



# OPERATIONAL CONTEXT



UNODC, under the framework of the Global Action against Trafficking in Persons and the Smuggling of Migrants (GLO.ACT), is guided by several key policy considerations that serve to align its work to its operational context. Acknowledging and understanding the shifting global, regional, and national contexts enables the project to support its partner countries employ a holistic, effective, and sustainable response to trafficking in persons (TIP) and the smuggling of migrants (SOM), while at the same time contributing to addressing its root causes.

## 1. KNOWLEDGING OVERLAPPING CRISES OF ARMED CONFLICT, AND DISPLACEMENT EXACERBATING VULNERABILITY TO TRAFFICKING IN PERSONS AND THE SMUGGLING OF MIGRANTS

The current state of international affairs is marked by the resurgence of war and armed conflict. Security crises and resulting refugee emergencies elevate trafficking risks for displaced individuals and communities. Individuals displaced by armed conflict are especially vulnerable to trafficking and other forms of exploitation, with traffickers and criminal networks leveraging their desperation to deceive them into exploitation.

UNODC recognizes that trafficking in persons and aggravated forms of smuggling of migrants are in and of itself violations of fundamental human rights of the victims. When committed in conflict and post-conflict contexts, they may very well overlap with or be part of crimes against humanity and war crimes and can furthermore, as put forward by UN Security Council Resolutions 2388 and 2331, be associated with sexual violence as a tactic of warfare.

The project thus takes a holistic approach to the TIP/SOM response by mainstreaming the human rights-based approach and, ensuring that its work is carried out in a mutually reinforcing manner with that of humanitarian and human rights actors in the partner countries. The project's aims are not limited to combatting only TIP and SOM, but rather seek to reinforce accountability and the rule of law in each of its interventions.

## 2. UNDERSTANDING THE DRAMATIC IMPACT OF CLIMATE CHANGE AND POVERTY ON HUMAN TRAFFICKING AND MIGRATION FLOWS

The widespread and intensifying impacts of climate change are also heightening vulnerability to trafficking in persons and migrant smuggling. Weather-related natural disasters, climate-related crop loss and ecological precarity disproportionately affect those who are dependent on agriculture and livestock. Climate-induced poverty leads in forced migration, both cross-border and internal displacement, making them exceptionally vulnerable to exploitation by traffickers and smugglers.

UNODC acknowledges the need to create a stronger evidence base with more robust information on climate-related trafficking vulnerabilities, as well as the impact of climate-induced disasters on the TIP/SOM. The project also seeks to improve data collection and reporting systems on TIP/SOM to include climate-related indicators.

### 3. UNDERSTANDING THREATS POSED BY NEW AND EMERGING TECHNOLOGIES

The use of social media has become an integral and organic part of criminal activities in the online sphere, with criminals using a wide range of web- and mobile-based tools and services. Accordingly, there is an urgent need to enhance criminal justice actors' understanding of how digital tools and services are being used for the facilitation of criminal activities online. New developments in technology, such as enhanced encryption of communications, messaging apps and platforms, as well as the mainstreaming of virtual assets has created new opportunities for traffickers and smugglers. Moreover, digital applications for encryption, locking and erasing content on devices, as well as digital services enabling money transfers, cryptocurrency transfers and money laundering pose new challenges. Since the COVID-19 pandemic, online recruitment, child grooming, dissemination of child sexual abuse materials and online advertisement of sexual services have become more common. It is evident that traffickers misuse technology during all stages of trafficking in persons and for all forms of exploitation.

In light of these developments, UNODC recognises the need to boost the digital competency of law enforcement officers who investigate human trafficking and migrant smuggling cases, including through providing specialised training on electronic evidence collection, cyber-related TIP/SOM, financial investigations, and open-source intelligence (OSINT) investigations. Moreover, building on UNODC's investigation of illicit financial flows (IFFs) associated with TIP and SOM from GLO.ACT partner countries to Europe, the project stresses the 'follow the money approach,' in alignment with Target 16.4 of the 2030 Agenda for Sustainable Development aiming to reduce inward and outward IFFs.

### 4. SMUGGLING OF MIGRANTS IN THE CONTEXT OF PROMOTING SAFE, ORDERLY, AND REGULAR MIGRATION

One of the main reasons people migrate from developing countries is to seek better opportunities for sustainable livelihoods and share their gains with family members in their countries of origin. Diaspora remittances contribute significantly to national economies in the region. In the face of limited opportunities for legal pathways to migration to developed countries, smugglers have become a common and socially acceptable option for facilitating migration in some countries. In many cases, the potential danger and risk to the safety and lives of the migrants involved along the route are not or insufficiently known to the would-be migrants. Organized criminal networks are known to be involved in the smuggling enterprise, making billions of dollars in revenue.

It can be challenging to advocate for criminalization of SOM in countries where diaspora remittances are critical to the economy and alternative legal migration routes are limited. However, countries are encouraged to consider the human cost of smuggling of migrants and the detrimental impact to society that arises from allowing organized crime to flourish.

### 5. RESPONDING TO THE PARTICULAR VULNERABILITY OF CHILDREN

Children account for one third of all trafficking victims, with one in three detected victims of trafficking in persons being a child (GLOTIP, 2022). They are more likely to be subjected to physical and psychological violence, suffering violence at a rate two times higher than adults at the hands of traffickers. Whilst girls often fall victim to sex trafficking, boys are primarily trafficked into forced labour. Children living in extreme poverty, or those who have been left homeless without parental care, are frequently trafficked into exploitative begging. In situations of armed conflict, girls are frequently abducted, held in conditions of sexual slavery and forcibly married to combatants, whereas boys are recruited as child soldiers for fighting or to carry firearms and explosives in support of troops. With regards to migration flows and refugee emergencies, unaccompanied minors and children on the move are especially vulnerable to exploitation and aggravated smuggling, being prime targets for traffickers.

In full recognition of the additional vulnerabilities that children face, UNODC is committed to engaging with criminal justice institutions and civil society to strengthen prevention mechanisms against child trafficking and align legislative provisions. The project works simultaneously to reform legislation, policy, and practice to prevent and end child trafficking, as underlined by the ICAT Call for Accelerated Action by 2025.

### 6. PROMOTING A RIGHTS-BASED APPROACH TO TIP/SOM RESPONSES, INCLUDING THE NON-PUNISHMENT OF VICTIMS OF TRAFFICKING AND NON-LIABILITY OF SMUGGLED MIGRANTS

Both trafficked persons and smuggled migrants may commit crimes associated with or as a direct result of their exploitation as either victims of trafficking or smuggled migrants. Article 5 of the Smuggling Protocol explicitly provides that migrants shall not become liable to criminal prosecution for the fact of being smuggled. Similarly, while the Trafficking Protocol is silent on the issue, there is now international consensus on the principle of non-punishment of victims of trafficking that they should not be subject to arrest, charge, detention, prosecution, penalization or punishment for illegal conduct that they committed as a direct consequence of being trafficked.

In certain countries, legislation still allows for the prosecution and punishment of victims of trafficking, particularly in areas such as commercial sexual exploitation and illegal entry. In other countries, these cases may be adjudicated under religious or traditional laws which can result in an outcome prejudicial to victims, despite statutory law to the contrary.

UNODC's interventions aim to ensure that the principle of non-punishment for victims of trafficking and non-liability of smuggled migrants is adequately upheld both in law and in practice.