



**UNODC**

United Nations Office on Drugs and Crime



This project is funded by the European Union



**GloACT**

ASIA AND THE MIDDLE EAST

**UNODC Toolkit for mainstreaming Human Rights and Gender Equality  
into criminal justice interventions to address trafficking in persons  
and smuggling of migrants**

7 December 2022



## Challenges

*“(...)/I have mostly noticed difficulties to ensure human rights mainstreaming when working with actors of the criminal justice chain on prevention and persecution of migration related crimes (TIP/SOM) while ensuring human rights protection of all migrants”*

***“Need to include it since the planning and not as an additional element after all is in place”***

*“Difficulties mainstreaming gender equality due to lack of gender-sensitive data and lack of capacities with state counterparts to provide gender sensitive information.”*

*“Mainstreaming human rights can sometimes be difficult when working with national authorities and counterparts as they are not exactly aware of human rights”*

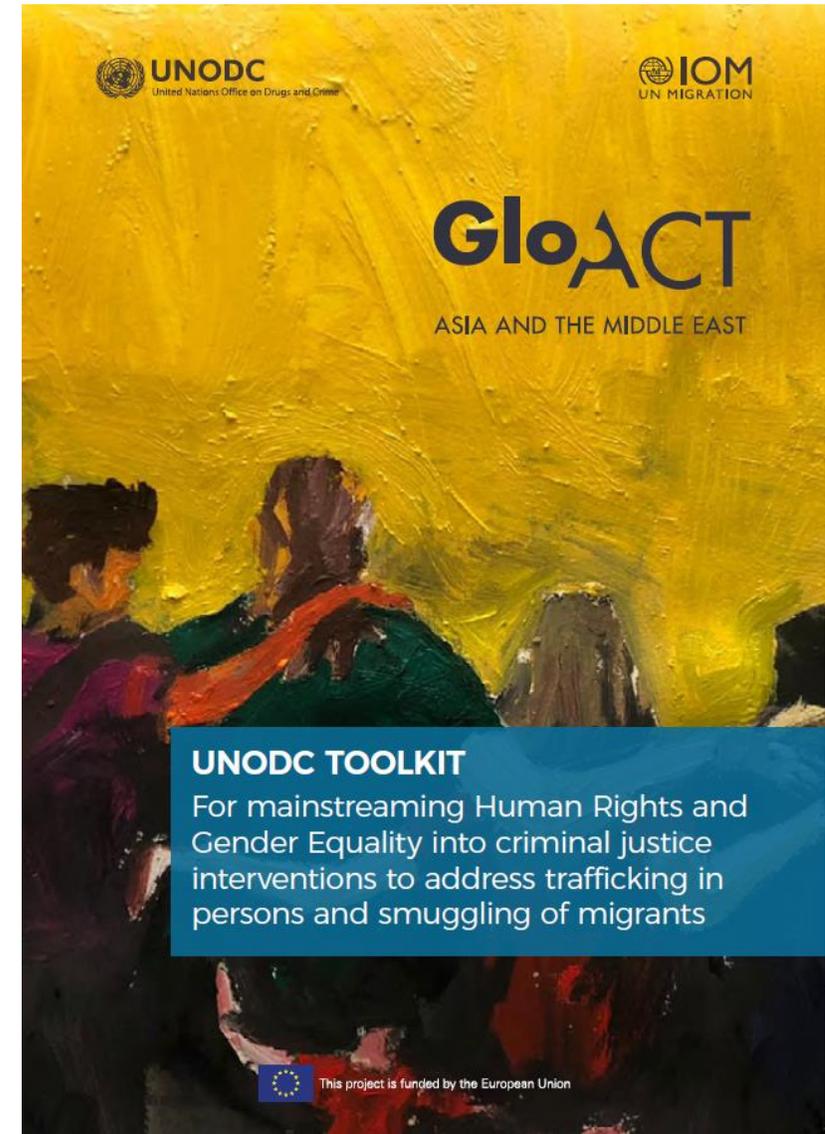
*“overcome practices within national institutions”*

*“Lack of available expertise on the topic within the team. Do we understand what exactly mainstreaming gender equality means and how to integrate it in our work?”*



## Overcoming those challenges

- To provide **guidance** to staff and counterparts on:
  - Key human rights and gender sensitive issues relating to the responding to TIP and SOM;
  - How to **assess** the human rights implications of different project activities;
  - How to **identify and mitigate the risks** that project activities may pose to human rights, and;
  - Human rights and gender **indicators** to be used in designing, monitoring and evaluating activities.



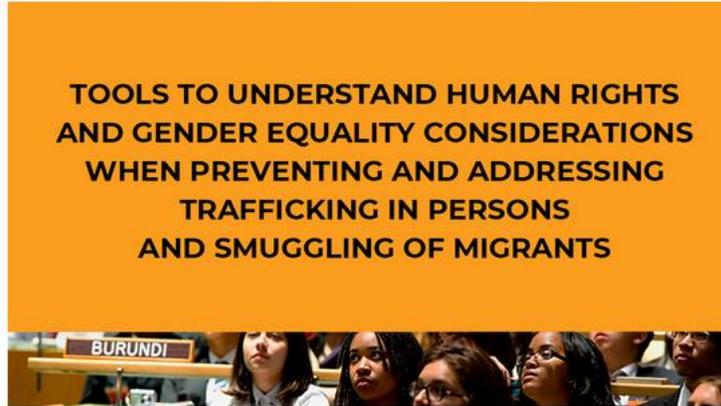


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## Part 1. Key considerations including unintended consequences



Part 1 of the Toolkit aims to strengthen understanding of human rights and gender equality issues in criminal justice responses to trafficking in persons and smuggling of migrants.



Part 2 is comprised of six situational analysis tools for users to fill out to help them to better understand the human rights and gender equality situation in the country they are working in, to inform programme and activity design and development.

## Part 2. Understand and map barriers to design tailored response

## Part 3. Identify and mitigate risks



Part 3 is comprised of checklists, risk assessment, mitigation tables, and templates for documenting lessons learnt. These tools are



Part 4 of the Toolkit is offered to support the monitoring and evaluation of human rights and gender equality streaming in criminal

## Part 4. Understand impact



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**TOOLS TO UNDERSTAND HUMAN RIGHTS AND GENDER EQUALITY CONSIDERATIONS WHEN PREVENTING AND ADDRESSING TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS**

## Part 1

### TOOLS TO UNDERSTAND HUMAN RIGHTS AND GENDER EQUALITY CONSIDERATIONS WHEN PREVENTING AND ADDRESSING TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS



#### 1.1 Legislation

Legislation can play an integral role in upholding human rights and gender equality, by explicitly enshrining both in accordance with international law. In working to strengthen trafficking in persons and smuggling of migrants legislation, UNODC staff and consultants need to understand the human rights protections in domestic law and what, if any, exclusions apply to nationals and non-nationals including victims of trafficking, smuggled migrants and accused and / or convicted persons<sup>30</sup>. This may require consideration of not only human trafficking and migrant smuggling law, but also other legislation including on human rights, labour laws, social welfare, migration legislation, and other instruments.

For instance, article 6(4) of the Trafficking in Persons Protocol, requires that States parties take into account the age, gender and special needs of victims of trafficking. In particular the special needs of children. In providing appropriate housing, counselling and information, medical, psychological and material assistance, employment, education and training. This provision does not require legislative measures, but to give appropriate effect to these protection and assistance obligations. States parties may have to amend their social welfare and child protection legislative and policy instruments to ensure that age, gender and special needs of trafficked persons are sufficiently protected and assisted and that any barriers to access to services are removed.

30 UNODC is one of many partners supporting a strategy to repeal discriminatory laws. See Equality in Law for Women and Girls by 2030: A multistakeholder strategy for accelerated action (UN Women 2019)

# Toolkit in practice

## Primary target users

UNODC and partners supporting States to fulfill their obligations

## Publically available

For others to adapt into their work

## Feedback welcome

So we can learn from experience and improve future versions

## Planned regionalization and translation



## Usage so far

- We use the Toolkit to mainstream HR and gender across ALL the activities as per the country and regional workplans
- It's an integral part of our Monitoring, Evaluation and Learning Approach
- Included in the ToRs for consultants
- Included in ALL of our team training sessions
- Training sessions to other colleagues addressing TIP and SOM

## 2. What change do you expect this intervention to bring?

Max. 150 words

Please refer to your country/regional reviewable [Theory of Change](#) available [here](#) and briefly summarize how the steps you are proposing with this intervention will bring the necessary change as per the expected results.

1. Are there any changes in the entry points?
2. Any new risks being faced?
3. Are the assumptions still relevant?

## 3. How are you mainstreaming [Human Rights and Gender Equality](#) into this intervention?

**Tools** – please select which Tools are you using of the [UNODC Toolkit for mainstreaming HR and Gender Equality into criminal justice interventions to address TIP and SOM](#). Several tools can be used.

### a. Part 1: Tools to Understand

- |  |  |
|--|--|
| <input type="checkbox"/> 1.1 Legislation                 | <input type="checkbox"/> 1.6 Investigation                   |
| <input type="checkbox"/> 1.2 Prevention                  | <input type="checkbox"/> 1.7 Criminal justice and other data |
| <input type="checkbox"/> 1.3 Identification and referral | <input type="checkbox"/> 1.8 Prosecution and defence         |
| <input type="checkbox"/> 1.4 Protection and assistance   | <input type="checkbox"/> 1.9 Sentencing                      |
| <input type="checkbox"/> 1.5 Return and reintegration    |  |

### b. Part 2: Tools to Analyse

- |  |   |
|--|---|
| <input type="checkbox"/> 2.1 General country profile     | <input type="checkbox"/> 2.4 Institutional context and capacity                           |
| <input type="checkbox"/> 2.2 International legal context | <input type="checkbox"/> 2.5 Determining whether UNODC can support non-UN security forces |
| <input type="checkbox"/> 2.3 National legal context      | <input type="checkbox"/> 2.6 Practical barriers faced by specific rights-holders          |

### c. Part 3: Tools to Mainstream

- |   |   |
|---|---|
| <input type="checkbox"/> 3.1 Planning and design checklist                      | <input type="checkbox"/> 3.5 Regional and trans-regional cooperation risk assessment and mitigation |
| <input type="checkbox"/> 3.2 Strategy and policy risk assessment and mitigation | <input type="checkbox"/> 3.6 Protection and assistance risk assessment and mitigation               |
| <input type="checkbox"/> 3.3 Legislative assistance risk assessment and         | <input type="checkbox"/> 3.7 Advocacy table   |







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