

Regional Action Guidelines for **A COORDINATED RESPONSE TO TRAFFICKING IN PERSONS**

FROM THE SECURITY AND JUSTICE SECTOR



2

Investigation and Prosecution of Trafficking in Persons



United Nations
Office on Drugs and Crime



2

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Summary

Trafficking in persons is a crime and a grave violation of human rights that affects millions of children, women, and men worldwide. This complex and multi-causal phenomenon exploits individuals' vulnerabilities and frequently arises in contexts marked by the presence of other criminal activities, illegal economies, and corruption. The Inter-American Development Bank (IDB) and the United Nations Office on Drugs and Crime (UNODC) developed the Regional Action Guidelines for a Coordinated Response to Trafficking in Persons from the Security and Justice Sector, comprising five documents. This guide on prevention is structured into five sections. It begins by addressing the conceptual aspects of the different forms of prevention, followed by an outline of the principal approaches and the main challenges in this field, and subsequently presents guidance and promising practices implemented in various countries. Lastly, it presents a checklist highlighting the key aspects to be considered in the strengthening of prevention strategies.

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Presentation

Trafficking in persons is a criminal offence and a serious violation of human rights that impacts millions of children, women, and men across the globe. This complex and multi-causal phenomenon exploits individuals' vulnerabilities and frequently arises in contexts marked by the presence of other criminal activities, illegal economies, and corruption.

Combating trafficking in persons presents numerous challenges across its key areas of intervention: prevention, assistance and protection of victims, investigation and prosecution of cases, as well as inter-agency cooperation at the national and international levels. Preventing this crime is particularly challenging due, among other factors, to the lack of social awareness that perpetuates culturally permissive structures, which allow exploitation to be normalised and prevent many victims from identifying themselves as such. It is also a particularly complex crime for the criminal justice system to investigate, as it requires in-depth understanding of the contexts in which it occurs, continuous professional training to ensure up-to-date expertise, and sustained coordination efforts at the local, national, and international levels. Assistance and protection for survivors demands an interdisciplinary and comprehensive approach that recognises the trauma caused by the crime and effectively addresses psychological, physical, emotional, and reintegration needs. Lastly, challenges in cooperation and information exchange between institutions and countries hinder coordinated action against trafficking in persons, leading to a fragmented and less effective response to this global crime.

Since 2020, the Inter-American Development Bank (IDB) has incorporated the crime of trafficking in persons into its citizen security and justice agenda. Given the multi-causal nature of this crime and its diverse manifestations, this agenda has been developed in close collaboration with several areas, including Labor Markets, Gender and Diversity, Migration, Institutional Capacity, and IDB Invest.

The IDB's new institutional strategy, Transforming for Scale and Impact (IDBStrategy+), acknowledges that persistently high levels of crime and violence represent a major barrier to achieving its core objectives: bolstering sustainable growth, reducing poverty and inequality, and addressing climate change.

Within its operational focus area on institutional capacity, rule of law, and citizen security, the strategy places emphasis on strengthening institutional capacities to detect, prevent, address, and prosecute complex crimes, including trafficking in persons. The operational focus area on gender equality and inclusion of diverse population groups aims to ensure the meaningful inclusion of diverse groups, particularly those most vulnerable to crimes such as trafficking in persons, including women, children, adolescents, and LGBTQ+ individuals.

Addressing trafficking in persons in a coordinated manner is also among the objectives of the Alliance for Security, Justice and Development, which is aimed at developing regional, subregional, and national actions and policies to provide coordinated and effective responses to organised crime in Latin America and the Caribbean (LAC). To support this objective, the Alliance focuses its efforts on three strategic axes: (i) protecting the most vulnerable populations and communities; (ii) strengthening security and justice institutions; and (iii) disrupting financial flows and curbing illicit markets.

Collaboration and synergies between the Inter-American Development Bank (IDB) and the United Nations Office on Drugs and Crime (UNODC), recognised globally as the leading entity within the United Nations system in combating trafficking in persons, have contributed significantly to advancing the regional agenda on trafficking in persons. These Regional Action Guidelines were developed for the benefit of LAC countries through the project entitled Model for Strengthening the Institutional Capacities of the Security and Justice Sector to Respond to Human Trafficking in Latin America and the Caribbean with a Gender Perspective and a Digital Approach, funded by the IDB's Regional Public Goods (RPG) Initiative.

The objective of these guidelines is to provide information on how to deliver a more coordinated and effective response to trafficking in persons within the remit of the security and justice sectors, across the fields of prevention, protection, investigation, prosecution, and transnational cooperation. These guidelines identify the common challenges faced by countries in the region in addressing this crime and provide information on how to tackle it by incorporating key approaches, including a gender perspective and consideration of the digital sphere. In addition, these documents provide specific guidance for each axis of action, supported by promising practices that may be replicated throughout the region to strengthen the work of police, prosecutors, and judges.

This guide introduces the concepts of investigation and prosecution and sets out the general principles that underpin these processes (universality of human rights, proactive investigation, confidentiality, speciality, comprehensive protection, mutual legal assistance in criminal matters, coordination and expediency) along with the applicable international instruments. The

guide emphasises and explains the mainstreaming of gender and digital approaches into the investigation and prosecution process, encompassing all stages from team formation and the design of investigative strategies to the implementation of reparation measures. The guide outlines some of the most pressing challenges related to investigation and prosecution, including limitations in evidence collection, proactive victim identification, the quantification of damages, engagement with victims and crimes during criminal proceedings, and the application of the principle of non-criminalisation of victims, among others. Furthermore, the guide provides recommendations and showcases promising practices, including standards for protecting the rights of victims and defendants throughout criminal proceedings, guidance on procedural representation, and a description of the duties of key actors involved, such as police officers, prosecutors, and judges. It also sets out guidelines for intra-national and cross-sectoral coordination in investigation and prosecution processes, with particular emphasis on inter-agency cooperation and the involvement of civil society, academia, the media, and the private sector.

Series Structure

The Regional Action Guidelines consist of five guides, which are summarised below.

INTRODUCTORY GUIDE



It provides an overview of the contents addressed throughout the series. To this end, it presents key concepts related to the crime of trafficking in persons, offers a global and regional contextual analysis, examines its various modalities and purposes, and dispels common myths by contrasting them with documented realities. It further outlines comprehensive approaches for addressing trafficking in persons, which are applied consistently across the guidelines. This serves as a conceptual foundation for adopting a comprehensive approach to addressing the crime.

GUIDE 1: Prevention of Trafficking in Persons



This first guide introduces the concept of prevention, outlines the types of prevention (primary, secondary, and tertiary), and presents international instruments related to the prevention of this crime. It also explains how key approaches, particularly the gender and digital approaches, are applied to prevention efforts. This guide also addresses several challenges related to the prevention of trafficking in persons, including difficulties in victim identification, the absence of unified data systems, and emerging challenges related to the use of artificial intelligence by criminal organisations. It then provides guidelines and showcases promising practices, including an indicative framework for preventing the crime which begins with an analysis of how the crime occurs, followed by the definition of roles, and continues through to ensuring the presence of specialised personnel at all levels. The guide also includes guidelines to support compliance with national and international obligations, as well as to promote intra-national and cross-sectoral coordination aimed at strengthening strategies for the prevention of trafficking in persons.

GUIDE 2: Investigation and Prosecution of Trafficking in Persons

This guide introduces the concepts of investigation and prosecution and sets out the general principles that underpin these processes (universality of human rights, proactive investigation, confidentiality, speciality, comprehensive protection, mutual legal assistance in criminal matters, coordination and expediency) along with the applicable international instruments. The guide emphasises and explains the mainstreaming of gender and digital approaches into the investigation and prosecution process, encompassing all stages from team formation and the design of investigative strategies to the implementation of reparation measures. The guide outlines some of the most pressing challenges related to investigation and prosecution, including limitations in evidence collection, proactive victim identification, the quantification of damages, engagement with victims and crimes during criminal proceedings, and the application of the principle of non-criminalisation of victims, among others. Furthermore, the guide provides recommendations and showcases promising practices, including standards for protecting the rights of victims and defendants throughout criminal proceedings, guidance on procedural representation, and a description of the duties of key actors involved, such as police officers, prosecutors, and judges. It also sets out

guidelines for intra-national and cross-sectoral coordination in investigation and prosecution processes, with particular emphasis on inter-agency cooperation and the involvement of civil society, academia, the media, and the private sector.

GUIDE 3: Assistance and Protection for Survivors of Trafficking in Persons

see
GUIDE 3



This guide covers the key concepts related to assistance and protection for survivors of trafficking in persons, explaining the different types of support, including immediate assistance and ongoing or sustained assistance, and outlining the main international instruments relevant to this area. It further examines how to provide comprehensive assistance and protection by integrating key approaches, such as the gender approach and the digital approach. It also analyses the main challenges in this area, including geographic disparities in service provision, the criminalisation of survivors, the lack of specialised shelters, and the need to strengthen financial redress mechanisms. In addition, the guide presents guidelines and promising practices that include key considerations for both immediate and ongoing or sustained assistance.

Lastly, it sets out guidelines for intra-national and cross-sectoral coordination in aiding and protection to survivors of trafficking in persons, emphasising the role of civil society organisations, academia, the private sector, the media, and other key stakeholders.

GUIDE 4: International Cooperation to Combat Trafficking in Persons

see
GUIDE 4



It defines international cooperation and describes its variations based on the type of cooperating actor and the nature of support provided. It also presents the formal and informal mechanisms of international cooperation and outlines the agreements, conventions, and regional cooperation frameworks in LAC that are dedicated to combating the crime of trafficking in persons. The guide then goes on to explore how gender and digital approaches can be incorporated into international cooperation mechanisms through a wide range of actions, such as addressing the specific needs of survivors, facilitating the exchange of information, and ensuring that women and diverse populations are properly represented in data collection and analysis. This guide also examines the main

challenges faced by international cooperation to combat trafficking in persons, including the absence of agreements to facilitate coordination for expediting the investigation and prosecution of cases, as well as persistent challenges in the identification, assistance, and protection of survivors. It also presents guidelines and promising practices to enhance international cooperation to combat trafficking in persons, focusing on three key areas: prevention of the crime, investigation and prosecution of perpetrators, and assistance and protection of survivors of trafficking in persons.

Icons Used

To facilitate ease of reading, the following icons are used throughout the guides:

	PROMISING PRACTICES This icon indicates practices devised by countries, international organisations, or other actors that may serve as a point of reference for institutions.
	REFLECTION This icon encourages consideration of how the guide's content can be translated into professional practice.
	CHECKLIST This icon refers to guidelines or activities that institutions may adopt, depending on the themes addressed in each guide.

Introduction

Dear reader, this guide is composed of five sections. The first section addresses the conceptual aspects of investigating and prosecuting the crime of trafficking in persons. The second outlines how to conduct investigations using key approaches, while the third sets out the main challenges in this field. The fourth provides guidance and highlights promising practices for the investigation and prosecution of trafficking crimes in different countries. Lastly, the fifth section provides a checklist of key aspects to consider in the investigation and prosecution of trafficking in persons.



1. UNDERSTANDING INVESTIGATION AND PROSECUTION

Concept: What is Investigation and Prosecution

Investigation and prosecution encompass all actions carried out by institutions within the justice system to acknowledge, investigate, and prosecute cases of trafficking in persons, as well as to establish comprehensive mechanisms for the restoration of violated rights (Ministerio de Gobierno del Ecuador, 2019). This definition refers to the actions and legislative measures developed to promote an effective and appropriate response to the crime of trafficking, and to implement sanctioning and prosecutorial processes against traffickers with the aim of reducing the commission of the crime.

Figure 2.1 outlines a set of general principles to guide the development of procedures, ensuring that investigation and prosecution processes (UNODC, 2009) are carried out by security and justice institutions with a victim-centred approach.

FIGURE 2.1.
General Principles for the Investigation and Prosecution of Trafficking in
Persons

 <p>Universality of Human Rights</p>	<p>Implementation of a <u>Human Rights-Based Approach</u>, ensuring that survivors of crime receive care and protection tailored to their specific needs from both <u>differential</u> and <u>intersectional</u> perspectives.</p>	 <p>Proactive Investigation</p>	<p>The strategic implementation of an active and forward-looking search for information.</p>
 <p>Confidentiality</p>	<p>The confidential handling of all information related to the case, particularly about the identity, location, and protection measures of survivors, as well as other sensitive data.</p>	 <p>Specialization</p>	<p>Identification of risks for survivors and officials arising from the nature of the crime, particularly in cases involving transnational organised criminal groups.</p>
 <p>Comprehensive Protection</p>	<p>The adoption of all necessary measures to ensure the physical and psychological integrity of victims, their family members, witnesses, judges, prosecutors, defence attorneys, and forensic experts throughout the investigation and prosecution process.</p>	 <p>Mutual Legal Cooperation</p>	<p>Promotion of international cooperation agreements with counterpart institutions (police and prosecutors, among others) to obtain evidence abroad and to coordinate joint operations</p>
 <p>Coordination</p>	<p>Working collaboratively with other public and private entities engaged in combating trafficking in persons, to ensure that victims receive the support and protection they need.</p>	 <p>Promptness</p>	<p>Procedures aimed at ensuring the prompt and immediate initiation of investigations to secure testimonial evidence (interrogation), with due consideration for the safety of victims who have not yet been rescued and to facilitate the repatriation of foreign survivors, where applicable.</p>

Source: Authors' elaboration based on UNODC (2019).

International Instruments on the Investigation and Prosecution of Trafficking in Persons

With respect to the implementation of international instruments, particularly those concerning human rights, States that have signed them adhere to the principle of international law known as *pacta sunt servanda*: “Agreements must be kept,” “anyone who gives their word must honour it,” and “commitments made cannot be evaded or disregarded” (Rodríguez, 2008). This underscores the binding nature of compliance with the treaties agreed upon.

Tables 2.1 and 2.2 provide a chronological overview of the international instruments related to trafficking in persons (TIP) (UNODC, 2015), serving as a reference for their application within the domestic legal frameworks of the States that have adopted them.

TABLE 2.1.
International Instruments Related to the Investigation and Prosecution of Trafficking in Persons

YEAR	INSTRUMENT	DESCRIPTION
1921	International Convention for the Suppression of the Traffic in Women and Children (League of Nations, 1921)	Article 2. “The High Contracting Parties agree to take all measures to discover and prosecute persons who are engaged in the traffic in children of both sexes, [as well as to take the necessary steps to punish attempts to commit such offences and, within legal limits, acts that constitute evidence of such offences].”
1949	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (United Nations General Assembly, 1950)	Article 1. “The Parties to the present Convention agree to punish any person who, to gratify the passions of another: 1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; 2) exploits the prostitution of another person, even with the consent of that person.”

YEAR	INSTRUMENT	DESCRIPTION
1979	International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (United Nations General Assembly, 1979)	Article 6. “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”
1994	Inter-American Convention on International Traffic in Minors (OAS, 1994a)	Article 4. “To the extent possible, States Parties shall cooperate with States that are not Parties in preventing and punishing international traffic in minors, and in protecting and caring for minors who are victims of that wrongful act.”
2000	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (United Nations, 2000a)	Article 1. “States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.”
2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (United Nations, 2000b)	Article 2. “The purposes of this Protocol are: a) To prevent and combat trafficking in persons, paying particular attention to women and children; b) To protect and assist the victims of such trafficking, with full respect for their human rights; and c) To promote cooperation among States Parties to meet those objectives.”
2002	Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the High Commissioner for Human Rights (United Nations Human Rights Office of the High Commissioner, 2002)	Principle 1 and its related guidelines require that human rights be placed at the core of all measures aimed at preventing and combating trafficking in persons, as well as in the provision of protection and assistance to its victims.

Source: Author’s elaboration based on the compilation of international instruments.

As noted above, the crime of trafficking encompasses several specific purposes. Table 2.2 highlights a range of instruments associated with these purposes.

TABLE 2.2.**International Instruments Related to the Investigation and Prosecution of Some Specific Purposes of Trafficking in Persons**

YEAR	INSTRUMENT	DESCRIPTION
1926	The Slavery Convention (League of Nations, 1926)	Article 2. “The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, so far as they have not already taken the necessary steps: a) To prevent and suppress the slave trade; b) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.”
1930	ILO Convention 29 concerning Forced or Compulsory Labour (ILO, 1930)	Article 1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.
1956	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (United Nations, 1956)	Article 1. “Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926.”
1957	ILO Convention 105 concerning the Abolition of Forced Labour (OHCHR, 1957)	Article 2. “Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in article 1 of this Convention.”

YEAR	INSTRUMENT	DESCRIPTION
1967	The International Covenant on Civil and Political Rights (United Nations, 1967)	<p>Article 8</p> <p>“1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.</p> <p>2. No one shall be held in servitude.</p> <p>3. a) No one shall be required to perform forced or compulsory labour; b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.”</p>
1984	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OHCHR, 1984)	<p>Article 3</p> <p>“1. No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.</p> <p>2. To determining whether there are such grounds, the competent authorities shall consider all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”</p>
1989	Convention on the Rights of the Child (United Nations, 1989)	<p>Article 34</p> <p>“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall take all appropriate national, bilateral and multilateral measures to prevent:</p> <p>a) The inducement or coercion of a child to engage in any unlawful sexual activity;</p> <p>b) The exploitative use of children in prostitution or other unlawful sexual practices;</p> <p>c) The exploitative use of children in pornographic performances and materials.”</p>

YEAR	INSTRUMENT	DESCRIPTION
1990	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations, 1990)	Article 7. “States Parties undertake, in accordance with international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.”
1994	Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) (OAS, 1994b)	Article 1. “For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.”
1999	ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO, 1990)	Article 3. “For the purposes of this Convention, the term the worst forms of child labour comprise all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.”

Source: Authors' elaboration based on the compilation of international instruments.

The international instruments presented act as tools to complement actions in investigation and prosecution, consistent with the domestic regulations of each country. In this regard, security and justice sector officials should make use of these instruments in the performance of their duties, employing them as a key reference for informed decision-making.



2. INVESTIGATING AND PROSECUTING WITH KEY APPROACHES

Investigation and prosecution in combating TIP are guided by different approaches, including those outlined in the Introductory Guide. However, for the purposes of the Regional Action Guidelines, two approaches are regarded as key and crosscutting: the gender approach and the digital approach, which are described below.

Investigating and Prosecuting Using the Gender Approach

The gender perspective serves as an analytical lens for examining the differing experiences of men and women, shaped by structural and systemic factors of discrimination that are embedded and perpetuated within societies. These factors contribute to violence against certain vulnerable groups, particularly women, girls, and LGBTQ+ persons, and to the differentiated impact such violence has on them (IIDH, 2008).

This approach helps to provide insight on how gender stereotypes generate discriminatory actions and influence their construction (IIDH, 2008) across multiple social spaces, including the security and justice sectors.

This insight therefore calls for affirmative measures to prevent and combat gender-based discrimination within these spaces.

As noted, the security and justice sector is not immune to the impact of gender stereotypes, as reflected in gender-based violence against women, which continues to reach alarming levels in the region.

Based on data up to 2021, 14 out of the 25 countries with the highest femicide/femicide rates in the world are in Latin America and the Caribbean. Further, 34% of all women aged 15–19 in the region have suffered physical or sexual violence at some point in their lives, compared to 31% of all women globally. (IACHR, 2022)

These forms of violence are not isolated incidents but the result of structural conditions, social norms, and cultural patterns that legitimise and perpetuate them, and are best understood through an intersectional approach. For this reason, in the context of investigating and prosecuting crime, the gender perspective should inform, among other aspects, the following (UN Women and OHCHR, 2014):

- **Establishment of investigation and prosecution teams:** Cross-disciplinary engagement and specialisation in gender issues should be duly incorporated, and, insofar as possible, teams should be composed in such a way that gender balance is ensured.
- **Initial investigative proceedings:** The gathering of information must be directly linked to the facts under investigation, considering the crime committed and the victims' vulnerability factors, including sex, gender, age, and other relevant aspects.
- **Design of investigative strategies:** As this element structures the organisation of the investigation by guiding the identification of evidentiary components, the assessment of evidence, and its interpretation, it allows for the establishment of the causal link based on the gender-related factors that motivated the commission of the offence.
- **Legal classification of the criminal acts:** The legal assessment of the facts must consider the potential motive underlying the unlawful act, which may stem from discrimination or hatred aimed at women or LGBTQ+ persons, or other gender-related factors.
- **Litigation strategies and oral trial proceedings:** The evidentiary record must be rigorous, methodical, and comprehensive, and should identify and document manifestations of physical, sexual, psychological, economic, property-related, or symbolic violence against the victims.
- **Assistance and protection for survivors of trafficking in persons:** Assistance and protection should be grounded in gender-sensitive actions.

- **Reparation measures for victims:** Reparation measures should be approached from a gender perspective, ensuring the avoidance of stereotypical views during social reintegration.

The incorporation of a gender-sensitive approach in crime investigation, and particularly in the investigation of TIP, makes it possible to gather elements, exhibits, and physical evidence that reveal the specific circumstances of the victim and the victimisation endured, as well as the ways in which these gender-related circumstances have a differentiated impact on the victim's life in relation to the violations experienced by survivors. It is also essential to analyse the underlying causes that may render certain population groups, whether male or female, more vulnerable to becoming victims of TIP. Factors such as poverty, limited employment opportunities, gender inequality, violence, and migration increase individuals' vulnerability to this crime.

In addition, adopting this approach enables the exclusion of stereotypical and biased views regarding the attitudes, characteristics, or roles of victims or defendants, while recognising the systematic inequality they have experienced and the factors that expose them to risk and violence. Lastly, incorporating a gender-sensitive approach into investigations prevents the invisibility of certain victims whose profile is not associated with the traditional sector or purpose of trafficking and does not fit the typical victim–perpetrator dynamic.

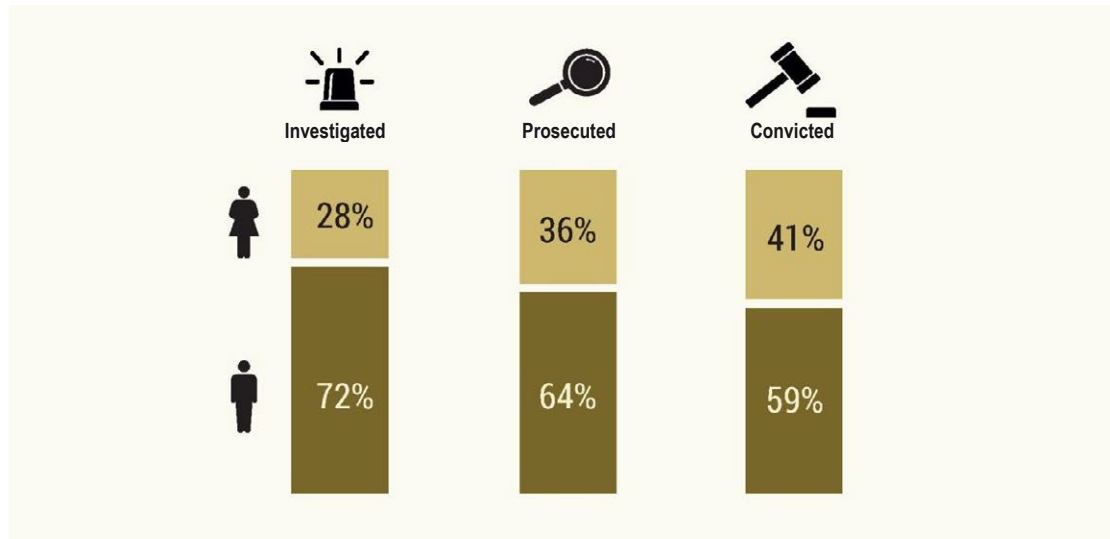
Moreover, in the context of prosecution, the gender approach applies to the analysis and resolution of cases, enabling a deeper and more nuanced consideration of gender differences and inequalities that may affect access to justice and the treatment of persons within the judicial system.

This approach also aims to identify and address potential gender-based discrimination and violence within legal proceedings, with the goal of ensuring a more equitable system of justice that upholds the rights of all persons, regardless of gender.

According to data from the United Nations Office on Drugs and Crime (UNODC, 2022a), at the global level 72% of those investigated for the crime of trafficking are men, while 28% are women. Of those prosecuted for TIP, 64% are men and 36% are women. Among those convicted, 59% are men and 41% are women. An analysis of regional data from Central America and the Caribbean reveals that 54% of individuals prosecuted for the crime of TIP are men, while 46% are women. This trend is also observed in South America, where 55% of those prosecuted are men and 45% are women (see Figure 2.2).

FIGURE 2.2.

Persons Investigated, Prosecuted, and Convicted in the First Instance for Trafficking in Persons Globally, by Sex, 2020



Source: UNODC (2022a).

Although men represent the majority of those prosecuted and convicted for this crime, the considerable presence of women among the offenders is an important aspect that must not be overlooked. It is important to clarify that although women represent a lower percentage of those investigated, prosecuted, and convicted for TIP, in some cases these individuals were previously subjected to exploitation and, as a means of survival, became involved in exploitation networks to safeguard their own well-being or that of their loved ones. Similarly, due to the ongoing nature of exploitation, female victims may come to perceive violence, abuse, and exploitation as normal, internalising these experiences as part of daily life. This, in turn, can sometimes lead them to reproduce abusive behaviours towards other people. In addition, many female victims are coerced by criminal networks into assuming the role of traffickers, driven by the absence of support systems and the lack of economic resources needed for survival.

Understanding these realities is essential to comprehensively address this serious violation of human rights at the global level. According to this report, while men still represent most convictions, women investigated for the crime of TIP are more likely to be convicted than men. This data suggests that convictions may be significantly influenced by decisions based on gender and sex, as women traffickers are often more exposed by criminal networks, which makes them more vulnerable to arrest and conviction. Furthermore, stereotypes such as the belief that women are not perpetrators of crime may

contribute to their harsher treatment when processed through the judicial system. Although not definitive, it is important to recognise and understand these barriers to investigation and prosecution.

REFLECTION



Now that you have been introduced to the gender approach in the investigation and prosecution of TIP, examine the following case and answer the accompanying questions designed to facilitate reflection.

In a Caribbean city, an operation was carried out in a neighbourhood known for a high concentration of illicit activities, including TIP. The authorities uncovered a sweatshop where both men and women were being subjected to exploitative labour conditions.

The men were forced to cut, plane, and transport large quantities of wood for approximately 14 hours each day. The women were forced to cook for the entire group; they were also expected to engage in sexual acts with the “bosses” whenever they were told to.

The police officers involved in the operation, all of whom were men, attempted to collect information from the individuals being exploited. However, they were only able to speak with the men, as the women, driven by fear, refused to engage with them.

Regarding this case:

- To what form of exploitation were the people subjected to?
- Why was there a difference in the forms of exploitation? What might explain this difference?
- What factors could explain why the women refused to speak with the police officers?
- What measures could have been taken to prevent or mitigate the risk of women being denied access to information or experiencing negative emotions during initial contact?

Incorporating a gender-sensitive approach into investigations prevents the invisibility of certain victims whose profile is not associated with the traditional sector or purpose of trafficking and does not fit the typical victim-perpetrator dynamic.

Investigating and Prosecuting Using the Digital Approach

Globalisation and the technological revolution in communication and information have not only been linked to the gradual simplification of the commission of the crime of trafficking through its means used to commit it; they have also become a barrier to its detection and investigation. However, the expansion of technology offers an opportunity for criminal justice agencies and systems to strengthen their response to TIP, enhancing their capacity to prevent, detect, intervene, and disrupt this crime (UN Secretariat, 2020).

The use of technology in the investigation and prosecution of crime can be a valuable tool for strengthening processes that have traditionally been limited by human capacity. More than a benefit, it has become a necessity in criminal justice procedures, as it allows for reducing the time needed to identify perpetrators and/or victims.

As shown in Table 2.3, digital tools contribute in multiple ways to the investigation and prosecution of TIP, supporting the work of different actors in the criminal process.

TABLE 2.3.
Selected Contributions of Digital Tools in the Investigation and Prosecution of the Crime of Trafficking in Persons

SURVIVORS	PROSECUTED PERSONS
Technology can facilitate the recording, storage, analysis, protection, and exchange of information related to victims of TIP.	Police and investigators can employ technology to identify traffickers and detect suspicious financial transactions.
Technology can give greater weight to the testimonies of victims and witnesses, allowing them to be introduced as digital evidence by prosecutors or judicial authorities, thereby facilitating convictions.	Technology can be employed to demonstrate criminal intent and to challenge claims of innocence by traffickers, for example through the identification of fraudulent calls or the use of spyware.
Remote hearings can facilitate the participation of survivors, reducing the risk of psychological distress that may arise from sharing the same physical space with their alleged victimizer.	Digital tools enable the analysis of IP addresses, mobile devices, computers, and social media accounts of traffickers to gather evidence such as images, videos, contacts, locations, and conversations, among others.

SURVIVORS	PROSECUTED PERSONS
The use of mobile applications or websites to report cases of TIP can assist in identifying potential victims at risk of recruitment.	Technology can enable covert investigations in digital environments, such as creating fake accounts to monitor a suspect's online behaviour and interact with them, thereby supporting their eventual apprehension and prosecution.

Source: Authors' elaboration based on UNODC (2019).

Any effort to harness technology to combat TIP must involve the cooperation of multiple sectors at both national and regional levels, including law enforcement and judicial agencies. The following are examples of how this approach has been implemented in combating TIP after the need was identified.

- In 2018, the Global Business Coalition Against Trafficking (GBCAT) launched the Tech Against Trafficking (TAT) initiative (Tech Against Trafficking, n.d.), a partnership among global technology companies, civil society organisations, and the United Nations designed to support the eradication of forced labour and trafficking in persons using technology.
- PhotoDNA is a technology developed to detect and counter the online dissemination and sharing of child sexual abuse material (CSAM). Created by Microsoft and Dartmouth College, it can identify and track images on the internet, even when altered or manipulated. Using a process known as hashing, PhotoDNA analyses an image and converts it into a unique mathematical representation known as a hash. Microsoft has made this tool freely available, enabling any organisation worldwide to access the Microsoft PhotoDNA website for further information or to contact the team directly (Langston, 2018). PhotoDNA has also enabled content providers to remove millions of illegal images from the internet, supported the conviction of child sexual predators, and, in some cases, assisted law enforcement agencies in rescuing potential victims before they were harmed.
- The Arachnid¹ Project is an innovative, victim-centred toolkit developed by the Canadian Centre for Child Protection, with the support of the Government of Canada. It combines automated detection methods with the support of a global team of analysts who issue immediate takedown notices to electronic service providers. The tool is available free of charge to content managers and hosting providers. It involves the participation of 16 non-governmental organisations (NGOs) across 15 countries, supported by more than 60 analysts.

¹ For more information, see <https://www.projectarachnid.ca/es/>.

As of November 2024, Arachnid had analysed over 170 billion images, identified more than 88 million suspicious files, and issued over 40 million takedown notices.

REFLECTION



Having introduced the digital approach in the investigation and prosecution of TIP, examine the following case and answer the accompanying questions designed to foster reflection.

Andrés was a promising soccer player in his hometown. However, living in a remote area far from the capital limited his opportunities to showcase his talent, placing him at a disadvantage compared to other players. Motivated by his dream to make a name for himself in the world of soccer and his desire to support his family, he used his creativity to show off his skills through homemade videos that he posted on “Connect”, his favourite social network, which had no restrictions on who could view the content.

One day, he received a message from someone claiming to be a scout, who praised his talents and invited him to go for trials in the capital city, with the promise of signing for a team in the United Arab Emirates. Andrés was excited and shared the news with his family. They turned to the regional soccer association for guidance, where they were advised to break off all contact with the individual. The association informed them that the scout was under investigation for multiple cases involving a similar modus operandi, which ultimately led to young people being subjected to forced labour upon arrival at their destination.

Andrés and his family reported the incident to the authorities and chose to cut off all communication with the individual.

REFLECTION



Based on the case shared above:

- How can digital tools support investigations aimed at identifying additional victims?
- What types of evidence may be relevant to the investigation and how could evidence be collected using digital tools?

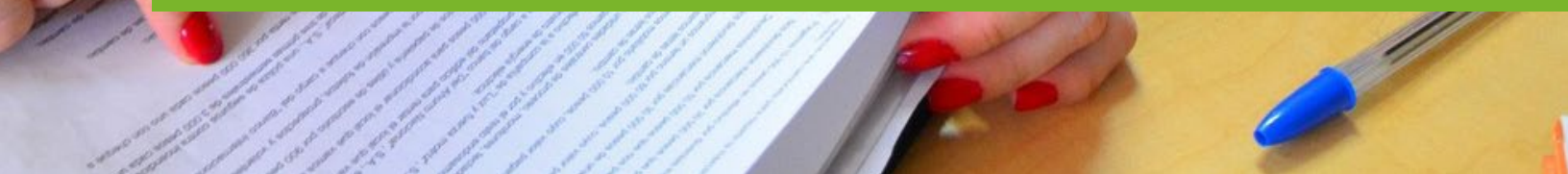
More information about trafficking in persons in and through soccer can be found in UNODC (2022b).



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Understanding these realities is essential to comprehensively address this serious violation of human rights at the global level. According to this report, while men still represent most convictions, women investigated for the crime of TIP are more likely to be convicted than men.





3.

CHALLENGES IN INVESTIGATING AND PROSECUTING TRAFFICKING IN PERSONS

Combating TIP entails significant challenges for investigation and prosecution, given the complex dynamics that shape these processes. These challenges include:

- **Insufficient allocation of financial and human resources to the security and justice sector:** In the absence of dedicated budget allocations to strengthen human resources, personnel are overextended, which constrains both the effectiveness and the pace of criminal proceedings.
- **Challenges in evidence collection:** Prosecutions in TIP cases often depend almost exclusively on the testimony of the alleged victim, due to gaps in officer training and limited access to the tools and methodologies required for effective evidence collection during the investigation.
- **Limitations in the proactive identification of victims:** The limited dissemination, training, and effective implementation of protocols for the detection and identification of victims by officials hinders their capacity to identify victims proactively.
- **Limited investment in technological innovation:** The scarce resources allocated to the digital transformation of the judicial sector, and to the

processes entrusted thereto (such as the use of information analysis software or videoconferencing platforms) limit the effectiveness of investigations and prosecutions and hinder the training of personnel in the proper use of these tools.

- **Limited availability of reporting channels:** In some countries, there are no specific hotlines or reporting mechanisms for the identification and referral of trafficking cases that meet the six characteristics required for effectiveness: free of charge, anonymous, easy to remember, multilingual, staffed by specialised personnel, and capable of providing referral services (U.S. Department of State, 2023). Likewise, the territorial centralisation of services for reporting trafficking cases poses a challenge, as it restricts access to certain cities or regions only.
- **Difficulties in coordinating and prosecuting transnational TIP cases:** Investigations in such cases demand extensive and costly processes, requiring substantial effort, time, and resources from the countries involved. In some instances, these processes hinder international collaboration between the justice systems of countries of origin, transit, and destination. In addition, obstacles such as language differences can hinder the gathering of information and impede effective communication with victims and witnesses.
- **Limitations in engaging with alleged victims and witnesses during criminal proceedings:** Many victims are unwilling to testify or take part in trials due to fear of retaliation from traffickers, irregular immigration status, lack of trust in the legal system, inadequate protection, and language barriers, among other factors. These limitations negatively affect the progress of investigations and prosecutions.
- **Challenges in quantifying harm and ensuring full reparation for survivors:** Estimating damage in criminal proceedings is particularly complex in cases of TIP, given the multifaceted nature of the harm caused by this crime, which impacts several dimensions of a survivor's life. This gives rise to a range of needs that must be addressed, which in many cases are not approached in a comprehensive and multidisciplinary manner to ensure the recovery and reintegration of survivors.
- **Lack of consistency in the criteria to classify the offence:** The interpretation and application of trafficking provisions under international and national law by officials involved in the criminal process may result in confusion regarding related crimes or in erroneous judicial decisions.
- **Obstacles to applying the “principle of non-criminalisation” of victims of TIP:** Insufficient legislative knowledge regarding the application of international law, combined with the absence of a comprehensive analysis of cases, particularly when survivors may have been compelled to engage

in criminal conduct as part of their exploitation, can result in oversights in criminal proceedings and violations of this principle.

- **Excessive caseloads within justice systems:** The existing overall burden on judicial systems slows down investigation and prosecution processes. As a result of this procedural burden and the lack of mechanisms to prioritise and connect cases, including those of TIP, the effective handling of these crimes is undermined.
- **Difficulties in securing logistical resources:** The absence of dedicated funding for the transportation of victims or witnesses to court hearings can generate significant costs, particularly when those concerned are located far from the courts or when specialised transport is required for reasons of security or welfare. This creates challenges for the participation and safety of survivors, as well as for ensuring the continuity of criminal proceedings within the expected timeframe.

The American Convention on Human Rights establishes the guarantees that must be observed in any criminal proceeding involving a person accused of the alleged commission of a crime.



4. GUIDANCE AND PROMISING PRACTICES IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING IN PERSONS

Although investigating and prosecuting trafficking in persons present challenges, these very challenges can often serve as opportunities to strengthen response mechanisms and to develop effective strategies to address them. This section outlines a series of guidelines and promising practices adopted by various countries for the investigation and prosecution of TIP, along with the standards and guarantees governing the participation of victims and defendants in such proceedings.

Basic Guidelines and Directives for Action

Each State Party to the United Nations Convention against Transnational Organized Crime and its Protocols, specifically its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) (UNODC, 2004a), has adopted strategies, measures, protocols, laws, or programmes for the investigation and prosecution of TIP, developed on the basis of identified national needs and in accordance with domestic legislation.

The following section presents a series of guidelines to inform the design and implementation of policies, programmes, and projects to enhance the investigation and prosecution of this crime.

The topics covered include standards to guarantee the rights of victims in criminal proceedings, the procedural representation of victims, judicial guarantees for defendants, and the key actors in investigation and prosecution mechanisms. Lastly, the section presents guidelines and recommendations on intra-national and cross-sectoral coordination for the investigation and prosecution of TIP.

Standards for guaranteeing the rights of victims in criminal proceedings

Given the serious human rights violations endured by victims of TIP, guaranteeing due process in criminal proceedings is of fundamental importance. This is largely due to the mechanisms implemented to ensure their protection and comprehensive reparation.

Criminal proceedings tend to be more successful when the Human Rights-Based Approach (HRBA) is integrated through comprehensive victim support initiatives; likewise, prosecutions largely rely on the cooperation and testimony of survivors, emphasising the need for an environment in which victims feel safe and supported.

This perspective underscores the need to pursue prosecution grounded in a victim-centred approach, which requires that victims be regarded not only as witnesses for the prosecution but also as individuals whose protection must be prioritised.

In addition, Article 6 of the Palermo Protocol obliges States Parties to ensure that their domestic administrative and legal systems incorporate measures to aid victims of TIP. The aim of this assistance is to guarantee that the victims' views and concerns are duly presented and considered at the appropriate stages of criminal proceedings against persons in custody, while fully

safeguarding the rights of the defence.

Considering the above, the Palermo Protocol (UNODC, 2004a) urges States to:

- provide legal assistance and support, where appropriate, to survivors.
- treat survivors with compassion and with full respect for their dignity.
- respect their views, guarantee their privacy and confidentiality, and avoid undue delays in criminal justice proceedings.
- ensure that survivors are protected against acts of intimidation and retaliation.
- provide adequate support and protection at every stage of the criminal justice process.
- keep them informed of all legal procedures and developments.

Likewise, a fundamental international responsibility of States Parties is to ensure that their domestic legislation aligns with the substantive provisions of all treaties they have ratified. This is understood as the establishment of a minimum standard of protection for victims and survivors, with the possibility of exceeding this minimum standard through more protective adaptations in national legislation.

That is why it is essential to apply and interpret the *pro persona* principle, which requires choosing the standard that affords the greatest benefits to the victims of human rights violations, regardless of its place within the legal hierarchy, as established in Article 29 of the American Convention on Human Rights.

An example of such substantive provisions is the set of Recommended Principles and Guidelines on Human Rights and Human Trafficking (OHCHR, 2010), summarised below.

Victims should be provided with:

- protection of their physical and emotional integrity.
- appropriate, accessible, and safe lodging, as well as coverage of basic needs for food, clothing, and hygiene.
- access to free, comprehensive assistance services, as part of the recovery process.
- legal and psychological assistance.
- time for reflection.
- voluntary repatriation, resettlement, or return to the place of residence.

- clear and accessible information about their rights, legal situation, and immigration status, delivered in a language, format, or medium they can understand, and tailored to their age, level of maturity, or any disability they may have.
- special protection conditions when giving interviews or statements.
- immigration protections, including the right to remain in the country, in line with applicable immigration laws.
- documentation attesting to immigration status and be exempt from any fees, taxes, or charges for obtaining it.

Legal representation of the victim

Direct and indirect victims of TIP have a legitimate interest in legal proceedings initiated against alleged traffickers. This interest is protected by the HRBA, which requires that every effort be made to guarantee victims' participation in proceedings in a manner that is free, safe, and fully informed. This approach also calls for the recognition of specific needs and vulnerabilities, to be addressed through measures that strengthen and expand protection, assistance, and support.

In this context, survivors or relatives of TIP victims should be provided with legal and comprehensive assistance in any judicial or administrative proceedings, in a language they understand, ensuring that they are fully informed of the scope, sequence, and progress of the proceedings, as well as their outcome.

Likewise, survivors or relatives of TIP victims have the right to be present and to express their views throughout judicial proceedings. Their participation in legal proceedings may take different forms in cases pursued against alleged traffickers. Even when victims choose not to testify, or are unable to do so, they still hold a legitimate interest in the legal proceedings.

These guarantees demand a criminal policy that provides clear direction for procedures and underpins the development of protocols to guide the work of the diverse professionals involved in judicial processes. States have the responsibility to ensure that professionals from the different disciplines can perform their duties with independence and contribute effectively to establishing the facts. In the exercise of their functions, professionals engaging with survivors should be guided by the basic considerations outlined in Figure 2.3.

FIGURE 2.3.**Considerations for Auxiliary Professionals of the Criminal Justice System**

Informed consent	Whenever feasible, survivors and their family members should be fully informed about the nature of the procedure, the reason why it is being undertaken, and the way their information will be used.
Respect for the victim's decisions	Survivors are entitled to refuse to take part in any aspect of the assessment if they do not feel adequately prepared.
Sensitivity to cultural differences related to language and gender	Whenever possible, the procedure should be conducted by a person who shares the survivor's gender, cultural identity, and language.

Source: Authors' elaboration based on the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking (2010).

Professionals from the various disciplines engaged in criminal investigation and prosecution are not only required to apply these considerations but are also expected to integrate their findings and present them to the competent authority responsible for the investigations, with the aim of securing effective outcomes.

In this regard, auxiliary professionals within the justice administration system play a fundamental role in the criminal process. The following guidelines should be considered during the process:

- Auxiliary personnel within the justice administration system must be professionals duly qualified in accordance with the statutes or procedures established by the judiciary.
- Those engaged in the judicial process must conduct their work through a methodological and scientific approach appropriate to each relevant discipline, ensuring that all evidence carries probative value and cannot be refuted.
- All deontological and ethical procedures specific to each of the disciplines involved must be observed to ensure that the process is conducted objectively and within the established regulatory framework.









Judicial guarantees for defendants

The American Convention on Human Rights establishes the guarantees that must be observed in any criminal proceeding involving a person accused of the alleged commission of a crime. This section is grounded in the Inter-American standards established by the Inter-American Human Rights System on due process and judicial guarantees, framed within the role of those responsible for providing technical and effective defence in the representation of accused persons.

The right to defence is a fundamental component of due process, obliging the State to always regard the individual as an active participant in the proceedings rather than merely as an object thereof (Inter-American Court of Human Rights, 2009). Accordingly, the right to defence must be guaranteed from the moment an individual is identified as a potential perpetrator or participant in a punishable act and remains in effect until the conclusion of the proceedings, including, where applicable, the execution of the sentence (Inter-American Court of Human Rights, 2014).

Figure 2.4 presents the minimum guarantees established under Article 8 of the American Convention on Human Rights (OAS, 1969).

FIGURE 2.4.
Minimum Guarantees for Persons Involved in Criminal Proceedings

	<p>The right to receive free assistance from a translator or interpreter if the individual does not understand or speak the language used by the court or tribunal.</p>		<p>Prior and detailed notification to the accused of the charges brought against them.</p>
	<p>Right of the accused to be granted sufficient time and means to prepare their defense.</p>		<p>The right of the accused to defend themselves personally or to be assisted by legal counsel of their choice, and to communicate with such counsel freely and in full confidentiality.</p>
	<p>The inalienable right to be assisted by defence counsel appointed by the State, whether remunerated or not, in accordance with domestic legislation, if the accused does not undertake their own defence or fails to appoint legal counsel within the timeframe established by law.</p>		<p>Right of the defence to cross-examine witnesses appearing in court and to secure the attendance of other individuals, as witnesses or expert witnesses, who may provide relevant information on the facts of the case.</p>
	<p>The right not to be compelled to testify against oneself or to plead guilty. (In accordance with national legislation, this right may also extend to refraining from giving testimony against persons with certain degrees of affinity or consanguinity.)</p>		<p>Right to appeal the judgment before a higher court or judicial authority. (This refers to all appellate procedures within the criminal process, including appeals, cassation, and related mechanisms.)</p>

Source: Authors' elaboration based on OAS (1969).

These guarantees are enshrined in procedural codes or codes of criminal procedure, as well as in other State instruments safeguarding the rights of defendants. Although these guarantees are not specifically linked to the crime of trafficking, they apply to any proceedings in which the rights of prosecuted

persons are at stake, ensuring that they may be represented by defence counsel for the protection of their rights in accordance with the law.

The Inter-American Court of Human Rights has further established that, in order to ensure genuine judicial guarantees in criminal cases, procedural instances must, at a minimum, include the guarantees set out in Article 8 of the Convention.² By defining them as a minimum, it is understood that, in specific circumstances, additional guarantees may be required to uphold due process of law.

In addition to the minimum guarantees, the Inter-American Court of Human Rights (1987) has issued various judgements that illustrate their practical application. Some of them are presented below:

- The right to be informed of the availability of consular assistance as part of due process guarantees. Advisory Opinion OC-16/99 of October 1, 1999. Series A No. 16.
- The right to a fair trial and to equality before the courts and tribunals. Human Rights Committee. General Comment CCPR-GC-32, 2007 (superseding General Comment CCPR/GC/13).
- Judicial guarantees. *Ivcher Bronstein v. Peru*. Merits, Reparations, and Costs. Judgement from February 6, 2001. Series C, No. 74.
- The right to be tried by an independent, impartial, and competent tribunal. *Usón Ramírez v. Venezuela*. Preliminary Objection, Merits, Reparations, and Costs. Judgement from November 20, 2009. Series C, No. 207.
- The Court acknowledges that most States Parties to the Convention have established public policies and institutional frameworks that ensure, at all stages of the process, the inalienable right to technical defence in criminal matters through the public defender's office. *Ruano Torres et al v. El Salvador*.

Key stakeholders in the investigation and prosecution mechanisms

Given that the criminal justice systems responsible for investigating and prosecuting the crime of trafficking comprise a broad range of institutional

² Article 8, paragraph 1, of the American Convention on Human Rights provides: "Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature." (OAS, 1969)

actors, the following presents a general mapping of key actors who engage with survivors and are involved in the investigation and prosecution of traffickers, together with some of their responsibilities (Ministerio del Interior y Seguridad Pública de Chile, 2014).

Police officers

The role of police officers in the investigation and prosecution of TIP is essential to the success of operations and to ensuring the protection of victims. The State's foremost and most immediate responsibility is to protect survivors of TIP from re-exploitation or further harm, whether at the hands of their traffickers or by others.

When victims escape or are rescued by law enforcement agents or first responders, they often face conditions of acute insecurity and vulnerability. Accordingly, police officers should remain attentive to specific considerations regarding the concerns of victims. Some of these are described below.

Considerations for the interaction of police officers with adult survivors of trafficking in persons (Ministerio del Interior y Seguridad Pública de Chile, 2014)

- Ensure that specialised unit teams include female police officers or, where possible, maintain a gender-balanced composition.
- Verify the survivor's state of health and, where necessary, arrange their transfer to an assistance centre.
- Immediately notify the Office of the Public Prosecutor to seek instructions from the prosecutor and so that the prosecutor coordinate with the head of the specialised prosecutorial unit.
- Take measures to ensure that the victim receives assistance and that their basic needs are covered (water, food, clothing, personal hygiene products, etc.).
- When directed by the prosecutor, conduct the interview with the victim in a safe environment and, insofar as possible, allow the victim to choose the sex of the interviewer. The interview should take place without interruptions, whether from telephones or people entering and leaving, and in a setting where the victim feels comfortable disclosing that their rights have been violated.
- Ensure the victim's active participation throughout the proceedings in the criminal process.
- Foster an environment of trust with the survivor by introducing yourself with your name and position, and briefly explaining your role, responsibilities, and the purpose of the conversation.

- Establish eye contact and clearly convey genuine concern for the survivor's wellbeing, emphasising the importance of this concern within police work.
- Engage in active listening and show empathy towards the survivor and their situation of vulnerability or current condition, using phrases such as "I understand." Respect any pauses the survivor may need to compose themselves before continuing to speak.
- Take into consideration the significance of non-verbal communication. Avoid gestures or facial expressions that may convey disgust, repulsion, or surprise, as these could lead the survivor to feel judged or not taken seriously.
- Ensure that the person can communicate in the language of the country where they are located; if not, an interpreter must be provided.
- Ensure that a psychosocial support professional, whether from a governmental or non-governmental entity, accompanies the victim, provided that the victim has given consent to this.

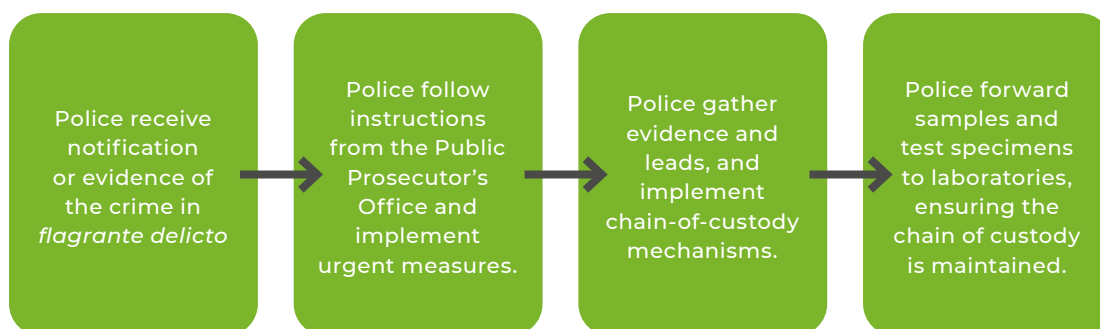
Considerations for the interaction of law enforcement officers with child survivors of trafficking in persons (UNODC, 2004b)

- Child and adolescent victims of TIP should be treated with the utmost tact and sensitivity throughout the justice process, with full consideration of their personal circumstances, immediate needs, age, gender, potential disabilities, and level of maturity, while ensuring respect for their physical, mental, and moral integrity.
- To prevent further suffering to the child, interviews, examinations, and other investigative procedures should be carried out by trained professionals who act with sensitivity, respect, and diligence.
- The justice process and support services available to children should be attuned to their age, gender, level of understanding, sexual orientation, wishes, ethnic, cultural, religious, linguistic, and social background, as well as their caste, socioeconomic status, and migration status. Professionals must be adequately trained to address and manage these differences.
- Children, their families, and their legal representatives have the right to be promptly informed, from their first contact with the justice process and throughout its duration, of the investigative steps to be undertaken and the availability of medical, psychological, social, and other relevant services, so that their informed consent may be obtained.
- Law enforcement officials should make every effort to ensure that child victims are able to express their views and concerns about their participation in the justice process.

Considerations regarding special police procedures and technical measures in trafficking in persons cases

In addition to the above considerations, it is essential to emphasise the procedures associated with police investigative methods in TIP cases, as illustrated in Figure 2.5.

FIGURE 2.5.
Basic Guidelines for Police Investigations



Source: Authors' elaboration based on UNODC (2009).

Reporting refers to the act of informing the competent authority of facts that may constitute a crime. This may arise from a direct complaint lodged by a victim of TIP or from an anonymous report providing sufficient grounds for conviction and suspicion to warrant the initiation of a police and/or prosecutorial strategy.

In cases of in *flagrante delicto*, police and prosecutorial procedures should focus on securing the arrested persons and the evidence, through an expeditious and lawful process that allows for the prompt and effective prosecution of the alleged perpetrators.

In crimes involving this type of evidence, the search of premises forms an integral part of the actions required to establish proof and to prevent the commission of the crime or the occurrence of further consequences.

This type of search is generally conducted under the following circumstances:

- When police officers, during routine operations, identify that a TIP offence is being committed at a specific location.
- Requests for assistance are received at a specific location, prompting police intervention.
- When there is a request and consent from the owner of the premises.

Personnel who first encounter a TIP victim, whether in situations of in *flagrante delicto* or during the initial stages of investigation, must be adequately trained to ensure proper identification. This is essential both for humanitarian reasons and for procedural purposes, as proper identification determines the parties who will go on to face a trial of considerable complexity and risk.

When the reporting party is the victim themselves, it is essential to gather all relevant information that can support the collection of evidence, considering the complexity involved in offences linked to transnational criminal organisations. It is also necessary to verify the age of the victim to establish whether they are a minor, and to adopt the corresponding administrative and logistical measures to ensure assistance in line with the provisions of special legislation and the Convention on the Rights of the Child.

In every instance, irrespective of the victim's age or gender, it is crucial to obtain advance evidence without delay. Recording pre-trial evidence or testimony³ in a Gesell chamber⁴ favours the victim's safety and enhances the judicial process. Admission of this evidence allows the survivor to step back from the proceedings and focus on their recovery, without being required to appear repeatedly to answer the same questions at different offices or institutions.

As part of the investigative process to collect evidence beyond the victim's testimony, agents may intercept or "wiretap" the victim's private communications.⁵ This measure enables the authorities to access confidential information, such as emails or telephone calls, when there are reasonable grounds to suspect criminal activity. Wiretapping or the interception of communications requires authorization from a judicial authority. Among other actions, this phase may include the deployment of undercover or special agents (Ministerio del Interior de Perú, 2024) to infiltrate criminal networks without disclosing their identity, with the purpose of covertly gathering information, identifying additional victims, and securing evidence.

There are other investigative measures that the authority directing the investigation must consider in proceedings related to TIP. Some of these are:

3 The recording of pre-trial evidence or testimony is an exceptional procedural measure used to secure the statement of a victim of trafficking in persons when, for reasons of security, urgency, or repatriation, they must be evacuated prior to the trial itself.

4 The Gesell chamber is a specially equipped facility comprising two rooms separated by one-way glass, used to interview victims or witnesses of crime, with the purpose of safeguarding their testimony.

5 Article 12 of the Universal Declaration of Human Rights provides that "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." (UN General Assembly, 1948)

- **Seizure of assets** (Zúñiga Ríos, n.d.): This process involves the confiscation of property linked to criminal activities, aiming to strip traffickers of the proceeds derived from exploitation. It is conducted in accordance with applicable legislation and requires robust evidence linking the assets to illicit activities. Seizure may involve vehicles, cash, real estate, and other types of property.
- **Effective cooperation with authorities** (CICIG, 2010): This involves the cooperation of suspected traffickers with the authorities in return for legal benefits. Such agreements may include reduced penalties or protection against retaliation, with the aim of facilitating the collection of critical information for ongoing investigations and prosecutions.
- **Geolocation** (Arimerics, n.d.): This is the use of technology to trace the physical location of people or devices. In criminal investigations, it may play a critical role in pinpointing the location of suspected traffickers or relevant evidence at a given moment

These investigative methods are associated with the special technical procedures that the police may apply in TIP cases and may vary in accordance with the criminal procedure codes of each country. Nevertheless, a series of measures have been proposed which could be applied across the region.

PROMISING PRACTICE



Argentina

Multidisciplinary team for attending raids in TIP cases (Secretaría Nacional de Niñez, Adolescencia y Familia de Argentina, 2022)

What does it involve?

Before a raid, a multidisciplinary team is assembled to go to the identified location. This team is established to ensure that comprehensive assistance can be provided where required.

Why is it considered a promising practice?

Because it calls for a careful intervention that must begin at the very moment of the search or inspection. It starts earlier, at the preparatory stage, when investigating officers and judges, with appropriate safeguards, engage specialised professionals to ensure immediate emergency assistance in accordance with the needs of those who may be present as survivors.

The deployment of multidisciplinary teams during raids or searches of premises in trafficking in persons cases would, for example, facilitate communication with presumed survivors and thereby improve access to information.

Public prosecutors

Prosecutors constitute a fundamental pillar of investigation and prosecution, overseeing the exchange of investigative information and evidence, ensuring the legality of proceedings, monitoring the enforcement of court rulings, and engaging with stakeholders across the security and justice sectors to guarantee full compliance with due process.

Considering the specific nature of the crime, prosecutors should be specialised in cases involving trafficking in persons, thereby reinforcing their skills and deepening their expertise in this field. Specialisation improves the quality of case presentation, the prioritisation of the offence in investigations, the effectiveness of investigations, and the participation of the actors involved.

The regional context highlights the ongoing need to strengthen efforts aimed at creating and funding specialised prosecutorial offices, while also ensuring that prosecutors receive tailored training on TIP. The following considerations are intended for both specialised and non-specialised prosecutors entrusted with TIP investigations.

Considerations for the interaction of prosecutors with adult survivors and witnesses of trafficking in persons (UNODC, 2009)

- Assess each case to determine whether it is necessary to preserve the anonymity of victims and witnesses, in jurisdictions where this is permitted, and adopt the required measures to guarantee such protection at every stage of the proceedings, including court hearings.

- Refrain from visiting survivors and witnesses at shelters or other locations where they are residing. If a visit to a shelter is unavoidable, ensure that it is carried out with the utmost discretion.
- Consider employing digital tools for the submission of statements in cases where survivors are not located near the institution's headquarters or where safeguarding their physical and psychological well-being during criminal proceedings requires such measures.
- Promote the use of physical setups, such as partitions or separate waiting areas, to prevent the identification of witnesses and ensure they remain outside the field of vision of suspects and others present in the courtroom.
- Ensure that victims and witnesses have safe routes for entering and leaving the institution, while also providing them with information about the premises and clearly explaining the judicial procedures.
- Secure accommodation in proximity to the institution to guarantee the safety of survivors and witnesses.
- Allow survivors and witnesses to provide their statements freely, refraining from giving directions or suggestions that could influence their testimony.
- In jurisdictions where judges and lawyers wear special attire, it may be appropriate to adopt measures such as the removal of robes by prosecutors, defence attorneys and judges, to foster a more approachable judicial environment.
- If the victim requires translation or interpretation services, such assistance should be made available.
- Foster an atmosphere of trust with survivors throughout the proceedings by using clear, simple, and accessible language, while demonstrating attentive listening to address any questions that may arise during the investigation.

PROMISING PRACTICE



Uruguay

Protocolo de actuación de la Unidad de Víctimas y Testigos (Action Protocol of the Victims and Witnesses Unit) (Fiscalía General de la Nación de Uruguay, 2020)

What does it involve?

This protocol guides the intervention of the Victims and Witnesses Unit of the Attorney General's Office in any criminal investigation of TIP for the purpose of sexual exploitation involving persons over the age of 18.

Why is it considered a promising practice?

These guidelines provide that, in situations of TIP and/or sexual exploitation, a permanent coordination mechanism shall be activated, bringing together the prosecution team and the Victims and Witnesses Unit throughout the investigation process. This mechanism shall: a) assess whether sufficient elements exist to initiate a preliminary investigation, and b) conduct a risk assessment that broadly addresses the following questions:

- What is the risk?
- Who or what is at risk?
- What is the level of risk?
- What actions should be undertaken in response to the detected risk?

Based on these elements, a support plan is developed, with the victim's participation, depending on their wishes.

In line with the considerations previously outlined regarding prosecutorial interaction with survivors, this practice reiterates certain aspects that prosecutors should assess before determining protection measures.

Considerations for the interaction of prosecutors with child survivors and witnesses of trafficking in persons (Council of Europe, 2011)

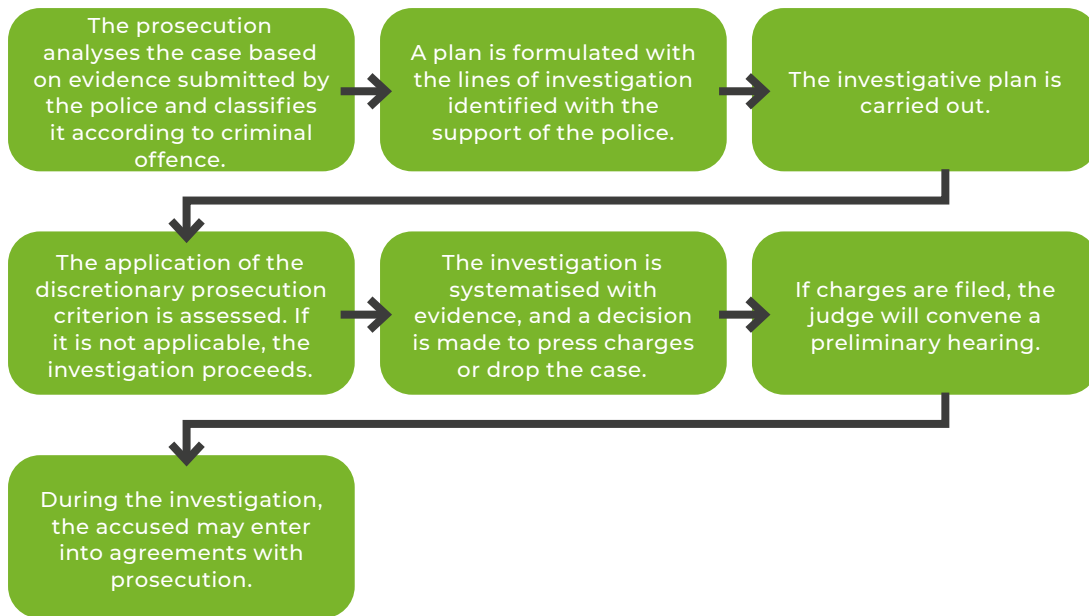
- **Information and advisory services:** From their first contact with the justice system or other relevant authorities, and throughout the process, minors and their parents should be promptly and adequately informed of their rights, particularly the specific rights afforded to children and adolescents in relation to judicial or extrajudicial proceedings in which they are or may become involved. They should also be informed of the mechanisms available to address any violations of those rights, including the possibility of resorting to judicial or extrajudicial remedies, proceedings, or other interventions.
- **Protection of private and family life:** The privacy and personal data of children involved, or previously involved, in judicial or non-judicial proceedings and other interventions must be protected in accordance with national legislation. In practice, this means that no information or personal data that could reveal, or indirectly lead to the disclosure of, a child's identity should be disclosed or published, particularly through the media. This includes images, detailed descriptions of the child or their family, names, addresses, and audio or video recordings.
- **Special preventive security measures:** In all judicial and non-judicial proceedings or other interventions, children must be protected from harm, including intimidation, retaliation, and secondary victimisation.
- **Multidisciplinary approach:** While fully respecting the right of children to private and family life, close collaboration among different professionals should be encouraged to build a comprehensive understanding of the child and to assess not only their legal and psychological rights, but also their social, emotional, physical, and cognitive situation.

As noted in the preceding considerations, it is essential to ensure full respect for the rights of victims throughout the investigation, to prevent any form of revictimization, and to guarantee their safety and confidentiality.

Considerations for prosecutorial procedures and proceedings in trafficking in persons cases

Building on these considerations, it's essential for the prosecution to adopt a victim-centred approach, ensuring that the investigation and prosecution of the crime are carried out in line with the HRBA. Figure 2.6 presents a set of general procedures related to the criminal investigation of trafficking cases for prosecutors.

FIGURE 2.6.
General Procedures for Prosecutors



Source: Authors' elaboration based on UNODC (2009).

Within these general procedures, the crime of trafficking, which often has a transnational dimension, transcends borders and therefore requires a coordinated strategic response it is therefore imperative that prosecutors assume a central role in the investigation of TIP cases and work in close coordination with national and international law enforcement authorities to collect evidence, interview witnesses, and conduct investigative proceedings.

The following are key guidelines for prosecutorial action:

- Support the establishment of joint investigation teams or entities between countries to facilitate international cooperation and the exchange of information among the relevant authorities.
- Foster coordination among specialised prosecutorial offices responsible for investigating the crime of trafficking. Establish coordination protocols among different specialised prosecutorial offices to enable the sharing of resources and strategies in areas such as trafficking, corruption, cybercrime, and money laundering.
- Encourage the litigation of strategic cases related to TIP. Identify and prioritise cases that have the potential to establish significant precedents and help create jurisprudence in the field of TIP.

- Establish mechanisms for supervision and mentoring by regional experts to support the advancement of cases, strengthen conviction rates, and contribute to the development of jurisprudence. Promote expert-led mentoring and supervision initiatives to assist prosecutors in handling complex cases.
- Promote the establishment of child- and adolescent-specific protection systems within the units specialised in TIP. Establish specialised units for the protection of child victims of TIP to ensure their safety and well-being both during and after investigations.
- Strengthen training for police officers and prosecutors in specialised investigative techniques. Provide ongoing education and training on advanced investigative techniques and case management in TIP cases.
- Favour the early initiation of proactive financial investigations to gather supplementary evidence and limit reliance on the victim's testimony. Incorporate financial analysis from the outset to dismantle TIP networks and minimise reliance on victim testimony.
- Promote a victim-centred approach within the justice system by advancing reparation processes. This may include symbolic measures of reparation, such as reclaiming and redefining former centres of exploitation.
- Promote adherence to the principle of non-criminalisation of victims by raising awareness among officials across relevant institutions. Implement awareness-raising and training initiatives to emphasise the importance of upholding the non-criminalisation of TIP victims.
- Introduce aggravating circumstances when police officers or agents are found to have facilitated TIP, thereby addressing complicity within both sectors. Impose disciplinary and criminal penalties on officials and police officers involved in TIP to confront complicity and corruption.

PROMISING PRACTICE



Chile

Guía de buenas prácticas en investigación criminal del delito (Guide for Best Practices in Criminal Investigations) (Ministerio del Interior y Seguridad Pública y Ministerio Público de Chile, n.d.)

What does it involve?

This is a guide on best practices in the criminal investigation of TIP, developed by the Chilean Public Prosecutor's Office. It was developed by the inter-agency working group specialising on the matter.

Why is it considered a promising practice?

Best practice dictates that the investigation of trafficking in persons cases be entrusted to a specialised prosecutor who remains engaged throughout the process. To ensure their presence in all cases at the national level, the Chilean Public Prosecutor's Office has appointed a coordinating prosecutor in each regional office, who must be contacted immediately upon becoming aware of, or suspecting, the crime.

This practice guarantees the specialisation of prosecutorial proceedings in all trafficking in persons cases, thereby strengthening the criminal process and supporting the effective prosecution of the offence.

PROMISING PRACTICE



Argentina

Investigation Manuals of the Public Prosecutor's Office

What does it involve?

These manuals for investigating financial and property crimes provide step-by-step guidance for the actors involved in criminal proceedings on how to conduct investigations in an effective manner.

Why is it considered a promising practice?

With the aim of enhancing the effectiveness of complex crime investigations, the National Public Prosecutor's Office has developed:

- 1)** *Manual de investigación patrimonial* (Asset Investigation Manual) (Ministerio Público Fiscal de la Nación de Argentina, 2011)
- 2)** *Guía de investigación financiera* (Financial Investigation Guide) by the Directorate-General for Economic and Financial Advisory Services in Investigations (DAFI, 2017)
- 3)** *Guía de medidas cautelares para el recupero de activos* (Guide on Precautionary Measures for Asset Recovery) for the Directorate-General for Asset Recovery and Forfeiture (DAFI, 2018)

In trafficking in persons cases, clear protocols for asset and financial investigations helps trace financial movements and properties tied to illicit activities for subsequent seizure of assets, thereby weakening the economic base of criminal organisations..

Judges:

Judges play a pivotal role in addressing trafficking in persons, as they are tasked with determining the guilt or innocence of those prosecuted for the crime, while also protecting victims by ensuring their safety, confidentiality, and well-being throughout the judicial process.

Judges must work in close coordination with prosecutors, defence attorneys, police, and other relevant actors to ensure a comprehensive and effective response to TIP, while guaranteeing full respect for the human rights of all persons involved.

The section below provides further information on the role of judges in addressing TIP.

Considerations for the interaction of judges with survivors of trafficking in persons during criminal proceedings

- Show sensitivity and empathy towards survivors of TIP, ensuring they are treated with dignity in court, and that the emotional and psychological impact of the crime is fully recognised.
- Ensure the protection and safety of TIP victims, preventing revictimization and fostering an environment in which they feel safe when giving testimony and participating in criminal proceedings. This may include protecting identities, using pseudonyms, and providing special rooms for statements, among other measures.
- Facilitate survivors' access to specialised support services, including legal, psychological, medical, and social assistance, as well as interpretation services if the victim does not speak the local language.
- Promote capacity building and content refresher courses through specialised training on TIP, enabling judges to identify the elements of the offence, understand its implications, and address cases before their courts and tribunals effectively.

PROMISING PRACTICE



Trainer's manual. How to Conduct Mock Trials and Investigation Simulations Based on Trafficking in Persons Cases (UNODC, 2023)

What does it involve?

This manual offers a step-by-step guide for planning mock trials and investigation simulations related to TIP. Its objective is to equip trainers with the tools to conceptualise, prepare, and implement these activities more effectively at the global level.

Why is it considered a promising practice?

The manual primarily aims to stimulate discussion by posing questions rather than offering definitive answers, and to foster awareness of the complexities involved rather than prescribing absolute solutions. Trainers must consider the specific needs of their audience, creating an environment that allows participants to actively explore and understand the complexities that arise in TIP cases. This involves not only addressing the legal and procedural aspects but also fostering the development of practical skills that enable participants to respond effectively to the diverse challenges they may face in such cases.

Regarding the treatment of TIP survivors, mock trials support the development of skills through a learning-by-doing methodology.

Considerations for judicial action by judges in trafficking in persons cases

- It is essential that legal proceedings be held in private, without the presence of the media or the public, to protect the privacy and security of those involved in the case.
- Allow survivors and witnesses to testify before the relevant judge during the pre-trial phase, with their testimony recorded and admitted as evidence, thereby sparing them from having to repeat it multiple times.
- Ensure that survivors have access to free legal representation, with due consideration of their intersectional circumstances, and that their views are meaningfully heard throughout the criminal process.
- Avoid the criminalisation of survivors for offences committed during their period of exploitation.
- Judicial decisions must adopt a gender-sensitive approach, considering the specific vulnerability factors of survivors and the diversity of their lived experiences.
- Strengthen judicial expertise and specialisation through the establishment of specialised TIP courts, to ensure effective adjudication of the crime and a timely, appropriate response to survivors.
- Judicial decisions should also consider evidentiary elements of related crimes, such as money laundering, to ensure that reparation mechanisms include the confiscation of illicit assets for the economic redress of victims.

PROMISING PRACTICE



Guatemala

Specialised Courts for Trafficking in Persons

What does it involve?

Unlike general courts, these specialised courts deal exclusively with TIP cases, with judicial personnel specifically trained to address this type of crime.

Why is it considered a promising practice?

Concentrating trafficking in persons cases in specialised courts fosters greater coordination among the various stakeholders involved in the criminal justice process, streamlines procedures, and ensures a more efficient response for survivors and indirect victims.

The establishment of specialised trafficking in persons courts represents an innovative and promising measure in combating this crime, as it consolidates judicial and legal efforts around victim protection and the effective prosecution of trafficking in persons perpetrators.

PROMISING PRACTICE



Peru

Specialised Action Manuals on Trafficking in Persons

What does it involve?

The Peruvian Judiciary has developed two specialised technical tools for addressing trafficking in persons cases:

1. *Concursos de delitos y leyes aplicados a casos de trata de personas y sus formas de explotación* (Concurrent Offences and Laws Applicable to Cases of Trafficking in Persons and Its Forms of Exploitation) (ILO and the Peruvian Judiciary, 2022)
2. Operational Manual for the Criminal Prosecution of Trafficking in Persons Cases and Other Forms of Exploitation (ILO and the Peruvian Judiciary, 2023)

Why is it considered a promising practice?

These manuals are tailored to TIP cases involving forced exploitation and offer clear, practical guidance from a judicial perspective, supporting justice operators in understanding the complexity of the crime and in effectively applying the relevant legal framework.

Regarding the expertise exercised by judges in their judicial functions, these manuals set out the elements that must be examined in cases of sexual exploitation involving children, adolescents, and adults. They also outline the elements to be considered in the prosecution of cases of trafficking in persons for the purpose of forced labour.

Guidelines and Directives on Intra-national and Cross-sectoral Coordination

The assistance and protection measures developed and implemented by each institution responsible for combating TIP are essential and can yield positive outcomes. However, their effectiveness can be enhanced through coordinated efforts among the various governmental entities of the States and across different sectors.

The following section sets out key directives and guidelines for intra-national and cross-sectoral coordination which, although requiring greater effort, substantially enhance the impact, reach, and effectiveness of measures against TIP in the fields of investigation and prosecution.

Issues to be addressed include strengthening inter-agency cooperation at the governmental level, fostering the participation of civil society and academia, promoting collaboration with the media, and encouraging contributions from the private sector.

Inter-agency cooperation at the governmental level (UNODC, 2007)

The effective investigation and prosecution of the crime of trafficking are crucial to dismantling criminal networks and ensuring that perpetrators are brought to justice. Success in this area requires strengthening justice systems and enhancing the capacities of investigative agencies. This involves information exchange, inter-agency cooperation, specialised training for law enforcement officials, and the adoption of laws and criminal procedures that establish appropriate penalties for this crime.

National commissions or coalitions play a pivotal role in the investigation and prosecution of the crime of trafficking. They work closely with law enforcement and judicial authorities to gather information, conduct investigations, and participate in operations aimed at dismantling TIP networks. Additionally, specialised units with multidisciplinary teams are responsible for coordinating actions and compiling data on TIP cases.

These units provide technical support and training to officials tasked with the investigation and prosecution of this crime. They also focus on ensuring that survivors have access to their rights, including the right to justice, reparation, and protection from revictimisation. Strengthening coordination among national institutions is essential to guarantee an effective and robust response to this crime.

Participation of civil society and academia

Civil society plays a crucial role in supporting survivors of TIP. NGOs deliver essential assistance by providing safe accommodation, medical care, and legal and psychological support, as well as opportunities for social and economic reintegration.

NGOs collaborate with the authorities through the following actions (UNODC, 2019):

- Gather and relay information on suspected TIP activities reported within their communities.
- Provide support during rescue operations, assisting with the sensitive supervision and care of survivors when accompanying them to the police station, hospital, or any temporary shelter where they are accommodated immediately after rescue.
- Conduct both formal and informal interviews to identify alleged victims, including those who remain outside the reach of rescue operations or have not been referred to government agencies.
- Provide accompaniment and support to victims throughout their interactions with the justice system.
- Accompany and support survivors in their reintegration into their communities.

Experience has shown (UNODC, 2019) that survivors housed in shelters or receiving assistance and support from NGOs are more inclined to share information about their exploitation with law enforcement, with the aim of ensuring that traffickers are brought to justice.

Academia, for its part, plays a fundamental role in fostering the training of skilled professionals and contributes to the generation, exchange, and dissemination of knowledge and evidence, including studies and evaluations on the effectiveness of interventions. It also encourages research and innovation by providing the necessary support for the development of new ideas, technologies, and approaches that advance the study of emerging phenomena.

For example, the Stanford Human Trafficking Data Lab aims to lead quantitative research and apply data-driven approaches to combat trafficking in persons. This Lab has created a repository of TIP data, serving as a global model for integrating and curating disparate government administrative data sources to promote new research on trafficking networks and markets. In addition, it is conducting a series of rigorous, multidisciplinary research projects that draw on the data repository to deepen understanding of trafficking in

persons markets and assess the effectiveness of policies aimed at addressing them.

Media participation

The media play a vital role in combating TIP by raising awareness and giving visibility to the issue. To achieve this, it is essential to establish strong partnerships with specialised organisations, such as NGOs and governmental entities, which possess the knowledge and experience to provide accurate and up-to-date information. Such collaboration offers access to reliable accounts and expert guidance to inform media coverage, thereby ensuring ethical and effective action against TIP. This engagement can generate, among others, the following benefits (UNODC, 2019):

- **Information on the modus operandi:** Disseminating testimonies and real cases helps inform the public about how individuals and transnational criminal groups operate, thereby enabling investigative authorities to prevent and investigate cases more proactively.
- **Public complaints:** It is essential for the media to expose cases of TIP to generate social pressure and encourage the authorities to take action to combat it.
- **Enhancing the visibility of cases:** Bringing cases of TIP to light helps break the silence surrounding this problem and encourages victims to come forward.
- **Collaboration with specialised organisations:** It is essential to establish strong partnerships with organisations focused on TIP, such as NGOs and governmental entities, to ensure ethical and effective coverage and to secure access to reliable and up-to-date information.



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Strengthen judicial expertise and specialisation through the establishment of specialised TIP courts, to ensure effective adjudication of the crime and a timely, appropriate response to survivors.

Private sector contribution

As mentioned above, the investigation and prosecution of TIP is not solely the responsibility of government and civil society; the private sector also plays a critical role in the comprehensive and effective response to this crime.

The private sector can contribute financial support and resources to combat TIP, including infrastructure, logistics, and technology to facilitate the investigation and prosecution of cases (UNODC, 2019). Companies can also share their expertise and practical experience to support efforts to combat this crime.

For example, in 2018, Uber Mexico partnered with the organisation SINTRATA, A.C., the Mexico City Citizen Council, and UNODC to act against TIP. The initiative aims to ensure that driver-partners and delivery personnel registered on Uber's app, as well as users across the country, have access to digital tools to help them identify and safely and anonymously report potential cases of TIP to the Citizen Council's National Anti-Trafficking in Persons Hotline.

Collaboration between the private sector and the authorities is essential in combating TIP. Companies can share relevant information with the authorities to facilitate the identification and rescue of victims, and to support the investigation and prosecution of perpetrators.

Close collaboration and coordination between the private sector and the authorities enable a comprehensive and more effective way to address this crime. Companies can also contribute by sharing best practices and by developing effective policies and strategies.



5. CHECKLIST

DOES YOUR INSTITUTION AND/OR COUNTRY ALREADY IMPLEMENT IT?		YES	NO
 <p>This checklist may serve as a useful tool to reflect on key guidelines for investigating and prosecuting the crime of trafficking in persons through a human rights-based approach.</p>	Joint criminal policy strategies to address the phenomenon of trafficking in persons through coordinated action, grounded in a human rights-based and gender-responsive perspective.		
	International cooperation mechanisms for investigating, prosecuting, and punishing cases of trafficking in persons, as well as for protecting victims.		
	Development of protocols, guidelines, or manuals to incorporate the gender approach into the investigation and criminal prosecution of trafficking in persons and related crimes.		
	Signing of agreements or memoranda of understanding between countries for the establishment of joint investigation teams to address trafficking in persons offences.		
	Investigations of trafficking in persons conducted through transnational joint investigation teams.		
	Establishment of units or directorates staffed with personnel specialised in the investigation and prosecution of trafficking in persons cases.		
	Free legal assistance for survivors, provided by the State through mechanisms such as victims' commissions or victim assistance institutes.		
	Protection programs for trafficking survivors and witnesses that take into consideration the specific circumstances of the victims.		

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