



cifal
Jeju



United Nations Institute for Training and Research



unitar

50
more years
of human empowerment

Human Trafficking and the Role of Local Governments



Acknowledgement:

UNITAR extends sincere thanks to the International Training Centre for Local Authorities/Actors in Jeju (CIFAL Jeju) and its team for the ongoing work towards the fight against human trafficking and for contributing to develop this publication.

Author: Madevi Sun-Suon, UNITAR

Contributions: Dal-ho Chung (CIFAL Jeju), Hye Jin Jeong (CIFAL Jeju), Alex Mejia (UNITAR), Colleen Thouez (UNITAR)

Project supervision: Estrella Merlos, UNITAR

Cover & layout design: Madevi Sun-Suon, UNITAR

Exemption of responsibility:

The opinions expressed in this publication are those of the authors and do not necessarily reflect the views of the United Nations Institute for Training and Research (UNITAR), its Board of Directors, or the countries they represent.

The unauthorized commercial use of the Institute's documents is prohibited and may be punishable under the Institute's policies and/or applicable laws.

Human Trafficking and the Role of Local Governments

- Good Practices, Challenges and Ways Forward -





UN Photo/Staton Winter

3 Foreword

6 Preface

7 Chapter 1:
Introduction

22 Chapter 2:
Countering Human
Trafficking

36 Chapter 3:
Approaches to
Cooperation



UN Photo/UNHCR/Phil Behan

54 Chapter 4: Local and National Approaches

86 Chapter 5: Ways Forward

95 References

Foreword



Human trafficking is a worldwide epidemic that deprives women, men and children of their basic rights each day. It has been recognized as one of the fastest growing crimes in the world that profits from the exploitation and victimization of human beings and undermines national economies and human safety. Virtually all countries are affected, acting as countries of source, transit, destination or a combination thereof. Over the last decades, human trafficking has captured significant attention worldwide and raised awareness on the different forms of exploitation and its consequences.

While it is clear that the global community is committed to counter human trafficking, there is still much to be done to eradicate this crime. The multifaceted and clandestine nature of human trafficking poses a challenge for effective prevention, victim protection and prosecution related measures and policies. Its linkages with illegal migration, labor issues and health problems underline the complexity of the problem and demand different approaches from all actors. It is crucial now more than ever for actors at the international, regional and local levels to cooperate, coordinate and share responsibility in the fight against human trafficking. Law enforcers, local and national governments, international organizations and non-governmental organizations are among the key actors at the forefront of this fight. In particular, local governments play a significant role in reducing the vulnerability of potential victims, providing support and assistance to presumed and current victims, and implementing development strategies that address the root causes of trafficking, all in alignment with international human rights standards.

UNITAR through its global network of training centres are committed to advance the fight against human trafficking through empowerment of local authorities. We aim to strengthen their capacities and provide an international platform for collaboration and information sharing among participants over the world. It is our hope that this publication will contribute to the ongoing debate on the Post-2015 Development Agenda and provide best practices and elements to develop a local agenda to combat human trafficking.

Sally Fegan-Wyles

UN Assistant Secretary-General,
Acting Head Executive Director, UNITAR



The *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons* defines Human Trafficking as 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.

Although this definition may have a theoretical dimension, in practice more than 700,000 victims – especially women and children – are trafficked globally each year, making human trafficking a perennial threat to human security. This issue is so complex to address due to the fast-paced nature of the crime, with traffickers moving within and across borders, while victims are many times reluctant to come to the authorities for any number of reasons (trauma, shame, fear of reprisal).

In this context, UNITAR's International Training Centre, CIFAL Jeju, provides training to local governments and stakeholders on how to prevent trafficking, prosecute traffickers, and protect and reintegrate victims. CIFAL Jeju promotes city-to-city cooperation and facilitates the exchange of experiences and lessons learned to tackle this issue.

The fight against human trafficking must constitute a global effort especially when every country plays a different role as country of origin, transit or destinations for victims. For this reason, UNITAR's effort in developing this publication represents an action towards raising awareness regarding this global issue, especially by addressing human trafficking in one of the most affected regions in the world, the Asia-Pacific region.

We invite you to read this report, to reflect on this problem that affects the lives of many people around the world, and most importantly, to join our quest for fighting human trafficking.

Ambassador Dal-ho Chung

Director, CIFAL Jeju
Fellow, UNITAR

It is estimated that there are at least

700,000

trafficked victims globally each year.

Local governments play a key role in the fight against human trafficking.

Preface

Human trafficking is a global crisis linked with increasing globalization and often intertwined with illegal immigration, human smuggling and transnational crime. It is a form of modern day slavery that trades and exploits children, women and men each year, violating their basic rights to life, liberty and security. From an economic lens, human trafficking can be considered as an economic activity and a consequence out of a commoditized process that profits from human mobility. From a legal lens, it is an international criminal activity that violates human rights and legal provisions of the state. As businesses become more globalized and borders open, the transfer of people, both willing and forced, is becoming more widespread contributing to unprecedented growth of human trafficking.¹ Increasing levels of inequality, both globally and internally, encourage millions of disadvantaged individuals to migrate internationally and internally. As migrants search for more economic opportunities outside their homes, some end up in coerced work by the use of threat or deception. Although the number of humans trafficked is not known, it is estimated that there are at least 700,000 trafficked victims globally each year.²

It is clear that human trafficking poses a problem at both the local and global levels. There is an urgent need of local, national, regional and international cooperation to combat this exploitation, from government officials to law enforcers, health care professionals to education officials. Local governments in particular play a key role in improving human trafficking prevention, victim protection and prosecution of traffickers. This publication aims to provide an overview of the issue of human trafficking and raise awareness about the role of local authorities as one of the key actors to combat human trafficking. Additionally, it aims to contribute to place this issue as a top priority in the ongoing debate on the Post-2015 Development Agenda by presenting various best practices to develop a local agenda on human trafficking.

1. Liu, Yanchuan (2010) "The Commodification of Human Life: Human Trafficking in the Age of Globalization," *Macalester International*: Vol. 25, Article 11.

2. Trafficking in Human Misery. (n.d.). UNFPA. Retrieved June 18, 2014, from <http://www.unfpa.org/gender/violence1.htm>



UN Photo/ Tobin Jones

1

Introduction

Human trafficking is the fastest growing criminal businesses in the world due to its high profitability of **\$5 – 7 billion annually.**³

It has low risks of detection, prosecution and arrest compared to other transnational crimes. While the legal controls are state-based, the crime groups are transnational which creates difficulties for law enforcement to combat effectively.⁴

It is clear that trafficking of persons is a pressing problem, at both the global and local level, with an urgent need for action.

However, the issue was not recognized internationally until the year 2000 with the adoption of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* by the General Assembly of the United Nations, supplementing the *United Nations Convention against Transnational Organized Crime*. It is one of the three Palermo Protocols, the others being the *Protocol against Smuggling of Migrants by Land, Sea and Air* and the *Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition*. The UN Trafficking Protocol encourages states to enact national laws to prevent exploitative recruitment and treatment of migrant workers, provide protection to the victims and prosecution to the offenders. It came into force on 25th December 2003 with 117 signatories and 159 parties as of June 2014. However, this does not imply that the international community took no interest in countering human trafficking until the year 2000. The main challenge was reaching a consensus among Member States concerning the definition of human trafficking.⁵

3. U.S. Department of State (2005) Facts about Human Trafficking. Washington D.C.: Author

4.. Lee, M. (2007). Human trafficking. Cullompton, Devon, U.K.: Willan.

5. Dempsey, M. M., Hoyle, C., & Bosworth, M. (2012). Defining Sex Trafficking in International and Domestic Law: Mind the Gaps. Emory International Law Review, 26, 137 -162.

1.1 Definition

Article 3 of the UN Trafficking Protocol defines human trafficking as *“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.”*

All three of the following elements must be presented in order to constitute a human trafficking offense:

i) Activity

- > recruitment
- > transportation
- > transfer
- > harbouring of persons
- > receipt of persons

ii) Means

- > threat of force or other forms of coercion
- > use of force or other forms of coercion
- > abduction
- > fraud
- > deception
- > abuse of power or a position of vulnerability
- > the giving or receiving of payments or benefits to achieve the consent of a person having control over another person

iii) Actions

- > exploitation within one of the exploitative forms specified in the definition

The Protocol provides a special case for children under Article 3, subparagraph (c), in which the “means” is removed from the original definition of human trafficking. The use of threat, force and other forms of coercion is not necessary for children to be constituted as trafficked victims if the act and purpose still apply. For example, if a parent arranges for a child to be transported into a situation of forced work, it may still be recognized as trafficking even with the child’s consent. Under Article 3, subparagraph (d), a child is defined as a person under the age of eighteen years old. In addition to the definition, Article 5 of the Protocol highlights the obligations of states to criminalize trafficking in order to ensure legal effects in domestic criminal law. States shall adopt legislative or take other measures necessary in order to establish “the conduct set forth in Article 3” as a criminal offense.

Human trafficking is often misperceived as only sex trade or as a “violence against women” issue. There is a tendency to view women as trafficked victims, irregular labor migrants as “illegals” and documented workers as temporary labor migrants.⁶

However, what constitutes as exploitation extends beyond sex trafficking.

According to Article 3, subparagraph (a), of the Trafficking Protocol, the minimum requirements of exploitation are prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal of organs. The major forms of trafficking include sex trafficking, forced labor, debt bondage, involuntary domestic servitude, and child soldiers.⁷

Forms of exploitation include:

- > Sexual exploitation such as prostitution
- > Forced labor (including bonded labor and debt bondage)
- > Slavery or practices similar to slavery
- > Servitude
- > The removal of organs
- > Other forms of exploitation as defined by national laws – this may include:
 - Forced marriage
 - Forced or coerced begging
 - Use in criminal activities
 - Use in armed conflicts
 - Ritual or customary servitude
 - Use of women as surrogate mothers
 - Forced pregnancy

Source: OSCE, 2011

6. Schendel, W. v., Lyons, L., & Ford, M. (2012). Labour migration and human trafficking in Southeast Asia: critical Perspectives. Milton Park, Abingdon, Oxon: Routledge.

7. What Is Trafficking in Persons?. (n.d.). U.S. Department of State. Retrieved June 24, 2014, from <http://www.state.gov/j/tip/rls/tiprpt/2011/1>

1.2 Trafficking Chain

The concept of a “trafficking chain” is the recognition of human trafficking as a process that is carried out progressively from one stage to another. Each stage is necessary to perpetuate the next, beginning with recruitment, followed by travel and concluding with exploitation. The diagram below represents the trafficking cycle, which includes the trafficking chain as well as “reception/detention” and “integration/reintegration” in the event where victims are released or have escaped from traffickers (see Figure 1).



Figure 1
Source: IOM, 2009

The trafficking cycle has captured the fact that the trafficking of persons is a criminal offense with crimes committed in the territory of different states and involves several actors at different stages beyond “victims” and “traffickers.”⁸ It includes both groups of individuals who are aware of the crime and those who unknowingly participate. For example, it is likely that document forgers and brothel owners belong to the first group while pilots and bus drivers belong to the latter. Other actors include investors who finance the operations, corrupt officials who accept bribes and travel agents who may or may not be aware of the trafficking act. However, the trafficking chain should be distinguished from a similar chain of illegal migration or human smuggling.



Although human trafficking is closely connected to human smuggling, the two are not interchangeable (see Figure 2). According to the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, “smuggling of migrants” is defined as: *“the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”* Unlike trafficking, smuggling does not involve coercion or force in the process. It is a crime against the state with a commercial purpose and involves consented parties, while human trafficking is a crime against the individual with an exploitative purpose and unconsented parties. Furthermore, smuggling involves migrants crossing international borders while trafficking of persons can occur domestically as well.⁹

Trafficking and Smuggling: Differences and Similarities



Figure 2
Source: IOM

In many cases, it is very difficult for law enforcers to distinguish between the two cases. Consent is emphasized and used as the distinguishing factor between human smuggling and human trafficking in prosecution cases. If the illegal migrant agreed to leave their country of origin with the assistance of a third person, it should be accepted that this act was done deliberately under free will regardless if their rights were violated in the destination country. Additionally, other distinguishable factors of human smuggling include:¹⁰

- > Lack of coercion inflicted by third party
- > Lack of consent of the emigrating party
- > Lack of plan from third parties to turn emigrating party into victims of human trafficking, to violate their dignity or have them exploited in any circumstances

8. Magliveras K. (2013, September). The “Trafficking Chain” in International Criminal Offence of Trafficking in Human Beings. Paper presented at the 7th General Conference of the European Consortium of Political Research, Bordeaux, France.

9. Distinctions Between Human Smuggling and Human Trafficking 2006. (2006, January 1). U.S. Department of State. Retrieved June 17, 2014, from <http://www.state.gov/m/ds/hstcenter/9043.htm>

10. Magliveras K. (2013, September). The “Trafficking Chain” in International Criminal Offence of Trafficking in Human Beings. Paper presented at the 7th General Conference of the European Consortium of Political Research, Bordeaux, France.

1.3 General Trends: Victims, Traffickers and Trafficking Flow

Although human trafficking is a global phenomenon, there are only limited statistics available due to the illegal and clandestine nature of the crime. Detected data on trafficking flows can vary by regions and may not completely represent the actual trafficking situation in the country. The challenge of detecting traffickers' activities implies that a large part of the picture is still hidden. In some cases, the difficulty lies in distinguishing between trafficked victims, sex workers and victims of forced labor without trafficking. Data production is more likely to be successful for former victims compare to current victims and persons at risk. However it is still a challenge as many victims are reluctant to share their past experiences. Furthermore, even though the UN Trafficking Protocol has been ratified by over 150 States, there have been wide discrepancies between the international definition of human trafficking and the definition adopted in the domestic criminal codes in some countries. This ambiguity further adds to the problem of data collection.

The majority of statistics highlighted in this section are provided by the United Nations Office on Drugs and Crime (UNODC) through their Global Report on Trafficking in Persons. The data is obtained mostly from national institutions, followed by intergovernmental organizations and non-governmental organizations.

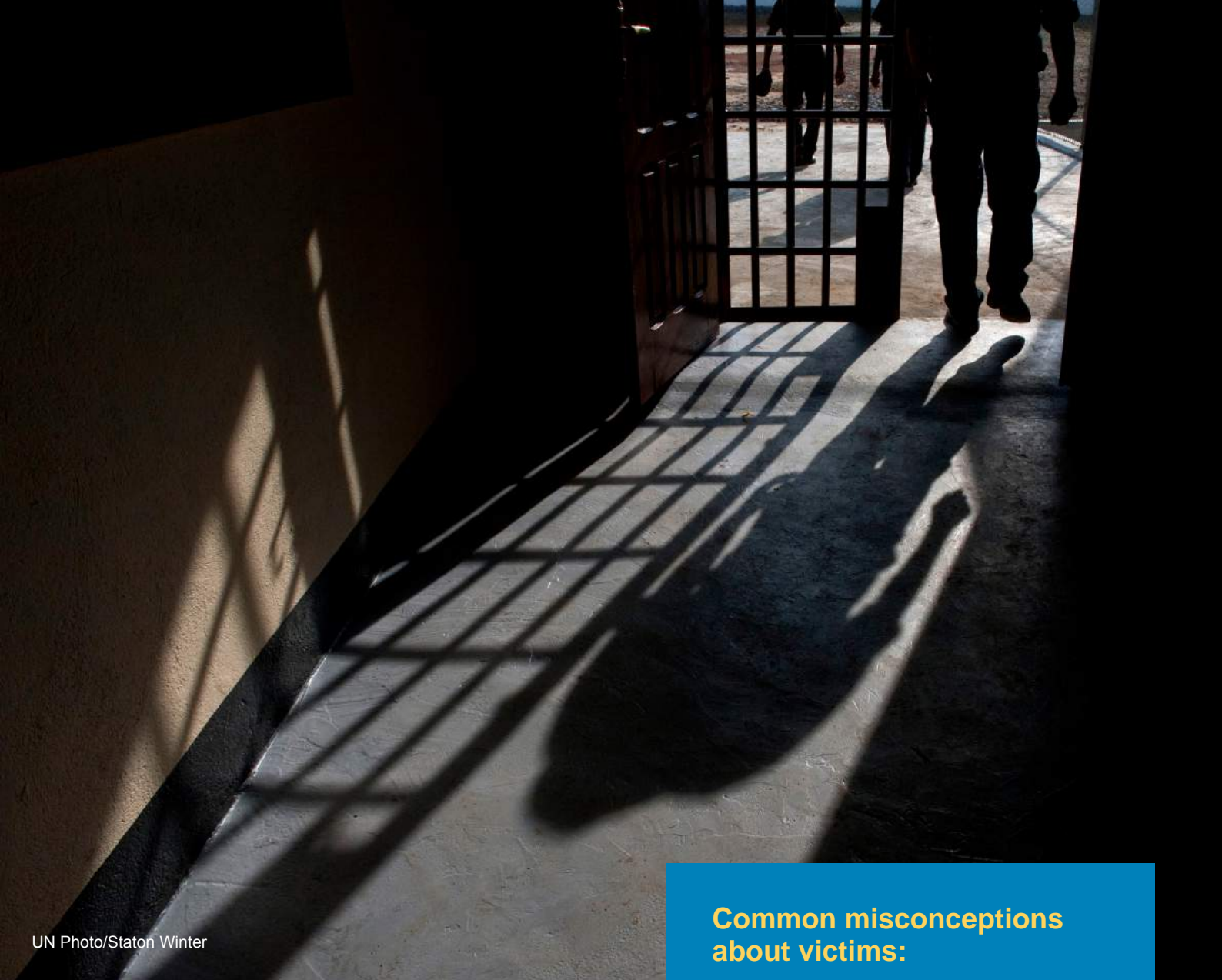
Victims

According to the *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse*, a victim of crime is defined as: “*persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.*” There is also a difference between “presumed victims”, as those who show signs of having been trafficked already, and “potential victims”, as those who are at risk of being trafficked in the future.¹¹

Between 2007 and 2010, victims from at least 136 countries were detected in 118 countries worldwide.

Although victims of trafficking include both men and women, there is a gender element to this crime. For example, the majority of victims reported globally are women (see Figure 3). Although the number of women trafficked has decreased over the years, from 67% in 2006 to 59% in 2009, the number of girls trafficked has increased by 4% over the same periods of time. Men represented about 14% of victims detected globally between 2007 and 2010.¹²

12. Global Report on Trafficking in Persons. (2012). Vienna: United Nations Office on Drugs and Crime.



UN Photo/Staton Winter

Common misconceptions about victims:

- > They do not take the opportunities to escape
- > There was no coercion
- > If they say they have a better life previously, then they have not been trafficked
- > They are not “victims” if they reject help

Source: OSCE, 2011

Gender and age profile of victims detected globally, 2009

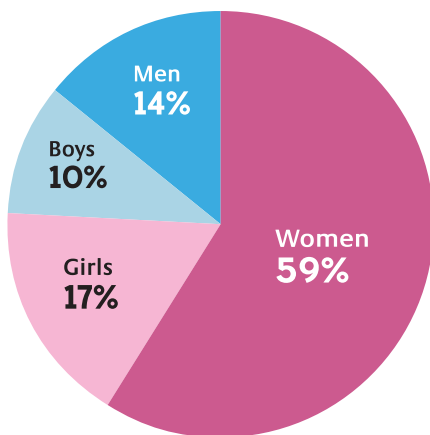


Figure 3
Source: UNODC, 2012

From 2003 to 2006, the number of children trafficked has increased globally.

For every 3 children trafficked, 2 are girls and 1 is a boy, which reinforces the crime's characteristics regarding gender.

However, the number of children trafficked vary significantly according to their regions. From 2007 – 2010, 27% of victims globally were children. The figure is significantly higher in the Africa and the Middle East region (68%) and relatively lower in Europe and Central Asia (16%)¹³ (see Figure 4). Children are often targeted for begging, domestic servitude, adoption and petty theft on the streets.¹⁴

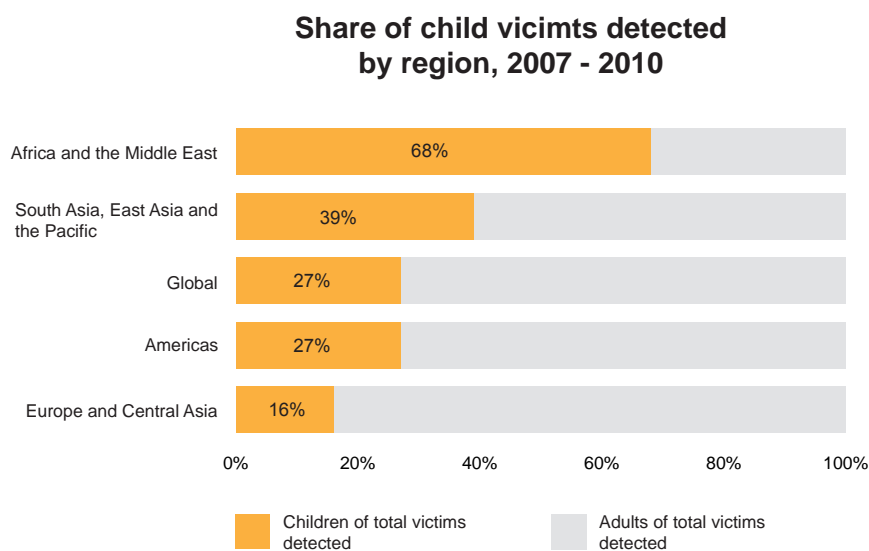


Figure 4
Source: UNODC, 2012

Traffickers

Human trafficking is often perceived as an organized crime with a sophisticated transnational network however, this is not always the case. There are advantages to having loose networks as it allows for less visibility and attracts less attention from law enforcers. If the network is flexible, traffickers can easily make rapid decisions, adapt their tactics, and as result, reduce their risk of detection.

13. Ibid.

14. Handbook on Performance Indicators for Counter-Trafficking Projects. (2008). Washington DC: International Organization for Migration.

Individual traffickers are required to play different roles as:

- > Recruiters
- > Transporters (both within the country and cross-border)
- > Exploiters

As almost all countries act as a country of origin, transit or destination, traffickers can be of any nationality. Globally, 67% of persons convicted of trafficking in persons are men while 33% are women. However, the opposite is observed in East Europe and Central Asia with 77% of persons convicted of trafficking being female and only 23% being male (see Figure 5).¹⁵ Countries with a relatively high amount of trafficked girls have higher rates of women convicted for trafficking. Female traffickers are often lower-ranked in the hierarchy and are involved in high-risk activities such as collecting money from clients and maintaining control over victims. Additionally, they tend to play a greater role during the recruitment stage and the management of the exploitation phase, acting as managers, receptionists and money launderers while male traffickers are more involved in the exploitation phase.

Share of persons convicted for trafficking in persons, by gender and regional/subregional averages, 2007 - 2010

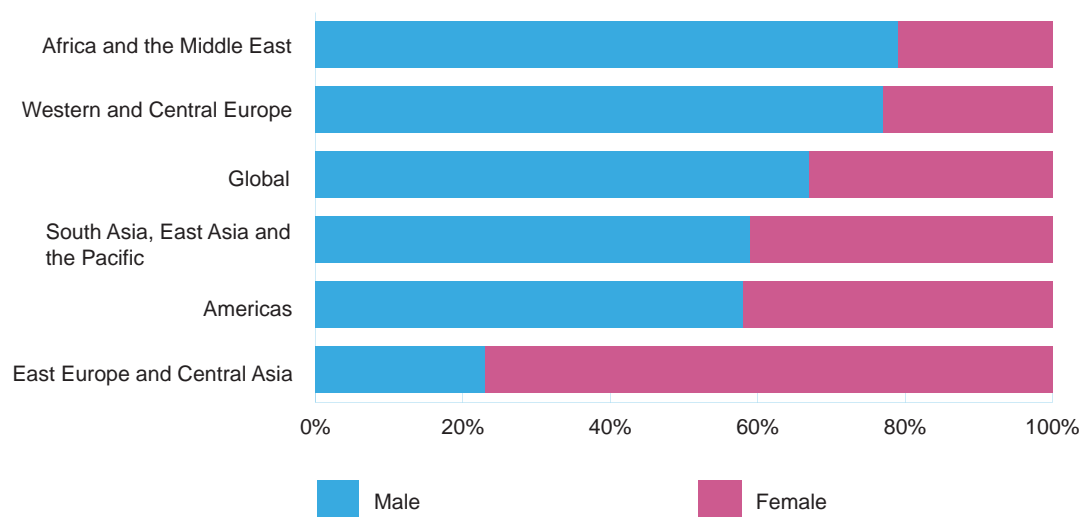


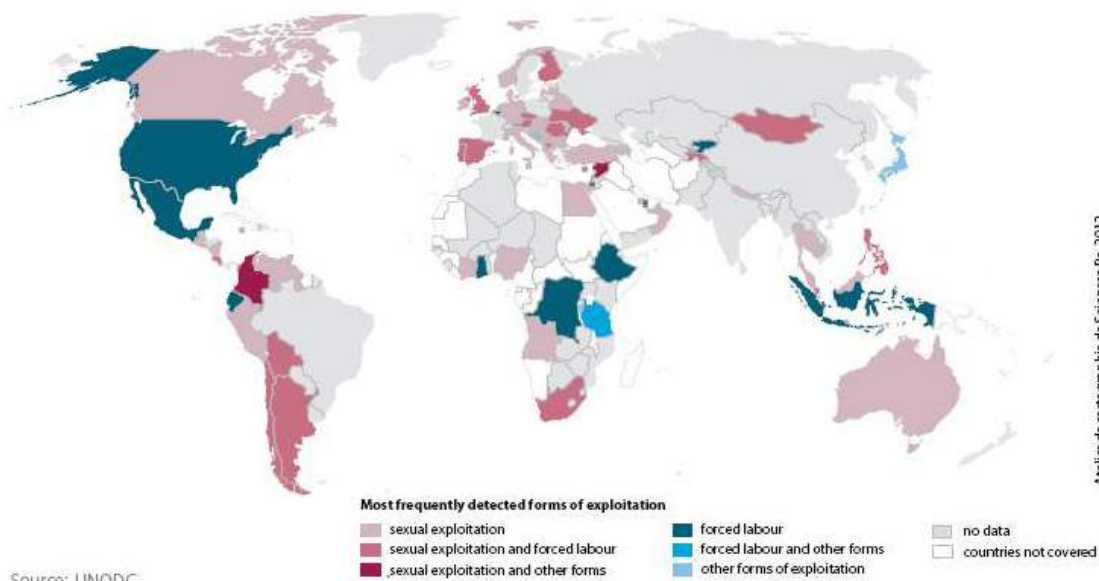
Figure 5
Source: UNODC, 2012

15. Global Report on Trafficking in Persons. (2012). Vienna: United Nations Office on Drugs and Crime.

The only unifying factor identified between most traffickers is financial: some traffickers hope to grow rich while others are struggling financially and need the money to support their family members. Some traffickers were once trafficked victims themselves and agree to move up the “trafficking hierarchy” either out of fear of violence or by personal choice. Even as traffickers, they are still under the control of their superiors and may continue to face abuse. Additionally, they are often assigned the most visible tasks with high risks of detection by law enforcers.¹⁶

Sexual exploitation was the most commonly cited purpose compare to other forms of exploitation globally in 2010. However, the main form of exploitation can also vary by region and country based on the proportion of detected victims (see Map 1). For example, forced labor is more prevalent compared to sexual exploitation in the United States and Mexico. In Europe and South America, the combination of sexual exploitation and forced labor were more frequently detected.¹⁷

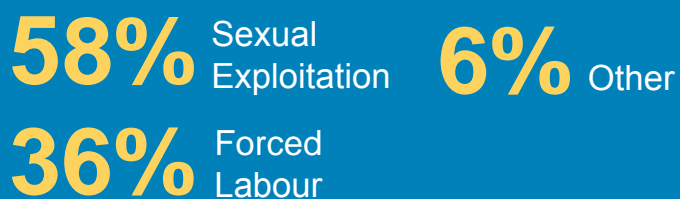
Main forms of exploitation, by proportion of detected victims, by country, 2007 - 2010



Map 1
Source: UNODC, 2012

Forms of all exploitations detected, 2010:

Source: UNODC, 2012





UN Photo/Sylvain Liechti

Trafficking Flows

Trafficking flow is defined as “the geographical aspect of trafficking in persons”, or the link which connects the victim’s origin with their destination.¹⁶ Migrants and would-be migrants are identified as the most vulnerable groups to trafficking. Between 2007 and 2010, 73% of trafficked victims detected globally were found in countries not of their own. More than 75% of trafficking flows were short or medium ranged suggesting that geographical proximity plays a determining role in trafficking. Long-distance trafficking requires more support in terms of taking care of travel and false documents and cannot be sustained in the long-run without an organized trafficking network. Moreover, detected victims are often trafficked from a relatively poor area to a richer area, suggesting that economic differences also play a determining role in trafficking flows.

Many human trafficking cases from 2007 - 2010 were intraregional particularly in Eastern Europe, Central Asia and South America. Long-distance trafficking was more common in the Middle Eastern and the Central European region. However, domestic trafficking flows have also increased over the years relative to cross-border trafficking due to more effective border controls and an increasing awareness of risks among migrants. For these reasons, traffickers may find it more beneficial to exploit victims domestically or from nearby countries in order to reduce the risk of detection.¹⁹

16. Friesendorf, C. (2009). *Strategies Against Human Trafficking: The Role of the Security Sector*. Study Group Information, 1-514.

17. *Global Report on Trafficking in Persons*. (2012). Vienna: United Nations Office on Drugs and Crime.

18. *Ibid.*

19. *Ibid.*

1.4 Trafficking-Migration Nexus

Human trafficking has developed into a mainstream issue in international, regional and local policy arenas. However, the nexus between trafficking and migration must be recognized in policy formulation, particularly in immigration policies and related laws, as the two are interrelated. This analysis suggests that it is not always the poorest who are victimized as the combination of increased economic development and knowledge of relative poverty drive emigration.²⁰

To an extent, human trafficking is positively linked with increased human mobility and a desire to migrate.

However, in some cases, trafficking of persons can also increase with tight migration controls and restriction of travel and work documents. In such a globalized era, this allows opportunities for traffickers to exploit individuals with strong desires to migrate who are subjected to strict migration controls. With limited options, individuals may seek irregular means of migrating and consequently place themselves at risk for trafficking.

Before the year 2000, human trafficking was hardly included in the migration picture due to a lack of understanding of trafficking.²¹ For example, trafficking was often mistaken for human smuggling or illegal migration. Additionally, many problems encountered by migrant workers are shared with trafficking victims such as debt bondage, confinement, falsified documents, deception and abuse which further contribute to the blurring line between trafficking victims and migrants.

In more recent times, trafficking is perceived as a subset of the broader concept of migration, occurring in both legal and illegal migration streams. It is viewed as the “dark side” of human mobility in contrast to safe migration which has the potential to improve people’s standards of living and enhance social progress of both the origin and destination countries.

However, the relationship between the two phenomena is far more complex and overlapping. According to the Trafficking Protocol, “transfer” and “transportation” are integral parts of trafficking of persons suggesting that migration is also a part of trafficking rather than solely the other way around.

20. Friesendorf, C. (2009). Strategies Against Human Trafficking: The Role of the Security Sector. Study Group Information, 1-514.

21. Beeks, Karen, and Delila Amir. Trafficking and the global sex industry. Lanham, MD: Lexington Books, 2006. Print.

22. Schendel, W. v., Lyons, L., & Ford, M. (2012). Labour migration and human trafficking in Southeast Asia: critical Perspectives. Milton Park, Abingdon, Oxon: Routledge



While governments should take account of the trafficking-migration nexus, they should not reduce human trafficking to a problem of migration alone. The two phenomena are still distinct with migration dealing more with labor rights and trafficking of persons dealing more with human rights. However, in some cases, governments have used anti-trafficking laws regarding cases of exploitation of legal non-trafficked working migrants. This “labor migration as trafficking” approach has been massively invested by international agencies and donors since 2000 due to international pressure from the Trafficking Protocol.²²

Nonetheless, the treatment of legal migrants as victims of trafficking can also be problematic as it disrupts the categories used by governments to regulate labor migration, particularly temporary labor flows. The ease of documented workers becoming undocumented suggests that low-skilled migrant workers can easily be classified as trafficking victims as defined by the Trafficking Protocol. Deportation of undocumented foreigners occurs often so quickly that there is little time to identify whether the individual is a victim of trafficking. Consequently, this also jeopardizes the efforts to prosecute traffickers and provide effective support and assistance to victims.

Another potential problem which arises from this “labor migration as trafficking” approach is the tendency for governments to disregard the human rights lens of human trafficking. For example, if government officials interpret human trafficking as a type of illegal immigration, they are more likely to tackle it with a criminal approach. The treatment of human trafficking as a criminal justice issue alone results in an agenda that places national interest over the needs of trafficking victims. This can result in secondary victimization in which victims are misclassified as criminals or are treated in a manner which further reduces their dignity and agency. It is therefore crucial for officials to recognize that human trafficking is a human rights issue as well.

A victim-centered and human rights-based approach must be complemented to a criminal approach in order to effectively assist victims and eradicate trafficking networks.²³



UN Photo/Kibae Park

23. Liu, Yanchuan (2010) “The Commodification of Human Life: Human Trafficking in the Age of Globalization,” *Macalester International*: Vol. 25, Article 11.



UN Photo/Eskinder Debeb

2

Countering Human Trafficking

2.1 The 3P Paradigm

Counter-trafficking activities focus on three objectives, also known as the “3P” paradigm²⁴, comprised of Prevention of human trafficking, Protection of victims and Prosecution of traffickers. This 3P principle acts as a policy framework used by governments worldwide to combat trafficking of persons:

Prevention

Prevention is a crucial component to monitor human trafficking globally. Prevention efforts have been concentrated largely on the supply side of trafficking by addressing the vulnerabilities of communities. In more recent times, efforts extend beyond raising awareness campaigns to strengthening labor law enforcement and strengthening partnerships between governments, law enforcement, and non-governmental organizations.²⁵ Other prevention activities that tackle the “push factors” of migration have also been implemented such as the provision of vocational training, access to microcredit and access to education for vulnerable children. However, in many cases, prevention strategies have failed to integrate into policies due to lack of evidence-based research, planning and impact evaluations.²⁶

Protection

Immediate protection for potential or identified victims of trafficking must be provided in order to keep them safe. Protection also takes into account the immediate needs of the victims, from psychological help and legal assistance to basic necessities such as food and clothing. Bilateral cooperation has often been strong in returning victims across borders and the service of quality has been improving over the years.²⁷ However, as many victims are not identified, they also remain unprotected. In the end, victim protection and assistance are left to the discretion of the state.

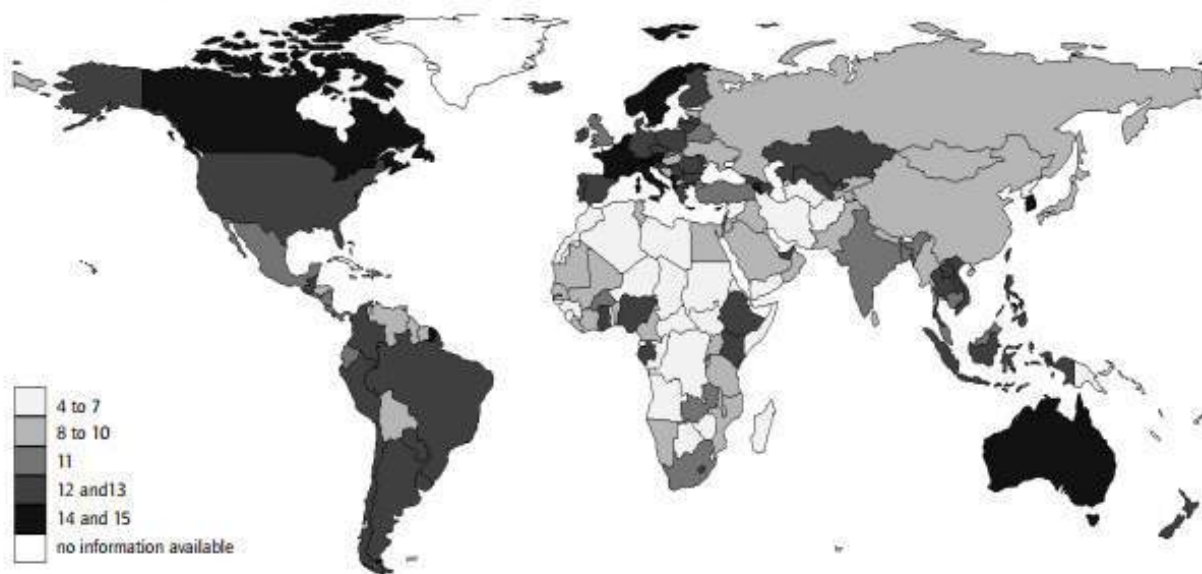
Prosecution

Prosecution is a necessary element for governments to eradicate human trafficking. Although the UN Trafficking Protocol consists of a mandatory provision to criminalize traffickers, the crime remains largely under-prosecuted and unpunished. Prosecution-related activities include implementation of specific anti-trafficking laws, provision of training of police officers, lawyers, and judges to effectively respond to trafficking and the establishment of special anti-trafficking police units.²⁸ However, many countries that have ratified the Trafficking Protocol fail to provide a legal framework to cover all provisions from the Protocol in a comprehensive manner.

The 3P Index

The following map depicts the 3P Index in 2011 which evaluates worldwide policy efforts against human trafficking in the three areas of prevention, protection and prosecution (see Map 2). The scores, ranged from 3 to 15, are based on the aggregate of all three components of the 3P paradigm. A score of 3 suggests that no efforts were made by the state while a score of 15 suggests that the state has met all of its anti-trafficking objectives. According to Map 2, the countries that scored 12 or above were mostly in the Americas and Europe suggesting that they had strong governmental performance in implementing prevention, protection and prosecution related policies. In particular, Sweden, the Netherlands and Italy had received the maximum score in that year for having implemented strict anti-trafficking measures resulting in high numbers of convictions. They were also at the forefront in identifying victims and providing comprehensive victim support and assistance compared to other countries in the world.²⁹

The 3P Index for 2011
Scores of 3 to 15



Map 2

Source: Cho, Dreher and Neumayer, Determinants of Anti-Trafficking Policies.
- Evidence from a New Index, Scandinavian Journal of Economics (2012)

24. Handbook on Performance Indicators for Counter-Trafficking Projects. (2008). Washington DC: International Organization for Migration.

25. The 3Ps: Prevention, Protection, Prosecution. (2011). Washington DC: Office to Monitor and Combat Trafficking in Persons

26. To Implement the Trafficking in Persons Protocol. (2009). New York: United Nations Office on Drugs and Crime

27. Background on Human Trafficking. (n.d.). UNIAP. Retrieved July 5, 2014, from http://www.no-trafficking.org/resources_background_response.html

28. Ibid.

29. Cho, Seo-Young (2012) : Human trafficking: Germany only average when it comes to protecting victims, DIW Economic Bulletin, ISSN 2192-7219, Vol. 2, Iss. 11, pp. 3-9

According to Table 1, the global aggregate average 3P Index has remained quite stable over the years around a score of 9. In the more recent years, it has increased nearly to a score of 10. However, the index has decreased from 9.87 in 2010 to 9.80 in 2011 due to declining global efforts in victim protection that offsets prosecution. It is clear from the table that protection of victims is generally the weakest and most challenging for states, having a global average score of less than 3 out of 5 for all years.

Table 1: Global Anti-Trafficking Measures

Average Scores - 1: lowest, 2: limited efforts, 3: modest, 4: strong, 5: strongest

Year	Prosecution	Protection	Prevention	Aggregate 3P Index	# of Countries Evaluated
2000	2.89	2.25	2.49	7.53	81
2001	2.97	2.47	2.79	8.23	90
2002	3.12	2.76	3.24	9.12	119
2003	3.33	2.67	2.98	8.98	136
2004	3.39	2.73	3.12	9.24	154
2005	3.35	2.80	3.19	9.54	159
2006	3.61	2.77	3.14	9.52	164
2007	3.69	2.72	3.06	9.47	171
2008	3.73	2.81	3.22	9.76	176
2009	3.75	2.80	3.28	9.83	177
2010	3.65	2.82	3.40	9.87	184
2011	3.70	2.73	3.37	9.80	185

Source: Cho, Dreher and Neumayer, Determinants of Anti-Trafficking Policies.
- Evidence from a New Index, Scandinavian Journal of Economics (2012)

2.2 Victim-Centered Approach

In addition to the 3P paradigm, states must adopt a victim-centered approach to countering human trafficking based on respect for human rights. After all, the prohibition of all forms of slavery, servitude, slave-trade, forced labor, sexual exploitation, organ trade as well as children's rights to protection, human rights to liberty and security, with respect to the dignity of each human being, are demanded in many human rights instruments including the *International Covenant on Civil and Political Rights*, the *Universal Declaration of Human Rights* and the *UN Convention on the Rights of the Child*. Similarly, the *Trafficking Protocol* also recognizes the importance of tackling human trafficking holistically with full respect to human rights. For example, Article 2 of the Trafficking Protocol indicates that the first two purposes of the Protocol at minimum are “to prevent and combat trafficking in persons, paying particular attention to women and children,” and “to protect and assist the victims of such trafficking with full respect to their human rights”.

Many trafficked victims are the subjects of serious human rights violations and financial compensations are not merely enough to help them recover from the past. The provision of medical care and a few nights in shelter is not sufficient “to make the victim whole again.”³⁰ Even if the physical wounds have been healed, it is still a long process to help the victims regain their dignity and the confidence to make choices and move forward with their lives.³¹ It is therefore crucial for states and relevant local and international actors to ensure that the rights, needs and requests of the victims are recognized during and after prosecution under international legal standards.

30. United States Department of State, 2014 Trafficking in Persons Report , 26 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>

31. Ibid.



Victim Identification: Overview

A large focus of the victim-centered approach is victim identification. It is a global priority and a necessary process to protect the physical safety and rights of the victims, enabling them to recover from trauma inflicted by traffickers. When a person is identified as a “victim”, they do not simply become a “complainant in prosecution.”³² Anti-trafficking laws must ensure that victim identification begins with a process of respect for human rights, protection of victims, and guaranteed access to resources and services for recovering. In the case where a victim refuses service and assistance, their decision must still be respected. The government cannot control the choice of the victim however what they can control is the range of services and options provided to them. The identification of trafficked victims is usually based on attempts to link the victims’ characteristics with the definition of human trafficking according to the Trafficking Protocol.

Early identification of potential victims can be an effective preventive measure against this crime. As final identification can often be prolonged, initial identification of potential victims is essential to ease this process. Failure to identify victims at an early stage can result in inadequate protection of victims and consequently, prevent effective prosecution of the crime.³³

Early identification includes the following steps:

1. Initial referral: the presumed victim is referred or self-refers to a body responsible for initial referral which can vary depending on the country’s legislation and policies

2. Access to basic needs and information: provision of basic information and enquiring the basic needs of presumed victims including health care, a bed to sleep on, counselling and immediate protection for themselves and their family members; respond to emergency needs

3. Early risk assessment: review of possible risks and securing the immediate safety of the presumed victim

4. Language and interpretation: ensuring communication in a language that the presumed victim understands

5. Recovery and reflection period: provision of time and resources for presumed victim so that they can make decisions for the next steps.

a. Example:

Taiwan: if individuals are identified as a potential victim, they are offered services in shelter and a day-long reflection period to decide whether they want to come forward as a trafficking victim. If the individual confirms that they are a victim of trafficking, they can stay in the shelter and are provided with assistance in finding employment and obtaining long-term immigration status.

Source: OSCE, 2011

32. United States Department of State, 2013 Trafficking in Persons Report , 23 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>

33. Trafficking in Human Beings: Identification of Potential and Presumed Victims. (2011). Vienna: Organization for Security and Co-operation in Europe.

Each identified or presumed victim should be provided with the following information:

- > The rights and obligations of a presumed trafficked person
- > The function of the recovery and reflecting period
- > Available services such as accommodation and counselling
- > Investigative and prosecutorial steps
- > Current security concerns and functions of the witness system
- > Any following steps of referral

Source: OSCE (2011)

In both cases of cross-border and internal trafficking, counter-trafficked measures should not violate human rights or reduce the dignity of the victims.

The trafficked persons cannot be prosecuted or punished for committing crimes under the period of their victimization or as consequence of trafficking. Additionally, they cannot be held in immigration detention or other forms of custody or be subjected to discriminatory treatment with respect to gender, ethnicity, social status or immigration status. Any measures that deal with children should be based on the principles from the *Convention on the Rights of the Child* and the *Guidelines on Justice in Matters involving Child Victim and Witnesses of Crime*. Child victims should be treated fairly and equally, regardless of their own, or their parent's or their guardian's, race, color of skin, gender, religion, age, social status, language, immigration status, disability, ethnicity, citizenship and the fact that the child has been trafficked.

However, in reality, many trafficked victims have been treated as criminals in both the destination and home countries for having used false documents, having worked in the sex industry, or having left the country illegally.³⁵ In some cases, trafficked victims of sexual exploitation and forced labor are found to be treated differently. A 2005 OSCE survey demonstrated that only half of the responding countries recognized trafficking for labor exploitation as a form of human trafficking in their own jurisdiction.³⁶ This suggests that trafficking in the form of forced labor is still invisible to many governments, easily leading to misclassification and maltreatment of victims. Misclassifying trafficked victims as illegal migrants or criminals can result in them losing their access to justice and legal protection resulting in new unfair trauma and harm. These failures can reinforce the misconceived idea that law enforcement will punish victims if they seek help, a fallacy frequently threatened by traffickers to their victims for control.

35. Ibid.

36. Friesendorf, C. (2009). Strategies Against Human Trafficking: The Role of the Security Sector. Study Group Information, 1-514.

Victim Identification: Local and National Actors

Individuals who can identify victims include but are not limited to:

- > **Government officials:** They have access to establishments where trafficking is likely to occur. Officials include labor inspectors, factory inspectors, food industry inspectors, consular officers and tax authorities.
- > **Private sector employees:** They may encounter trafficked victims at their work place. This includes employees who work at hotels, restaurants, beauty parlors, bars and grocery stores.
- > **Law enforcement officers:** This is often the group with primary contact to trafficked victims. They include police officers, immigration officers and border guards.
- > **Health care professionals:** They may encounter victims at their workplace. These professionals include doctors, nurses, dentists, practitioners at family clinics and HIV/AIDS clinics.
- > **Transportation professionals:** They may encounter trafficked victims while they are being transported to another location. They include bus and taxi drivers, flight attendants at airports, and employees at rest stops.
- > **Education officials:** They play a significant role in identifying child victims. Officials include teachers, school counselors, principals and school nurses.

Source: TIP 2013, US State Department



A range of actors share the responsibility of victim identification however **local and national authorities and law enforcers** have a key role in ensuring that the human rights and dignity of the trafficked victims have been respected throughout the entire course of criminal proceeding.

They must also ensure that the privacy and identity of the victims are protected by all agencies and institutions.

If privacy is not ensured, victims will permanently live with the shame and fear of stigma and rejection. Passing laws regarding this issue is a first step however the success of victim identification also greatly depends on the persons first encountered by the victims whether they are police officers, hospital staffs or labor inspectors. However, involvement by groups other than law enforcers has been reported to be relatively low in victim identification.³⁷

Certain groups may feel limited in their capabilities to tackle this crime. For example, labor inspectors have the greatest access to worksites where trafficking is frequently cited. However, their responsibilities do not extend beyond labor law enforcement to criminal offenses as human trafficking. Inspectors mainly focus on wage issues or labor conditions rather than asking about debts or fraud which share a stronger link to trafficking. Furthermore, advance notification of inspection has helped traffickers to hide evidence of the crime in time from the inspector and the public. In some cases, traffickers have coached their victims to lie to authority figures when questioned. It is clear there is a need for training and the development of new identification methods aimed specifically at groups other than law enforcers.

National and local governments in many countries have rooms to improve their capabilities to identify victims. The 2013 Trafficking in Persons Report, from the U.S. Department of State, has highlighted far too many cases where governments apply trafficking laws unevenly, lack adequate training and as result, wait in futile for trafficking victims to self-identify. Many government officials, for example, came in contact with a victim but have failed to recognize the crime. In particular, male victims of forced labor are often disregarded or ignored, regardless of their exploitative accounts, as many officials still assume that trafficking is only a problem for women.³⁸

37. Ibid.

38. United States Department of State, 2013 Trafficking in Persons Report , 23 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>

39. Friesendorf, C. (2009). Strategies Against Human Trafficking: The Role of the Security Sector. Study Group Information, 1-514.

In addition to authorities and external groups, victims themselves can also play a role in victim identification. However, many often lack the knowledge of their own rights and do not understand the laws of the country or the language of the country that they have been trafficked to. As traffickers restrict their victims' contact to the outside world, they can hide the crime from authorities and easily maintain control over their victims, rendering them powerless and low in confidence.

As trafficking cases are not homogenous, the relationship between the traffickers and victims also vary depending on the circumstances. It is quite common for victims to refuse to cooperate with authorities, to testify in courts or confront their traffickers. In the case of debt bondage, victims may depend on their exploiters and are disincentivized to seek assistance. In cases where victims have illegal working status or irregular residence, they may view the traffickers as their "protectors" from the local authorities in fear of deportation or detainment. Nonetheless, the quantity and quality information that victims provide to police officers can make a difference in victim protection as it can determine whether they are sent to a reception center or not.³⁹

Means of control used by traffickers include but are not limited to:

- > Violence and physical abuse such as frequent beatings, rape, confinement, deprivation of water, drugging or torture with knives
- > Confiscation of travel or identity papers
- > Economic penalties linked to debts
- > Non-payment of wages
- > Control of the victim's bank accounts and finances

Source: OSCE (2011)

Victim Identification: Indicators

The identification of the trafficked victim often depends on the attentiveness and alertness to minor signs of a potential or presumed trafficking situation. Indicators also vary according to different stages of the trafficking chain. If police officers note at least one of the signs, they should pay close attention to the case and try to get further information by communicating with the potential or presumed victim or check the suspicious location.

Indicators in the Recruitment Stage:⁴⁰

> Indicators in the recruitment state depend on the location.

If recruitment takes place in the potential victim's country of origin, traffickers frequently use deceit and abuse of vulnerability to convince the individual to accept their offers. Recruitment by family members, friends or a familiar individual is becoming more common. Coercion in such location is more risky as the potential victim is more familiar with the community and can seek assistance from local law enforcers.

Traffickers are more willing to use any means of coercion or abuse on recent migrants.

Rural and smaller towns are particularly the most vulnerable to trafficking as some may not be reached by awareness campaigns on trafficking.

> Individuals in difficult family or personal economic and social situations with lack of information are most likely to be preyed by traffickers. Law enforcers must pay attention to individuals in such circumstances and if possible, share information about their situation to social services or employment authorities.

> Holding information sessions or awareness campaigns on the dangers of human trafficking and the risk of recruitment is useful for the community.

Indicators in the Transfer Stage:⁴¹

> The transfer phase of trafficking can be identified by law enforcers by paying attention to the arrival of individuals coming from another region without a permanent residence. Police officers should focus on the aim of their arrival or presence in the community which may provide a basis for further screening of the case.

> To prevent re-victimization, law enforcers should pay attention to individuals claiming for replacement of lost documents.



UN Photo/Marie Frechon

Victim Support and Assistance

Governments must ensure that counter-trafficking activities and initiatives extend beyond victim identification to comprehensive victim assistance and support as well.

Support provided to the victim must be given in a way that restores their sense of control over their lives. If support is given without respect of the will of the victim, this may lead to secondary victimization. In some cases, governments have successfully identified victims only to place them with refugees and asylum seekers, where the services are not tailored to their specific needs. Trafficked victims in mixed-use shelters may also face stigma or rejection from other individuals living there due to their past involvement with forced prostitution or crimes.⁴² Cultural and social attitudes towards prostitution, for example, can do more harm than good in the case of sex trafficking as individuals may view women involved in sex works as perpetrators rather than victims. Such environments fail to provide adequate support for victims to restore their confidence and sense of independence.

In some places, the shelters for trafficked victims closely resemble detention centers more than safe havens which can potentially create retraumatization.⁴³ Ideally, a shelter is a safe and comfortable place where victims can stay, leave and return according to their wish. It must also provide services catered to their specific needs. For example, individuals who do not speak the local languages will require interpretation services or access to language courses. Migrant victims may need help with obtaining immigration status from authorities. In addition, assistance with reintegration should also be available for trafficked persons who would like to leave the shelter and seek help with employment, housing, education or skill development.

40. Trafficking in Human Beings: Identification of Potential and Presumed Victims. (2011). Vienna: Organization for Security and Co-operation in Europe.

41. Ibid.

42. United States Department of State, 2014 Trafficking in Persons Report , 26 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>

43. Ibid.

All local and national actors involved must recognize that there are no prescribed steps to recovery for trafficked victims. Victims should not be forced to participate in criminal investigations unless it is under their free volition. Long-term assistance should not tell the victim what they can and cannot do but provide help to victims in reaching their personal goals in a flexible and adaptive manner. These are crucial characteristics as often the needs of victims are unpredictable. It is through strong cooperation between victim shelters and local actors that such conditions are ensured and appropriate services are provided. For example, certain policies and procedures can be implemented to ensure the safety and security of the shelter such as restrictions on who has access the place or has knowledge of the address.



Effective victim support and assistance are prerequisites to successful prosecution of the perpetrators. Adopting a human rights approach to victim assistance and support can build trust between the victims and law enforcers.



UN Photo/Victoria Hazou

2.3 Synthesis

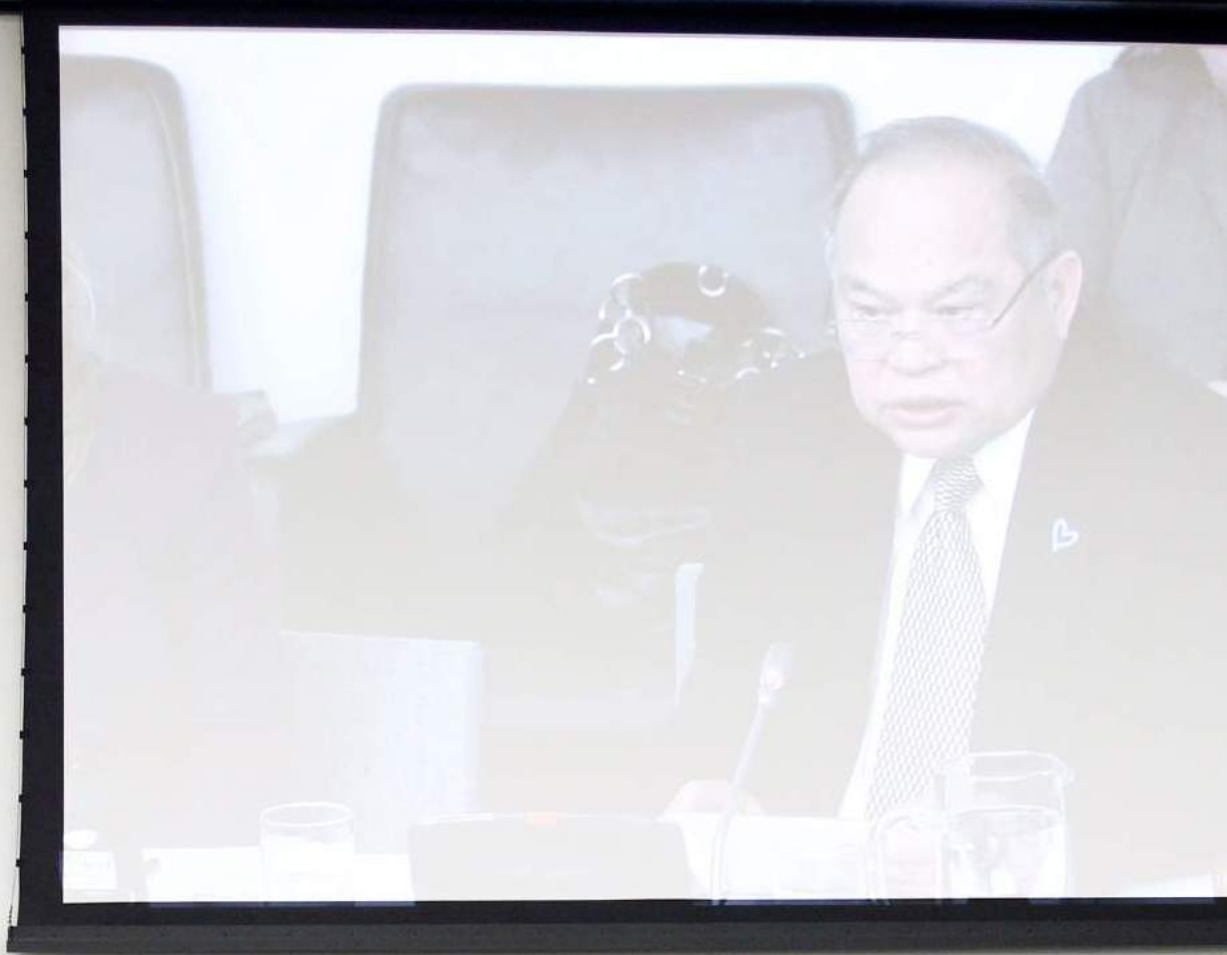
This chapter highlights the 3P paradigm (prevention, protection and prosecution) as the fundamental framework to counter-trafficking activities. However, the victim must be at the center for all efforts and activities at each stage of the 3Ps in order to ensure respect for human rights and the dignity of the victims. Such victim-centered approach is crucial to build a relationship of trust between the victims and law enforcers, and necessary to prevent secondary victimization in which victims are risked of repeating traumatization due to inappropriate sensitivity.

A large part of this victim-centered approach is victim identification which is a prioritized process in combatting human trafficking. Early victim identification, particularly of potential victims, contributes to preventing trafficking, ensuring assistance and protection of victims and consequently, effective prosecution of traffickers. Several local and national actors are highlighted as key in identifying victims, from government officials to hospital staffs, private sector employees to education officials. In order to effectively identify victims of all forms of trafficking, governments have the responsibility to provide support at the local and national levels in the forms of training and implementation of relevant policies and programs. In addition to victim identification, the process of victim recovery continues with victim support and assistance which must be provided based on respect for human rights as well.

As globalization continues to progress at an increasing pace and as human trafficking continues to be transnational by nature, counter-trafficking measures have become increasingly challenging and complex. Cooperation and coordination between states and relevant local and international actors are necessary more than ever to tackle this crime. In addition to States recognizing international legal binding instruments, such as the *Palermo Protocol*, anti-trafficking strategies must be implemented at both the local and regional level as well. The following chapter will detail cooperation among national, regional and local actors and highlight a regional approach to counter human trafficking.

“Abduction, coercion, trafficking across national and international borders, forcing women and children into sexual exploitation and servitude – **this must not be accepted in today’s world.**”

- General Assembly President Ali Treki (2010)



UN Photo/Rick Bajornas

3

Approaches to Cooperation

3.1 International and Local Cooperation

From a “3P” to “4P” Paradigm

In 2009, the U.S. Department of State advanced the “3P” paradigm (prevention, protection, prosecution) and introduced a fourth P (“Partnership”) to this comprehensive approach.⁴⁵ The addition of the fourth P was a response to the recognition of trafficking as transnational crime across borders and continents and a pressing need for local and international cooperation. The expertise, resources and efforts of many individuals, including governments and nongovernment entities in areas such as human rights, labor, employment and health, are needed to combat this multi-faceted crime and facilitate prevention, protection and prosecution. Existing partnerships include task forces among law enforcement agencies that coordinate across borders, and regional partnerships such as counter-trafficking efforts from the European Union.

However, according to other organizations such as the United Nations Inter-Agency Project on Human Trafficking, the fourth P represents “Policy and Cooperation.”⁴⁶ Although the name is different, it also shares the same goal as the previous fourth P which calls for cooperation on the global and local level.

In particular, it recognizes the need for national, bilateral, and regional anti-trafficking plans, policies and guidelines.

For example, the COMMIT Process in the Mekong Region has supported the development and implementation of national mechanisms such as national plans of action, multi-disciplinary committees and working groups to strengthen cooperation across ministries to counter human trafficking with standard operating procedures.⁴⁷

45. Four Ps: Partnerships. (n.d.). U.S. Department of State. Retrieved July 5, 2014, from <http://www.state.gov/j/tip/4p/partner/index.htm>

46. Background on Human Trafficking. (n.d.). UNIAP. Retrieved July 5, 2014, from http://www.no-trafficking.org/resources_background_response.html

47. Ibid

International Cooperation

As human trafficking is a global phenomenon and generally a transnational activity, only collective, multinational or transnational responses will succeed in creating an impact.

Cooperation among states is vital to prevent trafficking, protect victims and prosecute traffickers on both the global and local level. However, cooperation is more of an ideal than a reality in many places due to the differences in worldviews and ideologies among actors. On an international level, different cultures and languages contribute to disagreements among states concerning their understandings of human trafficking. Even within one institution, there may be clashing views among departments leading to lobbying against trafficking in different ways.

State-based legal systems can also inhibit cooperation across national borders. Gaps in government supports and governance at the local level can build up into larger gaps in global governance. Trafficker groups are difficult targets for local governments due to their agile nature and partly because they are able to use national sovereignty to their advantage. For example, many trafficking organizations engage in jurisdictional arbitrage, exploiting both jurisdictional asymmetries with highly divergent laws and penalties, and voids in countries where laws and regulations or their implementation are less effective against trafficking.⁴⁸ For these reasons, no government, regardless of its size and power, can adequately tackle the issue of human trafficking alone.

Although internal trafficking should not be ignored, it should be recognized that transnational trafficking requires distributed responses from different states. However, this is sometimes difficult to implement as distributed solutions require states to relinquish national sovereignty particularly in law enforcement and national security.⁴⁹ Other issues that provide a challenge to international cooperation include the costs of investigations, the venue of the trial, the applicable legal framework and the location of the witnesses.⁵⁰

Forms of International Cooperation:

- > Extradition
- > Mutual legal assistance
- > Transfer of criminal proceedings
- > Transfer of sentenced persons
- > Cooperation for purposes of confiscation to deprive traffickers of criminal assets
- > Cooperation between law enforcement authorities including exchanging information and cooperation in conducting inquiries
- > Joint investigations
- > Cooperation in using special investigative techniques

Source: UNODC, 2009

Local Cooperation



In addition to cooperation among states, there is also a need for cooperation among local counter-trafficking actors as well including police officers, border guards, prosecutors, NGOs, and development experts.

Local cooperation is vital to ensure that trafficking victims are treated with respect to their human rights and dignity. Gaps in local governance and capacities can almost inevitably translate into even larger gaps at the global level.

However, there are also many challenges to such cooperation due to conflicting interests among local actors. For example, police are generally more focused on arresting and prosecuting criminal suspects while NGOs are more likely to prioritize the victims' interests. Similarly, immigration officers are more likely to prioritize deportation of illegal migrants while law enforcements are more likely to recognize that victims, whether they reside illegally or not in the country, provide a significant value to the criminal investigation.⁵¹

Additionally, law enforcement agencies in many countries lack highly-trained personnel and funding while most local police departments have a narrow perspective within a specific jurisdiction. These constraints can significantly limit their involvement in local cooperation and subsequently international cooperation. Moreover, local law enforcement agencies may place human trafficking as low priority compared to other crimes as they are often tied to short-term results rather than long-term strategic impact. In the case of human trafficking, lengthy and complex investigations and significant resources are needed while the results are uncertain and do not yield short-term benefits.

48. Friesendorf, C. (2009). Strategies Against Human Trafficking: The Role of the Security Sector. Study Group Information, 1-514.

49. Ibid.

50. Anti-human trafficking manual for criminal justice practitioners (2009). New York: United Nations Office on Drugs and Crime

51. Friesendorf, C. (2009). Strategies Against Human Trafficking: The Role of the Security Sector. Study Group Information, 1-514.



UN Photo/ Logan Abassi

National Referral Mechanism (NRM)

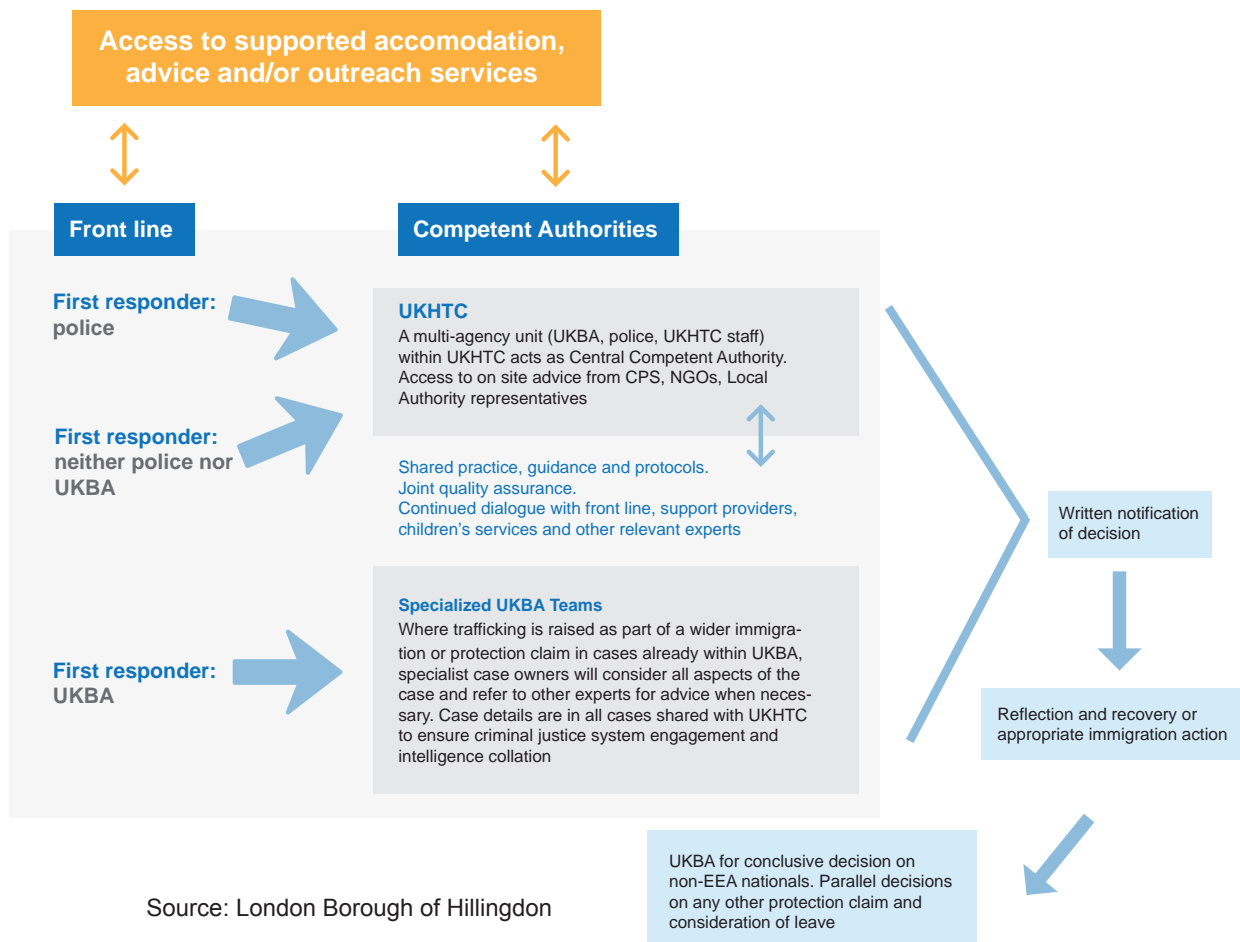
In some cases, law-enforcement agencies, local governments and NGOs lack the expertise, sensitivity or experienced personnel to deal with the needs of human trafficking victims. Therefore, it is necessary for states to form the basis of a national cooperative framework such as the National Referral Mechanism (NRM).⁵²

NRM is used at the national level to identify victims of human trafficking and ensure victim support and assistance with respect to human rights.

It is tailored to fit each country's needs concerning trafficking of persons based on country-specific in-depth assessments. At the core of every NRM is the process of involving different organizations and agencies to cooperate, share information and identify presumed trafficking victims and refer them to the appropriate specialized services. A well-functioning NRM is comprised of data protection laws to safeguard private information passed on to authorities.

Additionally, it also facilitates the cooperation between relevant local actors such as counselling centers with specialized care for victims and the police. The police play an important role in determining whether a person is a victim and a witness, ensuring a person's participation in criminal proceedings, and guaranteeing a person's safety. To complement this, counselling centers play a role in providing the appropriate support options and assistance to victims through protection programs. This is particularly useful as one of the biggest obstacles to local cooperation is the conflicting interests among local actors.

An example of a NRM in the United Kingdom:⁵²



This NRM (in the United Kingdom) was implemented in April 2009 and acts as a framework for public bodies to work together to identify victims and provide adequate protection and support to them. The bodies include local authorities, criminal justice agencies and the UK Border Agency. Front line staff acts as a first responder and refers individuals who harbor signs of being a victim to “Competent Authorities” who work with partners to make assessments. This includes working with a “Competent Authority” based in the UK Human Trafficking Centre and the UK Border Agency. It is through such local cooperation that victims are effectively identified, assisted and protected. In addition to promoting local cooperation, NRM is also recognized as a vital stepping stone to transnational cooperation.

52. Friesendorf, C. (2009). Strategies Against Human Trafficking: The Role of the Security Sector. Study Group Information, 1-514.

53. National Referral Mechanism (NRM). (n.d.). London Borough of Hillingdon. Retrieved July 4, 2014, from <http://www.hillingdon.gov.uk/article/18994/National-Referral-Mechanism-NRM>

Transnational Referral Mechanism (TRM)

Cooperation among states has somewhat improved over the years due to the Transnational Referral Mechanism (TRM).⁵⁴ A TRM refers to mechanisms and associated procedures designed for the transnational support of trafficked persons.

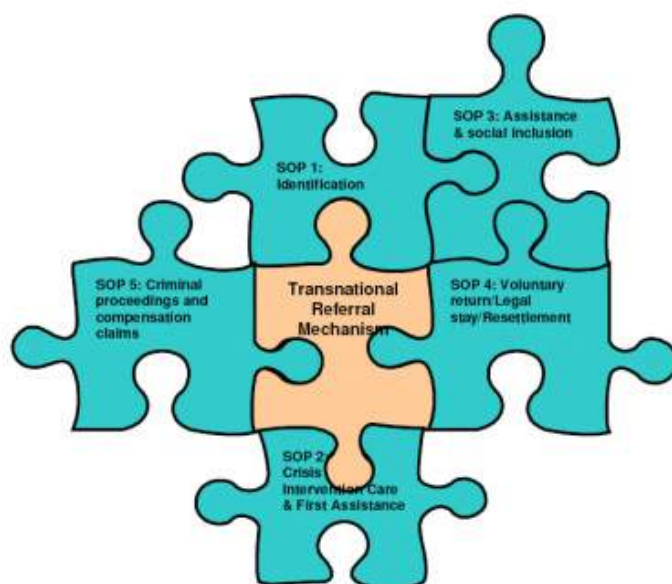
It integrates the process of victim referral from initial identification to assistance between countries of transit, destination and origin.

Additionally, it builds on the NRM by taking it to a transnational level with the aims of facilitating cross-border cooperation to ensure a victim-centered approach to protection and support. Both NRM and TRM involve the same actors and are based on the same principles of human rights. The two are closely connected to each other due to the fact that the prerequisite for successful transnational cooperation is an effective national response.

However, due to the transnational nature of the TRM, its process is far more complex than the NRM. For example, the actors involved in the NRM are based in the same country, speak the same language, are bound to the same interest to protect its citizen and generally are subjected to one government. In contrary, the actors involved in the TRM have different interests, priorities, languages, criminal codes and criminal procedures that can obstruct cooperation. Communication becomes problematic when officials from different countries involved in one case of transnational human trafficking do not speak the same language.



The TRM process is intended to be used across the entire national range of counter-trafficking actors such as police officers, judges, prosecutors as well as NGOs and embassies. The exact composition of actors involved can vary by countries as the structure of their national anti-trafficking bodies can vary as well. The first TRM was initially implemented in 10 South-Eastern European countries in 2006, followed by a TRM-EU project in 2008 which involved more EU member states. By 2009, the country representatives expressed the success of the project, stating that they had begun to “speak a common language”⁵⁵ in counter-trafficking efforts. According to them, cooperation has become more institutionalized, less problematic and more practical. The TRM process does not offer a “one size fits all” solution to trafficking and is comprised of five standard operating procedures (SOPs) included in one manual:⁵⁶



Source: International Centre for Migration Policy Development

Each SOP include several measures that answer the questions of what is to be done, when is action taken, who should be involved and how should the action be executed.

States are not obliged to implement the procedures in a particular order and can select the measures according to their needs. Although the SOPs remain the same, the answers to the questions of what, when, who and how can differ among states. However, these differences should not override the principle of international cooperation.

54. Friesendorf, C. (2009). Strategies Against Human Trafficking: The Role of the Security Sector. Study Group Information, 1-514.

55. Ibid.

56. Ibid.

Data Collection and Information Sharing

International cooperation is necessary for information sharing and data collection. While the number of literatures and studies on human trafficking has been growing over the years, the knowledge gaps in data collection still persist. Only four bodies worldwide have databases on global trafficking levels and flows:

- > International Labour Organization (ILO)
- > United Nations Office on Drugs and Crime (UNODC)
- > International Organization for Migration (IOM)
- > U.S. Government



UNODC
United Nations Office
on Drugs and Crime



Among these, only the ILO and the U.S Government have data on the estimated total number of victims worldwide. Other data include trafficking routes collected by UNODC and numbers of assisted victims collected by the IOM.⁵⁷



The large-scale, clandestine and at times, ambiguous nature of the activity poses the greatest obstacles to data collection. Countries may understate the trafficking situation due to embarrassment or poor legislation and poor capability to collect data and information. Even among NGOs and international agencies, data collection can vary depending on the program and available resources from each organization. Few countries that signed and ratified the Trafficking Protocol collect data and publish it systematically. When data is available, it may not be reliable and may be mixed between human trafficking and human smuggling. Without good estimates of data and the extent of trafficking in the country, it is difficult for governments to allocated resources devoted to initiatives to tackle this crime.

In addition to unreliable data, there is also no comprehensive method to measure the performance of counter-trafficking activities. It is difficult to assess the success and impact of counter-trafficking efforts as the global monitoring and evaluation of such projects has been non-standardized and output-oriented. The focus has been largely on the reduction of trafficked persons in one country in one year. However, this measurement can be highly misleading because the efforts and process that led to these reduced numbers often takes more than one year.⁵⁸

In order to establish a standardized monitoring and evaluation system, cooperation among various stakeholders is necessary and information sharing must be facilitated among governments.

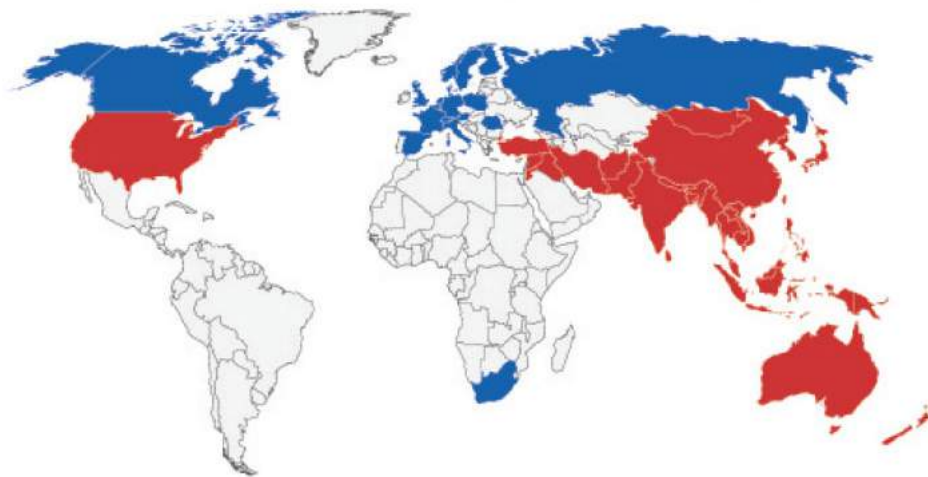


3.2 Regional Cooperation

Bali Process: Overview

Although international cooperation in counter-trafficking efforts has been emphasized overwhelmingly in this chapter, local and regional cooperation are as important. An example of a regional approach is the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* which acts as an international forum to raise awareness and facilitate discussion and information sharing among its members. It was initiated at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in 2002 following a large increase of illegal people movements in the Asia-Pacific region over the previous two years. It aims to address practical issues related to people smuggling, trafficking in persons and other related transnational crimes and strengthen cooperation among regional countries. Member States, shaded in red, are mostly from the Asia-Pacific region while participating States, shaded in blue, are mostly from Western Europe, as seen in Map 3.

Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime



Map 3
Source: IOM

Member States as of June 2014 (in red):

Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, DPR Korea, Fiji, France (New Caledonia), Hong Kong SAR, India, Indonesia, Iran, Iraq, Japan, Jordan, Kiribati, Lao PDR, Macau SAR, Malaysia, Maldives, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Timor-Leste, Tonga, Turkey, United Arab Emirates, United States of America, Vanuatu

57. Friesendorf, C. (2009). *Strategies Against Human Trafficking: The Role of the Security Sector*. Study Group Information, 1-514.

58. *Handbook on Performance Indicators for Counter-Trafficking Projects*. (2008). Washington DC: International Organization for Migration.

Other participating countries (in blue):

Austria, Belgium, Canada, Denmark, Finland, Germany, Italy, The Netherlands, Norway, Poland, Romania, Russia Federation, South Africa, Spain, Sweden, Switzerland, United Kingdom

Observer Organizations:

United Nations Development Programme, World Bank, Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants IGC, Asian Development Bank, Interpol, International Federation of Red Cross and Red Crescent Societies, International Labour Organisation, European Commission, International Centre for Migration Policy Development, United Nations Office on Drugs and Crime, International Committee of the Red Cross

The structure of the Bali Process is defined by a hierarchy of co-chairs, from Australia and Indonesia, followed by a Steering Group and member states (See Figure 7).

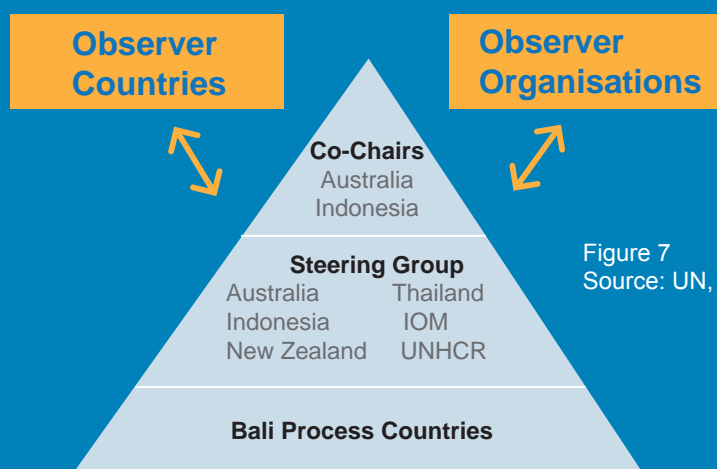


Figure 7
Source: UN, Human Rights & Commonwealth Division

The core objectives of the Bali Process in relations to trafficking of persons are the following:⁵⁹

- > *Development of more effective information and intelligence sharing*
- > *Improve cooperation among regional law enforcement agencies to deter and combat trafficking networks*
- > *Enhance cooperation on border and visa systems to detect and prevent illegal movements*
- > *Increase public awareness on the crime to discourage the activities and warn those susceptible*
- > *Enhance effectiveness of return as a strategy to deter human trafficking*
- > *Enhance cooperation in identifying trafficking victims*
- > *Enactment of national legislation to criminalize the perpetrators*
- > *Provision of adequate protection and assistance to victims of trafficking, particularly women and children*
- > *Enhanced focus on tackling the root causes of illegal migration such as increasing opportunities for legal migration between states*

Bali Process: The Regional Support Office (RSO)

In 2011, the Bali Process Ministers, in consultation with the IOM and the UNHCR, developed a Regional Cooperation Framework (RCF) in order to advance regional cooperation. The RCF is inclusive and non-binding, promoting practical arrangements at the bilateral and sub-regional level. Under the RCF, states are encouraged to enter in practical arrangements and respond to irregular movement through a consistent process. The Regional Support Office (RSO) was subsequently established in Bangkok, Thailand in 2012 to implement the RCF and acts as a central point of information sharing between Bali Process members concerning international migration, capacity building, common technical resources, and support for joint projects.

The RSO facilitates the operationalization of the Bali Process' RCF to reduce irregular migration in the Asia-Pacific region and aims to support and strengthen practical cooperation on refugee protection and international migration, including human trafficking and smuggling, and other components of migration management in the region. Day-to-day operations are overseen by the RSO Co-Managers from Australia and Indonesia who report biannual to the Co-Chairs in consultation with the IOM and the UNHCR.

Since the establishment of the RSO, representatives have advanced the agenda of Bali Process Member States through the implementation of four foundation projects, numerous additional activities and increased engagement of stakeholders including members and civil society.

59. "About the Bali Process." The Bali Process. N.p., n.d. Web. 2 July 2014. <<http://www.baliprocess.net/about-the-bali-process>>.

The four foundation projects are the following:

- 1** “Enhancing Collection, Use and Sharing of Data”
- 2** “Voluntary Return Support and Reintegration Assistance”
- 3** “Regional Roundtable on Irregular Movements by Sea”
- 4** “Pilot Study on Information Exchange and Data Analysis on Irregular Migration by Sea”

All of these projects tackle issues beyond human trafficking and extends to other forms of transnational crimes.

They were implemented through the partnership between the governments of Indonesia or Australia and an international organization, notably the IOM or UNHCR, to tackle issues such as information sharing and data collection. Additionally, they provide regional support mechanism and assist Members with voluntary, safe and dignified return of irregular migrants. Other activities supported by the RSO ranged from the creation of an expert roster on migration management to a workshop addressing irregular migration and information campaigns.



Bali Process: Enhancing a Victim-Centered Approach in the Asia-Pacific Region

> UNITAR and CIFAL Jeju: Enhancing Capacities to Combat Human Trafficking



The Republic of Korea is a member of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*. Since 2002, the Bali Process has raised regional awareness of the consequences of people smuggling, trafficking in persons and related transnational crime, developed and implemented strategies, and facilitated cooperation among countries.

UNITAR's training centre for Asia-Pacific, CIFAL Jeju⁶⁰ serves as a hub for knowledge exchange and for city-to-city cooperation. The Centre focuses its efforts towards strengthening the capacities of local authorities and key stakeholders to better combat human trafficking by improving prevention, prosecution of traffickers and the protection and reintegration of victims efforts.

CIFAL Jeju in close partnership with the RSO provide training opportunities and assistance to Members of the Bali Process to learn best practices and experiences on how to prevent human trafficking, as well as policy measures for enhancing human security at the local level.

In 2014 alone, CIFAL Jeju together with the RSO hosted two capacity building workshops titled “Enhancing a Victim-Centered Approach: Identification, Assistance, and Protection of Trafficking Victims in the Asia-Pacific Region”. These workshops brought together to Jeju, a diverse group comprised of high-level government authorities and experts, representatives from NGOs and community-based organizations, journalists, academic institutions, and other local actors from Asia-Pacific to achieve the following key objectives:

- > Gain understanding of the basic concepts related to trafficking in persons
- > Recognize the difference between human trafficking and human smuggling, forced labour and other related terms
- > Identify key challenges and recognize best practices to prevent human trafficking at the local level
- > Apply UNITAR’s CityShare methodology to assess and compare each other’s anti-human trafficking policies, with the objective of developing specific action plans for local implementation based on city-to-city cooperation

1 (Fri) 2011





3.3 Synthesis

This chapter highlights the need for international cooperation and coordination in counter-trafficking efforts and activities. As a significant portion of human trafficking cases is transnational, States must work together to facilitate the prevention of trafficking, the protection of victims and the prosecution of traffickers under international law. Governments can greatly benefit from such partnerships and strengthen their capacities to dismantle such organized crime networks. However, to achieve such level of cooperation on a global scale, there must also be cooperation between relevant actors on the regional, national and local levels.

At the regional level, cooperation among States can advance the fight against human trafficking in a strategic manner and facilitate information sharing and data collection. Such form of cooperation can be challenging and requires knowledge, planning and awareness of issues at stake in both the requested and requesting states. The Transnational Referral Mechanism facilitates transnational cooperation by providing a common framework for victim support and institutionalized coordination among states. The Bali Process facilitates regional cooperation in the Asian-Pacific region through joint projects and activities. Participants and delegates from various Asian-Pacific countries have been able to constantly share their experiences, contribute ideas and cooperate to tackle this crime.

On the national and local levels, cooperation with civil society organizations with relevant expertise can help address a capacity gap in victim identification, assistance and support. Partnerships between local actors, from police officers to local authorities, are crucial for both cross-border and internal counter-trafficking efforts. To facilitate such cooperation, the National Referral Mechanism has been implemented in several countries acting as a local cooperative framework to coordinate efforts of local actors to strengthen the victim identification and support process. The following chapter will further highlight the role of national and local authorities and showcases three case studies concerning trafficking for sexual and labor exploitation.

“Enforcement, cross-border cooperation and information-sharing can all be effective, but ending human trafficking also means **tackling the root causes.**”

- United Nations Secretary-General Ban-Ki Moon (2014)



UN Photo/John Isaac

4

Local and National Approaches

4.1 The Role of National and Local Authorities

Local and national authorities are essential actors in the fight against human trafficking. While national authorities are recognized as key actors to preventing trafficking through national law enforcement and implementation, local authorities are recognized as crucial for victim protection and support. The collaboration between local authority staff, immigration officials and police officers is needed to effectively identify potential victims, provide necessary assistance to current victims to help them undergo the rehabilitation process. Training must be provided to front staffs in order to equip them with relevant skills and tools in to identify signs of trafficking and understand the appropriate follow-up actions.

Central to the role of local authorities is meeting the needs of the victims which include the provision of relevant services such as secured accommodation, psychological assistance, access to interpreters and access to education.

These services are delivered through the coordination of local authorities and other local actors such as health providers and non-governmental organizations. This underlines the importance of local and national authorities as well as their cooperation with other relevant non-state actors in the fight against human trafficking.

Tier Placement

The efforts and actions of governments to combat human trafficking have been measured and classified by a report called Trafficking in Persons (TIP) which is published annually by the U.S Department of State. Rather than focusing solely on the 3P principles, the classification is based on the government's compliance with the Trafficking Victims Protection Act (TVPA)'s minimum standards which are generally consistent with the Palermo Protocol.⁶¹

61. United States Department of State, 2013 Trafficking in Persons Report , 23 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>

The tiers are defined as:

Tier 1: Countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standard

Tier 2: Countries whose governments do not fully comply with the TVPA's minimum standard, but are making significant efforts to bring themselves into compliance with those standards

Tier 2 Watch-List: Countries whose governments do not fully comply with the TVPA's minimum standard, but are making significant efforts to bring themselves into compliance with those standards and:

- i. The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- ii. There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- iii. The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

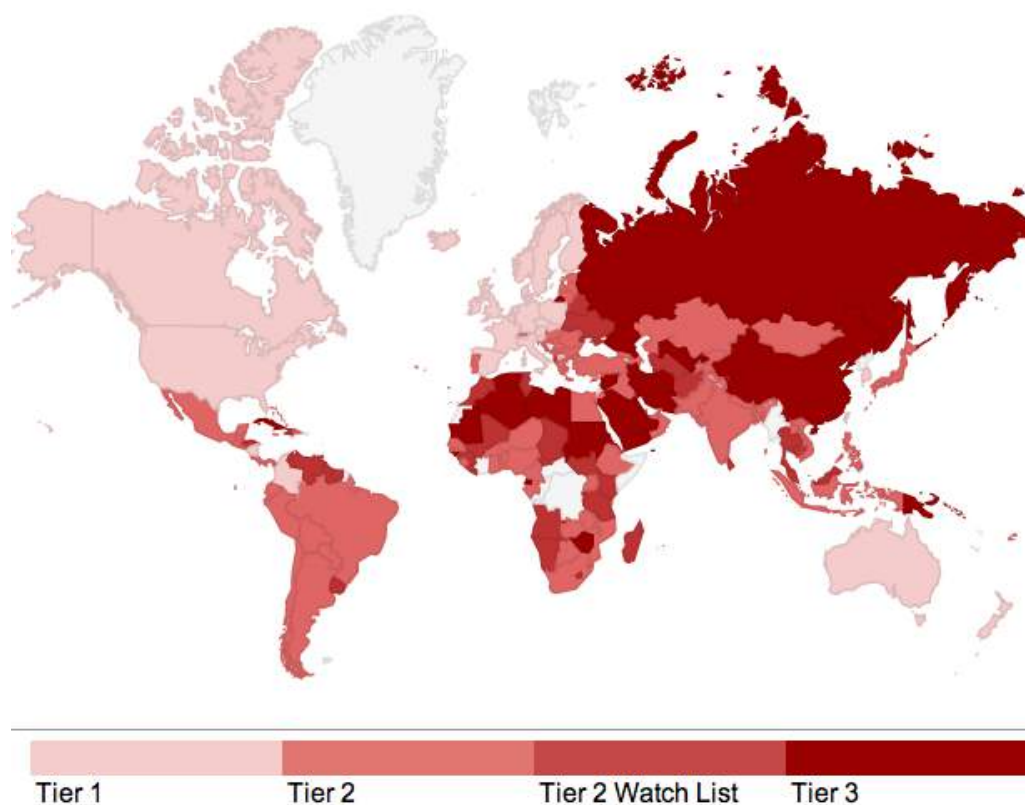
Tier 3: Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

Source: US Department of State



Map 3 presents a map of countries in different shades of red based on the Tier they were assigned to in 2013. It should be noted that these classifications only focus on the government's actions and do not take account of the magnitude of human trafficking in the country. Therefore, being ranked in Tier 1 does not imply that the country has no problems concerning human trafficking or that the government has done enough to eradicate the crime. It also does not suggest that the issue is more prevalent in a Tier 3 country compared to a Tier 2 or Tier 1 country. Instead, the ranking system takes into account of several government assessments such as its enactment of laws that prohibit human trafficking as defined by the TVPA, its victim identification measures and its victim protection efforts including access to shelter and services without detention.⁶²

Countries By Tiers



Map 3
Source: The Atlantic

62. Ibid.

4.2 Local Approaches and Best Practices

Three best practices are presented in this chapter to highlight the role of local and national governments in combatting generally two forms of human trafficking: forced labor and forced prostitution.







1. Nepal

General Overview

Nepal is classified as a Tier 2 country by the US Department of State in 2014 implying that it does not meet the minimum standards to eliminate human trafficking. However it has been making significant counter-trafficking efforts despite its limited resources. Although the country has ratified the United Nations Convention against Transnational Organized Crime in 2011, it still has not ratified the UN Trafficking Protocol as of June 2014.

Nepal has been identified as a source, transit and destination country for men, women and children subjected mostly to sex trafficking and forced labor.

Forced labor is often facilitated by recruitment fraud and high recruitment fees charged by Nepal-based labor brokers and manpower agencies.⁶³

The Government of Nepal has demonstrated mixed anti-trafficking efforts. For example, authorities have prosecuted public officials accused of being involved in fraudulent recruitment. However, they have convicted only a few numbers of traffickers.⁶⁴ Nepal has prohibited many, but not all, forms of human trafficking through the 2007 HTTCA (Human Trafficking and Transportation Control Act) and the 2008 regulation (Human Trafficking and Transportation Control Rules).

The HTTCA prohibits both internal and transnational trafficking and criminalizes slavery, bonded labor and the buying and selling of a person. However, it does not criminalize “the recruitment, transportation, harboring or receipt of persons by force, fraud, or coercion for the purpose of forced labor.”⁶⁵ Additionally, it places more emphasis on sex trafficking than any other forms of human trafficking. As noted by government officials and civil society, the majority of convictions under the HTTCA concerned transnational sex trafficking.⁶⁶

63. United States Department of State, 2014 Trafficking in Persons Report , 26 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>

64. Ibid.

65. Ibid.

66. Ibid.

Although it is clear that the anti-trafficking efforts in Nepal are largely concentrated on sex trafficking, labor trafficking of both adult and child victims is still a large concern for the country. For instance, it is estimated that approximately 12,000 children are trafficked each year in Nepal.⁶⁷

The 2012 UNODC Global Report in Trafficking reports that children constitute of 36% of all of Nepalese trafficked victims, with 33% being girls and 3% being boys, in which the majority are involved in sexual exploitation and forced labor. Furthermore, about 38.8% of the child labor population in Nepal has worked in hazardous conditions potentially due to their work in the sex trade industry. In terms of child trafficking, Nepal is primarily considered as a source or transit country rather than that of destination.⁶⁸ Victims are often transported internally from the rural to urban areas such as Kathmandu and Pokhara or internationally to Asian and Middle Eastern countries such as India and the United Arab Emirates.



IRIN/ David Longstreath

67. Roisin, Stallard. "Child Trafficking in Nepal: Causes and Consequences." Child Reach International (2013): 1-35.

68. Ibid.

The Case of Pokhara

Pokhara is a sub-metropolitan city in Nepal located 200 km west of the capital Kathmandu. Known for its mountains and green atmosphere, the city is a famous destination for tourists with over 0.2 million of national and international tourists visiting each year. The annual population growth rate of Pokhara is 7.41% making it the fastest growing city in Nepal.

Urbanization, rapid growth of urban population and rapid migration flows are the main challenges faced by the city.

Among the migration flows are children who come from over 37 different districts of Nepal living with vulnerabilities in Pokhara. Recent data collection is limited on the subject of children and trafficking in the area. According to a 2000 report by an NGO called Children-Women in Social Service and Human Rights (CWISH), 8870 children were found involved in child labor in which nearly 68% were abused by traffickers. However the number has been significantly reduced to 1624 by 2010 due to efforts and commitments from the local authority and NGOs.

Child Labor Survey

	2000	2010
Domestic Child Labour	1600	608
Street Children	130	251
Child Labour in Industries	272	
Hotel Child Labour	346	
Child Labour in Slum Areas	6522	
TOTAL	8870	1624

22%

of children were referred by their own parents to get involved in labor

12%

of children were taken from their home by strangers

2%

of child workers had written contracts with their employees

63%

of child workers had verbal agreements on their work and conditions

Among child workers:

19% of child workers were aware of their rights

25% of child workers were aware that child labour is illegal

Among parents:

15% of parents were aware of children rights

17% of parents were aware that child labour is illegal

The most significant factor identified for pushing children to work in Pokhara is poverty. According to the UK Department for International Development, Nepal was ranked the 16th poorest country in the world in 2010 by average national income with a quarter of the population living below the poverty line.

Flickr/ Jeanne Menj



To combat trafficking of child victims for forced labor, as well as child labor in general, the local authority has implemented several initiatives and policies in partnership with local NGOs and the private sector:

- > In 1997, the Pokhara Sub-Metropolitan City has passed a special long-term policy to “make Pokhara a child labor free city”. Since its implementation, the Pokhara Chamber of Commerce and Industry, in partnership with local NGOs, has created non-formal education and child literacy programs for children who were victims of forced labor and who are out of school
- > The Pokhara Sub-Metropolitan City, in partnership with CWISH, has also conducted interventions to effectively identify figures of trafficked child labor in Pokhara
- > An awareness campaign was raised in 18 wards through orientation and passing out of pamphlets and posters
- > The Pokhara Sub-Metropolitan City has also implemented vocational and life skill development trainings. Psycho-social counselling trainings have also been conducted to different groups
- > The Municipal level Child Protection Committee (CPC) has supported a street children rehabilitation center

Flickr/ Jeanne Menj

Regular interventions by the Pokhara Sub-Metropolitan City include:

- > Maternal and Child Health Clinic
- > Early Childhood Development Centres
- > Child birth registration campaigns
- > Community Action Process for child rights
- > Children health camps
- > National Vitamin-A Campaigns

Conclusion

Although these efforts are commendable, the Nepalese government continues to face challenges in victim protection and law enforcement, particularly regarding labor trafficking.

Anti-trafficking laws need to be implemented more consistently as well as victim identification efforts by public officials. In some cases, child victims were returned to their abusers after being detained in the event of a raid due to bribery provided to police officers. Moreover, as many government officials continue to apply a narrow definition of human trafficking, efforts regarding domestic sex and labor trafficking victims will continue to be limited. Additionally, their definition is not always in line with that of international standards. For example, the HTTCA does not recognize the prostitution of children as a form of trafficking if force, fraud or coercion is absent. This is opposed to the UN Trafficking Protocol which provides an exception for children concerning the means of trafficking under Article 3, subparagraph (c).

The Government of Nepal's efforts concerning the prevention of human trafficking can be improved as well. For example, the inter-ministerial National Committee for Controlling Human Trafficking (NCCHT) met regularly but they have failed to finalize a national action plan. Nevertheless, the NCCHT has provided each of 75 Nepali districts with funds for awareness campaigns and emergency victim services. Additionally, the Government of Nepal has also increased their counter-trafficking efforts in labor trafficking by improving the monitoring of labor recruitment. For example, in March 2014, the Department of Foreign Employment has fined 44 manpower agencies (between \$1,000 and \$2,000) after the team discovered malpractice and ordered compensations to the aggrieved workers.⁶⁹

69. Ibid

70. American Bar Association, Human Trafficking Assessment Tool Report for Nepal (2011), 07 July 2014, available at: http://www.americanbar.org/content/dam/aba/directories/roli/nepal/nepal_human_trafficking_assessment_report_2011.authcheckdam.pdf

71. Ibid.

Some recommendations for Nepal include:

- > Ratify the UN Trafficking Protocol. Ensure that there is consistency when using the definition of “human trafficking” and ensure it corresponds with the international standards.
- > Provide financial and technical support to relevant non-governmental organizations that work on the issue of human trafficking.
- > Insert provision concerning the prevention and root causes of human trafficking, demand, liability, victim and witness protection, repatriation of victims, immigration status of foreign victims in Nepal, international counter-trafficking cooperation and border measures in the HTTCA.⁷⁰
- > Strengthen the financial, operational, technical and substantive capacity of relevant local and national actors including the Ministry of Women, Children and Social Welfare, the Ministry of Labour and Transport, the National and District Coordination Committees against Trafficking in Persons and the Office of the Special Rapporteur on Trafficking.⁷¹
- > Strengthen cooperation and coordination among government bodies.
- > Create a national victim referral system.





2. Mongolia

General Overview

Similar to Nepal, Mongolia is also classified as a Tier 2 country by the US Department of State in 2014. This implies that the country has made significant counter-trafficking efforts however it still has not met the minimum standards to eliminate human trafficking. Mongolia has ratified the Palermo Protocol in 2008 and is identified as a source, transit and destination country for human trafficking. The first case of human trafficking in Mongolia has been recorded in 1999 due to the lack of awareness and recognition of the crime beforehand.

The majority of cases is comprised of sexual exploitation (70%), followed by labor exploitation (20%) and false marriage (10%). (See Figure 11)

Types of Human Trafficking Cases in Mongolia

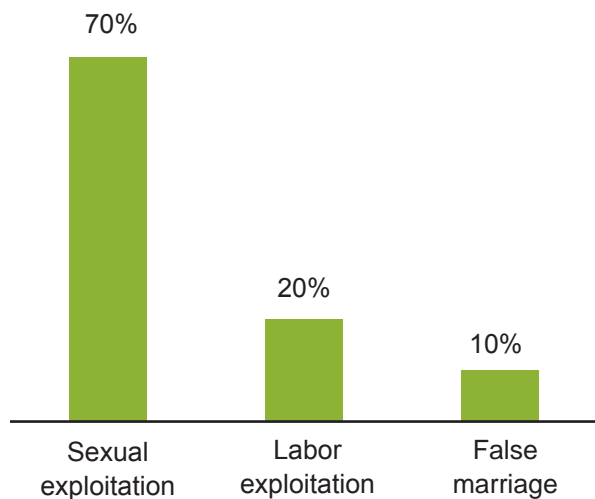


Figure 11



A large part of the human trafficking cases is contributed by migration. In the 1990s, Mongolia transitioned from a socialist regime to democracy, shifting from a centrally planned economy to a market economy. During this transition, poverty and unemployment rates rose significantly. As a result, this increased the incentives for Mongolian men, women and children to leave their homes and seek opportunities elsewhere, paving more opportunities for trafficking.⁷²



According to the 2014 TIP Report, Mongolian women and children are subjected to sex trafficking and forced to work as prostitutes abroad reportedly in China, Hong Kong, India, Indonesia, South Korea, Malaysia, the Philippines, Macau, Singapore and Sweden. Often, forced prostitution occurred in massage parlors and girls in particular are vulnerable to commercial sexual exploitation in hotels, bars, and karaoke clubs. In many cases, perpetrators use drugs to lure their victims into forced prostitution. Mongolian men are more subjected to forced labor exploitation abroad reportedly in Turkey, Kazakhstan, the United Arab Emirates, and the Czech Republic. The most common route identified begins with Ulaanbaatar, followed by a stop in Er Liang, then Beijing and ending in Macao.⁷³

Traffickers often use social networking sites and online advertisements of employment opportunities and English programs to lure their victims. In some cases, family, friends and acquaintances can play a role in attracting potential victims to traffickers as well.⁷⁴

The Case of Ulaanbaatar

Ulaanbaatar is the capital of Mongolia with over 1.2 million inhabitants within 9 districts. From 2002 to 2013, 123 victims of trafficking were identified with 198 suspects and 189 registered criminal cases. It is estimated that between 3,000 and 5,000 Mongolians are trafficked every year.⁷⁵ Most of the internal trafficking in Mongolia occurs in Ulaanbaatar and are mostly made up of forced labor.

Four types of trafficking have been identified in this capital city:

1. Illegal and undercover trade of children and women abroad for sex slaves and prostitution and illegal prostitution (63%)
2. Foreign sham marriage (9%)
3. Force labor (26%)



Flickr/joepyrek

The majority of the victims are comprised of women (approximately 86%). Ulaanbaatar acts the primary destination city for victims subjected to forced prostitution and other sex-related works. Vulnerable socio-economic position of women and weak public awareness and support contribute significantly to the sex trafficking of Mongolian women and girls.

72. The Projection Project, A Human Rights Report on Trafficking in Persons, Especially Women and Children - Mongolia (2010), available at: <http://www.protectionproject.org/wp-content/uploads/2010/09/Mongolia.pdf>

73. B. Bulgamaa, Study Finds Mongolia Slow to Tackle Trafficking of Women, UB POST, Jan. 22, 2009, available at: http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=2578&Itemid=36.

74. The Projection Project, A Human Rights Report on Trafficking in Persons, Especially Women and Children - Mongolia (2010), available at: <http://www.protectionproject.org/wp-content/uploads/2010/09/Mongolia.pdf>

75. Ibid.

Since 2000, the national government of Mongolia has committed to improving and strengthening counter-trafficking legal frameworks by enforcing certain articles in the criminal code:

> Article 11 of the Criminal Code of Mongolia in 2000: engaging and profiting from others in prostitution shall be imprisoned for a term up to 4 years

> Article 113 of the Criminal Code of Mongolia in 2002: sale or acquisition of humans shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 300 to 500 hours of forced labor or imprisonment

> Article 113 of the Criminal Code of Mongolia in 2008: human trafficking shall be punishable by a fine equal to 51 – 250 amount of minimum salary, imprisonment for a term of up to 5 years

> Article 124 of the Criminal Code of Mongolia is often used to prosecute sex trafficking cases. It prohibits offenses such as setting up, running or financing a brothel or providing transportation for prostitutes, as well as “induced” prostitution. A violation of this article can result up to 5 years of imprisonment.⁷⁶



Additionally, the Mongolian government has also adopted new laws and implemented other relevant regulations and plans concerning the trafficking of persons.

> In 2005, the National Action Plan of Action on Trafficking and Protection of Children and Women From Commercial Sexual Exploitation was approved by the Mongolian government.

> In January 2012, the Mongolian Parliament has adopted a Law on Combating Trafficking in Persons. This action plan targets key shortcomings to counter trafficking in Mongolia including raising public awareness and prevention, provision of services to victims, and improvements of the legal and justice system until the year 2014.⁷⁷

> In November 2013, a new regulation was issued concerning the return procedure of human trafficking victims abroad. This includes providing victims with temporary accommodation, allowance for travel, passports and other travel documents.

> In January 2014, the Ministry of Justice has elaborated a “national program to combat human trafficking” with the creation of the Sub-Council on Human Trafficking. The Law on Victim and Witness Protection was also implemented concerning the protection of victims and witnesses. By this law, governments are required to provide for the safety and well-being of victims and witnesses during the investigation and prosecution of the crime.⁷⁸



Australian Department of Foreign Affairs/ Josh Estey

76. United States Department of State, 2014 Trafficking in Persons Report , 26 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>

77. Swiss Agency for Development and Cooperation (SDC), Annual Report on the Programme to Combat Human Trafficking in Mongolia (2008), available at: http://www.deza.admin.ch/ressources/resource_en_163104.pdf.

78. United States Department of State, 2014 Trafficking in Persons Report , 26 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>

Conclusion

It is clear that the Mongolian government has made significant progress over the years in strengthening legal frameworks and implementation of a National Action Plan against human trafficking.

However, this criminal approach through the provisions of criminal codes is not sufficient because it does not take into account the human rights of the trafficked victims. The “blaming and punishing victims” attitude still persists among law enforcers, which is subsequently reflected in court rulings.⁷⁹ Other misconceptions have also led to inadequate consequences in court. For example, Article 113 of the Criminal Code may be useful in prosecuting cases of sex trafficking involving girls but rarely had it been applied to cases which involve boys. The reason for this is due the common misconception that sex trafficking is a problem that only target women and girls. Instead, sex trafficking cases involving boys are charged under Article 125 (unnatural sexual gratification) which prescribes up to 5 years of imprisonment without any aggravating penalties.

Additionally, the government still has room to improve concerning victim identification and protection. As fewer victims are identified, there are fewer victims who will come forward to assist with prosecution cases of traffickers. Even though significant efforts were made in creating and strengthening counter-trafficking legal frameworks, their implementation into practice have been slow.

For example:

Even though Mongolia has strict laws against prostitution under their Criminal Code, there are still around:

4000 } **140** among them are
illegal prostitutes between the ages of
13 and 18 years old

From 1999 - 2005:⁸⁰

26 cases of trafficking reported by
the Intelligence Agency yet... }

22%
of the cases
were rejected

11%
of the cases
obtained court
ruling

60%
were dissolved at
the administrative
levels by 2008

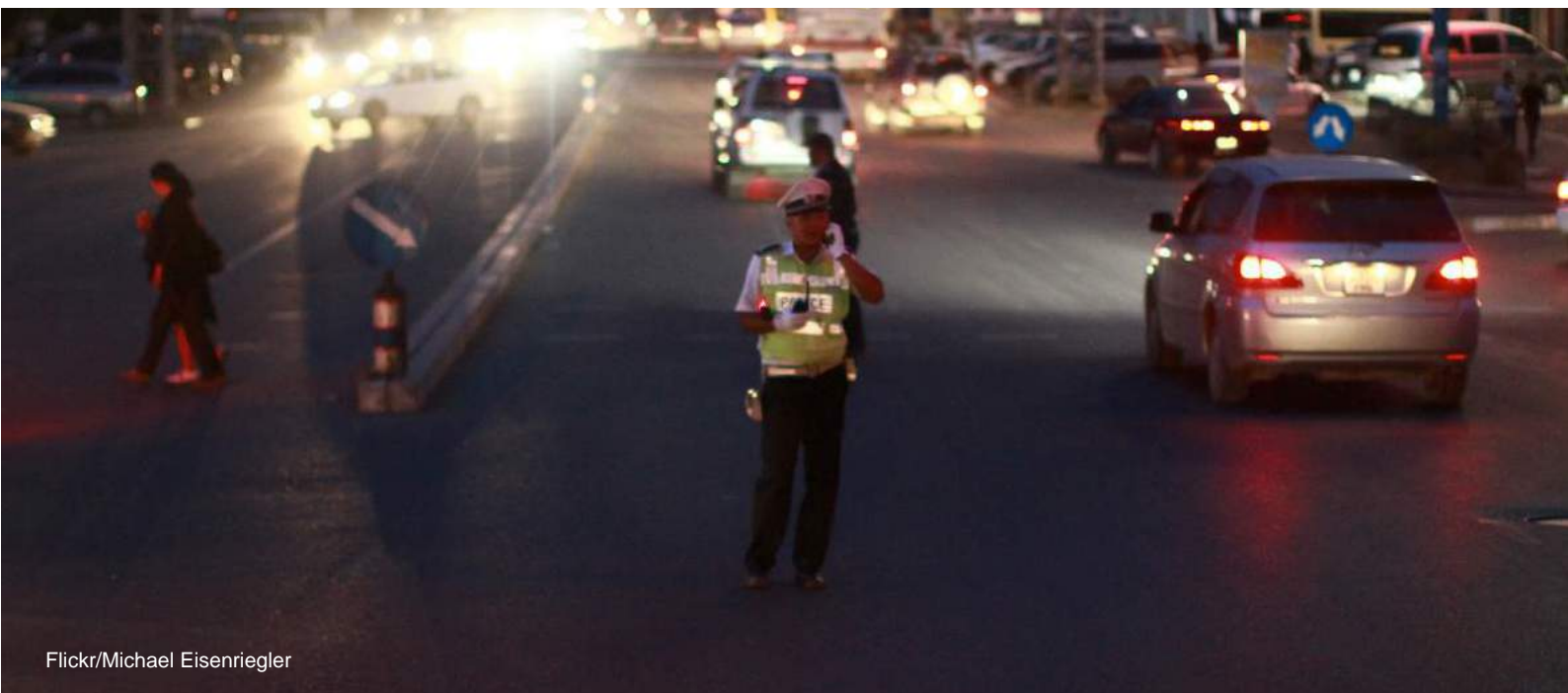
79. Swiss Agency for Development and Cooperation (SDC), Annual Report on the Programme to Combat Human Trafficking in Mongolia (2008), available at: http://www.deza.admin.ch/ressources/resource_en_163104.pdf.

80. Ibid.

Nevertheless, the government has made significant progress concerning regional cooperation. For example, the cooperation has strengthened between the National Human Rights Commission of Mongolia and the National Human rights Commission of Malaysia on human trafficking issues. For example, in 2003, families and relatives of trafficking victims appealed to the Commission of Mongolia to complain about four cases of women trafficked to Malaysia and a request was subsequently sent to the Commission of Malaysia. To respond to this request, the Malaysian Commission has investigated the case and collected relevant information concerning the victims' living conditions and places of stay.

Some recommendations include:

- > Implement a Victim Protection Policy
- > The privacy of the victims, particularly during trials, must be guaranteed and respected with national legislation.
- > Further victim assistance and support such as provision of housing and medical assistance, help with employment outside and access to education, and rehabilitation in terms of physical and mental health.
- > Facilitate greater sharing of information and strengthening of mutual cooperation.
- > NGOs seem to be more effective at providing direct assistance than the government. There is a need for stronger cooperation and coordination between these two entities.





3. Thailand

General Overview

According to the Trafficking in Persons Report, Thailand is classified as a Tier 3 country in 2014. It was auto-downgraded from the previous year following four consecutive years of being ranked as a Tier 2 Watch List country. This suggests that Thailand does not meet the minimum standards to eliminate human trafficking based on the TVPA and are not making enough efforts to do so. It has been identified as a source, destination and transit country for forced labor and sex trafficking. In many cases, victims come from neighboring countries such as China, Vietnam, India and Fiji who migrate to seek employment opportunities, often with the help of relatives or community members through the use of informal recruitment or smuggling networks.

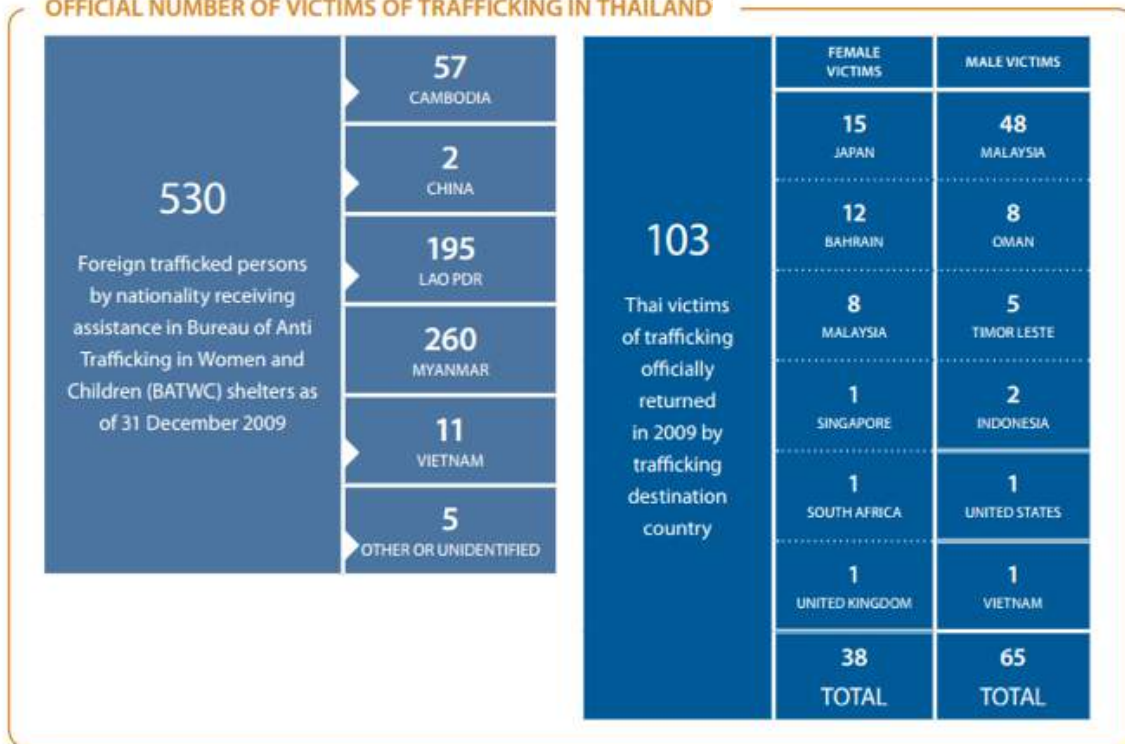
Heavy corruption among border officials facilitates the smuggling of undocumented migrants whom many subsequently become victims of human trafficking.

Additionally, migrants who do not speak Thai or understand their rights under Thai law are easy targets for traffickers. Many labor trafficking victims in Thailand are exploited in commercial fishing, fishing-related industries, low-end garment production, factories and domestic works. In some cases, victims are forced to beg on the streets.⁸¹

81. United States Department of State, 2014 Trafficking in Persons Report , 26 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>



OFFICIAL NUMBER OF VICTIMS OF TRAFFICKING IN THAILAND



Source: Strategic Information Response Network (2010)

The Case of Kanchanaburi Province

The Kanchanaburi Province is located in the western border between Thailand and Myanmar, approximately 129 km away from the Thai capital city Bangkok. It is one of the poorest provinces of Thailand due to its proximity to the border and prevalent ethnic group conflicts. Most of the local people work in agriculture and some do not even possess a nationality. This problem is evident in many migrant families who often face corruption or intimidation when applying for official Thai identification (ID) cards despite having lived in the country for many years.⁸²

This border region is a hot spot particularly for child trafficking where children may be sold into factory work or prostitution for 30,000 to 40,000 baht (approximately \$920 to \$1200) each.⁸³

Several factors pose a challenge to counter-trafficking measures notably in victim identification and protection. Firstly, the province has many ethnic groups with different languages and cultures. Such diversity creates difficulties for local authorities to identify victims and offer adequate support to the diverse demands of individuals. Secondly, the physical location itself poses a challenge in finding victims as the majority of Kanchanaburi is a forest. Thirdly, officers often lack adequate capacity to effectively identify victims such as sufficient training in child protection. Fourthly, other factors also contribute to putting individuals at risks for trafficking. For instance, child labor and an overall waning interest in school are problems which increase the children's vulnerabilities to child trafficking.

Counter-trafficking efforts of local authorities include:

- > Provision of 77 short-term shelters in all provinces: responsible for intake, initial victim identification, temporary protection, and transfer to the long-term shelters
- > Provision of 9 long-term shelters: responsible for victim protection (medical, legal, social), providing vocational training, assisting with reintegration, and follow up.
- > Creating partnerships between the local government and NGOs. This is particularly crucial in making referrals, providing protection and planning rescues.

The national government has implemented:⁸⁴

- > The Anti-Trafficking in Persons Act (2008): this act criminally prohibits all forms of human trafficking and prescribes penalties from four to ten years of imprisonment. Victims may claim compensation from the offenders for any damages caused by trafficking and they will be provided shelter and support in the forms of physical, psycho-social, legal, educational and healthcare assistance.
- > The National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons (2011 – 2016): this contains five sub-policies and five strategies which are operationalized into annual action plans consist of projects that focus on the prevention and protection of victims and prosecution of traffickers.
- > The Multi-disciplinary team (MDT) approach: this combines the expertise of individuals from different disciplines to tackle human trafficking. Members of the MDT include social workers, experts from labor, health, justice, education, police, immigration, the law and foreign affairs, among many.



Flickr/yeowatzup

82. "Child Protection Conference in Kanchanaburi." Human Rights Foundation of Monland. N.p., 8 Mar. 2013. Web. 02 Nov. 2014.

83. Ibid.

84. "The Human Trafficking Situation in Thailand." UNIAP. 1 Jan. 2008. Web. 3 Nov. 2014. <<http://www.no-trafficking.org/thailand.html>>.

Regional Cooperation:

Thailand has also signed Memorandums of Understanding (MoUs) with neighboring countries to prevent and combat human trafficking:⁸⁵

- > MoU on Employment Cooperation with Lao PDR with an emphasis on preventing illegal migration, illegal labour trade, child labour and trafficking was signed in 2002. It aims to address the repatriation of Lao trafficking victims and commits governments to regularize the return of victims.
- > MoU between the Governments of Cambodia and the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and assisting Victims of Trafficking was signed on 31 May 2003. Measures in the MoU include cooperation in providing services to trafficking victims, establishing mechanisms to decrease incidents of trafficking, instituting legal reforms and prosecuting traffickers.
- > MoU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (from the Coordinated Mekong Ministerial Initiative against Trafficking - COMMIT) was signed in 2004 between Cambodia, China, Lao PDR, Myanmar, Thailand, and Vietnam. It commits the governments to meet international standards and highlights the need for multi-lateral, bilateral, and government-NGO cooperation to fight human trafficking.

Conclusion

Migration plays a key role in the human trafficking situation in Thailand. As demand for cheap labor in unskilled sectors continue to increase, the number of migrants will also increase, particularly that of young people from neighboring countries. The nature of labor migration to Thailand creates vulnerabilities to migrants who do not speak Thai or understand their rights under Thai law.⁸⁶ Additionally, the factors which contribute to migration also play a part in creating vulnerabilities to trafficking such as poverty, unemployment and low levels of education.

The Thai government has made significant counter-trafficking efforts at both the local and national levels in the prevention and protection of victims. Provision of long-term and short-term shelters, implementation of national-wide policies and cooperation among local and national actors of different disciplines (the MDT approach) are among the examples of effective government efforts. It is also evident that Thailand has formed strong cooperation with other countries in the Mekong region as well which strengthen their aggregate efforts to combat human trafficking.

Since the Anti-Trafficking in Persons Act was implemented, there has been an increased awareness on forced labor trafficking in addition to child and sex trafficking. There is also a general awareness of human trafficking as the 5th of June is now recognized as Thailand's national Human Trafficking Day. While these efforts are commendable, the government still has room to improve at the local and national level in victim identification, providing support according to the different cultural and social needs of the victims and prosecuting of offenders.

Some recommendations include:

- > Enhance on-going efforts to identify and protect victims of trafficking among vulnerable populations particularly undocumented migrants and deportees
- > Strengthen capacities of relevant officers that tackle victim identification, support and assistance. This can include training to raise awareness among parents and the community related to child protection
- > Provide temporary work permits to victims in order to help reintroduce them gradually into the community
- > Create more programs that focus on capacity-building and raising awareness of self-protection to prevent individuals from being deceived into trafficking
- > Strengthen networking mechanism to combat human trafficking
- > Make greater efforts to educate migrant workers on their rights, their employers' obligations to them, legal recourse available to victims of trafficking, and how to seek remedies against traffickers

85. "The Human Trafficking Situation in Thailand." UNIAP. 1 Jan. 2008. Web. 3 Nov. 2014. <<http://www.no-trafficking.org/thailand.html>>.

86. "Thailand Human Trafficking Datasheet." Strategic Information Response Network. Web. 1 Nov. 2014. <http://www.brandeis.edu/investigate/slavery/docs/Thailand-UNIAP-datasheet_2010.pdf>.

ILO/Valeria Morra



Challenges for Governments

Although over 150 states have ratified the UN Trafficking Protocol, there is still a challenge in implementing effective counter-trafficking actions at the local levels. Trafficking of persons is first and foremost a crime and only the government has the role to prosecute suspects and incarcerate criminals. Moreover, only governments can grant immigration benefits and mandate restitution to victims of a crime. Even though most states have agreed on the human rights approach to combat human trafficking, commitments by governments are often not translated into practice. Some states have not ratified the Trafficking Protocol and thus are not legally bound, placing the issue of trafficking of persons as low national priority. Others who have ratified the Protocol do not have legislation against human trafficking or a clear distinction between the definitions of human trafficking and human smuggling. If human trafficking is low prioritized for law enforcement, victims are faced with low protection and are more reluctant to testify. Lack of investigations and lack of prosecution result in no convictions and no records of cases.⁸⁷



Countries that lack specific legislation against human trafficking face two problems:⁸⁸

- > Police investigations will shift their focus to associated criminal elements. Therefore, human trafficking crimes are reported under different criminal provisions leading to ambiguous data collection.
- > There are no official criminal justice statistics on human trafficking cases or on the number of police-recorded crimes and of prosecuted and convicted persons.

UN Photo/Evan Schneider



Output, Outcome and Impact

A distinction must be made between output, outcome, and impact:

- > Output can include the creation of new international convention or national law
- > Outcome is the result of legal measures such as the protection of victims. To this extent, implementation is partly about output producing outcome.
- > However, the most important element is impact. A policy has an impact when it changes the nature of the problem.

Counter-trafficking efforts can be deemed “successful” when output leads to outcome and outcome leads to impact.⁸⁹ Since the adoption of the Trafficking Protocol in 2000, many states have produced significant outputs such as counter-trafficking laws, action plans and special police units. According to UNODC, the number of countries with legislation criminalizing all or most forms of human trafficking has doubled between 2003 and 2008 among the 155 countries and territories concerned. More than 90% of 162 countries and territories covered by the 2012 Trafficking in Persons Report have specific legislations which cover fully or partially all or most forms of trafficking of persons. Countries without any full or partial legislation are mostly located in Africa, followed by East and South Asia, and South America (see Figure 8).⁹⁰

Number of Countries with No or Partial Legislation in August 2012

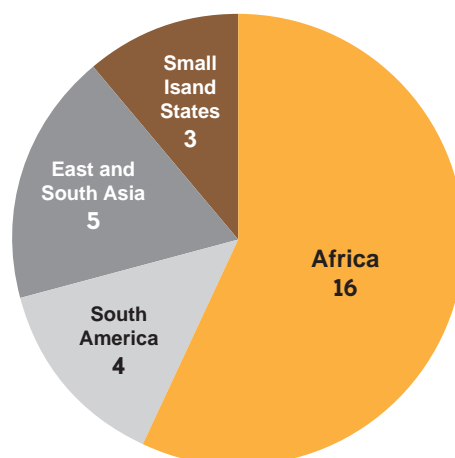


Figure 8
Source: UNODC, 2012

87. Ibid.

88. Friesendorf, C. (2009). Strategies Against Human Trafficking: The Role of the Security Sector. Study Group Information, 1-514.

89. Ibid.

90. Global Report on Trafficking in Persons. (2012). Vienna: United Nations Office on Drugs and Crime.

Some outputs have also turned into outcomes with numerous traffickers convicted for their crimes over the recent years. According to the US Department of State's Global Law Enforcement Data, the numbers of prosecutions and convictions have increased from 2006 to 2013 (see Figure 9). The numbers in parenthesis in the table below represent only forced labor cases.

Year	Prosecutions	Convictions
2006	5808	3160
2007	5682	3427
2008	5212	2983
2009	5606	4166
2010	6017	3619
2011	7907	3969
2012	7705	4746
2013	9460	5776

Figure 9
Source: US Department of State

Trends in the number of recorded convictions between 2007 and 2010, percentage of countries

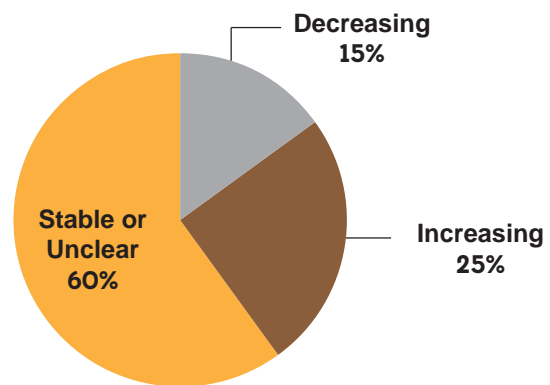


Figure 10
Source: UNODC

Despite the significant increase, the rate of conviction is still deemed unsatisfactory according to UNODC.⁹¹ The trends in number of recorded conviction for most countries are “stable or unclear” (see Figure 10). This suggests that states place a lot of efforts in signing conventions, creating a National Action Plan and passing laws however there is still more that needs to be done. A lack of comprehensible and implementable legal framework misleads criminal justice actors to convict traffickers for pimping, smuggling or money laundering instead of trafficking.



It is clear that the unpredictable, ambiguous and hidden nature of human trafficking provide a grand obstacle for local and national governments to effectively respond with anti-trafficking measures to facilitate prevention, protection and prosecution. However, there are still many examples of best practices at the national and local levels implemented by different countries as showcased in Section 4.2.

91. Ibid.

4.3 Synthesis

Local and national governments are among the key actors in developing a comprehensive anti-trafficking response to all forms of human trafficking from sexual exploitation to forced child labor. National authorities are particularly crucial for the prevention of trafficking while local authorities play a significant role in addressing the needs of victims. Cooperation among local actors, from city and province authorities to private sectors and non-governmental organizations, is vital to effective victim identification and protection as well as prosecution and conviction of the perpetrators. Through such joint efforts, they are able to meet the needs of victims and help them regain their independent lives. The government's commitment to justice has large impacts beyond maintaining the sanctity of law. Prosecuting and convicting traffickers for their crime can have a significant positive impact on the victim's recovery process as well, particularly in overcoming trauma after being liberated.

The case studies from this chapter have demonstrated significant progress by the local and national authorities of three Asian-Pacific countries in implementing and enforcing legal frameworks to punish and prosecute traffickers and provide services for recovering victims. The case studies also highlight collaborations between local governments, NGOs and international organizations as essential to developing counter-trafficking initiatives and supports for victims including vocational training and awareness campaigns in the community. The following chapter emphasizes on the role of international organizations in the fight against human trafficking, particularly focusing on UNITAR and their one of their training centers, CIFAL Jeju. It concludes with recommendations for local governments with reference to the post-2015 development agenda.

“We must improve our knowledge and understanding of this crime if we are to make **good policy decisions** and **targeted interventions.**”

- United Nations Secretary-General Ban-Ki Moon (2010)



UN Photo/Paulo Filgueiras

5

Ways Forward

5.1 Role of International Organizations

Overview

In addition to governments, different international organizations play a specialized but complementary role in promoting and implementing counter-trafficking policies worldwide.

Many international organizations act as partners, observers or participants in the Bali Process such as the ILO and the UNHCR. Cooperation among these organizations as well as with government entities is a necessity to facilitate prevention, protection and prosecution through effective data collection, information sharing, migration management and facilitation of the Transnational Referral Mechanism (TRM).⁹² In particular, the IOM and the UNHCR play an important role in supporting migration management efforts to benefit both migrants and society. Additionally, they are crucial actors in providing a global assessment on the magnitude of the problem.

There is a need for a global effort to improve cooperation and coordination among major institutions, agencies and organizations included in the fight against human trafficking. The list should include UNODC, the Financial Action Task Force, the Egmont Group of Financial Intelligence Units, Interpol and Europol, UNHCR, the ILO, the IOM and UNICEF. Coordination and cooperation are needed for an efficient division of labor and to ensure that efforts are not duplicated and scarce resources are used effectively. In some cases, private companies have partnered up with international organizations to distribute information materials to migrants and potential trafficking victims, and provide assistance with rehabilitation and skill development training to trafficked persons.⁹³

92. Toolkit to Combat Trafficking in Persons. (2008). New York: United Nations Office on Drugs and Crime.

93. Ibid.

UNITAR and CIFAL Jeju

The United Nations Institute for Training and Research (UNITAR), through the Decentralized Cooperation Programme (DCP), develops capacities of local actors to better counter human trafficking and advance sustainable development through relevant workshops and training.

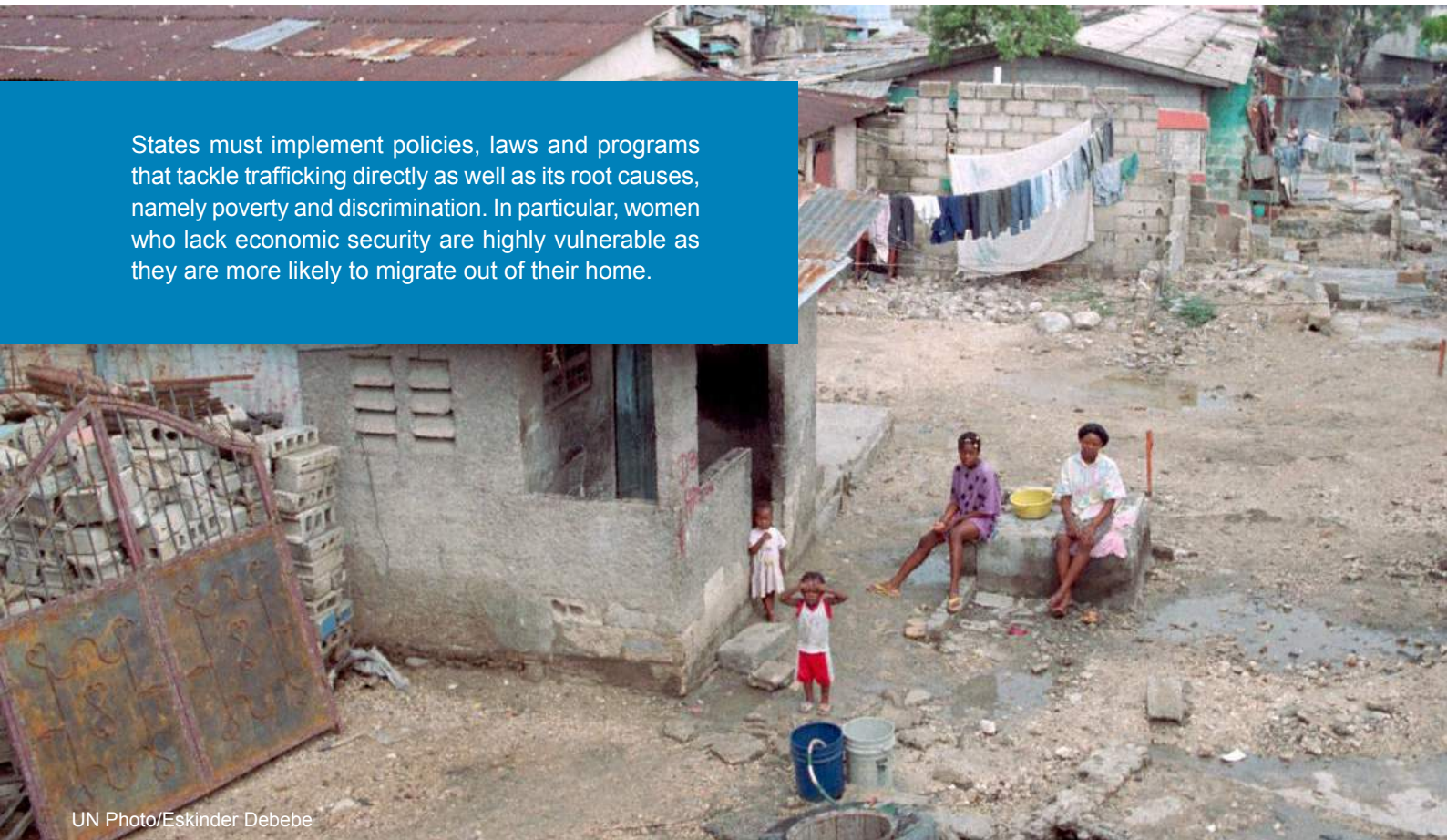
CIFAL Jeju of the Republic of Korea, in affiliation with UNITAR, has become a knowledge hub and platform for promoting city-to-city cooperation. In March 2014, CIFAL Jeju has hosted a workshop entitled “Enhancing a Victim-Centered Approach: Identification, Assistance and Protection of Trafficking Victims in the Asia-Pacific Region”. Participants from the Asia-Pacific region have come together to share their experiences in preventing trafficking of persons, protecting victims and persecuting the perpetrators.



5.2 Post 2015-Development Agenda

Although human trafficking has attracted significant social and political attention over the years, there is still more that needs to be done particularly at the local level. The high growth in human trafficking in the last 20 years can be explained by structural reasons in the international economy. Poverty, unemployment, lack of socioeconomic opportunities and gender-based violence are among the identified factors that contribute to the vulnerability of individuals for trafficking.⁹⁴

The most successful counter-trafficking strategies have been those that tackle the root causes of vulnerabilities, strengthen legal framework in order to prosecute traffickers and sensitize relevant actors to ensure that victims are the focus of all activities.⁹⁵



States must implement policies, laws and programs that tackle trafficking directly as well as its root causes, namely poverty and discrimination. In particular, women who lack economic security are highly vulnerable as they are more likely to migrate out of their home.

UN Photo/Eskinder Debebe

94. Ibid

95. Handbook on Performance Indicators for Counter-Trafficking Projects. (2008). Washington DC: International Organization for Migration.

Although human trafficking was not included directly into the Millennium Development Goals (MDGs), they interlink through several channels. For example, individuals living in poverty with less access to education are more vulnerable to trafficking. However, in order to combat human trafficking, migration issues must also be tackled as the “push” factors of migration are linked with those that influence trafficking of persons such as poverty, political instability, and lack of economic and social opportunities. Key areas to pursue include good governance, inclusive development, binding legal obligations and oversight bodies.⁹⁶

As the MDGs are coming to an end, it is crucial more than ever to recognize this crime in a post-2015 development agenda and the Sustainable Development Goals (SDGs).

Although the nature of the new SDGs is not fully defined yet, it is clear that human trafficking poses a great obstacle for sustainable development and an equitable future. In particular, it plays a part in the following focus areas:

Focus Area 1: Poverty Eradication

Individuals living in poverty are more likely to be more vulnerable to exploitation due to lack of access to education, legal protection, and awareness of trafficking. They are also more likely to be preyed upon by traffickers from their desires to seek better economic and social opportunities.

Focus Area 3: Health and Population Dynamics

For all stages of trafficking, the health of the victims is at great risk. Victims suffer physically and mentally, from living in poor conditions to being subjected to physical, sexual and psychological violence.

Focus Area 19: Peaceful and Non-violent Societies, Rule of Law and Capable Institutions

Human rights violation is both a cause and consequence of human trafficking. Rule of law is vital to ensure protection of the victims' human rights and access to justice. Local and national authorities play a key role in strengthening local capacities in improving human trafficking prevention, victim protection and prosecution of traffickers.

The inclusion of human trafficking in any future development framework and national development plan and policies is crucial to develop a holistic approach in tackling such a multi-faceted problem. It is not possible to create a fully inclusive, open and transparent development framework without addressing trafficking issues and its relations with migration, poverty, employment, health, rule of law and institutions, among many.



UN Photo/Logan Abassi

5.3 Conclusion and Recommendations

Human trafficking is one of the most extreme forms of exploitation in the modern world that deny women, men and children of their basic rights each day. Although prevalent in all countries, it remains as one of the most difficult crimes to prosecute due to widely common misconceptions regarding its definition. With high profitability, high demands for forced labor and low risk for detection, human trafficking continues to thrive as a global threat both internally and internationally. Despite the growing concerns expressed by the global community, human trafficking is still considered as low priority within the criminal justice system of many countries.⁹⁷

The fight against such a multi-faceted crime is a complex policy arena and law enforcement initiatives cannot solve this issue alone. They must be embedded in a wider migration and development policy framework, notably the upcoming Post-2015 Development Agenda. Its ties to “push and pull” factors of migration, poverty, and education among many factors require the combined efforts of various actors with different expertise but overlapping approaches.

Local and national authorities are recognized as the key actors in this fight against human trafficking through the adoption of the 3P paradigm. However, in order to effectively facilitate prevention of trafficking, protection of victims and prosecution of traffickers, they must also collaborate constantly with other non-state actors including international organizations and non-governmental organizations to develop joint initiatives and counter-trafficking efforts. National strategies, for example, should take account of local initiatives as they play a key role in meeting the needs of victims.

96. Chibba, Michael . “Human Trafficking and Migration: Concepts, Linkages and New Frontiers.” *Global Policy* (2013): 1-10. Print.

97. Friesendorf, C. (2009). *Strategies Against Human Trafficking: The Role of the Security Sector*. Study Group Information, 1-514.

The complex nature of human trafficking and the need for actions from relevant actors at different levels can often result in opposing views on how to approach this crime. From a penal viewpoint, human trafficking can be treated with a criminal approach with a focus on prosecution, investigation and the cooperation between the police and judicial system. From a migration approach, the focus may shift instead to stricter border and document controls to reduce flows of migrants. However, as trafficking of persons extends beyond a criminal act to a severe violation of human rights, it is crucial for all actors, at both the local and international level, to adopt a victim-centered approach with respect to the human rights and dignity of the victims at all stages of the 3P paradigm.

Local procedures should serve as a foundation for local anti-trafficking measures such as those already established to help children at risk or prevent violence against women. As depicted in Chapter 4, local governments have made tremendous steps in meeting the needs of victims from providing shelters, education and vocational trainings to conducting regular check-ups to relevant health or children centers. However, there are still more steps to be taken to combat human trafficking.

As local governments play a central role particularly in delivering victim support and assistance to their community, they must ensure that the rights of the victims are the priority of all anti-trafficking measures.

Recommendations for Local Governments

Prevention


- > Ensure coherence among public policies related to human trafficking in areas such as migration, health, crime prevention, education, employment, security, gender equality and non-discrimination.
- > Ensure that there is consistency when using the definition of “human trafficking” and ensure it corresponds with the international standards
- > Conduct need assessments and impact evaluations of prevention strategies and programs
- > Strengthen education or create employment programs in vulnerable communities
- > Provide adequate training to local actors such as police officers and labor inspectors to help identify current and potential victims in the community
- > Develop a multidisciplinary team approach by combining expertise of individuals in different disciplines from social workers to experts from labor, health, justice and education to tackle human trafficking

Protection

- > Recognize that the rights and needs of the trafficked victims must be at the center of any counter-trafficking efforts
- > Develop or strengthen the identification process through identification guidelines, procedures or other techniques
- > Create an environment that fosters the protection and support of victims of trafficking such as:
 - providing support for immediate needs (food, shelter) to psychological help
 - creating a temporary or permanent visa allowing victims from other countries to remain legally in the country of destination
 - providing language interpretation services if the victim does not understand the local language
- > Provide victims with access to the judicial system and help to return to their home country and guarantee the due process of law
- > Provide temporary work permits to victims in order to help reintroduce them gradually into the community
- > Implement awareness campaigns on self-protection and migration rights in the local community
- > Provide adequate training to local actors to support victims with different cultural needs

Prosecution

- > Ensure the establishment of relevant institutions such as specialized police units and judicial structures
- > Treat victims with respect to their human rights and dignity to prevent secondary traumatization of victim



Christian Aid Photo/Ami Vitale

In addition to recommendations for local governments, cooperation and coordination should also be improved particularly in five areas:

1. The national level: where government agencies in the intelligence and law enforcement in the communities often fail to share information, inform each other about their operations, or coordinate their efforts together
2. Among multiple governments: this is crucial as all countries are affected by human trafficking in some way or another, either acting as a source, transit or destination place
3. Among international organizations and agencies with responsibilities to combat one or more forms of human trafficking or for mitigating the consequences of trafficking
4. Among governments, international organizations and relevant NGOs
5. Among governments and private sectors
6. The Bali Process serves as a commendable example of a regional approach to combatting human trafficking. However, other countries from regions outside of Asia-Pacific should consider joining in order to transform this cooperative process from a regional to an international level.

References

- "About the Bali Process." The Bali Process. N.p., n.d. Web. 2 July 2014. <<http://www.baliprocess.net/about-the-bali-process>>.
- American Bar Association, Human Trafficking Assessment Tool Report for Nepal (2011), 07 July 2014, available at: http://www.americanbar.org/content/dam/aba/directories/roli/nepal/nepal_human_trafficking_assessment_report_2011.authcheckdam.pdf
- Anti-human trafficking manual for criminal justice practitioners (2009). New York: United Nations Office on Drugs and Crime
- Background on Human Trafficking. (n.d.). UNIAP. Retrieved July 5, 2014, from http://www.no-trafficking.org/resources_background_response.html
- B. Bulgamaa, Study Finds Mongolia Slow to Tackle Trafficking of Women, UB POST, Jan. 22, 2009, available at: http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=2578&Itemid=36.
- Beeks, Karen, and Delila Amir. Trafficking and the global sex industry. Lanham, MD: Lexington Books, 2006. Print.
- Chibba, Michael . "Human Trafficking and Migration: Concepts, Linkages and New Frontiers." Global Policy (2013): 1-10. Print.
- Cho, Seo-Young (2012) : Human trafficking: Germany only average when it comes to protecting victims, DIW Economic Bulletin, ISSN 2192-7219, Vol. 2, Iss. 11, pp. 3-9
- Dempsey, M. M., Hoyle, C., & Bosworth, M. (2012). Defining Sex Trafficking in International and Domestic Law: Mind the Gaps. Emory International Law Review, 26, 137 -162.
- Distinctions Between Human Smuggling and Human Trafficking 2006. (2006, January 1). U.S. Department of State. Retrieved June 17, 2014, from <http://www.state.gov/m/ds/hstcenter/9043.htm>
- Four Ps: Partnerships. (n.d.). U.S. Department of State. Retrieved July 5, 2014, from <http://www.state.gov/j/tip/4p/partner/index.htm>
- Friesendorf, C. (2009). Strategies Against Human Trafficking: The Role of the Security Sector. Study Group Information, 1-514.
- Global Report on Trafficking in Persons. (2012). Vienna: United Nations Office on Drugs and Crime.
- Handbook on Performance Indicators for Counter-Trafficking Projects. (2008). Washington DC: International Organization for Migration.
- Lee, M. (2007). Human trafficking. Cullompton, Devon, U.K.: Willan.
- Liu, Yanchuan (2010) "The Commodification of Human Life: Human Trafficking in the Age of Globalization," Macalester International: Vol. 25, Article 11.

References

- Magliveras K. (2013, September). The “Trafficking Chain” in International Criminal Offence of Trafficking in Human Beings. Paper presented at the 7th General Conference of the European Consortium of Political Research, Bordeaux, France.
- National Referral Mechanism (NRM). (n.d.). London Borough of Hillingdon. Retrieved July 4, 2014, from <http://www.hillingdon.gov.uk/article/18994/National-Referral-Mechanism-NRM>
- Roisin, Stallard. “Child Trafficking in Nepal: Causes and Consequences.” Child Reach International (2013): 1-35.
- Schendel, W. v., Lyons, L., & Ford, M. (2012). Labour migration and human trafficking in Southeast Asia: critical Perspectives. Milton Park, Abingdon, Oxon: Routledge.
- Swiss Agency for Development and Cooperation (SDC), Annual Report on the Programme to Combat Human Trafficking in Mongolia (2008), available at: http://www.deza.admin.ch/ressources/resource_en_163104.pdf.
- Thailand Human Trafficking Datasheet. Strategic Information Response Network. Web. 1 Nov. 2014. <http://www.brandeis.edu/investigate/slavery/docs/Thailand-UNIAP-datasheet_2010.pdf>.
- The Human Trafficking Situation in Thailand. UNIAP. 1 Jan. 2008. Web. 3 Nov. 2014. <<http://www.no-trafficking.org/thailand.html>>.
- The 3Ps: Prevention, Protection, Prosecution. (2011). Washington DC: Office to Monitor and Combat Trafficking in Persons
- The Projection Project, A Human Rights Report on Trafficking in Persons, Especially Women and Children - Mongolia (2010), available at: <http://www.protectionproject.org/wp-content/uploads/2010/09/Mongolia.pdf>
- To Implement the Trafficking in Persons Protocol. (2009). New York: United Nations Office on Drugs and Crime
- Toolkit to Combat Trafficking in Persons. (2008). New York: United Nations Office on Drugs and Crime.
- Trafficking in Human Beings: Identification of Potential and Presumed Victims. (2011). Vienna: Organization for Security and Co-operation in Europe.
- Trafficking in Human Misery. (n.d.). UNFPA. Retrieved June 18, 2014, from <http://www.unfpa.org/gender/violence1.htm>
- U.S. Department of State (2005) Facts about Human Trafficking. Washington D.C.: Author
- United States Department of State, 2013 Trafficking in Persons Report , 23 June 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>
- What Is Trafficking in Persons?. (n.d.). U.S. Department of State. Retrieved June 24, 2014, from <http://www.state.gov/j/tip/rls/tiprpt/2011/1>

Image Attribution

“Strangers in the Night” by Tinou Bao
<http://www.flickr.com/photos/tinou/94849104>
Attribution (CC by 2.0)

“Silence” by Huw
<https://www.flickr.com/photos/littlehuw/6866100392>
Attribution (CC by 2.0)

“Népal Katmandou” by Jeanne Menj
<http://www.flickr.com/photos/jmenj/9268265763>
Attribution (CC by 2.0)

“Nepal - Enfants de Katmandou” by Jeanne Menj
<http://www.flickr.com/photos/jmenj/9297634721>
Attribution (CC by 2.0)

“Popular with locals and tourists alike” by Dom Pates
<http://www.flickr.com/photos/globalismpictures/1925806040>
Attribution (CC by 2.0)

“Finish Line, Ulaanbaatar” by Michael Eisenriegler
<https://www.flickr.com/photos/mikeemesser/6239095182>
Attribution (CC by 2.0)

“Sale is Over project” by Nata
https://www.flickr.com/photos/natasha_letto/5867270401
Attribution (CC by 2.0)

“Ulaanbaatar “ by Gabriele Battaglia
<https://www.flickr.com/photos/40713859@N00/3669021400>
Attribution (CC by 2.0)

“Segway cop in Ulaanbaatar” by joepyrek
<https://www.flickr.com/photos/joepyrek/3883320164>
Attribution (CC by 2.0)

“Ulan-Bator Panorama” by François Philipp
<http://www.flickr.com/photos/frans16611/6253265983>
Attribution (CC by 2.0)

“Arrival at Ulaanbaatar” by Michael Eisenriegler
<https://www.flickr.com/photos/mikeemesser/6238609199>
Attribution (CC by 2.0)

“Pattaya at Dusk” by Marshall Astor
<http://www.flickr.com/photos/lifeontheedge/3113615470>
Attribution (CC by 2.0)

“Patpong Market by night” by eric molina
<https://www.flickr.com/photos/iamagenious/367822045>
Attribution (CC by 2.0)

“Train Station, Kanchanaburi, Thailand” by yeowatzup
<http://www.flickr.com/photos/yeowatzup/355615002/>
Attribution (CC by 2.0)



UNITAR

The United Nations Institute for Training and Research (UNITAR) is a training arm of the United Nations System, serving some 25,000 beneficiaries annually by conducting more than 400 capacity development and research activities around the world.

The Mission of UNITAR is to develop capacities of individuals, organizations and institutions to enhance global decision-making and to support country-level action for shaping a better future.

UNITAR works in the thematic areas of multilateralism; economic development and social inclusion; environmental sustainability and green development; sustainable peace; and resilience and humanitarian assistance.



CIFAL Jeju

CIFAL Jeju (South Korea) was established in 2010, to build regional and local governments capacities for green growth and human security through an annual series of specialised workshops. It is based in South Korea's southern most territory, Jeju Special Self-Governing Province, which has been designated as the "Island of World Peace" by the Korean government in 2005.

CIFAL Jeju shares South Korea's expertise in green growth and human security, and contributes to the exchange of knowledge and good practices and to strengthen City-to-City Cooperation (C2C) in the Asia-Pacific region.

