

fighting human trafficking in conflict

10 Ideas for Action by the
United Nations Security Council

Executive Summary | September 2016



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Executive Summary

In December 2015, the United Nations Security Council held its first-ever thematic debate on Trafficking in Persons in Situations of Conflict.

The Security Council adopted a Presidential Statement that signalled a willingness to explore concrete steps to strengthen the international response to human trafficking, and requested a report from the Secretary-General, within a year, on steps taken within the UN system. There are real practical and political limits to Security Council action on this issue. But there is also now a unique opening for action.

To explore these possibilities and limits, on 30 June and 1 July 2016, United Nations University and the Permanent Missions of the United Kingdom and of Liechtenstein to the United Nations organized a two-day workshop, with the support of Thomson Reuters and Grace Farms Foundation. This workshop brought together 100 expert participants from Permanent Missions to the United Nations, UN entities, national law enforcement agencies, Financial Intelligence Units, the technology sector, the financial sector, media and civil society. The Workshop Agenda is annexed to this report.

This report distils insights from the Workshop regarding the connections between human trafficking and conflict; considers what forms of leverage are available to the Security Council to address this phenomenon; and summarizes the Ideas for Action emerging from the Workshop.

Human trafficking and conflict

Workshop Participants heard that the connections between human trafficking and armed conflict are multifaceted and transnational. Human trafficking, as defined by the relevant protocol to the UN Convention against Transnational Organized Crime, relates to a variety of forms of exploitation, including modern slavery and enslavement crimes, child recruitment, sex slavery, organ trafficking, forced labour and forced military service. The Workshop addressed three patterns of human trafficking in armed conflict situations: 1) human trafficking within and into conflict-affected areas; 2) child recruitment by non-state armed groups (NSAGs); and 3) human

trafficking issuing from conflict-affected areas.

Practitioners on the frontlines described how human trafficking within and into conflict areas includes sexual exploitation, other forms of enslavement, forced labour and forced military service. Tragically, today ISIL (Da'esh) and Boko Haram both openly advocate the enslavement of women and children, in defiance of international law and norms. Some NSAGs also force local citizens, migrants and recruited foreigners into forced labour, including construction, cleaning work, digging trenches, mining and agriculture.

Photo (pg 1) Nadia Murad Basee, a 21-year-old Iraqi woman of the Yazidi faith, speaks to members of the Security Council during a meeting at the United Nations headquarters in New York, 16 December 2015.
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Photo (Above) The Workshop at Grace Farms, a new center for nature, arts, justice, community, and faith in New Canaan, Connecticut, brought together 100 experts from UN bodies, national law enforcement agencies, the technology sector and financial sectors, media and civil society. © Dean Kaufman

Child recruitment by armed groups can also constitute human trafficking in conflict. Children are used by NSAGs as combatants, as sexual slaves and in supporting servitude roles (as porters, cooks, lookouts and intelligence-gatherers). Increasingly, children are forced to become suicide bombers. We are also witnessing a rapid increase in the online grooming and deceptive recruitment of children into NSAGs, for exploitation. This is an alarming new manifestation of human trafficking in conflict.

Third, the Workshop heard, people and body parts are trafficked out of and through conflict-affected areas. Large-scale displacement caused by armed conflict creates vulnerable populations that can all too easily become victims of human trafficking and modern slavery. Refugees fleeing conflict are often subjected to trafficking-related exploitation, including child labour, forced prostitution, forced and early marriage and forced begging. Irregular migrants face particular risks at certain hotspots, such as transit and collective holding points, informal

places of employment, displacement and refugee camps, informal settlements and within communities that host migrants.

Workshop Participants considered that the complex nature of human trafficking in conflict may suggest the need for a comprehensive, multidimensional and frequently transnational response. At the same time, the leverage available to the Security Council to address human trafficking in conflict will depend on the nature of an armed group's involvement in human trafficking. Some NSAGs directly organize human trafficking. Others simply tax the trade. Some NSAGs use human trafficking as part of their military strategy, building social and political power by terrorizing and controlling targeted civilian populations.

All of this points, as one senior Workshop Participant said, to the need for a "paradigm shift": a recognition that national criminal justice responses may need to be supported by other forms of Security Council leverage - normative, financial and technological.

Denounce, Disrupt and Protect

Workshop Participants considered that the role of the Security Council will need to vary, depending on the nature of the human trafficking activity. In some cases, it may be direct and disruptive. In others it may be more normative, or may involve shaping the UN's field response. In each of these areas, the Security Council can also take action to encourage and support other actors - Member States, regional organizations, the private sector - to pay attention to and address human trafficking in conflict.

10 Ideas for Action developed by Workshop Participants are summarized in the following pages. Broadly, they fall into four potential contributions that the Security Council can make in the effort to fight human trafficking in conflict:

Denunciation and Accountability

using the Security Council's authority and legitimacy to denounce human trafficking in conflict,

to reinforce global norms against it, to counter the emerging narrative normalizing slavery in conflict and to promote accountability;

Disruption

through data-sharing (particularly amongst law enforcement and financial sector actors), monitoring, use of existing sanctions tools and fostering private sector due diligence;

Protection

strengthening capabilities to identify, assist and protect civilians vulnerable to human trafficking in conflict; and

A framework for future action

involving the establishment of a new position of Special Representative of the Secretary-General, an annual report and an annual Open Debate.

Photo (Below) A wide view of the Security Council meeting on human trafficking in situations of conflict, 16 December 2015. © UN Photo/Rick Bajornas





10 Ideas for Action

The more than 100 expert participants at the Workshop on Fighting Human Trafficking in Conflict offered a wide range of Ideas for Action by the Security Council.

The following 10 Ideas for Action received recurring attention and support from a substantial cross-section of participants. These ideas are explored and explained at more length in the report that follows. As discussions were held under the Chatham House Rule, it is important to recognize that these ideas do not constitute “recommendations” attributable to any particular participant in the Workshop, or indeed the Workshop as a whole.

10 Ideas for Action

Adopt a framework for future action

1. Secretary-General’s report
2. Content of the report and an annual Open Debate

Denunciation and Accountability

3. Promote and enforce existing norms
4. Encourage active discussion

Disruption

5. Data-sharing
6. Monitoring
7. Sanctions
8. Due diligence

Protection

9. Strengthen UN field capabilities
10. Encourage action by Member States

The Security Council could:

Adopt a framework for future action

1. Request the Secretary-General to appoint a Special Representative on Trafficking in Persons in Conflict to drive forward the UN system’s work in this area, and *request* the Secretary-General to report annually to the Security Council on trafficking in persons in armed conflict and the UN system’s efforts to prevent and respond to it.
2. Decide that the Secretary-General’s annual report on trafficking in persons in conflict will be discussed in an annual Open Debate, and request that the report:
 - a. list the armed groups involved and describe that involvement;
 - b. identify geographic and other (e.g., online) ‘hotspots’ for trafficking in persons in conflict, including sectors, routes or locations in which there are particular concerns about the conduct of due diligence to protect against trafficking in persons in conflict; and
 - c. describe the efforts of the international community and UN system to prevent and combat trafficking in persons in conflict.

In the context of this framework, the Security Council could take the following steps:

Denunciation and Accountability

Promote and enforce existing norms

3. Signal that human trafficking in conflict violates existing international law, and that perpetrators will be held accountable, for example by:

- a. *Recalling* that the prohibition against slavery is a *jus cogens* norm, and that the human right to be free of slavery is non-derogable, applying at all times and in all places;
- b. *Noting* that in some cases widespread or systematic enslavement and trafficking in persons may constitute a crime against humanity, and calling on Member States to investigate and prosecute such crimes;
- c. *Condemning* efforts by non-state armed groups such as ISIL (Da'esh) and Boko Haram to normalize slavery and trafficking in persons;
- d. *Reminding* Member States that where human trafficking connected to conflict occurs on their territory, they may have obligations under international humanitarian and human rights law, and international criminal law, to investigate and prosecute that conduct;
- e. *Calling on* Member States to cooperate to investigate and punish crimes arising out of human trafficking in conflict, including war crimes and crimes against humanity;
- f. *Encouraging* Member States to ratify the UN Convention against Transnational Organized Crime and its related *Protocol to Prevent, Suppress and Punish Trafficking Persons*, especially women and children, to facilitate such cooperation; and
- g. *Considering* establishing a Special Tribunal to address ISIL's crimes against the Yazidi, including their systematic use of human trafficking and enslavement.

Encourage active discussion

4. Encourage discussion of trafficking in persons in conflict in the Security Council and beyond, for example by:

- a. *Requesting* that relevant mission and thematic reporting to the Security Council includes information relating to human trafficking in conflict and steps to address it. This could include reporting by the Special Representatives of the Secretary-General on Sexual Violence in Conflict and on Children and Armed Conflict, and the Council's engagement with the Counter-Terrorism Committee's Executive Directorate;
- b. *Providing* opportunities for victims and survivors of trafficking in persons in conflict to brief Council Members;
- c. *Including* trafficking in persons in armed conflict as an item of discussion with regional organizations; and
- d. *Encouraging* Member States to consider how the General Assembly's anticipated 2017 Review of the *Global Plan of Action to Combat Trafficking in Persons* could help strengthen efforts to counter trafficking of persons in conflict.

Disruption

Data-sharing

5. Foster the sharing of actionable data by relevant private and public sector actors, for example by:

- a. *Urging* states to cooperate to use existing criminal laws, including anti-corruption and anti-bribery laws, to investigate, disrupt and dismantle human trafficking networks, and *encouraging* relevant UN entities and INTERPOL to support state efforts to develop such capabilities, including through data-sharing and joint investigative networks and teams;
- b. *Encouraging* Member States, the private sector and civil society to redouble their efforts to share information helping to identify,

disrupt and dismantle networks involved in human trafficking in conflict;

c. *Calling on* states to consider adopting legal, regulatory, technological and institutional arrangements to facilitate the sharing of information from law enforcement and regulatory actors to banks and other financial intermediaries, and amongst banks and other financial intermediaries, to help identify suspicious financial activity related to human trafficking in conflict;

d. *Encouraging* the Financial Action Task-Force (FATF), FATF-Style Regional Bodies (FSRBs), Financial Intelligence Units (FIUs) and the Egmont Group to develop, use and keep up-to-date typologies, case studies and red flag indicators relating to financial flows associated with human trafficking in conflict and associated with human trafficking that finances terrorism;

e. *Calling on* states to ensure that their Financial Intelligence Units (FIUs) have access to expertise on human trafficking, and encouraging states to work together to develop that capacity, including potentially through creation of an expert network; and

f. *Encouraging* states, international organizations, the private sector and civil society to train risk and compliance officers to identify indicators of human trafficking in conflict in supply chains, and to develop modalities for effective and responsible data-sharing.

Monitoring

6. Monitor the presence and impact of human trafficking in conflict situations on its agenda, including by:

a. *Requesting* relevant actors provide information relating to trafficking in persons in armed conflict when they are briefing the Security Council on situations on its agenda; and

b. *Mandating* a Joint Temporary Monitoring Task Force, made up of experts from Mem-

ber States, UN entities and other relevant international organizations (such as INTERPOL, the Egmont Group and the International Organization for Migration) to monitor specified locations or hotspots where human trafficking in conflict has been identified, to produce joint analysis on an ongoing basis available to all Member States and relevant entities.

Sanctions

7. Use sanctions tools and mechanisms to disrupt human trafficking in conflict, for example by:

a. *Including* specific references to trafficking in persons in conflict in sanctions Resolutions, and in sanctions listing criteria, especially in those relating to ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals, and to Libya;

b. *Encouraging* sanctions committees to engage directly with relevant UN officials - such as the Special Representatives of the Secretary-General on Sexual Violence in Conflict, and on Children and Armed Conflict, and the Special Rapporteurs on Trafficking in Persons, Especially Women and Children, and on Contemporary Forms of Slavery - in order to understand the involvement in trafficking in persons in conflict of armed groups in the situation with which they are seized; and

c. *Mandating* 1) the Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals and entities; and 2) the Panel of Experts for Libya, to provide special reports on the relationship between entities eligible for listing under each of those sanctions regimes, and human trafficking in conflict.

Due diligence

8. Encourage efforts by the private sector to prevent and disrupt human trafficking in con-

flict, in line with the corporate Responsibility to Respect human rights reflected in the UN Guiding Principles on Business and Human Rights. This could involve *establishing* a Group of Experts to report on the utility of enhanced due diligence guidance to protect specific industries against involvement in human trafficking in conflict, including the global employment and recruitment agency sector, and the international communications technology (ICT) sector.

Protection

Strengthen UN field capabilities

9. Strengthen the United Nations system's capabilities to protect those vulnerable to human trafficking in conflict, for example by:

a. *Encouraging* incorporation of human trafficking in the humanitarian Cluster System, through designation of a human trafficking lead;

b. *Encouraging* relevant UN system entities, including the International Organization for Migration, to carry out targeted information campaigns to protect civilians vulnerable to trafficking in conflict; and

c. *Requesting* that in his next annual report on trafficking in persons in conflict the Secretary-General report back to the Security Council on:

- the feasibility and utility of the Security Council explicitly incorporating language mandating Missions to protect civilians from human trafficking in conflict;
- the possibility of Member States identifying, or jointly developing with each other and the UN, rapidly deployable investigative and protection capabilities;
- protocols by which UN field Missions might share information with UN entities and other relevant international organizations, such as the Egmont Group and INTERPOL, to help identify human trafficking networks and protect civilians from exploitation by them;

- the possibility of developing training modules for troop- and police-contributing countries, civilian peace operations personnel and relevant humanitarian personnel, to ensure that they are able to identify victims of human trafficking in conflict, and respond appropriately; and

- efforts to ensure that UN peacekeeping operations meet agreed targets for female personnel.

Encourage action by Member States

10. Encourage efforts by Member States, individually and collectively, to assist and protect those vulnerable to, or victimized by, human trafficking in conflict, for example by:

a. *Strengthening* their own capabilities to identify those so vulnerable, and to ensure they receive appropriate assistance and remedy, including by avoiding prosecuting victims of human trafficking in conflict; and

b. *Encouraging* the established international trust funds that already work to support victims of human trafficking, such as the UN Voluntary Trust Fund for Victims of Trafficking in Persons, the UN Voluntary Trust Fund on Contemporary Forms of Slavery and the International Criminal Court Trust Fund for Victims, to consider paying particular attention to the needs of victims of trafficking in persons in conflict.