

GUIDANCE

Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic



This guidance is part of ODIHR's ongoing efforts to respond to human rights challenges caused by the COVID-19 pandemic throughout the OSCE. It is a joint publication with UN Women and seeks to provide strategic guidance to address the consequences of the pandemic on trafficking in human beings.



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The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), advised by a group of experts and based on the survey findings presented here, have developed policy recommendations to governments to ensure the implementation of the human rights, gender sensitive, trauma informed and victim-centered approach to combatting trafficking in human beings as outlined in ODIHR's *National Referral Mechanism Handbook* through the COVID-19 pandemic. The panel of experts is composed of:

- Kevin Hyland, Former first United Kingdom Anti-Slavery Commissioner and Member of Council of Europe GRETA;
- Dalia Leinarte, Chair of CEDAW Committee for General Recommendations Trafficking of Women and Girls in the Context of Global Migration;
- Congressman Christopher H. Smith, OSCE PA Special Representative on Human Trafficking Issues;
- Ambassador Per-Anders Sunesson, Swedish Ambassador at Large for Combating Trafficking in Persons; and
- Shandra Woworuntu, Founder & Vice President of Mentari and survivor leader.

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EXECUTIVE SUMMARY

“Human trafficking is always invisible. During a pandemic, it is easier to have cases going on that nobody reports.”
Frontline Stakeholder from Portugal

The COVID-19 pandemic created new risks and challenges to victims of trafficking (VoTs) and survivors of trafficking, as well as having exacerbated the vulnerabilities of at-risk groups to trafficking. To analyze emerging trafficking in human beings (THB) trends and dynamics and to develop a response based on empirical data to address the impact of the COVID-19 pandemic, ODIHR and UN Women conducted a global survey of (1) survivors of trafficking and (2) frontline stakeholders. Based on the survey findings and empirical data collected, a set of policy recommendations were developed.

The survey findings indicate that through the COVID-19 pandemic and afterwards, exacerbation of vulnerability of women and girls to THB for the purposes of sexual exploitation will increase. Online recruitment, grooming and exploitation have been widely used by traffickers during the pandemic. There are also indications that trafficking for the purpose of sexual exploitation online, including the demand for Child Sexual Abuse Material (CSAM) has increased.¹ The majority of anti-trafficking stakeholders and survivors of trafficking reported decreased accessibility of assistance and services for VoTs and survivors of trafficking.

Frontline organizations experienced significant challenges in their activities during the pandemic due to additional barriers in co-ordination and co-operation with

governmental institutions and law enforcement agencies; lack of financial resources; difficulties in reaching vulnerable groups; and suspension or postponement of planned prevention and awareness raising activities. The combination of these factors on the work of frontline anti-trafficking stakeholders negatively impacts prevention, prosecution, and protection efforts to combat trafficking in human beings (CTHB).

Based on the survey findings and research, ODIHR and UN Women have developed policy recommendations to address the trends and consequences of the pandemic on CTHB covering the following areas: 1) strengthen the implementation of international legal frameworks; 2) develop effective implementation of National Referral Mechanism (NRMs) or equivalent systems to address the current THB trends and consequences of the COVID-19 pandemic; 3) develop and/or update of National Strategies and National Action Plans (NAPs) to CTHB to address the THB trends and consequences of the COVID-19 pandemic; 4) strengthen identification of VoTs to address the trends and consequences of the COVID-19 pandemic; 5) make services to VoTs and survivors of trafficking more accessible during and post pandemic; 6) provide access to remedies including justice and information; 7) address specific needs of women and girls; 8) address specific needs of children; 9) support and build capacity for both governmental and non-governmental frontline stakeholders; 10) strengthen efforts at THB prevention related to the pandemic; and 11) implement measures to reduce THB after the pandemic.

¹ While not all forms of CSAM fall within the Palermo Protocol definition, this report only focuses on those that are within the Palermo Protocol definition or interlinked with trafficking for purposes of sexual exploitation.

I. INTRODUCTION

“There is a person being exploited. Someone who did not want to be used, bought or sold. Someone who just needed food, rent, someone who just didn’t have anyone else to turn to or another choice. Until we see that person as our friend, neighbor, sister, daughter, etc., it will never stop.” Female survivor from the United States.²

The results of the ODIHR and UN Women global surveys of survivors of trafficking and frontline organizations and stakeholders of THB trends and dynamics through the COVID-19 pandemic have informed the findings and conclusions of the report and its recommendations.

Countries have made significant strides towards addressing the issue of THB through the “4Ps” framework of prevention, prosecution, protection and partnerships, the development of strong national anti-trafficking legislation, policy and National Referral Mechanisms (NRMs), and regional co-operation efforts to combat THB. In addition, countries have recognized the importance of international instruments, in particular the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) (2000) which includes the first internationally agreed

definition of the crime of trafficking in persons and provides a framework to effectively prevent and combat THB. Other international and regional instruments,³ as well as the global commitment for the 2030 Agenda for Sustainable Development through the Sustainable Development Goals 5, 8 and 16, have inspired and impacted the work of many governments globally.

Unfortunately, despite these efforts, this crime persists. Emergency situations, including pandemics, create heightened vulnerability to THB and impact the ability of countries to effectively respond to this crime and protect victims and survivors.

It is estimated that more than 40 million people around the world were victims of forced labour, debt bondage, forced marriage, slavery and slavery-like practices, and trafficking in 2016.⁴ Between 2017 and 2018, a total of 74,514 victims of trafficking were detected in over 110 countries.⁵ The US department of States reports 105,787⁶ VoTs were identified worldwide in 2019. THB disproportionately affects women and girls; 72 per cent of all victims detected worldwide are female. Moreover, sexual exploitation is the predominant form of trafficking,

2 All quotes from survivors and frontline organizations are from the responses to the ODIHR and UN Women surveys. The reports of the surveys can be found in the annex of this report.

3 Key international instruments include: The UN Convention on the Elimination of All Forms of Discrimination against Women (1979), the UN Convention on the Rights of the Child (CRC) (1989) and its optional protocols, the Worst Forms of Child Labour Convention No. 182 (1999), the Global Compact for Safe, Orderly and Regular Migration (2018), and the CEDAW Draft general recommendation on trafficking of women and girls in the context of global migration (2020). Key regional instruments include: American Convention on Human Rights (1969), European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Brussels Declaration on Preventing and Combating Trafficking in Human Beings (2002), Council of Europe Convention on Action against Trafficking in Human Beings (2005), Treaty on European Union, Title VI, Provisions on police and judicial co-operation in criminal matters (2006), the Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, The African Charter on the Rights and Welfare of the Child (1999), Economic Community of West African States Declaration on the Fight against Trafficking in Persons (2001), Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003), Arab Charter on Human Rights (2004), Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa (2005), Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa (2006), Bangkok Declaration on Irregular/Undocumented Migration (1999), SAARC Convention on Regional Arrangements on the Promotion of Child Welfare in South Asia (2002), Association of Southeast Asian Nations Declaration against Trafficking in Persons particularly Women and Children (2004), Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Subregion (2004), South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2007), and, Nasonini Declaration on Regional Security (2002).

4 International Labor Organization (ILO) & Walk Free Foundation (2017), [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](#)., and Global Report on Trafficking in Persons 2020.

5 Forthcoming: United Nations Office on Drugs and Crime (UNODC).

6 US Department of State (2020), [Trafficking in Persons Report 20th Edition](#), p. 43.

with women and girls representing 94 per cent of total detected victims.⁷ Women and children in situations of armed conflict and individuals forcibly displaced by armed conflict can be especially vulnerable to trafficking for the purpose of sexual exploitation. The nexus between THB, sexual violence and terrorism and other organized criminal activities has also been recognized.⁸ At the same time, rates of prosecutions and convictions are extremely low,⁹ indicating that traffickers are able to avoid justice and detection by evolving and adapting. Lack of effective response efforts further compounds the issue. THB is considered a low risk, high profit crime. For instance, trafficking for the purposes of sexual exploitation constitutes approximately three-fifths of all detected trafficking cases¹⁰ but generates two-thirds of the global profits from trafficking.¹¹

The impacts, consequences and harms of THB are detrimental to survivors and the severity of its impacts are aggravated by gender, age and other specific characteristics of victims. The effective recovery processes of survivors depend on their ability to receive the long-term support that fits their specific needs.

Emerging THB trends and consequences of the COVID-19 pandemic are marked by gender-specific vulnerabilities and are further exacerbated by already existing gender inequalities. Prior to the COVID-19 pandemic, women and girls, especially those from marginalized communities, constituted the majority of detected victims of THB and it is likely that this trend will continue

during and in the aftermath.¹² Trafficking in women and girls does not happen in isolation. It happens in a continuum of violence. Poverty and the inability to gain access to decent work may push women to seek risky economic opportunities where they are at risk of coercion, abuse and trafficking. Efforts to flee situations of violence and abuse also prompt women and girls to take risks that may lead to them being trafficked.¹³ The links between domestic violence and THB have also been documented.¹⁴ The exponential increase in reports of domestic violence during the COVID-19 can continue to be a push factor. The pandemic has particularly affected the vulnerability of children to THB,¹⁵ especially online. Law enforcement agencies in Europe have reported increased online grooming and exploitation of children through the Internet, as well as an exponential growth of child sexual exploitation material shared online.¹⁶

THB for the purposes of sexual exploitation is highly gendered. Women and girls constitute 94 per cent of all detected victims of THB for the purpose of sexual exploitation.¹⁷ The Palermo Protocol in defining THB states that “[e]xploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation,” while the Convention on the Elimination of Discrimination against Women (CEDAW) calls on states parties to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”¹⁸ According to CEDAW Art. 6, states parties have the legal obligation to suppress all forms of trafficking

7 UNODC (2019), [Global Report on Trafficking in Persons 2018](#).

8 UNSC Counter-Terrorism Committee Executive Directorate (n.d.), [Identifying and Exploring the Nexus between Human Trafficking, Terrorism, and Terrorism Financing](#).

9 *Ibid.*

10 UNODC (2019), [Global Report on Trafficking in Persons 2018](#).

11 ILO, [‘ILO says forced labour generates annual profits of US\\$ 150 billion’](#), 20 May 2014.

12 Wagner L. & Hoang T. (2020), [Aggravating circumstances: How coronavirus impacts human trafficking](#), p. 4.

13 UN General Assembly (2018), [Trafficking in women and girls: Report of the Secretary-General](#), 27 July 2018, A/73/263, para. 19.

14 NNEDV (2017), [The Intersections of Domestic Violence and Human Trafficking](#).

15 United Nations Sustainable Development Group (2020), [Policy Brief: The Impact of COVID-19 on children](#).

16 Europol (2020), [Exploiting Isolation: Offenders and victims of online child sexual abuse during the COVID-19 pandemic](#), 19 June 2020.

17 UNODC (2019), [Global Report on Trafficking in Persons 2018](#).

18 Moreover, these links have also been affirmed in regional policies, such as the [Council of Europe’s Parliamentary Assembly Resolution 1983 on Prostitution, trafficking and modern slavery in Europe \(2014\)](#) that ‘trafficking in human beings and prostitution are closely linked’ and the [European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality](#) notes that ‘there are several links between prostitution and trafficking, and recognizes that prostitution – both globally and across Europe – feeds the trafficking of vulnerable women and under-age females’.

in women and girls, and in response, anti-trafficking legal frameworks and policies should exist at the national, regional and international levels. In the CEDAW Committee's view, the crime of trafficking operates due to three principle factors. First, states have not effectively addressed the root causes of women and girls being trafficked. It is precisely the situation of social, economic and political disempowerment and systemic discrimination of women that is exploited by criminals. Second, states have not yet appreciated the link between human trafficking and women's experience of migration. For women migrants, their situation of vulnerability is compounded by the *de jure* and *de facto* discrimination faced when moving within and across borders. Women forcibly displaced by conflicts, humanitarian and climate change-related disasters, are placed in aggravated situations of disadvantage, rendering these groups of women with little defense against criminals. Third, perpetrators of the crime of trafficking in women and girls continue to enjoy impunity due to the lack of attention given to combatting existing and emerging forms of exploitation for which women and girls are trafficked. The CEDAW Committee calls for states to address the demand side for trafficking, thereby rooting out exploitative practices faced by women and girls.¹⁹

The outbreak of the COVID-19 pandemic has led to the exacerbation of vulnerabilities to THB,²⁰ further exhibiting that violence against women and girls, including trafficking, sits within a continuum of manifestations of violence based on gendered norms, assumptions and stereotypes around male domination, sexual entitlement, coercion and control.²¹ Furthermore, demand

must be understood expansively in order to effectively address trafficking for the purpose of sexual exploitation, as any act that fosters any form of exploitation can lead to trafficking.²²

"As we have continued our work during the COVID-19 pandemic, traffickers have continued as well. Traffickers did not shut down. They continue to harm people, finding ways to innovate and even capitalize on the chaos. The ratio between risk and reward is expanding in their favor. And so, we press on all the more. As the vulnerable become more vulnerable, we remain resolved in our pursuit of freedom for every victim of human trafficking and accountability for every trafficker." John Cotton Richmond serves as the United States Ambassador-at-Large to Monitor and Combat Trafficking in Persons²³

The Ebola pandemic demonstrated that multiple forms of violence are exacerbated within crisis contexts, including THB, child marriage, and sexual exploitation and abuse.²⁴ The COVID-19 pandemic follows the same trends by increasing vulnerability of at-risk groups to THB and impacting the ability of countries to address the crime of THB.²⁵ The COVID-19 pandemic poses significant concerns for the effective response to THB, from identification of VoTs, survivor's access to assistance and services, protections, redress, reintegration/social inclusion and overall prevention efforts. Although many governments have prioritized resources for COVID-19 related measures, it is essential that NRMs and equivalent systems continue to function effectively. In line with governments' commitment to a victim-centered, human rights-based, trauma-informed and gender and

19 Committee on the Elimination of Discrimination against Women (2020), [DRAFT General recommendation on Trafficking in Women and Girls in the Context of Global Migration](#).

20 OHCHR (2020), [COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons](#).

21 UN General Assembly (2018), [Trafficking in women and girls: Report of the Secretary-General](#), 27 July 2018, A/73/263, para. 19.

22 UN Human Rights Council (2009), [Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development: Report submitted by the Special Rapporteur on trafficking in persons, especially women and children](#), Joy Ngozi Ezeilo, 20 February 2009, A/HRC/10/16, paras. 51-51.

23 US Department of State (2020), [Trafficking in Persons Report 20th Edition](#).

24 UN General Assembly (2016), [Protecting Humanity from Future Health Crises: Report of the High Level Panel on the Global Response to Health Crises](#), 9 February 2016, A/70/723.; See also UNICEF Helpdesk (2018), *GBV in Emergencies: Emergency Responses to Public Health Outbreaks*, p. 2.

25 The UN Special Rapporteur on Trafficking in Persons, emphasized that while the full impact of the pandemic on trafficking in human beings is not yet fully possible to assess, "it is sure that its socio-economic consequences are already making precarious and marginalized people more vulnerable to trafficking and exploitation." See OHCHR (2020), [COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons](#).

age-sensitive approach, it is of vital importance that victims and survivors of THB are provided with access to all human rights protections guaranteed to them by national and international obligations.

In response to the COVID-19 pandemic, United Nations Secretary General Antonio Guterres has launched “a Call to Action to put human dignity and the promise of the Universal Declaration of Human Rights at the core of our work.”²⁶ He has also called for a “cease-fire at home.”²⁷ Furthermore, with regard to emergency situations, the United Nations General Assembly called upon governments and the international community “... to address the heightened vulnerability of women and girls to trafficking and exploitation, and associated gender-based violence.”²⁸

“... Survivors are suffering – mental health is suffering – we are having flashbacks of being trapped, of nearly dying, suffocating, of not having food, etc. We need to know that we won’t lose our homes, will have food and will not have to choose between life and income. Do I really have to die? Do I have to feel like I’m being suffocated every time I go out or have to stay in a tiny apartment?” Female survivor from the U.S.

According to the World Bank, approximately 40 to 60 million people will be pushed into extreme poverty due to the pandemic.²⁹ Furthermore, a preliminary assessment by several UN agencies indicated that the COVID-19 pandemic could contribute between 83 and 132 million people to the total number of undernourished

globally in 2020.³⁰ People working in the informal economy are even more at-risk, which may result in different forms of exploitation.³¹ The pandemic has decreased the transfer of remittances by 20 per cent, further exacerbating the vulnerabilities of at-risk groups dependent on these funds for survival.³² Moreover, it has had a detrimental impact on the access to employment and rights of migrant workers, especially young women.³³ As many countries have partially or fully closed their borders, these travel restrictions may also lead many migrants or asylum-seekers to look for alternative, more dangerous migration routes, making them vulnerable to THB in transit and destination countries.³⁴

“[Victims are] being forced to interact with others who may be infected, as traffickers find new ways to exploit victims.” Female survivor from the United Kingdom

According to survey respondents, the emergency measures during the COVID-19 pandemic in many countries presented a number of increased risks for VoTs, including intensification of control, violence and isolation by their exploiters and less access to assistance including medical services, employment opportunities, access to psychological services and legal assistance. During lockdown, anti-trafficking organizations said that more women came forward seeking help in leaving their traffickers.³⁵ There are concerns that VoTs will not seek medical assistance for COVID-19 due to fear of administrative detention deriving from their irregular migration status. VoTs in immigration detention or other detention settings may not be identified due to lack of access for

26 Guterres, A., ‘[We are all in this Together: Human Rights and COVID-19 Response and Recovery](#)’, 23 April 2020.

27 UN News, ‘[UN chief calls for domestic violence ‘ceasefire’ amid ‘horrifying global surge’](#)’, 6 April 2020.

28 UN General Assembly (2000). [Trafficking in women and girls: resolution, 20 January 2000](#). A/RES/62/156, paragraph 4; and

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