

## 3.6 Protection and assistance risk assessment and mitigation

**Protection and assistance goal:** Beneficiary countries improve the scope and quality of their protection response, including identification, referral and support for victims of trafficking, vulnerable smuggled migrants and other vulnerable migrants.

**HRBA / Gender goal:** Victims of trafficking, vulnerable smuggled migrants and others are protected and assisted in accordance with human rights based and gender-based approaches.

**Monitoring and evaluation:** Go to [4.3.5](#) for monitoring and evaluation **indicators** on protection and assistance.

Instructions: User to specify likelihood and impact, and add additional identified risks. Risk mitigation strategy is to be developed where risk likelihood and impact are medium and/or high.

Risk		Mitigation	
Identified risk (examples)	Likelihood High / Medium / Low	Impact High / Medium / Low	Risk Mitigation Strategy (examples)
1. Victims of trafficking are not identified as victims of trafficking, and so are not protected and assisted in accordance with their human rights. <a href="#">1.6</a>			In screening procedures, promote the introduction of the presumption that where a person may be a victim of trafficking he or she is treated as such, until further determination can be made.
2. Lack of support services that victims of trafficking and smuggled migrants in need of protection can be referred to upon being identified. <a href="#">1.6</a> , <a href="#">1.7</a>			Build local capacity to provide assistance, including through low-cost responses to improve circumstances including victim-friendly, child-friendly, trauma-informed and gender-sensitive interview processes.

Risk			Mitigation
Identified risk (examples)	Likelihood High / Medium / Low	Impact High / Medium / Low	Risk Mitigation Strategy (examples)
3. Victims of trafficking do not wish to receive protection and assistance services or deliberately avoid engaging with authorities. <a href="#">1.7</a>			Work to identify and address barriers by advocating for services that address needs and compensation, and by training officials to engage with victim groups to seek their feedback in developing and implementing human rights-based and gender sensitive approaches that include special measures for children. Further work to remove barriers to victims of trafficking and smuggled migrants in need of protection from coming forward, including mandatory return, detention in shelters or other facilities; fear of stigmatization, fear of retribution by traffickers or others.
4. NGOs and civil society actors face challenges operating in the country, impacting on their capacity to support protection and assistance. <a href="#">1.7</a>			Highlight to counterparts, the crucial role of civil society and NGOs in protecting and assisting victims of trafficking and smuggled migrants, as integral to effective and human rights based approaches to prevent and address human trafficking and migrant, including in support of successful prosecutions.
5. Measures taken to protect and assist persons are discriminatory, contrary to article 14(2) of the Trafficking Protocol, for instance, where measures negatively affect the rights of the individuals involved and overwhelmingly affect women and girls (e.g. where women and girls are arbitrarily detained in shelters). <a href="#">1.7</a>			Advocate for responses that promote gender equality between people of all genders, to ensure that any differential treatment is justified and does not amount to discrimination. Ensure that types of trafficking that have disproportionately severe effects on men, women and children are recognized as gender-related persecution.

Risk			Mitigation
Identified risk (examples)	Likelihood High / Medium / Low	Impact High / Medium / Low	Risk Mitigation Strategy (examples)
6. Protection and assistance is not provided on the basis of informed consent, such that people are subject to mandatory testing (such as for diseases such as HIV/AIDS) or forced to undergo physical examinations. <a href="#">1.7</a>			Incorporate human rights based approaches and gender sensitivity training into capacity building efforts for (1) protection and assistance, and (2) evidence collection aspects of investigation.
7. Protection and assistance are not provided on the basis of specific needs of individuals (particularly those in vulnerable situations), including that it is not gender-sensitive or informed by the best interests of the child as the primary consideration. <a href="#">1.7</a>			Incorporate human rights based approaches and gender sensitivity training into capacity building efforts for protection and assistance.
8. Protection and assistance is conditional on willingness to participate in criminal justice processes or on traffickers being charged with a trafficking offence. <a href="#">1.7</a>			Increase understanding of best practice approaches including reflection periods (for victims of trafficking), and the importance of (1) providing protection and assistance irrespective of willingness to participate in criminal justice processes, (2) not making victim identification contingent on traffickers being charged as such (3) maintaining privacy and confidentiality and (4) measures to improve courtroom practices.

Risk			Mitigation
Identified risk (examples)	Likelihood High / Medium / Low	Impact High / Medium / Low	Risk Mitigation Strategy (examples)
9. Asylum seekers who are identified as victims of trafficking or smuggled migrants face barriers to accessing procedures for asylum claims.			<p>Ensure that procedures and processes for identifying potential victims of trafficking or smuggled migrants are integrated with asylum procedures and vice versa.</p> <p>Advocate for measures to be put in place to ensure that a victim's inability or unwillingness to cooperate with criminal justice processes does not negatively impact access to asylum.</p> <p>Ensure that gender-dimensions are taken into account in obtaining information from potential asylum seekers about the extent of their persecution.</p>
10. Victims of trafficking and / or smuggled migrants who are children are not identified as children but treated as adults in contravention of their rights as children. <a href="#">1.6</a>			<p>Promote the introduction of a presumption in identification process that, where a trafficked person or smuggled migrant appears to be a child, they are treated as a child for the purposes of protecting and assisting them until it is proven otherwise. Work with States to introduce rapid identification processes for child victims of trafficking.</p>
11. Involvement of interest groups / donors as partners in counter-trafficking projects, with particular religious or other agenda, results in rights-adverse protection and assistance, for instance, involving interference with freedom of religion and belief of victims who receive services, and right to health, including through denial of access to sexual and reproductive health services.			<p>Work with donors / partners to emphasize the primacy of rights in UNODC counter-trafficking work, including respect for freedom of religion and belief in provision of support services to people of all genders regardless of their circumstances, including their migration status, engagement in the informal sector, and engagement in criminal activities during their exploitation.</p>

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Identified risk (examples)	Likelihood High / Medium / Low	Impact High / Medium / Low	Risk Mitigation Strategy (examples)
12. Onset of conflict / other humanitarian crises has diminished capacity of State to identify and provide protection and assistance services to victims / others in need of support <a href="#">1.6</a>			Adapt identification tools to conflict settings; map protection and assistance mechanisms in place, and extent to which their functioning is impaired, including service providers outside existing state mechanism, to identify alternative avenues for referral and opportunities to strengthen resilience of relevant protection and assistance providers
Additional risks identified by user:			Risk mitigation strategy: