons of concern who fall victim to trafficking**

If a person of concern to UNHCR disappears, and it is assessed that there is a risk that a crime such as trafficking has taken place, the identity of the missing person should immediately be shared with relevant stakeholders, including border guards, NGO's and the police. This sort of emergency reporting will increase the possibility of rescuing the victim before the exploitation takes place. Significant numbers of persons go missing before being properly identified as victims of trafficking. Quick reporting of disappearances to the police is therefore critical. <sup>116</sup> The following UNHCR emergency reporting mechanism has been developed by UNHCR:

UNHCR Nepal has developed a fast report mechanism when people of concern disappear from camps. UNHCR has devised a system for the monitoring/reporting of cases of girls missing from the camps. Camp management immediately notify the police and local NGOs at the border transit points to India after receiving information on a missing girl.

### **Monitoring unaccompanied children in foster care**

Unaccompanied minors are at greater risk of falling prey to traffickers as they have no family structure to protect them. It is important to assure that the foster family care provides protection to the child and does not expose the child to exploitation or trafficking. <sup>117</sup> It is therefore vital to inspect the home and assess the suitability of the arrangement in terms of the child's welfare, to visit the child regularly, as well as to monitor and keep records of the placement. Such enquiries should help identify any risks of exploitation which the child may face. The practice below illustrates how UNHCR has monitored unaccompanied children in foster care to prevent them from falling prey to traffickers.

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<sup>116</sup> London Procedure for Safeguarding Trafficked and Exploited Children: London Child Protection Committee Association of London Government, 2006, p. 8..

<sup>117</sup> London Procedure for Safeguarding Trafficked and Exploited Children: London Child Protection Committee Association of London Government, 2006, p. 10.

- UNHCR Azerbaijan has put a prevention strategy in place where a UNHCR implementing partner makes regular home visits to foster families where the children live, in order to avoid trafficking of unaccompanied children. The visits are conducted by a child welfare officer.

- UNHCR Thailand funds a project in all nine refugee camps to monitor unaccompanied and separated children. The children are visited regularly and needs assessments are carried out to determine if they are in need of additional assistance or services. The implementing partners are aware of the risks of trafficking and are advised to promptly notify camp authorities, camp committees and UNHCR of potential cases. A similar monitoring project is carried out in urban settings.

### **Identification of trafficking victims with a potential protection need**

It is important that UNHCR makes sure that trafficking victims with a fear of being subjected to persecution upon return to their country of origin are identified, so they can be informed about their right to apply for asylum. Below are several practices implemented by UNHCR to facilitate the identification of trafficking victims with a potential international protection need:

- UNHCR Albania has, along with IOM and OSCE, signed a Memorandum of Understanding with the Government of Albania on a 'Pre-Screening Mechanism' to identify trafficking victims. The mechanism is triggered in case of detention of a foreigner by the police. Consequently, the chief of the respective commissariat contacts the pre-screening focal point to provide them with the profile of the person(s) detained. If the profile matches that of a trafficked woman, IOM dispatches its teams. If it is a trafficking victim with a potential international protection claim, UNHCR and the Directorate for Refugees at the Ministry of Public Order send their teams to interview the foreigner(s). The pre-screening team interviews the foreigner within 24 hours of the referral. The pre-screening mechanism was extended to all Albanian border-crossing points at the end of 2004 and is today run by the government.

- UNHCR Thailand was instrumental in promoting the development of three Memoranda of Understanding between the relevant stakeholders addressing trafficking issues. A specific provision in one of the memoranda provides that where repatriation may threaten the lives of women and children, such cases will be referred to UNHCR for the appropriate assistance.

- UNHCR Georgia monitors if there are potential trafficking victims with international protection needs in prisons and detention centres based on tips received from other organizations, prison and detention centre personnel.

- UNHCR Ecuador has trained local authorities to monitor the northern border areas of Ecuador, in order to detect and prevent human rights violations, such as trafficking, of the refugee population.

- UNHCR Austria is directly involved in the Accelerated Airport Procedure in which women are occasionally identified as victims of trafficking. UNHCR cooperates closely with both the Austrian authorities as well as NGO's on identification of the victims with an asylum claim.

### **Referral mechanisms for trafficking victims**

When identifying victims of trafficking, governmental authorities such as police, border guards, immigration officials and others, as well as international or non-governmental organisations that may be involved in the reception of migrants and refugees, need to be aware that some might fear returning to their country of origin. Victims of trafficking who express a fear of returning to their country of origin and/or a wish to seek asylum should be referred to the refugee authorities or UNHCR. Victims of trafficking should be provided with information about the right to seek asylum and about national asylum procedures.

- UNHCR Kenya and IOM Kenya entered into a loose arrangement whereby it was agreed that cross referrals should be made. IOM refers victims of trafficking with an asylum claim, and UNHCR refers other victims to IOM which has its own specific assistance programs for trafficking victims in Kenya.

- UNHCR Thailand receives referrals of cases involving women and children who fear returning home as part of a Memoranda of Understanding on trafficking signed between the relevant UN agencies, governmental entities and NGOs in Thailand. UNHCR Thailand has provided informational materials to these stakeholders on how trafficking victims with potential claims may apply for asylum.

- UNHCR Bosnia-Herzegovina participates in the National Referral System for Protection for Victims of Trafficking. The referral system was developed in cooperation between the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration for Bosnia and Herzegovina, the Prosecutor's Office, the relevant Ministerial authorities, UNHCR, and a number of NGOs involved in the protection of victims of trafficking. Through this mechanism trafficking victims who seek asylum are referred to the national authorities.

### **Minimizing security risks for UNHCR staff and trafficking victims**

Trafficking networks often threaten victims to make sure they do not disclose any information about the trafficking network during interviews with refugee authorities or social workers. There are also examples of trafficking networks who threaten professionals to make sure they do not ask too many questions of the potential trafficking victims. The interview situation is therefore potentially dangerous for both the victim and the interviewer. Therefore, interviewers must be sensitive to and under the potential security risks when interviewing trafficking victims.<sup>118</sup> This can help minimize the dangers for the victim and the interviewer. The following

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<sup>118</sup> Cathy Zimmerman and Charlotte Watts, WHO Ethical and Safety Recommendations for Interviewing Trafficked Women, WHO, 2003.

practices have been implemented by UNHCR offices to make sure that staff take the necessary steps to minimize any security risks when interviewing trafficking victims:

- UNHCR Hungary carried out workshops on interviewing techniques for its staff in 2004 and 2005, and incorporated a component on how to interview victims of trafficking, based on the WHO Ethical and Safety Recommendations for Interviewing Trafficked Women.
- UNHCR Czech Republic has translated the WHO Ethical and Safety Recommendations for Interviewing Trafficked Women into Czech. The guidelines were then distributed to UNHCR counterparts, including the state administration (responsible for RSD) as well as the NGO partners.

### **Create a comfortable interview environment**

It is important to create an interview environment where the victim feels comfortable. A feeling of safety will increase the likelihood that the victim will disclose relevant and accurate information that can be used to determine if the victim is in need of international protection. Hence, it is advised to do the interview in friendly and undisturbed surroundings so the victim feels relaxed. When interviewing a trafficking victim who has been exploited for sexual purposes it is often helpful if the interviewer is a woman, as these women have often been abused by men (i.e. family members, agents, employers, military), and may mistrust or be embarrassed to disclose personal details to a man.<sup>119</sup> The following are examples of UNHCR initiatives on interviewing potential trafficking victims:

- UNHCR Hungary has funded the establishment of a friendly interview environment. The space can be used to interview traumatised asylum seekers, including victims of trafficking.
- UNHCR Jordan makes sure that female trafficking victims who have been subjected to sexual exploitation are, at all times, only attended by UNHCR female staff members.
- UNHCR in Kenya has organised training, facilitated by IOM, on interviewing survivors of trafficking.

### **Ensuring adequate social, medical and legal assistance to trafficking victims**

Trafficking victims should be provided with psychological counselling, safe shelter, medical assistance, and legal support. If UNHCR does not provide these services to the victims through its implementing partners, it is important that the victims are referred to organisations or government authorities that offer assistance to trafficking victims. Before UNHCR refers victims to other organisations or government authorities, it should be assured that the services provided are legitimate and

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<sup>119</sup> Cathy Zimmerman and Charlotte Watts, WHO Ethical and Safety Recommendations for Interviewing Trafficked Women, WHO, 2003.

appropriate. In locations where there are no support services for trafficking victims, it is necessary to identify appropriate organisations that are sensitive and willing to provide different services to the victims. These organisations may need to be briefed on the nature of the problem of trafficking and the possible range of assistance that might be required of them. Below is a range of examples of how UNHCR offices have assured that trafficking victims gain access to medical, legal and psycho-social services:

- UNHCR Kosovo has incorporated how to address trafficking in the SGBV Standard Operating Procedures for UNHCR staff in Kosovo. This detailed description of how UNHCR should act and who should be contacted makes it possible for UNHCR staff without previous experience, to handle a trafficking case professionally and refer the victims to experts. The SOP gives UNHCR staff an explanation of which actors are involved in trafficking and who should be contacted.

- UNHCR Bosnia-Herzegovina has participated in developing national guidelines on the Referral of Victims of Trafficking, which emphasize that asylum-seeking victims of trafficking should be informed about possible assistance available in protected shelters managed by partner organisations, such as IOM and relevant NGOs. These shelters provide medical, social and legal assistance. Victims of trafficking who wish to be accommodated in these shelters will be referred by UNHCR to the responsible organisation.

- UNHCR Jordan makes sure that trafficking victims of concern to UNHCR are referred to a UNHCR implementing partner who will follow up on the person's need for assistance. The implementing partners refer the victims to a governmental shelter. Assistance in the governmental shelter may include material, financial, and legal assistance or a combination of all depending on the needs of the victims. UNHCR pays for the expenses in the governmental shelter.

- UNHCR Costa Rica along with implementing partners, IOM and public institutions, is part of an informal follow-up group on trafficking cases. This group meets on individual cases to monitor ongoing assistance. The group decides which agencies should follow up on the victims' needs in terms of health care, psycho-social assistance and legal advice. Through this mechanism, UNHCR provides legal assistance and trafficking and victims are referred to the government-run asylum system.

## Annex 11: Tool for follow-up of suggested recommendations

A steering committee has been created to ensure that the proposed recommendations based on the key findings of this review are implemented. Below is a chart which lists the suggested recommendations to be implemented, along with fields to be completed by senior management once it is decided which recommendations will be implemented. The findings and basis for the recommendations listed below are explained in greater detail in the relevant chapters in the *Review of UNHCR's efforts to prevent and respond to human trafficking*. It is recommended that the Assistant High Commissioner for Protection and the Director of the Department of International Protection Services with the support of PDES review the report and determine which recommendations are to be implemented. The Executive Office will then issue instructions with regard to how implementation will be carried out. This chart is meant to act as a tool to facilitate this process.

### Policy

Recommendation	Endorsed by senior management	Responsible division	Timeframe
<i>UNHCR should create a short guidance note to complement the UNHCR Trafficking Guidelines in order to clearly and concisely explain UNHCR policy on trafficking as relates to persons of concern.</i>			
<i>UNHCR should promote the adoption of a conclusion by the Executive Committee relating to the access to international protection for victims or potential victims of trafficking.</i>			
<i>The Assistant High Commissioner for Protection and the Director of the Department of International</i>			

<i>Protection Services should jointly convene a meeting of Excom members, UNHCR partners and NGOs to explain UNHCR policy on trafficking as relates to persons of concern and to present the review.</i>			
<i>UNHCR should place the issue of trafficking, particularly the organizational division of labour, on the agenda of the Global Migration Group.</i>			

**Human resources**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR should urge EXCOM members to sponsor a Junior Professional Officer (JPO) position under the supervision of the POLAS trafficking focal point to assist with trafficking and other work relating to refugee protection and international migration issues.</i>			
<i>The Regional Bureaus should identify focal points within each bureau.</i>			
<i>UNHCR branch offices should designate trafficking focal</i>			

<i>points.</i>			
<i>UNHCR should promote systematic and regular information sharing and networking among staff working on trafficking in head quarters and in the field.</i>			

**Staff support and understanding of UNHCR policy**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR should arrange a Food for Thought Session at headquarters to enhance staff understanding of the issue.</i>			
<i>A session on UNHCR policy on trafficking as relates to persons of concern should be presented at regional protection meetings and regional representative meetings.</i>			

**Internal and external training**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR should include information about trafficking and protection in all relevant training materials.</i>			
<i>UNHCR field offices should create external training plan to make sure relevant</i>			

<i>stakeholders are trained on trafficking and UNHCR's mandate.</i>			
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### **Guidelines**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR should make sure that trafficking issues are addressed in greater detail in all relevant handbooks, manuals and guidelines.</i>			

### **Identification of victims**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR field offices should do greater outreach to external stakeholders who work more closely with trafficking victims in order to raise awareness regarding UNHCR's protection mandate as relates to trafficking.</i>			
<i>UNHCR field offices should identify risk factors which place certain refugees at greater risk of trafficking than others. Staff should then use this list of factors to design prevention activities.</i>			

<i>UNHCR Head quarters should update the Heightened Risk Identification Tool HRIT to better address trafficking issues.</i>			
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### **Advocacy**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR offices should advocate for asylum-sensitive anti-trafficking legislation</i>			
<i>UNHCR should urge governments to address refugee issues in their National Action Plans and protocols addressing trafficking</i>			

### **Research**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR should carry out studies relating to its obligations to prevent persons of concern from falling into trafficking and to ensure access to asylum for victims or potential victims of trafficking</i>			
<i>UNHCR should create a system to identify and disseminate relevant existing</i>			

<i>research on trafficking.</i>			
<i>UNHCR should maintain an updated collection of good practices.</i>			

### **Prevention and trafficking**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR field offices should survey what awareness raising and outreach activities are done by NGOs and government authorities in the countries where they operate to determine how they can complement those activities.</i>			
<i>UNHCR field offices should consult with IOM to assess the situation of trafficking in the countries where they operate.</i>			

### **Protection and trafficking**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR should include information about trafficking in COI position papers where relevant.</i>			
<i>The SPCP Protection Gaps Framework for Analysis should</i>			

<i>include a greater focus on trafficking in any updates.</i>			
<i>UNHCR field offices should ensure that referral mechanisms exist in the countries in which they operate.</i>			

**Reporting**

<b>Recommendation</b>	<b>Endorsed by the senior management</b>	<b>Responsible division</b>	<b>Timeframe</b>
<i>UNHCR should update the APR reporting instructions to request that staff provide information on prevention and protection responses to trafficking as relates to persons of concern.</i>			
<i>Additional fields on trafficking should be added to the FOCUS database.</i>			

## **Annex 12: List of Acronyms**

**APR:** Annual Protection Reports  
**BID:** Best interests determination  
**CDGECS:** Community Development, Gender Equality and Children Section  
**COP:** Country Operations Plan  
**DIPS:** Division of International Protection Services  
**ECOSOC:** Economic and Social Commission  
**EU:** European Union  
**ICAT:** Inter-Agency Cooperation Group Against Trafficking in Persons  
**ICMC:** The International Catholic Migration Commission  
**IDP:** Internally Displaced Persons  
**ILO:** International Labour Organization  
**INTERPOL:** International Criminal Police Organization  
**IOM:** International Organization for Migration  
**IRC:** International Rescue Committee  
**NATO:** North Atlantic Treaty Organization  
**OHCHR:** Office of the United Nations High Commissioner for Human Rights  
**OSCE:** Organization for Security and Co-operation in Europe  
**OSCE AECT:** OSCE's Alliance Expert Coordination Team  
**PDES:** Policy Development and Evaluation Service  
**POLAS:** Protection Operation and Legal Advice Section  
**RSD:** Refugee status determination  
**SGBV:** Sexual and gender-based violence  
**SOP:** Standard operating procedures  
**SPCP:** Strengthening Protection Capacity Project  
**UN:** United Nations  
**UNDP:** United Nations Development Programme  
**UNDAW:** United Nations Division for the Advancement of Women  
**UNEG:** United Nations Evaluation Group  
**UNESCO:** United Nations Educational, Scientific and Cultural Organization  
**UNFPA:** United Nations Population Fund  
**UNGIFT:** The United Nations Global Initiative to Fight Human Trafficking  
**UNHCR:** The United Nations High Commissioner for Refugees  
**UNIAP:** United Nations Inter-Agency Project on Human Trafficking in the Mekong Sub-region  
**UNICEF:** United Nations Children's Fund  
**UNICRI:** United Nations Interregional Crime and Justice Research Institute  
**UNIFEM:** United Nations Development Fund for Women  
**UNITAR:** United Nations Institute for Training and Research  
**UNMIK:** United Nations Interim Administration Mission in Kosovo  
**UNODC:** United Nations Office on Drugs and Crime  
**WHO:** World Health Organization