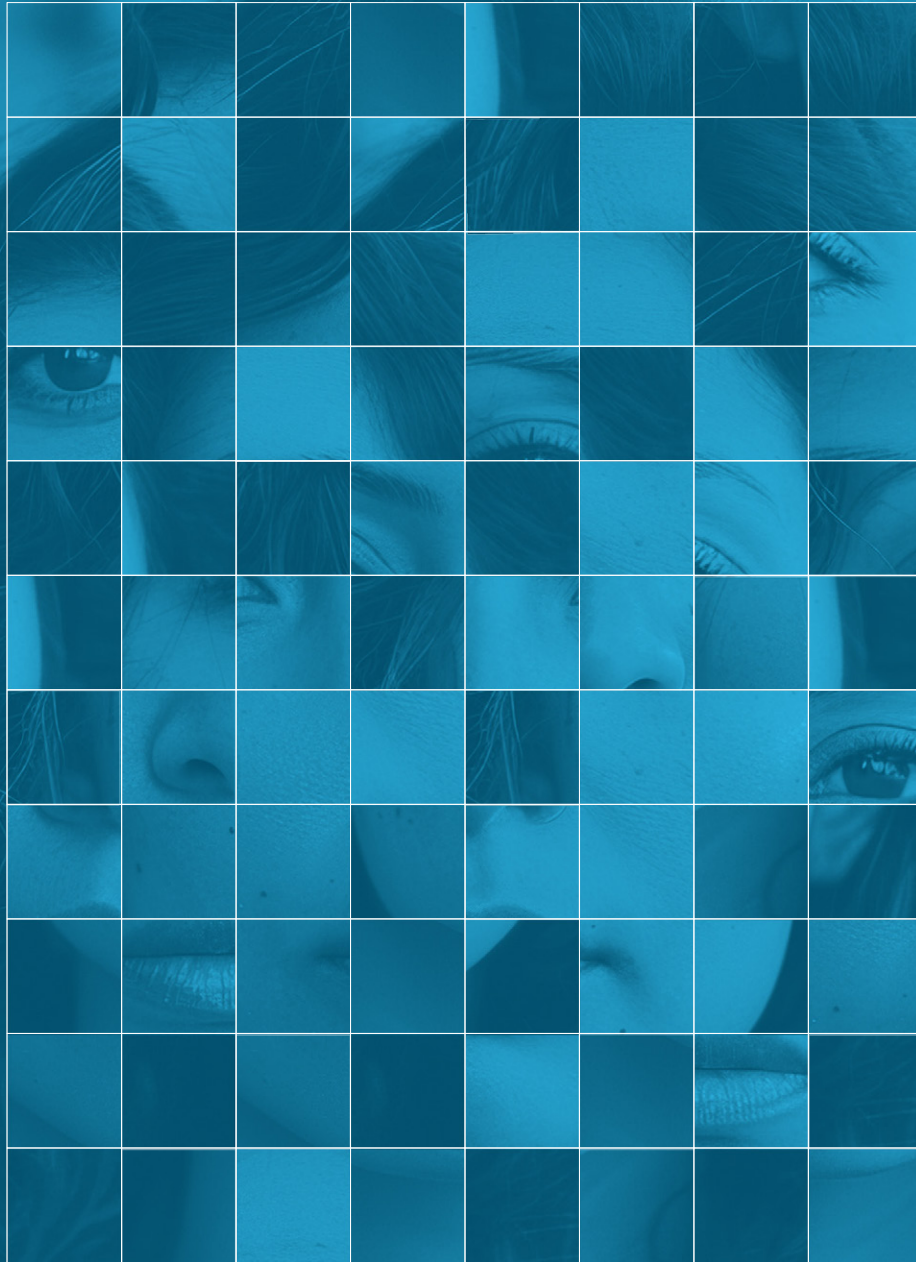


Regional Action Guidelines for **A COORDINATED RESPONSE TO TRAFFICKING IN PERSONS**

FROM THE SECURITY AND JUSTICE SECTOR

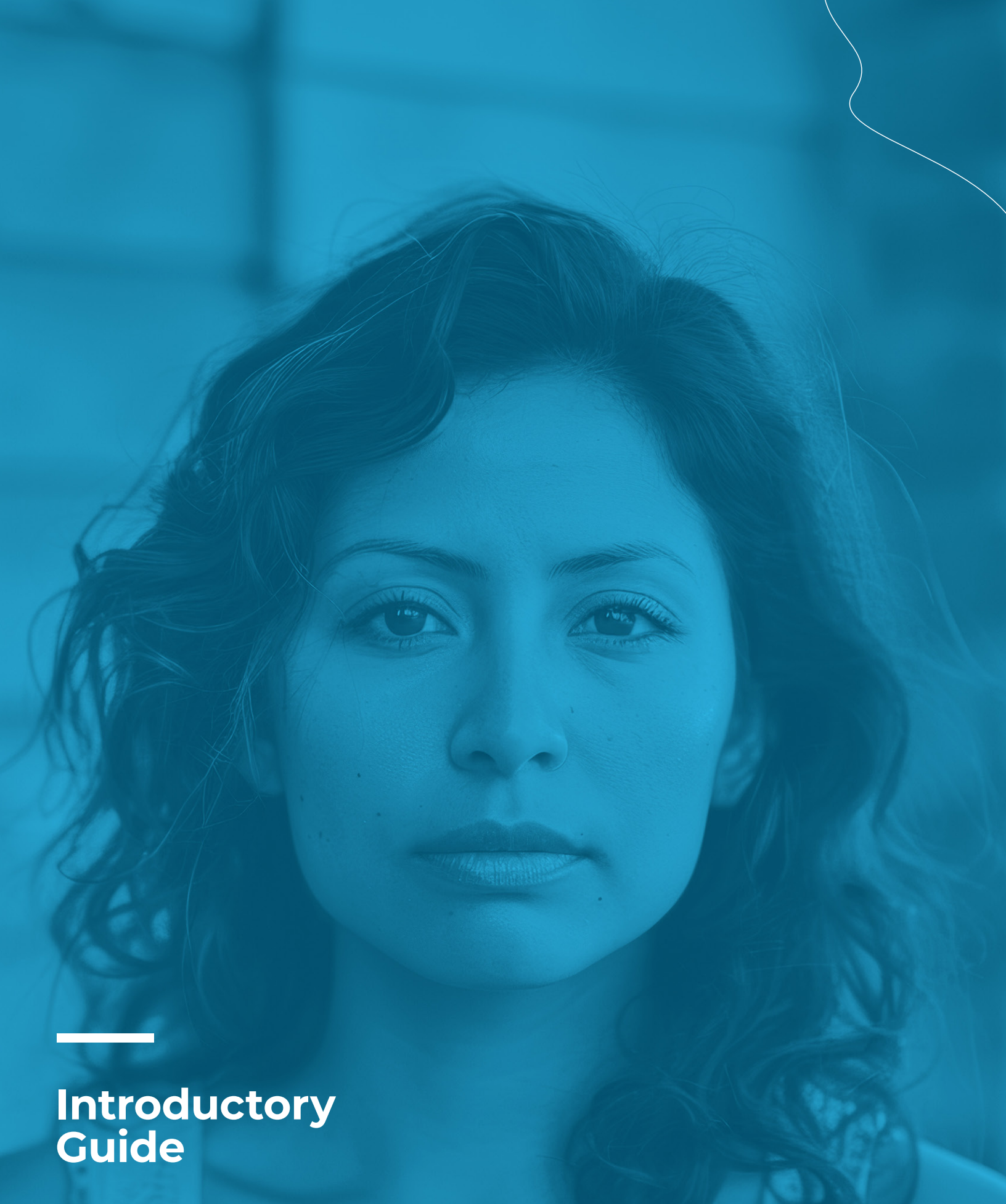


Introductory Guide



United Nations
Office on Drugs and Crime





Introductory Guide



United Nations
Office on Drugs and Crime



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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 introductory guide 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.

Series Structure

The Regional Action Guidelines consist of five guides, 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



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 providing assistance 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



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 mainstreamed 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:

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



1. ABOUT THE GUIDELINES

Dear reader, this section outlines the objective, development process, and approaches that underpin these guidelines. It also provides essential information to support an understanding of the definition of trafficking in persons (TIP), its purposes and modalities, as well as key data at both global and regional levels.

What is the objective of these guidelines?

In response to requests from several countries in Latin America and the Caribbean (LAC), the Inter-American Development Bank (IDB) seeks to strengthen the institutional capacities of the security and justice sector, including the police, prosecutor's offices, and the judiciary, and to improve coordination with other sectors to more effectively combat trafficking in persons. These efforts are undertaken through the regional 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* (RG-T3994), funded by the IDB Regional Public Goods (RPG) Initiative.

To advance this objective, this series of guides sets out guidelines and recommendations aimed at fostering a more coordinated and effective response to trafficking in persons within the security and justice sectors, with a focus on prevention, protection, investigation and prosecution, and transnational cooperation.

Who are these guidelines intended for?

These guidelines are intended for all public officials working in institutions engaged in addressing TIP in LAC.

In other words, whether you serve in the police, the public prosecutor's office, the judiciary, a ministry, or any other governing body in this field, this publication provides information relevant to your professional duties. The guidelines have been prepared in accessible language and address topics of interest related to TIP across a range of areas of expertise, regardless of the specific role you hold within your institution.

What information do these guidelines provide?

The Regional Action Guidelines offer a framework of reference for all LAC countries. Throughout these publications, you will find useful information to understand the phenomenon of TIP, along with general guidance and recommendations to support your work in combating it. The publications provide guidance on strengthening cooperation at both national and international levels to enhance responses in prevention, investigation and prosecution, as well as in the protection and assistance of survivors of this crime.

It should be noted that these guidelines focus on the needs of survivors, incorporate a gender approach, and place particular emphasis on the role of digital technologies in combating this crime.

What information is not included in these guidelines?

As reference guides, these publications are not intended to amend existing police or judicial procedures on trafficking in persons within or between countries, nor to offer country-specific guidance. Consequently, they do not contain rules or instructions on how to plan, implement, or evaluate initiatives to combat this crime.

How were these guidelines developed?

In response to the needs identified by the beneficiary countries of 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* (Image 1), as well as by strategic partners (including the Caribbean Community Implementation Agency for Crime and Security (CARICOM IMPACS), the Office to Monitor and Combat Trafficking in Persons of the U.S. Department of State, and the Organization for Security and Cooperation in Europe (OSCE)), information was gathered to focus the content of these guidelines. The identification of promising practices and the challenges faced by the countries participating in the project also contributed to the development of this publication.

IMAGE 1.

Map of RPG Beneficiary Countries



Source: Authors' creation based on project data.

Information was collected during 2023 through interviews, participatory dialogues, and desk reviews, as shown in Table 1.

TABLE 1.
How the Regional Action Guidelines Were Developed

NUM.	STAGES	ACTIVITIES	TIMELINE
0	Identification of needs	The First Workshop on Trafficking in Persons in LAC was held.	October 2022
1	Information gathering	Support was requested from the beneficiary countries to obtain national documents related to the fight against TIP and to facilitate the participation of focal points in interviews concerning these documents, as well as related challenges and promising practices. Other documents were also consulted.	February 2023
2	Systematization	A total of 189 documents submitted by the project's beneficiary countries were reviewed and systematised.	April 2023
		A total of 13 interviews with focal points in the beneficiary countries were conducted and systematised.	May 2023
3	Preparation of the table of contents	An annotated table of contents for the guidelines was developed based on the analysis of the systematised information.	May 2023
4	Participatory Dialogue with the United Nations Office on Drugs and Crime (UNODC)	The annotated table of contents of the guidelines was reviewed by subject matter experts from the Regional Office for Central America and the Caribbean in Panama (UNODC ROPAN), along with one representative from the Office for the Andean Region and the Southern Cone (UNODC ROCOL).	June 2023
5	Validation of the table of contents	The annotated table of contents was submitted to the country focal points for review, and the adjustments they proposed were duly incorporated.	June 2023

NUM.	STAGES	ACTIVITIES	TIMELINE
6	CARICOM Participatory Dialogue	A virtual meeting, co-organised with CARICOM IMPACS, was held with the participation of Caribbean countries (Bahamas, Belize, Suriname and Trinidad and Tobago), during which the country focal points proposed adjustments to the annotated table of contents. These suggestions were subsequently incorporated.	July 2023
7	Drafting of the Guidelines	Once the table of contents was agreed upon, the guidelines were drafted.	August-September 2023
8	Review and Feedback on the Guidelines	During the Second Workshop on Trafficking in Persons in LAC, held in Washington, D.C., from October 30 to November 1 of 2023, beneficiary countries, strategic partners and subject matter experts reviewed and provided feedback on the first version of the guidelines.	October-November 2023
9	Review and Revision of the Guidelines	Revisions were made based on the feedback received from countries, partners and subject matter experts. Each chapter was then subjected to a detailed revision process through iterative exchanges between the UNODC and the IDB, resulting in the final version of the Regional Action Guidelines.	January-October 2024

Source: Authors' creation based on project data.

Which Sustainable Development Goals do these guidelines address?

Trafficking in persons is a crime with significant impact, across various sectors of society. For this reason, strategies to prevent, combat, and punish it are aligned with the SDGs adopted by the United Nations in 2015. The 17 interrelated Sustainable Development Goals (SDGs) aim to reduce poverty, protect the planet, and ensure that all people enjoy peace and prosperity.

The Regional Action Guidelines are aligned with the implementation of the SDGs in the pursuit of effective and sustainable outcomes. To systematise the objectives pursued by these guidelines, the goals related to trafficking in persons are presented in Table 2.

TABLE 2.
Sustainable Development Goals Relevant to Trafficking in Persons

GOAL 5	Gender Equality
<p>Implies:</p> <p>Ending all forms of discrimination against women and girls everywhere.</p> <p>Eliminating all forms of violence against women and girls in public and private spheres, including trafficking in persons, sexual exploitation, and other forms of exploitation.</p> <p>Eliminating all harmful practices, including early and forced child marriage and female genital mutilation.</p>	
GOAL 8	Decent Work and Economic Growth
<p>Seeks to:</p> <p>Take immediate and effective measures to eradicate forced labour, end contemporary forms of slavery and TIP, ensure the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers, and ending child labour in all its forms.</p>	
GOAL 10	Reduced Inequalities
<p>Seeks to:</p> <p>Guarantee equal opportunities and reduce outcome inequalities.</p> <p>Facilitate orderly, safe, regular, and responsible migration and human mobility, including through the implementation of planned and well-managed migration policies.</p>	

GOAL 16**Peace, Justice and
Strong Institutions****Implies:**

Significantly reducing all forms of violence and related death rates worldwide.

Ending abuse, exploitation, trafficking in persons, and all forms of violence and torture against children.

Promoting the rule of law at the national and international levels and ensure equal access to justice for all.

Strengthening relevant national institutions through various means, including international cooperation, to enhance capacity at all levels for the prevention of violence and the fight against terrorism and crime, with particular attention to developing countries.



It should be noted that these guidelines focus on the needs of survivors, incorporate a gender approach, and place particular emphasis on the role of digital technologies in combating this crime.



2. APPROACHES OF THE GUIDELINES

When reading these guidelines, keep in mind that their content is informed by various approaches, which are reflected throughout each section. It is therefore important to understand these approaches conceptually and to recognise how they can be applied in your professional work.

Human Rights-Based Approach (HRBA)

This approach is rooted in the promotion and protection of human rights, in line with international human rights principles and standards. Its purpose is to identify rights holders (individuals) and duty-bearers (States), aiming to strengthen the capacity of the former to claim their rights and of the latter to fulfil their obligations in guaranteeing those rights (UNSDG, 2019).

It also seeks to examine the inequalities that underpin development challenges and to address discriminatory practices and unjust distributions of power that hinder development progress (UNSDG, 2023). This is carried out in accordance with five guiding principles (Table 3) (COPREDEH, 2012).

TABLE 3.
Guiding Principles of the Human Rights-Based Approach

Full Observance of All Rights	It is based on the recognition that all rights hold equal status, and their fulfilment must be pursued gradually and progressively.
Participation of Rights Holders and Access to the Decision-Making Process	Participation is conceived as a democratic process that enables decision-makers to implement participatory mechanisms for the benefit of users of the justice system.
Non-Discrimination, Equality, and Inclusion	As both a right and a principle, its application cuts across all changes, reforms, procedures, and interventions to combat TIP.
Accountability of Duty-Bearers and Access to the Rule of Law	It enables the assessment of public functions and promotes reflection on the integration of best practices.
Transparency and Access to Information	As a right to access information on public management, this seeks to improve practices and highlight successful experiences that can be replicated.

Source: Authors' creation.

How would it be implemented to combat trafficking in persons?

According to the United Nations guidelines on HRBA (UNSDG, 2003), the central element of this approach is the programming of interventions. Therefore, the following are key recommendations to guide implementation:

- When addressing an alleged TIP case, priority should be given to assessing and analysing the immediate, underlying and structural causes of the failure to guarantee rights before, during, and after the criminal act.
- Guide prevention strategies to strengthen the capacities of rights holders and duty-bearers, with a focus on addressing, protecting against, and prosecuting the crime of TIP.

- Oversee the outcomes and processes of interventions grounded in human rights principles, ensuring that established goals are measurable and aligned with the institution's capacity to respond to TIP.
- Acknowledge survivors as rights holders and key agents of their own development, fostering their engagement and strengthening their empowerment.
- Ensure that efforts to combat TIP prioritise disadvantaged and marginalised groups, considering their heightened vulnerability.
- Build and maintain strategic alliances or partnerships with public and private sector partners to achieve objectives.

Gender Approach

It is an approach aimed at:

[...] observing, analysing and promoting transformations related to inequalities and inequities in the condition, roles and social positioning of men and women. It seeks to monitor interventions for potential adverse effects and impacts, ensuring that they do not result in gender-based discrimination. Concurrently, it promotes equal opportunities, with particular emphasis on strengthening the capacities and competencies of women and populations with diverse sexual orientations and gender identities, through their empowerment as rights holders. (MIDEPLAN and UN Women, 2017: 6)

The United Nations has emphasised the importance of aligning plans, programmes, and projects with this approach through SDG 5, which calls for addressing gender inequalities in all their forms and empowering women and girls in all areas of life, including access to education and healthcare, as well as participation in decision-making and leadership.

How would it be implemented to combat trafficking in persons?

First and foremost, it is essential to incorporate this approach into actions related to prevention, investigation and prosecution, protection, and cooperation in combating TIP. This is because trafficking in persons is a crime that affects individuals differently depending on their gender, and therefore, targeted actions are likely to be more effective.

Once its importance is acknowledged, the question of how to translate it into practice often arises. The following recommendations are provided to support its effective implementation:

- **Understanding:** When assessing the issue, consider how trafficking in persons differentially impacts women and populations with diverse sexual orientations and gender identities (SOGI or LGBTQ+).
- **Preventing:** Once the risk factors for TIP are understood, it is important to identify those primarily associated with gender, such as gender-based violence, limited access to decent employment, and the presence of stereotypes that may hinder the identification of cases.
- **Protecting:** When encountering a presumed victim of trafficking in persons, it is essential for professionals to be trained in identifying vulnerability factors affecting women and LGBTQ+ populations, and to have access to appropriate specialised services.
- **Investigating and prosecuting:** Implement operational mechanisms and investigative strategies that take into account social stereotypes and gender roles which may contribute to the perpetuation of these crimes.
- **Fostering participation:** Transform programmes, plans, and projects into participatory spaces where communities (in particular women, girls, and LGBTQ+ individuals) have a meaningful voice.

Differential and Intersectional Approach

This approach recognises and affirms the differences among individuals and emphasises the need to design projects, plans, and programmes that take these differences into account, with the aim of ensuring equity in access to opportunities, services, and resources. While these differential characteristics may vary (such as cultural, ethnic, gender, sexual orientation, economic, social, or physical and mental conditions) they share one common feature: they place the populations that possess them in a situation of vulnerability compared to those with more privileged or dominant characteristics.

However, in seeking to overcome inequality and discrimination, it is insufficient to identify these characteristics in isolation; it is essential to understand the individual as the outcome of a complex interaction of diverse attributes. For this reason, the differential approach must be complemented by an intersectional approach.

The intersectional approach is:

A perspective aimed at identifying and understanding how multiple conditions, circumstances, or characteristics intersect to create a complex system of oppression that generates overlapping and concurrent vulnerabilities. Rather than ranking or combining different forms of oppression, this approach highlights the interconnected nature of structured social positions within a broader system of inequality. (Marín Urrego, Moreno Luna, Peña Torres, et al., 2023: 14)

The intersectional approach also serves as “(...) an analytical tool for examining, understanding, and addressing how gender intersects with other identities, and how these intersections shape distinct experiences of both oppression and privilege (...)” (Symington, 2004: 1).

For example, incorporating the intersectional approach into State actions enables social, territorial, and cultural relevance in the response to gender-based violence against women, girls, and persons with diverse sexual orientations and gender identities (SOGI), recognising that such violence does not impact all women in the same way. The intersectional approach makes it possible to understand the inequalities that serve as axes of vulnerability in relation to gender-based violence. It enables a more comprehensive analysis of the intersecting factors that deepen these inequalities, recognising that gender-based violence is a structural issue affecting diverse groups of women throughout their lives.

How would it be implemented to combat trafficking in persons?

Implementing the differential approach in combating TIP involves recognising and addressing both individual and contextual differences that may increase the vulnerability of certain groups to the crime.

Below are some recommendations to support implementation:

- **Understanding:** Identify the population groups most at risk of becoming victims of TIP, such as women, children and adolescents, LGBTQ+ individuals, persons with disabilities, marginalised ethnic groups, and migrants. It is important to carry out a context-specific analysis of your territory and identify the barriers that affect these groups in a differentiated manner.
- **Preventing:** Use knowledge of these population groups in the context of TIP to design tailored prevention actions, considering the intersection of multiple characteristics that victims of this crime may have.

- **Building capacities:** Provide your team with training and/or capacity-building opportunities for combating TIP, with particular attention to its differential impact on various population groups.
- **Protecting:** Provide or promote the delivery of specialised medical and psychological services for highly vulnerable population groups, taking into consideration factors such as the victim's language and beliefs.
- **Fostering participation:** Transform programmes, plans, and projects into participatory spaces where communities can express their views, with particular attention to those populations most vulnerable to this crime.

Applying a differential approach in combating TIP recognises the importance of considering the diverse experiences and needs of victims, with the aim of addressing this scourge more effectively and equitably.

Digital Approach

This term refers to the integration of technology and digital tools to support the achievement of various objectives. While the use of digital tools and technological devices has led to the development of software, mobile applications, online platforms, electronic devices, and information systems that improved task completion, as well as data collection and analysis for the identification and detection of TIP cases and/or victims, it has also facilitated methods employed by traffickers. They exploit social media, fraudulent websites, and disseminate misleading information to recruit and exploit victims.

As stated by the United Nations:

Technologies can help make our world fairer, more peaceful, and more just. Digital advances can support and accelerate achievement of each of the 17 Sustainable Development Goals – from ending extreme poverty to reducing maternal and infant mortality, promoting sustainable farming and decent work, and achieving universal literacy. But technologies can also threaten privacy, erode security and fuel inequality. They have implications for human rights and human agency. Like generations before, we – governments, businesses and individuals – have a choice to make in how we harness and manage new technologies. (United Nations, n.d.)

The use of technology can contribute not only to the optimisation of processes, the safeguarding of information security, and the support of data collection and analysis, but also to the effective dissemination of information to both specific and general audiences.

How would it be implemented to combat trafficking in persons?

Effective application of this approach requires leveraging new technologies to combat TIP, along with possessing the necessary knowledge of digital tools to integrate them into efforts to identify potential victims and dismantle criminal networks.

Below you will find some innovative ideas for using this approach:

- **Development of software and mobile apps:** Create specialised programmes for tracking and analysing TIP-related data to improve efficiency in case identification.
- **Online platforms and information systems:** Establish online platforms for collaboration and information exchange among public and private entities, non-governmental organizations (NGOs), and civil society organizations (CSOs), for the purpose of optimising victim detection.
- **Strategic use of social networks:** Implement digital strategies to counter recruitment mechanisms on social media, with the aim of identifying suspicious profiles and concerning behaviour patterns.
- **Monitoring of fake websites:** Digital tools can be employed to continuously monitor fake websites used by traffickers, thereby facilitating the early detection of illicit activities.
- **Dissemination of information and awareness-raising:** Leverage digital tools to share educational content and build awareness about TIP, thereby countering the efforts of traffickers.

Equality Approach to Human Mobility

In line with previous approaches, it promotes equal rights and opportunities for all individuals, irrespective of their immigration or refugee status. It is grounded on the recognition that all individuals possess fundamental rights and must be treated with dignity and respect, regardless of their nationality or immigration status. It also acknowledges that migration dynamics heighten the vulnerability of migrants to TIP.

How would it be implemented to combat trafficking in persons?¹

Implementing this approach entails taking into account migration-related variables in efforts to combat TIP. In this regard, and building on the recommendations of the other approaches, the following considerations may be taken into account:

- **Identifying:** Promote the identification of TIP victims within migrant populations at strategic locations (border areas, detention centres, shelters, safe spaces, and others) and ensure they receive immediate care.
- **Preventing:** Design targeted actions for migrants, taking into account the areas of destination, origin, and transit along migration routes. Actions may include awareness campaigns on safe migration, information on routes and protocols for accessing comprehensive support services, and dissemination of the risks associated with migration processes.
- **Protecting:** Ensure the provision of security, legal assistance, and access to asylum and refugee procedures for trafficking victims who are also migrants. This applies at both national and international levels of cooperation and may encompass repatriation or resettlement processes for victims.

¹ This section was prepared based on United Nations (2015).



3.

EXPLANATORY TERMINOLOGY

The guide has been drafted in clear and accessible language in order to facilitate understanding among the various actors involved in the system responsible for the assistance, protection, monitoring, investigation, prosecution, and punishment of the crime of TIP.

However, the terminology has been incorporated from a rights-based perspective, emphasising the legal rights and judicial guarantees afforded to individuals within the criminal justice system. These terms are further elaborated throughout the guidelines, while also acknowledging that different conceptualisations and perspectives may contribute to a more complete and nuanced understanding.

The following section presents the terminology used throughout the guides:

- **Victim:** For the purposes of this series, the term adopts the international legal definition set out in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which states:

“Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

(...) They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered. (OHCHR, 1985)

- **Survivor:** The term TIP survivor is sometimes used to refer to person(s) who have managed to exit a situation of exploitation. In other words, individuals who were previously victims and have freed themselves from the circumstances they were subjected to, thereby transitioning from victims to survivors. The term survivor highlights the resistance and resilience demonstrated by individuals after having been subjected to exploitation.
- **Organised crime/criminal group:** These guidelines reflect the provisions of the United Nations Convention against Transnational Organised Crime (Article 2), which defines the term as follows:

“Organised criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit. (UNODC, 2004)

- **Trafficker:** This refers to any person who acts individually or as part of an organised criminal group in the commission of the crime of TIP, regardless of the purpose involved.
- **Rescue operation:** This term refers to the actions and coordinated efforts carried out by institutions and organisations with a mandate to address TIP. In this regard, it entails the intervention of relevant authorities, specialised organisations, and security forces to terminate the exploitation and provide support to the affected individuals.
- **Gender:** In these guidelines, the interpretation of this term is not limited exclusively to women. On the contrary, it aims to challenge preconceived normative categories of masculinity and femininity. In certain cases, the use of these categories contributes to reinforcing violence directed at specific groups, including men, boys, and LGBTQ+ individuals. The gender approach adopted in these guidelines involves the use of tools that support the integration of specialised perspectives. This approach seeks to ensure that all survivors receive appropriate support, while also recognising and addressing specific forms of exploitation that may be less well known and that affect certain minority groups.



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The number of detected victims fell by 11 percent compared to 2019. For the first time in two decades, there was a decline in victim detection. This was attributed to the impact of the COVID-19 pandemic, which limited opportunities and enabled the crime of TIP to be carried out in an even more clandestine manner.



4.

TRAFFICKING IN PERSONS : WHAT YOU NEED TO KNOW

Definition

Over the years, the definition of TIP has been shaped by different conceptualisations that take into account its evolving dynamics and the ongoing efforts of countries to understand it. You are probably acquainted with the way in which the crime is defined under the laws or regulations of your own country. However, this series draws its definition from the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol (UNODC, 2004).

The Palermo Protocol states that:

a) *“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum, the exploitation*

of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

b) *The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*

c) *The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;*

d) *“Child” shall mean any person under eighteen years of age. (UNODC, 2004: 44)*

The definition provided in the Palermo Protocol is grounded in a conceptual approach intended to support its understanding. Although the acts and means through which the crime of trafficking is committed may differ across countries (depending on their national legislation), the purpose of exploitation remains the core element that defines the offence.

Purposes and Modalities

As outlined in the definition of the crime of TIP, traffickers may pursue various forms of exploitation, commonly referred to as the purposes of TIP. Some of the most common purposes are presented in Table 4 below.

TABLE 4.
Purposes of Trafficking in Persons

PURPOSE	DESCRIPTION	EXAMPLE
Exploitation of the prostitution of others or other forms of sexual exploitation in the tourism sector	Associated with the commercialisation of a person as a sexual commodity or the manipulation or coercion of the person to produce content of a sexual nature.	Andrea is a teenager who has been forced by her trafficker to work in a clandestine brothel, engaging in sexual acts with clients so that she can pay off an alleged travel-related debt.
Forced labour or services	Any labour or service demanded of an individual under the threat of any form of penalty, and which has not been performed voluntarily.	Erick was hired and agreed to take up what he believed to be a legitimate construction job. However, he was confined to the work site, denied payment and subjected to physical abuse.
Slavery or practices similar to slavery	Any situation in which one person asserts ownership rights over another individual. It broadens the concept to include practices analogous to slavery, encompassing other forms of conduct which, although more subtle, entail the instrumentalization of human beings.	Joaquin has been held in a cell within a camp for five years. He is only permitted to leave under armed guard to be exploited in mining activities and is repeatedly subjected to physical violence to increase his productivity.
Servitude	This refers to the subjugation of individuals who are forced to work for life in order to repay a debt or in exchange for basic living conditions.	Paulina is a female agricultural worker who works twelve hours a day, but is only paid enough to cover her meals.

PURPOSE	DESCRIPTION	EXAMPLE
Exploitation of the begging of others	Begging often stems from structural poverty, usually in contexts of extreme marginalisation, where a person's appearance or clothing elicits pity or compassion, prompting them to seek money from strangers as a means of survival. In the context of TIP, many individuals are compelled to beg through threats, coercion, or the exploitation of their vulnerability, and are used for the financial gain of others.	Daniel and Carlos are two children who have been recruited to beg for money at traffic lights along the avenue and are forced to hand over all the money they make to the trafficker. To this end, they have been made to go without bathing for several days and to wear worn or dirty clothing.
Servile marriage	This refers to a situation in which the marital bond is not established based on the free will of the individuals involved, but rather as a form of compensation or as part of a transactional arrangement. This involves turning individuals into commodities and, as such, constitutes a form of exploitation.	Salomé is a woman who, under threats to her safety and that of her family, was forced to marry a man as part of a transaction involving the exchange of goods between third parties.
Organ Removal	It is recognised as another form of exploitation. In response to the demand for transplants and other medical purposes, certain criminal organisations have been established to recruit, transport, receive, and harbour individuals for the purpose of organ removal for commercial exploitation.	Janeth was contacted by an individual through social media who offered her not only money in exchange for a kidney, citing an apparent medical emergency, but also promised comprehensive support and care to ensure her well-being. Facing financial hardship, Janeth agreed to have her kidney removed in a clandestine setting, lured by the promise of payment that was never honoured.

Source: Authors' creation based on UNODC (2015).

It is important to recognise that the purposes of TIP can occur in various contexts and modalities, which may differ depending on the objectives of the criminal networks involved or on factors related to the geographic location of the victims and the settings in which the exploitation takes place. In light of

this, these guidelines present three modalities that serve to clarify how the crime is committed.

- 1. Transnational or external:** Victims are recruited, transported, harboured, and exploited across multiple countries, involving at least one international border crossing.
- 2. Internal:** Victims are recruited, transported, harboured, and exploited within the same country, without crossing any international borders.
- 3. Mixed:** The recruitment, transportation, harbouring, and exploitation of victims may involve both domestic and transnational modalities.

Global Landscape of Trafficking in Persons

According to key indicators from 2022 UNODC Global Report on Trafficking in Persons, 51,675 victims of TIP were detected in 166 countries in 2020. Of the TIP victims detected, 42% were women, 23% were men, 18% were girls, and 17% were boys. Of the persons convicted of this crime, 58% were men and 40% women, based on a total of 1,234 convictions reported in 128 countries in 2020.

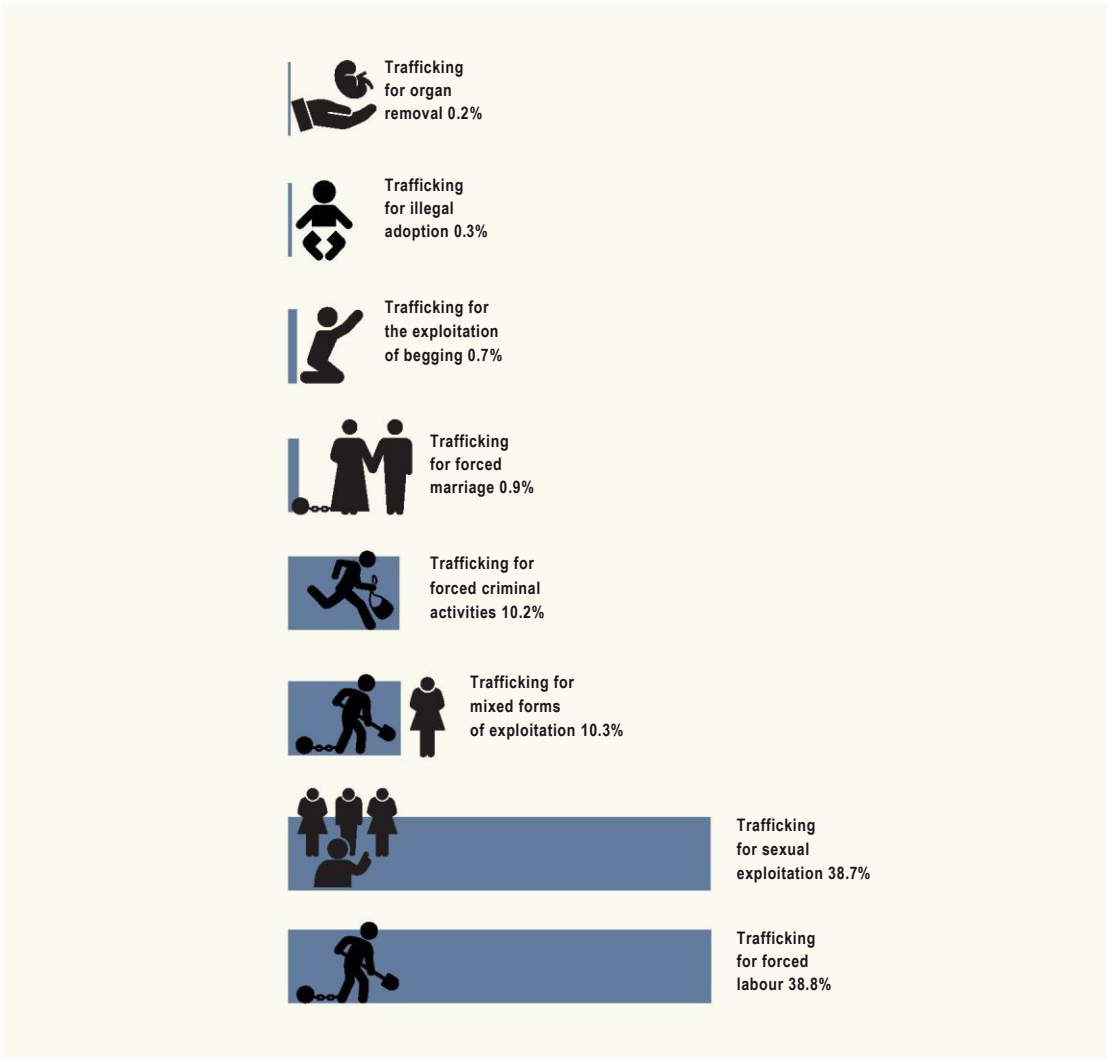
The report also observed that there was an 11% decrease in the number of global victims detected compared to 2019. For the first time in two decades, there was a decline in victim detection. This was attributed to the impact of the COVID-19 pandemic, which limited opportunities and enabled the crime of TIP to be carried out in an even more clandestine manner. Traffickers made use of digital environments to identify, recruit, coerce, and control victims, while the capacities of justice sector actors to combat the crime were constrained.

Furthermore, there was a 24% decline in the detection of victims of TIP for sexual exploitation compared to 2019. This suggests that while sexual exploitation in public spaces may have decreased, it likely shifted to more concealed and less secure settings, making this form of trafficking more hidden and harder to detect.

Globally, 41% of victims were identified as having resorted to self-rescue in contexts where TIP response measures were insufficient. This means that the majority of victims succeed in escaping and contacting the authorities through their own initiative or self-directed actions. Regarding convictions for the crime of TIP, the number of convictions worldwide decreased by 27% in 2020 compared to 2019. This decline has also been linked to the impact of the COVID-19 pandemic.

In terms of forms of exploitation, trafficking for forced labour accounts for the highest proportion (38.8%), followed closely by trafficking for sexual exploitation (38.7%). This is followed by trafficking for mixed forms of exploitation involving multiple purposes (10.3%), trafficking for forced criminal activities (10.2%), trafficking for forced marriage (0.9%), trafficking for exploitation through begging (0.7%), trafficking for illegal adoption (0.3%), and lastly, trafficking for organ removal (0.2%) (Figure 1).

FIGURE 1.
Global Overview of Exploitation Purposes (Percentages)



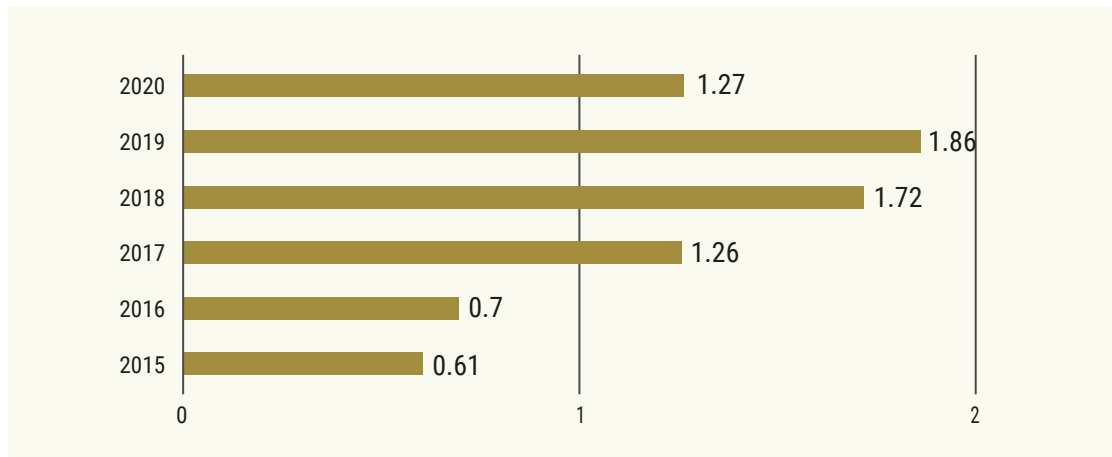
Source: UNODC (2022).

Regional Landscape of Trafficking in Persons

In the UNODC Global Report (2022), the Latin America and Caribbean (LAC) region is divided into two subregions: South America (SA) and Central America and the Caribbean (CAC). The dynamics in these subregions mirror global trends, displaying similar characteristics. There has been a decline in case detection, a notable shift in trafficking modalities marked by an increase in internal trafficking, changes in the purposes of exploitation, and a reduction in investigations and convictions.

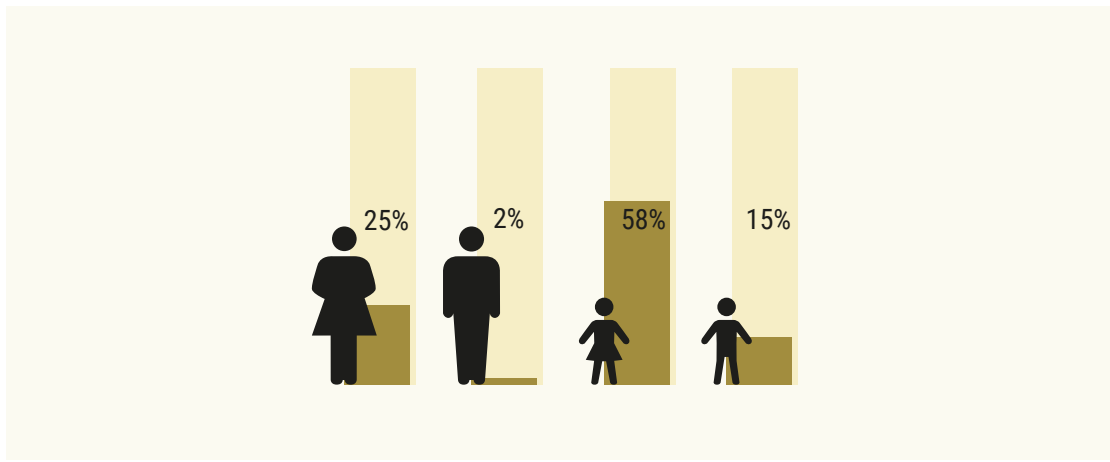
At the LAC level, detection rates increased over the past two decades. However, in 2020 the number of detected cases per 100,000 population decreased by 36% in Central America and the Caribbean and by 32% in South America, compared to 2019. This decline may be linked to the impact of the COVID-19 pandemic in low- and middle-income countries. Figure 2 presents a comparison of the number of victims detected in SA from 2015 to 2020.

FIGURE 2.
Number of Victims Detected per 100,000 Population in South America (2015–2020)



Source: UNODC (2022).

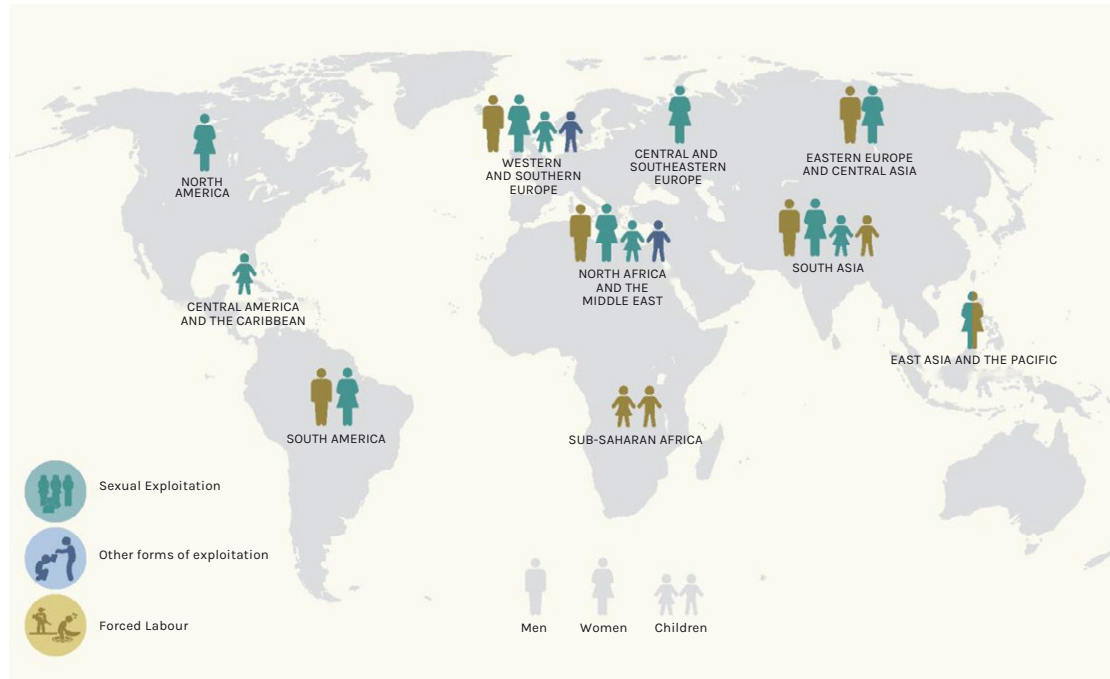
Despite the sharp decline in victim identification compared to 2019, data on the sex and population group of victims detected in 2020 indicate that women and girls remain the primary victims of this crime in both SA and CAC. In the first subregion, 49% of the victims detected were women, 27% were men, 14% were girls, and 10% were boys. Meanwhile, in CAC, the main victims identified were girls (58%), followed by women (25%), boys (15%), and men (2%) (Figure 3).

FIGURE 3.**Victims Detected in Central America and the Caribbean by Age Group and Sex****Source:** UNODC (2022).

As previously highlighted, women and girls represent the population group most impacted by the crime of TIP in the LAC region. In fact, CAC has more victims per 100,000 population than any other region in the world. Furthermore, victims within the region have been identified from various other population groups that may be at a higher risk of being targeted for this crime, including indigenous peoples, persons with disabilities, and LGBTQ+ individuals.

With regard to purposes, sexual exploitation and forced labour continue to be the most commonly reported forms in both SA and CAC. In the CAC subregion, sexual exploitation is the most frequently identified purpose, representing 71% of cases, followed by forced labour at 21%. In contrast, compared to 2018, the SA subregion has seen a marked shift, with forced labour increasing to 63% and sexual exploitation falling to second place at 36%.

FIGURE 4.
Regional Breakdown by Purpose of Exploitation



Source: UNODC (2022).

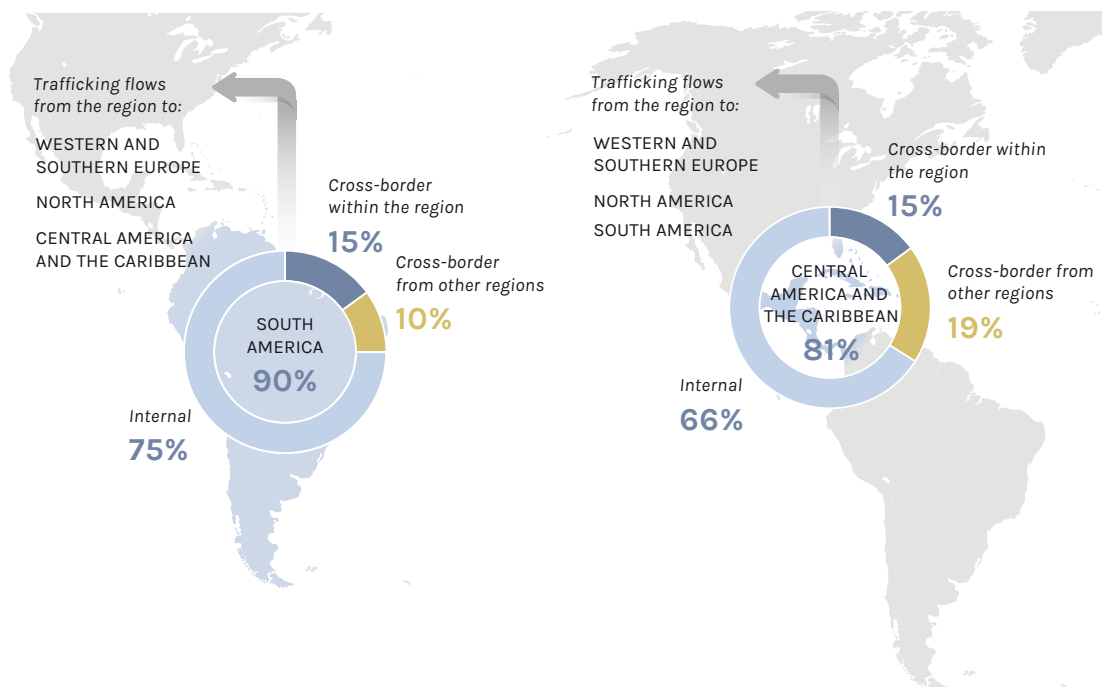
The increase in TIP cases classified as forced labour may be partly due to the strengthened capacity of public officials, such as ministries and labour inspection authorities, to identify and refer these cases.

In relation to sexual exploitation, 98% of the victims identified in SA were women and girls, whereas only 2% were men and boys. Data analysed by UNODC indicates that, although women remain the primary victims identified globally, there has been a 3% increase in the identification of male victims since 2019.

In 2020, fewer foreign victims were detected in these subregions. In fact, in SA, 93% of trafficking victims were identified within their own region of origin (Savoca, Vasquez, and Hidalgo, 2022).

The identification of internal TIP cases (within the same country) was predominant in SA, accounting for 75% of the total cases identified. In CAC, internal cases represented 66% of the total number of reported cases. This trend coincides with the increase in internal migration in these countries, which also saw a considerable rise (Figure 5).

FIGURE 5.
Shifts in Victim Identification Across South America and Central America and the Caribbean



Source: UNODC (2022).

In recent years, migration flows in both subregions have risen markedly, driven in part by factors such as economic crises, political instability, and violence. In 2019, SA experienced an upsurge in migratory flows, reflected in an increase in the number of asylum seekers heading to countries such as Chile, Colombia, Ecuador, and Peru. Similarly, in CAC, migration flows grew significantly during 2019 and 2020, with many countries in the subregion becoming transit territories for migrants.²

In 2020, as a result of the COVID-19 pandemic, many countries closed their borders and restricted the entry of foreign nationals, creating major barriers to movement and migration.³ The pandemic also caused a decline in economic activity and an increase in unemployment, which had a substantial impact on the situation of migrants in the region.

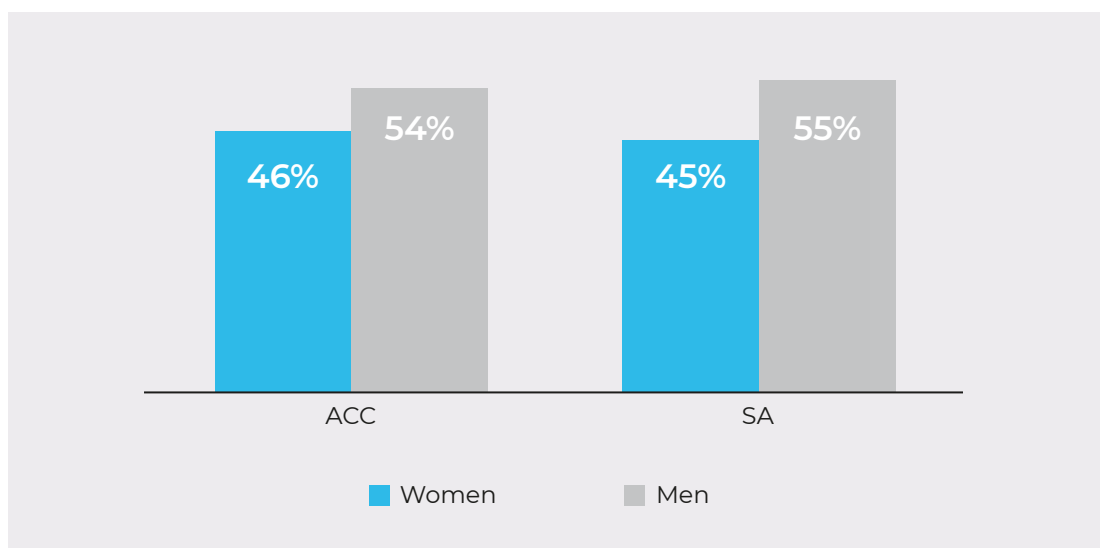
² According to the International Organization for Migration, a total of 53,302 migrant and refugee arrivals were recorded at Mexico's southern border in 2019.

³ At Mexico's southern border, the number of migrant arrivals declined to 38,517, while deportations of migrants from Mexico to their countries of origin increased.

The increase in migration flows observed in 2019 corresponded with a rise in the number of TIP victims identified in both regions during the same period. In contrast, the decline in the detection of TIP victims in 2020 coincided with the reduction in migratory flows resulting from the pandemic (UNODC, 2022).

Regarding the sex of individuals prosecuted for the crime of TIP in CAC, 54% were men, while the remaining 46% were women. A similar trend is evident in SA, where 55% of those prosecuted were men and 45% were women (Figure 6).

FIGURE 6.
Percentage of Persons Prosecuted for Trafficking in Persons in South America and Central America and the Caribbean, by Sex



Source: Authors' creation based on UNODC (2022).

Although most traffickers in these two subregions are men, a considerable number of women are also prosecuted and convicted for this crime. For instance, women who were initially victims of TIP may be convicted of offences related to their situation or of other connected offences after being compelled to engage in criminal activity. In some cases, women who were initially victims of TIP may, in an effort to escape their own victimisation, become involved in the criminal chain by taking on roles such as recruiters or exercising control over other victims.

In conclusion, it is important to note that most of the data presented in this section correspond to information reported by countries during the pandemic period, particularly in 2019, 2020, and part of 2021.

The data offer a snapshot of that specific period and underscore the direct impact of the pandemic on the TIP situation at both global and regional levels, on the institutions responsible for addressing it, and on the victims affected.

Myths and Realities

Trafficking in persons (TIP) is a crime that manifests in diverse and dynamic ways and there exists a lot of misconceptions perpetuated through personal conversations, as well as by the media and social networks (UNODC, 2019). Therefore, the following section outlines several myths and corresponding realities related to the commission of this crime, in order to provide a more comprehensive understanding of the issue and, consequently, a more effective response (Table 5).

TABLE 5.
Myths and Realities of Trafficking in Persons

MYTH	REALITY
TIP is the same as the smuggling of migrants.	TIP and the smuggling of migrants are two separate and distinct offences. The smuggling of migrants entails the unlawful crossing of international borders and is classified as a crime against the State. In contrast, TIP constitutes a crime against individuals and a violation of their human rights, characterised by the purpose of exploitation, which may be induced through force, fraud, coercion, or by taking advantage of the victim's social and/or economic vulnerability, regardless of whether transportation is involved.
Only foreigners or migrants can be victims of TIP.	Anyone can be a victim of TIP, although certain groups are more vulnerable owing to intersecting factors such as gender, ethnicity, social status, migration status, and age, among others.
Individuals who are aware of their involvement in unlawful activities cannot be regarded as victims.	Initial consent to exploitation given prior to the use of force, fraud, or coercion is not relevant to the commission of the offence. If a person is forced, deceived, or coerced into being exploited for any purpose against their will, they may be considered a victim of trafficking.

MYTH	REALITY
A person who receives payment for labour or sexual acts cannot be considered a victim of trafficking.	If a person is forced, deceived, or coerced into labour or into performing commercial sex acts against their will, they may be recognised as a victim of trafficking, regardless of whether any payment is involved.
TIP requires the victim to be physically restrained, abused, held in captivity, and necessarily subjected to some form of exploitation.	The legal definition of TIP does not require physical restraint or abuse. Psychological methods of control, such as threats, fraud, and abuse, are sufficient to satisfy the elements of the offence. Likewise, the definition does not require that the act of exploitation be completed for an individual to be recognised as a victim of trafficking.
Victims of TIP are always physically confined or locked up.	Not all victims of trafficking are physically confined; the “chains” may be emotional or they may be tied to a situation of vulnerability that prevents them from escaping from exploitation.
All foreign victims of trafficking are undocumented migrants.	While some trafficking victims may lack documentation or legal immigration status, others may be migrants with valid visas or regular immigration status.
Only women can be victims of trafficking.	Although statistical data reflect a pronounced gender component as a vulnerability factor, men and boys are also subject to trafficking, not only for the purpose of labour exploitation but also for sexual exploitation.
The only purpose of the crime of trafficking is sexual exploitation.	Sexual exploitation is one of the most prevalent purposes of the crime of TIP; however, it is not the only one. Other purposes include forced labour, servile marriage, organ removal, and various other forms of exploitation.
White slave trafficking is the same as TIP.	The term “white slave trafficking” emerged from the historical and conceptual evolution of the crime, rooted in the notion that TIP was primarily directed at white women, who were perceived to hold greater value within sexual exploitation networks. The use of this term is currently discouraged, as it fails to reflect the multiple purposes of exploitation and the diverse profiles of victims affected by this crime.
The purposes of trafficking are always carried out within the context of illegal activities.	Victims of TIP may be exploited in various settings, including legal ones such as sports, factory work, and others.

MYTH	REALITY
TIP is solely a transnational phenomenon; it does not qualify as TIP if it occurs within a single country.	TIP can take place within a single country, across international borders, or through a combination of the two.

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

Related Offences

The legal classification of the offence of TIP may vary according to the national legal framework of each country. However, it may overlap with the commission of other types of crimes, known as related offences, which include situations of exploitation where the defining elements of offering, recruiting, harbouring, transferring, or receiving a person are not present. Accordingly, the following may be classified as related offences: the smuggling of migrants, multiple forms of human exploitation, acts involving violence or coercion, the falsification of official documents, offences related to the mismanagement of public funds, unlawful deprivation of liberty, and the use of persons for the trafficking of illicit goods. Furthermore, UNODC also recognises the commission of other TIP related offences, including kidnapping, sexual offences, robbery, and other crimes that commonly involve human rights violations arising from the vulnerability of the individuals concerned.

Environmental crimes serve as a clear example of this. A company engaging in the illegal logging of trees in protected forests for timber not only causes deforestation and contributes to climate change, but may also give rise to serious social consequences. Thus, in an effort to increase productivity, the company resorts to recruiting individuals to secure cheap labour. Owing to their vulnerability, these individuals are deceived and compelled to work under inhumane conditions at illegal logging sites, thereby facilitating the exploitation of persons and, consequently, constituting TIP.

Another example of related crimes is theft. A criminal organisation involved in the theft of valuable goods, such as electronic devices, jewellery, vehicles, and similar items, may engage in TIP by forcing others to participate in these crimes. Victims may initially be lured with promises of legitimate employment and subsequently coerced into committing theft under threats of violence or retaliation against their families.



5. CHECKLIST

DOES YOUR INSTITUTION AND/OR COUNTRY ALREADY IMPLEMENT IT?		YES	NO
 <p>This list may serve as a useful reference for reflecting on the key elements of an effective prevention policy, in line with the United Nations Guidelines for the Prevention of Crime (United Nations, 2010).</p>	Establishment of a central authority to implement national programmes and coordinate prevention initiatives across the central government, local authorities, and other relevant organisations.		
	Regular review of prevention strategies to assess actual needs, identify best practices, and adjust national and local plans accordingly.		
	Establishment of victim- and survivor-centred prevention mechanisms, incorporating cross-cutting digital tools and gender approaches.		
	Development of guides, tools, and manuals to support the dissemination of knowledge on how to prevent the crime and ensure the consistent implementation of prevention plans.		
	Central government and local administrations taking on a commitment to provide sufficient resources and ensuring the effective implementation of crime prevention programmes.		
	Establishment of cooperative partnerships or alliances with the private sector, the media, and civil society, and promotion of public participation in efforts to prevent the crime.		
	Development of public policies to combat TIP that include dedicated sections focused on the prevention of this crime.		

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