Implementing a safe response to meet the humanitarian needs of trafficked people

ORIENTATION GUIDE TO NATIONAL SOCIETIES

IFRC

BritishRedCross

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Implementing a safe response to meet the humanitarian needs of trafficked people

Credit: British Red Cross

1 Introduction

Many Red Cross National Societies in the Americas region are already supporting trafficked people through the services they provide to populations at risk, such as psychosocial support and health services. While preventing, investigating and prosecuting trafficking and protecting trafficked people are government responsibilities, National Societies could also play an important role in some of these areas, specifically in relation to prevention and protection. However, many National Societies in the region currently feel unequipped for this and have expressed the need for increased capacity building to help them support trafficked people and those at risk of trafficking.

For this reason, the International Federation of Red Cross and Red Crescent societies (IFRC) asked the anti-trafficking team at the British Red Cross to provide technical support in order to strengthen the capacity of National Societies in the Americas to respond to trafficking, mainly through the development of a regional training and tools.

To help us develop this resource, we conducted telephone interviews with a range of regional Red Cross staff and members of various UN agencies working in the sector. We wanted to build a better understanding of trafficking trends in the region and find out what tools our colleagues would like to see developed to help National Societies work more effectively with trafficked people and those at risk of trafficking.

1. Purpose, approach and target audience

National Societies that were consulted during this project highlighted major gaps in their ability to recognise potentially trafficked people among the at-risk populations they work with (either migrant or host communities). This is mainly because they have never been trained in the area, because the training is not continuous, or the training available is from external bodies so it is not in line with the work and Fundamental Principles of the Movement, or it is not contextualised to the region of the Americas.

Although recognising potential cases of trafficking is a priority for many National Societies, we need to first acknowledge the level of risk and potential harm that can be done if we do not have the structures that will allow staff and volunteers to deal safely and effectively with trafficked people. Although we should always emphasise a community engagement approach across our work, even basic awareness raising activities with communities and with the general public require an appropriate and well thought out system of response within a National Society. Therefore, the British Red Cross, together with the IFRC, adopt a staggered approach to supporting National Societies develop trafficking responses.

Our approach

1. Groundwork. This is the foundation that every National Society needs to have, whether they want to develop any kind of trafficking-related work or continue with ongoing activities. Building this foundation will allow National Societies to safely support survivors of trafficking and people at risk of it that they may come across in their day-to-day work.

If National Societies feel unsure of how to start their work to prevent and respond to trafficking, we might start with:

conducting some sensitisation work, in order to build a better understanding of trafficking within a National Society.

We then work with key areas of the National Society in order to determine what internal processes need to be created to ensure that they can safely respond to concerns and disclosures of trafficking. We do this by:

conducting an analysis to understand the local context through literature review and discussions with professionals in the sector and from other focus areas

mapping and analysing services at the local level that can address the needs of trafficked people and those at risk of trafficking

creating referral pathways to enhance protection of the people we support

developing standard operating procedures in order to define roles and responsibilities.

2. Targeted activities. When the above tasks have been completed, we work with National Societies to understand if targeted activities can be developed. A National Society could undertake activities to prevent and mitigate risks of trafficking and activities to protect and assist survivors of trafficking, while ensuring partnership work.

The main aim of this guide is to support National Societies carry out the groundwork detailed above and to give information on how to provide initial support. It is structured in four chapters:

- **Chapter 1** aims at building a better understanding of what trafficking is and its legal definition
- **Chapter 2** explores the regional context of the Americas
- **Chapter 3** follows a **step-by-step approach** to support National Societies carry out the groundwork for a safe response
- **Chapter 4** details the different ways National Societies can respond to trafficking and provides information on how to provide initial support to trafficked and potentially trafficked people.

In order to facilitate the work of professionals, a range of tools has been created. The tools are collated in the accompanying Toolkit and references to them will be made throughout the guide. A glossary with key terminology has also been included at the end of this guide.

IMPORTANT

Developing responses to trafficking requires technical skills and expertise; therefore, **this guide is intended for management, protection, gender and inclusion staff, those who work within human mobility programmes and those who have attended the regional training on trafficking in persons delivered by British Red Cross or other specialised training on trafficking in persons within the Red Cross Red Crescent Movement.**

2. What is trafficking in persons?

Trafficking in persons is the recruitment or movement of people by means of coercion, deception or force for the purpose of exploitation. Trafficking is a core protection issue that violates a person's dignity, endangering their life and physical security. It is a grave violation of human rights and a serious crime.

Trafficking is widespread, occurring in every corner of the world; it can happen either **transnationally** (with a trafficked person crossing at least one international border) or **domestically** (within the borders of one country). Although trafficking affects different people of all ages, certain groups might be more at-risk, including:

- people living in existing humanitarian emergency settings
- people with poor economic or employment opportunities
- children with reduced or no access to education
- people with disabilities or learning difficulties
- people with mental health issues
- people with drug and alcohol addiction
- unaccompanied and separated children
- migrants, including refugees, asylum seekers and stateless people
- migrant workers with irregular immigration status
- homeless people or those in precarious living conditions
- people engaging in sex-work or transactional sex
- domestic workers
- people belonging to the LGBTIQ+ community
- ethnic or religious minorities
- women and children
- informal economy workers.

Women and girls account for the largest numbers of detected survivors,[1] but it is important to mention that men and boys can also be at high risk of trafficking. Identifying men and boys who have been trafficked still poses significant challenges, which may lead to skewed statistics and a representation of the phenomenon that might not be fully accurate. For example, state authorities often class men and boys trafficked for forced labour as having experienced exploitative work conditions rather than trafficking.

2.1 The Trafficking Protocol

The international legal definition of trafficking in persons is provided in the UN '**Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**' (also known as the Trafficking Protocol or the Palermo Protocol), that complements the United Nations Convention against Transnational Organized Crime (2000). The Protocol is the first legally binding international instrument with an agreed definition on trafficking in persons.

If a country (otherwise known as a 'state') signs and ratifies the Trafficking Protocol, they become legally bound by it and must take steps to implement it through national legislation. As of early 2021, 178 states have ratified the Trafficking Protocol.

The Trafficking Protocol sets **minimum standards** that states must adhere to in devising their own national policies, though they are free to go beyond these. States that have ratified the Trafficking Protocol may have a national strategy and legislation to support its implementation. Various international and regional legal frameworks and initiatives support the Trafficking Protocol and help to address challenges. Even if a state has not ratified the Trafficking Protocol, there may still be national frameworks that deal with trafficking and/or related offences.

In essence, the Trafficking Protocol aims to reduce trafficking globally, to assist people who have experienced trafficking and to protect their internationally recognised human rights.

National Societies should consider what trafficking-related international obligations their own public authorities must abide by, as well as any relevant domestic law, and should take these into consideration when planning humanitarian activities.

NOTE: The terminology we use as we support people is a vital part of psychosocial support. Much of the legislation in relation to trafficking in persons uses the term 'victim'. This term emphasises that a person has been subjected to serious crime and human rights violations and can be used in a legal context. However, the word 'victim' also suggests diminished agency, so in non-legal situations **it is preferable to use the term 'survivor', 'victim/survivor' or the more neutral terms of 'trafficked person' and 'person who has experienced trafficking'.** The recovery process is about people gaining control over their life and becoming empowered and using the term 'survivor' can reinforce this.

[1] UNODC (2018), *Global Report On Trafficking In Persons*

2.2 The definition

The Trafficking Protocol defines trafficking in persons as follows:[2]

Trafficking in persons shall mean:

(a) *"the recruitment, transportation, transfer, harbouring or receipt of persons,*

(b) *by means of the threat, use of force or other forms of coercion, of abduction, of fraud, of deception, of 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,*

(c) *for the purposes 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, forced marriage slavery or practices similar to slavery, servitude or the removal of organs."*

This definition applies to the trafficking of **adults** and can be broken down into three main constituent elements:

(a) The Act describes **WHAT** is done in order for trafficking to occur and includes the act of recruiting someone, transferring them, harbouring them or receiving them. A trafficking case can include just one, some, or all of these activities. Recruitment of adults may involve advertising jobs and moving someone to another region to work. It could also involve supplying passports and visas in order to transport somebody overseas.

(b) The Means describes **HOW** trafficking is done. Traffickers might use deception, such as offering a job that doesn't exist or promising employment conditions that turn out to be different. A trafficker may threaten a person or their family to force them into a situation of exploitation. They may also abuse a position of power or take advantage of somebody's vulnerabilities. Traffickers may form a romantic relationship with someone, only to then deceive and exploit them.

(c) The Purpose is the motive, describing **WHY** trafficking is done. The Trafficking Protocol lists several types of exploitation, such as forced labour, servitude or sexual exploitation, but there are also other forms of exploitation that are not listed in it.

REMEMBER: in order to meet the definition of trafficking of adults, the act, means and purpose must be present.

[2] United Nations (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (also known as the Palermo Protocol).

The legal definition of trafficking in persons is complex, so it is worth exploring the various elements in more detail:

THE ACT:

Recruitment occurs in the place of origin, transit or destination, when a person persuades someone else to do something – for example, taking a trip or accepting employment – with the purpose of exploiting them.

Transportation is the act of moving a person from one place to another. It covers various methods of travel and the facilitation of entry to the place of destination.

Transfer is the act of facilitating movement between countries, regions, cities or places. It may also involve transferring a person from one trafficker to another for the purpose of exploitation.

Harbouring indicates the physical space where trafficked people are accommodated during the journey or at the places of transit, destination or exploitation.

Receipt of persons is the act of receiving trafficked people at the final destination or at the place of exploitation.

THE MEANS:

Threat or use of force, coercion is when the trafficker uses force, threat or another form of physical, moral or psychological coercion to subject a person to any of the components of the "act" and/or exploitation.

Abduction is when the trafficker abducts the trafficked person or falsely imprisons them with the intention of exploiting them. Abduction can also include the intention of transporting, transferring, harbouring or receiving them.

Abuse of power or of a position of vulnerability is when the trafficker uses their power (for example, in a hierarchical relationship) or a person's position of vulnerability (such as financial or familial difficulty) to subject them to any of the of the components of the "act" and/or exploitation.

Fraud and deception is when the trafficker uses fraudulent means, such as false employment contracts, or makes deceptive promises like that of a decent salary or marriage, in order to subject a person to any of the of the components of the "act" and/or exploitation.

Giving or receiving of payments or benefits is when the trafficker pays or receives benefits for convincing a person to be trafficked or convincing a person with control over them, for example, by means of an advance payment.

THE PURPOSE:[3]

Sexual exploitation is obtaining money or other benefits from the non voluntary prostitution of another person or through sexual violence, including through non voluntary pornography (adults) and child sexual abuse imagery (children).

Forced/labour exploitation is "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (ILO Convention no. 29, 1930).

Domestic servitude is subjecting a person to labour exploitation, excessive working hours or degrading working conditions in a private household.

Servile/forced/early marriage covers different situations. Servile marriage is when a spouse is reduced to a commodity over whom powers of ownership are held. Forced marriage is when someone does not give valid consent to a marriage. Early marriage is when a person has not yet reached the minimum legal age for marriage.

Removal of organs is exploitation by removing a trafficked person's organs, skin tissue or body parts without valid consent.

Illegal adoption is exploitation where a child is transferred to another person without observing legal adoption processes.

Forced criminal activities is exploitation where a person is forced to commit crimes such as transporting or cultivating narcotics and other drugs, or petty theft.

Forced begging is when someone is forced to ask a stranger for money, or sell small items in return for money.

Slavery is defined in Article 1(1) of the Slavery Convention 1926 as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised".

Servitude is when a person cannot escape or change their labour conditions and/or the obligation to work or to render services.

[3] This is not an exhaustive list; there may be other forms of exploitation that are not listed here.

THE ACT	+	THE MEANS	+	THE PURPOSE	=	
Trafficking is... - Recruitment; or Transportation; or Transfer; or Harbouring; or Receipt		**By means of...** - Amenaza - Uso de la fuerza; - Coerción - Secuestro; - Fraude; - Engaño; - Abuso de poder; - Abuso de una posición de vulnerabilidad		**For the purpose of exploitation including...** Labour exploitation; or Slavery or practices similar to slavery; or Servitude or Sexual exploitation; or Removal of organs; or other forms not listed here		**TRAFFICKING**

2.3 Child trafficking

It is important to note that when trafficking involves a **child** it is irrelevant whether the Means – such as force or deception – have been used or not. A child will be considered as trafficked if they have been moved within a country, or across borders, whether by force or not, with the purpose of exploiting them.

Therefore, according to the Trafficking Protocol:

Trafficking of children is the recruitment and transportation of people under the age of 18 for the purpose of exploitation.

The 'means' in child trafficking is irrelevant because children cannot give meaningful consent.

THE ACT	THE MEANS	THE PURPOSE

2.4 Intent to exploit

The intent to exploit means that a person can still be considered trafficked if they have not yet been exploited, but there was the intention to do so. This can occur, for example, when the person has been identified at an early stage. The fact that there was intention to exploit them puts these people at high risk of re-trafficking.

REMEMBER: people who have been identified prior to exploitation are entitled to access protection and services that are specifically designed for trafficked people just as if exploitation had taken place. In some contexts, this might be challenging and might require advocacy from frontline workers, in particular with entities - mostly governmental – that are responsible for the identification of survivors.

2.5 The issue of consent

If a person consents to travelling or even to the kind of work that they will be doing abroad or elsewhere, this does not mean they cannot be considered as trafficked. Often, people would have been deceived about the conditions of employment. In this case, **informed consent** has not been obtained and the person is to be therefore considered as a trafficked person.

REMEMBER: it is possible for an adult to have consented to work or to travel for the purpose of work (including in the sex industry) and for that situation to become one of trafficking. If at any point the person is subject to any of the means (coercion, force, abduction, fraud, deception, abuse of power) then the person's consent is nullified, and they should be considered a trafficked person.

2.6 The concept of exploitation

Exploitation can mean different things to different people. Cultural and other context-specific factors can influence perceptions of what counts as exploitation, and this can make it challenging to establish whether trafficking has occurred. Defining exploitation is made more difficult because **there is no international legal definition for the term**. The Trafficking Protocol does not define 'exploitation', but instead provides an open-ended list of examples. However, in the context of trafficking, exploitation appears to fit the following general concept: **that of one person taking unfair advantage of another person, their vulnerability or their situation, resulting in severe harm.**

Understanding exploitation as a **continuum**[4] – that is to say as a sliding scale rather than a fixed concept – helps us to consider all forms of exploitation, some of which may be considered legally and socially acceptable in various contexts. The key consideration is whether an unequal advantage is derived from the relationship.

[4] UNODC (2015), *The concept of 'exploitation' in the Trafficking in Persons Protocol*

The continuum of exploitation is **dynamic**, meaning that where a particular situation 'sits' on the continuum may move over time.

For example, exploitative behaviour could start out with a person working additional hours without pay (which could be towards the left-hand side of the continuum, closer to legally and socially acceptable circumstances) but then the situation gets worse and reaches a point of unfairness that breaks the law (moving along the line to the right, closer to the middle) – for example, if the work does not pay a set minimum wage. A situation where someone is forced to work for long hours in harsh conditions and threatened with punishment (forced labour) would generally be located towards the right-hand side of the continuum, close to the point where the situation tips over into slavery-like circumstances where one person states ownership over another.

While all forms of exploitation are harmful and people in any exploitative situation should receive support, when we consider trafficking, we are usually referring to the more severe forms of exploitation situated on the right-hand side of the continuum.

Sex work, survival sex, sexual exploitation and trafficking for the purpose of sexual exploitation are concepts that are often blurred and confused but that demonstrate well how exploitation should be seen as a continuum.

Sex work is the provision of sexual services for money or goods. Sex work is not always exploitative work per se, as there are situations in which sex workers are able to manage their own work and earnings. However, sex work can also become exploitative and move towards sexual exploitation, for example when a sex worker has to pay money to a pimp in order to be able to work.

Sexual exploitation is any actual or attempted abuse of a position of vulnerability or unequal power for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another person.

Trafficking for the purpose of sexual exploitation is the recruitment, transportation, transfer, harbouring or receipt of a person who under threat, force, coercion, fraud, deception or abuse of power is sexually exploited for the financial gain of another. It can sometimes be difficult to clearly distinguish between sexual exploitation and trafficking for the purpose of sexual exploitation. From a legal point of view, we should always go back to the definition mentioned in the Trafficking Protocol. If the three elements are present (the Act, the Means and the Purpose), then the case should be considered a trafficking case.

Survival sex happens when people trade sex acts for basic survival needs, such as food, shelter or safety. People who engage in survival sex often do so without being forced into it by a third party like a pimp or a trafficker, but they feel that their circumstances leave little or no other option.

All these situations are located along the continuum and can easily move along it in either direction. For example, a person who is practising survival sex is at high risk of both sexual exploitation and trafficking for the purpose of sexual exploitation, since their limited options might lead them to accept exploitative job offers and conditions. It is also possible for someone who has exited a situation of trafficking to start engaging in survival sex, for lack of other, safer options (this is especially true for irregular migrants, who often cannot access statutory protection or formal employment).

2.7 Modern slavery

The term 'modern slavery' is commonly used to refer to situations of exploitation, but it is not defined in international law. Essentially, it refers to exploitative situations that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power. Modern slavery violates people's human rights and causes acute harm.

'Modern slavery' can be used as an overarching term that can include trafficking in persons as well as slavery, servitude, forced marriage, forced and compulsory labour – all of which involve some kind of exploitation.

Therefore, a situation of trafficking always amounts to modern slavery. However, there are situations that are classed as modern slavery that do not amount to trafficking in persons.

According to ILO, an estimated 40.3 million people were victims of modern slavery in 2016. Of these, 24.9 million people were in forced labour. That is, they were being forced to work under threat or coercion as domestic workers, on construction sites, in clandestine factories, on farms and fishing boats, in other sectors, and in the sex industry. They were forced to work by private individuals and groups or by state authorities.[5]

REMEMBER: for a situation to amount to trafficking the act, means and purpose always need to be present.

[5] ILO Global Estimates of Modern Slavery

2.8 The scale of trafficking

The exact extent of trafficking in persons is hard to determine due to a number of factors, including:[6]

- trafficked people may not be able to leave their situation because of restriction of movement and/or fear of reprisals
- trafficked people may be afraid to get help from the authorities or other organisations because they think they will be arrested or returned to their country of origin
- not everyone knows how to recognise a trafficking case. Those who provide front-line services – for example, health workers, police, or humanitarian workers – may not realise they are dealing with someone who has been trafficked
- trafficking is a hidden and underground crime
- not all people who have experienced trafficking realise it
- not all countries collect the same data about trafficked people. Data may not be systematically collected or comprehensive
- not all countries have dedicated legal frameworks and support services for trafficked people.

2.9 The principle of non-punishment and non-prosecution of victims/ survivors

Trafficked people are often compelled by their traffickers to engage in illegal conduct. They may become involved in criminal acts such as producing and distributing drugs, petty crime, engaging in sex work in contexts where this is criminalised, possessing false documents or entering a country irregularly. Trafficked people might not even realise they have committed a crime, but it often still leads to their imprisonment and/or forced return.

Neither the United Nations Convention against Transnational Organized Crime nor the Trafficking in Persons Protocol include an explicit obligation for states not to criminalise survivors of trafficking. However, human rights advocates have long argued that it is unjust to punish survivors who commit crimes as a consequence of their trafficking experience. As a result, the non-punishment principle has emerged.[7] The United Nations Human Rights Office of the High Commissioner "Recommended Principles and Guidelines on Human Rights and Human Trafficking" stresses that:

> ***"Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons."[8]***

[6] For more information please visit: ILO and UNODC websites.
[7] ICAT (2020), Issue Brief 8: Non punishment of victims of trafficking
[8] Text presented to the Economic and Social Council as an addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add. 1)

This principle is non-binding, and therefore not many states have specifically implemented it. Even then, there are still many barriers undermining its effectiveness, such as inadequate victim identification and poor awareness of trafficking among those working in the criminal justice system (police, solicitors, judges, etc).

Anyone working directly with trafficked people – or those who might come into contact with potential survivors within their work – should be aware of the non-punishment principle in order to ensure trafficked people can access life-saving services and have their rights protected. Whenever possible, we should use humanitarian advocacy and work with governments, statutory services and those in the criminal justice system to help survivors access justice without fear.[9]

3. Trafficking in persons and smuggling of migrants

Trafficking in persons and smuggling of migrants are two different issues, but they are often confused by the public and in the media. It is important to understand the difference between the two issues, while remembering the Red Cross's Fundamental Principle of impartiality. We should always prioritise those most in need, irrespective of their circumstances – including their legal status or reason for migrating.

Smuggling is irregular entry into another country or state facilitated by a third party (smuggler) for financial or other material benefit. Smuggled people usually consent to being transported and they may be exposed to risks due to the irregular nature of their journey. The definition is found in the Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol).[10]

Trafficking in persons may also include movement, either regular or irregular, within a country or across international borders. However, trafficking is done without consent – or without informed and valid consent – for the purposes of exploitation.

NOTE: it is possible that a person may become trafficked even if they believe they are being smuggled. For example, they may have been deceived by the smuggler. Migrant smuggling also happens under often dangerous and degrading conditions and may, in some instances, include means of coercion, fraud or force. Smuggled migrants might also become at risk of trafficking once they have reached their destination. For example, their lack of legal status or permission to work could lead to further trafficking or exploitation.

One key difference between trafficking and smuggling is that the relationship between a smuggler and the smuggled person ends when they reach their destination. Whereas trafficking not only involves moving somebody but also intending to exploit them en route and/or on arrival. The table below explores these distinctions further.[11]

[9] For example, British Red Cross anti-trafficking officers act as advocates when trafficked people want to report their crime and/or enter the National Referral Mechanism (the framework for identification and protection of victims of trafficking). They monitor how authorities treat trafficked people, making sure that they are first and foremost treated as victims/survivors rather than someone who has committed an offence. On a policy level, the British Red Cross has long been advocating for detention to only ever be used as a last resort and for the shortest time possible. One recommendation made to the British Government is that people in a situation of vulnerability, including pregnant women, survivors of torture or those who have been trafficked, should never be detained. There is a continuous commitment to advocate for a reform of the UK immigration detention system, in order to enhance protection of migrants in situations of vulnerability.

[10] UN Smuggling Protocol

[11] Source: ICMPD Train the Trainers curriculum on the identification, referral and assistance of trafficked persons (IPT-Turkey), 2013

Element	Smuggling	Trafficking
Type of crime	Crime against the state	Crime against a person Violantion of human rights
Why is it addressed?	To protect the integrity of national borders	to protect people's human rights
Relationship smuggler/ smuggled migrnat and trafficker/ victim	Commercial relationship between smuggler and migrant, which ends after irregular border crossing has been achieved and fee paid	Exploitative relationship between trafficker and victim, which continues in order to maximase economic and/ or other gains from exploitation during the journey or on arrival at the destination
Border crossing	Irregular border crossing is a defining element	Border crossing (regular or irregular) not required/part of the definition
Consent	Migrants consent to irregular border crossing	Either no consect or initial consent made irrelevant because one of the means was used

2 Regional context[12]

According to the 2018 Global Report on Trafficking in Persons[13], the incidence of trafficking in the Americas[14] remains high. Across the region as a whole, around 80 per cent of detected survivors of trafficking in 2016 were female. The predominant form of trafficking detected in the region is sexual exploitation – which mainly affects women and girls – followed at a much lower percentage by forced labour.[15] It should be noted that most countries in the Americas only record cases of sexual and labour exploitation, omitting cases of trafficking for other purposes.[16]

Many of the detected victims are trafficked within the region, domestically or to neighbouring countries.[17] The trend is for people to be trafficked from poorer countries towards relatively richer neighbouring ones. For example, victims from the northern part of Central America are trafficked to Mexico and the United States, and victims from the northern part of South America (Colombia and Venezuela) are trafficked to Central America and the Caribbean.[18]

Although the data available through different reports helps to build a picture of trafficking trends in the region, it is important to note that trafficking data is not recorded in a systematic way. Countries in the Latin American region have different standards and procedures when it comes to identifying victims and recording trafficking cases.[19] The numbers of trafficked people in the region and the patterns of exploitation might therefore not reflect the full scale of the phenomenon.

This chapter is not intended to be exhaustive and therefore does not include an analysis of each country in the region; rather, it seeks to present a general regional picture. National Societies are encouraged to carry out an analysis of their own national context in order to understand how trafficking occurs in their specific environment. How to do so will be explained in the next chapter.

1. Trafficking in the Americas

1.1 Causes of trafficking in the region

Trafficking in the region seems to have a number of different causes. Amongst the **socioeconomic factors** is the widespread existence of informal economies that encourage practices typically associated with trafficking, such as debt-bondage. For example, it is common

[12] The information contained in this section was gathered through literature review, not interviews conducted with colleagues and other professionals in the region

[13] UNODC (2018), *Global Report on Trafficking in Persons*

[14] In the report, the Americas region encompass Canada, the United States of America, Central America, the Caribbean and South America

[15] UNODC (2018), *op. cit.,* p. 76

[16] ObservaLATrata & Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú (IDEHPUCP) (2018), *Informe: Trata de personas en América Latina y el Caribe, 165° período de sesiones comisión interamericana de derechos humanos,* p. 7

[17] UNODC (2018), *op. cit.* P. 78

[18] UNODC (2018), *op. cit.* P. 74

[19] ObservaLATrata & IDEHPUCP, (2018), *op. cit.,* p. 5

to encounter deceptive job offers that advertise competitive salaries without the need to sign a contract, often requiring the applicant to travel at very short notice to secure the job.[20]

Poverty may also increase risks of trafficking in the region. According to the Economic Commission for Latin America and the Caribbean, the number of people living in poverty and extreme poverty in the region increased during 2017, and the extreme poverty rate was the highest recorded in ten years.[21] In this context, people are more likely to be deceived by exploitative offers. Some studies have demonstrated links between poverty and the sexual and labour exploitation of children in the region, with families turning to exploitation to supplement low incomes.[22]

Among various **sociocultural factors** that contribute to trafficking, gender-based violence and gender discrimination are widespread in Latin America.[23] According to ECPAT, "violence against women and children, including sexual violence and exploitation, is facilitated *inter alia* by cultural and historical norms that associate the concept of masculinity with machismo, and the concept of femininity with submission and dependency, closely identified with childhood."[24] UNICEF warns that education is less valued for girls than boys, and this means fewer girls participate in primary, secondary and higher education. Consequently, women are disadvantaged in the labour market and are more at risk of trafficking for sexual and labour exploitation.[25]

The role of women within the family might exacerbate vulnerabilities to trafficking too. In Latin American societies, caring responsibilities and house duties typically fall on women – who have to carry them out without any recognition and within the home. These conditions could lead to exploitation of women in domestic servitude.[26] Studies show that family and emotional ties can also contribute to trafficking. Often victims come from families affected by substance misuse and violence, which traffickers can exploit to form strong emotional bonds with the victims, helping to keep them in a situation of exploitation.[27] Increasingly, traffickers come from family networks rather than from organised crime gangs.[28]

Other traditional and cultural practices can increase risks of trafficking as well. For example, there is the longstanding tradition of *padrinazgo* (tutelage), where families living in rural communities entrust their child to live with a godfather – normally someone in a good financial position who offers children room and board, education and a better standard of living. This practice can be exploited by traffickers, who carry out sexual abuse and exploitation of their godchildren.[29]

Finally, **institutional factors** need to be mentioned. Corruption is known to facilitate trafficking in the region.[30] UNODC found that corrupt officials may help traffickers with their operations: when trafficking involves movement, bribery and abuse of power are the most common forms of corruption reported, such as crossing of borders without any checks or with the cooperation of airline staff and visa officials. Some survivors of trafficking for the purpose of sexual exploitation

[20] Valdés & Basombrío (2015), *Trata de personas e inseguridad ciudadana*, p. 55 *cited in* ObservaLATrata & IDEHPUCP, (2018), *op. cit.,* p. 10
[21] CEPAL (2018), *Panorama Social de América Latina,* p. 79
[22] Mujica & Cavagnaud (2011*), "Mecanismos de explotación sexual y trata de niñas y adolescentes en los alrededores del puerto fluvial de Pucallpa". Anthropologica. Lima, año XXIX, número 29*, pp. 91-110 *cited in* ObservaLATrata & IDEHPUCP, (2018), *op. cit.,* p. 11
[23] ObservaLATrata & IDEHPUCP, (2018), op. cit., p. 13
[24] ECPAT (2014), *The commercial sexual exploitation of children in Latin America,* p. 6
[25] UNICEF (2017), *Trata de personas con fines de explotación sexual en Guatemala*, p. 79 *cited in* ObservaLATrata & IDEHPUCP, (2018), *op. cit.*, p. 13
[26] IOM & Movimiento el Pozo (2005), *Trata de mujeres para fines sexuales comerciales en el Perú*, p. 23 *cited in* ObservaLATrata & IDEHPUCP, (2018), *op. cit.*, p. 13
[27] IOM & Movimiento el Pozo (2005), *op. cit.,* p. 116 *cited in* ObservaLATrata & IDEHPUCP, (2018), *op. cit.*, p. 13
[28] Mujica & Cavagnaud (2011), *op. cit., cited in* ObservaLATrata & IDEHPUCP, (2018), *op. cit.*, p. 14
[29] ECPAT (2014), *op. cit.,* p. 7
[30] Capital humano y social alternative (2017), *Rutas de la trata de personas en la Amazonía peruana,* p. 147 *cited in* ObservaLATrata & IDEHPUCP, (2018), *op. cit.*, p. 14

have reported that police would often visit the premises on a regular basis but would not talk to them about their situation; many identified police officers as their customers. Corrupt criminal justice authorities may also be involved in the trafficking process, thus obstructing the investigation and prosecution of cases, and/or impede the adequate protection of victims of the crime. Impunity for corrupted officials remains high.[31]

1.2 Child trafficking

Child trafficking is particularly prominent in the Americas. Reasons for this include:

- demographic factors
- economic and social inequality
- child poverty
- gender discrimination
- violence against children.[32]

Most child trafficking cases happen domestically, without children crossing international borders.[33] The global network dedicated to addressing child sexual exploitation, ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), warns that commercial sexual exploitation of children in Latin America is increasing. Countries have weak protection measures, and this is combined with high levels of mobility and increasing demand in the sex market across the region.[34]

Children from migrant, indigenous and Afro-descendant communities are most at risk, and they can be recruited through supposedly safe environments such as schools, communities and families.[35] A common way to recruit children for sexual exploitation is online, and technological developments have left many children and adolescents exposed to threats and vulnerabilities. Recruitment often happens through advertisement for the purpose of child pornography.[36]

Children in South America can also experience domestic servitude, especially those who are trafficked from rural areas to the main cities. Normally boys tend to leave this kind of work when they reach puberty, but end up being exploited in agriculture, manufacturing and service industries.[37]

Forced begging is another widespread form of exploitation in the region, and it normally involves groups of very young children supervised by an adult who controls their earnings. In addition, children can be trafficked for criminal activities, ranging from petty theft to cultivating, transporting and selling drugs. Traffickers maintain control through violence, threats and the use of drugs.[38]

[31] UNODC (2011), Issue Paper: The Role of Corruption in Trafficking in Persons
[32] US Department of State (2020), *Trafficking in Persons Report,* p. 161
[33] ECPAT (2014), *op. cit.,* p. 13
[34] *Ibid*
[35] ECPAT (2014), *op. cit.,* p. 10
[36] ECPAT (2014), *op. cit.,* p. 16
[37] OIT (2009), *Combatir la trata infantil con fines de explotación laboral,* p. 19
[38] *Ibid*

2. Trafficking in the context of migration

While trafficked people are not always migrants, **migration often increases people's risk of trafficking and exploitation.**

People may migrate for different reasons, that range from fleeing dangerous contexts (such as conflict, persecution) to seeking better opportunities abroad (such as educational and employment opportunities). People may use regular or irregular channels in order to migrate; in addition, someone's status might change overtime: for example, a person might migrate regularly after obtaining a study or work visa but may become an irregular migrant if they overstay their visa.

Some factors that might heighten risks of trafficking and exploitation for migrant people are:[39]

- **moving or working through irregular channels**. Irregular status may put migrants in a particularly vulnerable position that traffickers can take advantage of (for example, by promising safe passage or enticing job offers abroad)
- **specific working environments**, especially those that are not covered by legal provisions. Migrant people who are confined to their workplace with little control over their working and living conditions and their mobility (such as those engaged in private homes as domestic workers) experience diminished labour protections, which can provide fertile ground for exploitation
- **limited access to information and resources**. When information is not available through official channels, and when safe and legal migration routes are not available, migrant people may resort to third parties to obtain information on migration processes, employment and educational opportunities. As a result, they frequently use recruitment agencies, brokers, smugglers and other intermediaries, including extended networks through family and friends, to find overseas employment and facilitate their migration.
- **restrictive immigration policies**, especially when they are combined with strong economic incentives for low-wage migration. This results in a demand to migrate in situations where there are few, if any, legal and safe migration routes
- **discrimination** against migrant people. Discriminatory attitudes might impact the ability migrant people have to access services.

In displacement contexts, when people are forced to migrate (either internally or transnationally) due to causes such as conflict, disasters, violence, violations of human rights, amongst others, the risk of trafficking and exploitation also heightens. The Inter-Agency Coordination Group against Trafficking in Persons[40] warns that **humanitarian crises can lead to an increase in trafficking in persons**. Migrants, internally displaced people, asylum seekers and refugees can be particularly vulnerable to trafficking, as it becomes more difficult for them to access humanitarian assistance, national protection mechanisms, social networks and other support

[39] IOM (2019), *Migrants and their vulnerability to human trafficking, modern slavery and forced labour*
[40] ICAT (2017), *Trafficking in Persons in Humanitarian Crises,* Issue Brief #2

systems. In addition, criminal networks and traffickers can take advantage of the breakdown of the rule of law and State institutions, and the difficulties migrants face to access their rights, in order to offer travel or promise deceptive employment or education opportunities for the purpose of exploitation. Finally, crises can significantly reduce opportunities for families, especially in terms of income generation. To cope with the situation families may adopt risky behaviours and negative coping mechanisms in order to survive, which can result in increased risk of exploitation and trafficking. For example, families might resort to practices such as survival sex and child labour to generate income or forced or early marriage as a way of protecting their children.

People who have been trafficked across an international border may be entitled to **international protection** as refugees on the basis of this experience. For example, people may seek international protection in the State in which they are currently present:[41]

- after having been trafficked abroad
- after having been trafficked inside their own country and then fled abroad
- if they flee abroad for fear of becoming a victim of trafficking in their country of origin.

There are however many challenges that trafficked people still face when trying to access asylum systems, as they may be unaware of their right to apply for asylum or they may not receive timely information about their rights and entitlements and how to access these.[42] In addition, some countries have not signed the 1951 Refugee Convention and its 1967 Protocol, which define the rights of refugees and displaced people. In such countries, people in need of international protection – including trafficked people – might find themselves without asylum systems or legal frameworks regulating their rights; the consequence is an increasing difficulty in accessing rights and entitlements, which may lead to further exploitation.

In countries that have not signed the relevant conventions and protocols, and where legislation and policies might effectively increase protection risks, there are still ways staff and volunteers can protect trafficked people who are also migrants (whether regular, irregular, in need of international protection or not). National Societies should be able to identify protection needs, support people to access their rights, provide essential services or refer to available ones, liaise with other agencies and when possible carry out humanitarian diplomacy and advocacy. They can play a key role in influencing government policy and practice for an improved, more comprehensive and better coordinated response to the needs of trafficked people. It can be valuable to accurately record the negative impact that specific policies and legislation (or lack thereof) have on migrants and their ability to access rights and international protection and share these findings in advocacy messages with decision-makers.

2.1 The humanitarian emergency in Venezuela

Venezuela has been going through an economic crisis since 2016, and many citizens have decided to leave the country in search of better opportunities abroad.[43] As of September 2020, the total number of Venezuelan refugees and migrants worldwide was 5.2 million: the entire region of Latin America and the Caribbean has been affected, with Colombia, Peru, Chile and Ecuador being the top host countries.[44]

[41] ICAT (2017), *Trafficking in persons and refugee status,* Issue Brief #3
[42] *Ibid*
[43] Ministerio del Interior Colombia (2018), *Migración Venezolana y Trata de Personas,* p. 5
[44] World Vision (2020), *Venezuela Crisis Response, Situation report September 2020*

It is estimated that women and girls make up 40 per cent of Venezuelans who have crossed international borders so far. Organisations operating in the Latin American region report that women and girls who flee Venezuela arrive in destination countries malnourished, with very few personal effects and financial resources.[45] With restricted options, many resort to sex work in order to survive. Although sex work can be used as a means to earn a living, the fact that it is rarely regulated, makes it a profession where the risk of exploitation is very high. As many organisations have explained, sex work often starts as voluntary, but it can easily become involuntary and ultimately turn into exploitative. This especially happens when Venezuelan women and girls, who are often undocumented, find themselves needing to provide for themselves and their families. The urgency of their situation, coupled with the lack of safer options, often lead them to engage in survival sex which may turn into situations of trafficking and commercial sexual exploitation.[46]

More than five million Venezuelans have fled to neighbouring countries since the start of the crisis

Trafficking in Persons Report 2020

Up until November 2020, 64 per cent of foreign survivors of trafficking identified in Colombia this year are from Venezuela

Colombian Ministry of Interior, Weekly report of cases of trafficking in persons, 13 November 2020

The US Department of State 2020 Trafficking in Persons report mentions that traffickers increasingly exploit Venezuelan men for forced labour. Dissident Colombian armed groups, especially near border regions, have subjected Venezuelans to forced criminality and recruitment.[47]

The Caribbean islands of Trinidad and Tobago, Curaçao and Aruba experience migration flows from Venezuela, due to their proximity to the mainland. Venezuelan women and girls are lured to the islands with offers of employment but they end up being trafficked for sexual exploitation in brothels and clubs.[48] It has been reported that some identified victims of trafficking have been detained and deported because of their unwillingness to cooperate in legal cases against their traffickers, for crimes the traffickers forced them to commit.[49]

In 2019, Venezuelans represented almost 70 per cent of the identified and assisted survivors of human trafficking in the Caribbean, with spikes of 90 per cent in countries like Trinidad and Tobago

R4V, Trafficking in Persons Caribbean RMRP, Background Notes – Trafficking in Persons, August 2020

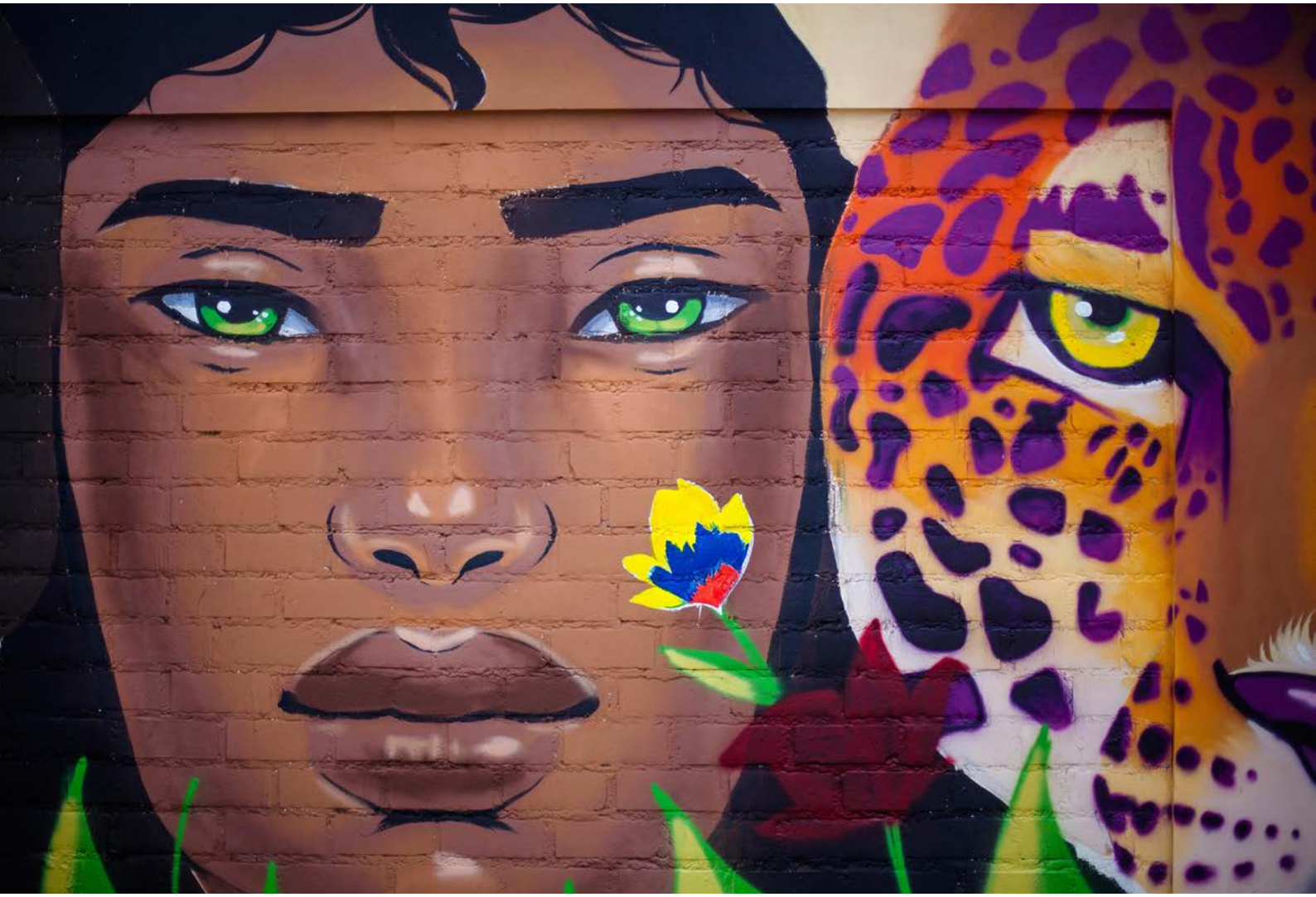
Venezuelan migrants have specific needs, whether in transit or in destination countries.[50] The Refugee and Migrant Response Plan 2020 from the R4V (Response for Venezuelans) highlights basic needs, such as access to food, healthcare, safe water, sanitation and hygiene services – and these needs can become more urgent in border areas.[51] Medium

[45] Refugee International (2019), *En Busca de Seguridad. Hacer frente a la explotación sexual y la trata de mujeres y niñas venezolanas,* pp. 8-9
[46] *Ibid*
[47] US Department of State (2020), *op. cit.,* p. 531
[48] *Ibid*
[49] US Department of State (2019), *Trafficking in Persons Report,* p. 166
[50] R4V Response for Venezuelans (2020), *Response Plan 2020 for Refugees and Migrants from Venezuela,* p. 11
[51] R4V Response for Venezuelans (2020), *op. cit.,* pp. 22-23

and long-term needs include regularisation of their status, access to the labour market, social and cultural integration and the recognition of academic qualifications, titles and skills in host countries.[52] These needs are not always met.

National Societies have long worked with at-risk migrant populations, including migrant workers and those at risk of exploitation. For this reason, it is very important that staff and volunteers working with these groups (whether through specific support services or through awareness-raising activities):

- understand how migration could heighten risks of trafficking
- are trained to recognise specific indicators/warning signs of trafficking within these populations
- know how to recognise and properly support migrants in situations of trafficking and those at risk of it
- are aware of national protection schemes specific to survivors of trafficking, as well as to refugees.



[52] R4V Response for Venezuelans (2020), *op. cit.,* p. 11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3 Groundwork

As staff and volunteers, we often come into contact with many people who are in vulnerable situations. Among those who attend our services, there may be people who have been in a situation of trafficking, who are currently in a situation of trafficking or who are at risk of trafficking. It is important that we recognise their experience and offer them the support and protection they need. However, recognising potentially trafficked people without having first created the processes and procedures to safely handle cases and refer them internally or externally can cause great harm.

It should be the responsibility of each National Society to build a safe response to trafficking.

In this chapter we will explore why it is important for a National Society to tackle trafficking and we will present a suggested **step-by-step approach** that can support them to build a safe response to trafficking. This approach has been specifically designed for National Societies, as it takes into consideration their role and that of the IFRC. There is no common methodology that will suit all contexts; therefore, this approach is built in a way that allows for it to be tailored to the different needs, capacity, expertise and resources of each National Society.

We've outlined four core activities which should be implemented in chronological order. Sensitisation work can be considered as an enabler for the outlined activities and/or as a result of their implementation:

- context analysis
- mapping and analysis of services
- establishing referral pathways
- creating standard operating procedures (SOPs).

In this chapter, each activity's aim and importance are explained and activities are broken down into steps to facilitate implementation. Throughout this chapter you will find references to various tools that have been created to support this section, all of which can be found in the accompanying toolkit. As you begin your work on trafficking, we recommend that the relevant tools are filled in or updated electronically, so that the workload is structured and manageable.

1. Trafficking and the work of National Societies

1.1 The Fundamental Principles

The work of the Red Cross and Red Crescent Movement is to provide people the support they need, without discrimination on any basis. Therefore, it is important to understand that **a situation doesn't need to meet the legal definition of trafficking for us to support someone**. The legal definition informs our work and helps us understand trafficked people's rights and entitlements, but our operations are ultimately guided by our Fundamental Principles – particularly humanity, neutrality and impartiality.

Humanity provides the Movement with its ideal, its motivation and its objective. The overarching objective in all our work is therefore to prevent and alleviate human suffering, protect life and health and ensure respect for the human being. Trafficking in persons causes serious harm and our work to address and respond to this issue is from our principle of humanity.

Impartiality means that we support people when they need it, without judging their previous actions or choices. We should not discriminate on the basis of nationality, race, religious beliefs, class, political opinions or any other factor. Our impartiality means that people who have been trafficked can access our support without fear of being discriminated against.

Neutrality means that we don't take sides in controversies. We don't pass judgement on the different situations that trafficked people may have experienced or insist that they take specific actions. We try and support them make the best decisions for themselves by providing guidance and referrals to expert agencies.

Independence means that although National Societies have a humanitarian auxiliary role to their government, they are able to act according to our Fundamental Principles. This puts us in the unique position of being able to provide unbiased, non-directive information so that trafficked people can make their own informed choices. It also ensures that our work is based on people's needs rather than the objectives of any other agencies.

Voluntary service means that people choose to offer their time freely without personal gain. We therefore have a responsibility to ensure that volunteers are given appropriate training and support to work with trafficked people.

Unity means there can only be one Red Cross or Red Crescent Society in any one country. It must be open to all and carry out humanitarian work throughout its territory. In terms of trafficking, this means people who have been trafficked should be able to contact us for support anywhere in the country.

Universality means that National Societies work together on an equal footing. National Societies co-operate with each other to provide services, share skills and develop knowledge on trafficking.

1.2 Trafficking as a protection concern

'Protection' in a humanitarian context is about keeping people safe from harm.

Protection is defined by the Inter-Agency Standing Committee (IASC) as:

> ***"...all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law (IHRL), International Humanitarian Law, International Refugee law (IRL))."***[53]

In the Movement we adopt and apply this IASC definition as part of our approach to Protection, Gender and Inclusion, which emphasises the importance of taking into account a person's age, gender and background – including social, ethnic, national, religious or other considerations.

The centrality of protection in humanitarian action drives a commitment to doing no harm, protecting lives, preventing and alleviating suffering, preserving the safety, dignity and rights of people and placing the needs and perspectives of affected people at the core of our work.[54]

This includes working to prevent and respond to situations of trafficking and exploitation.

Our actions must respect people's dignity, safety and rights and ensure we "**do no harm**" while improving our ability to respond to protection concerns, including trafficking in persons.

How is the principle of "do no harm" linked to trafficking in persons?

"Do no harm" should be our guiding principle as we work with trafficked people. It is important that all work that is carried out with individuals and communities mainstreams protection and conforms to this principle. This requires that, **at the very least, our humanitarian activities should not increase the risk of trafficking and the risks trafficked people face, either by act or by omission**. We can ensure this by:

- guaranteeing that our actions do not expose people and/or communities to further harm
- ensuring that we consider protection risks in everything we do
- handling confidential and sensitive information safely

"Do no harm" should be followed by everyone working within a National Society, regardless of their role.

[53] Protection of Internally Displaced Persons, Inter Agency Standing Committee Policy Paper, pg. 4 December 1999. See also: Giossi Caverzasio, Sylvie (2001) Strengthening Protection in War: A Search for Professional Standards. Geneva: ICRC, p. 19. The definition was originally adopted by a 1999 Workshop of the International Committee of the Red Cross (ICRC) on Protection.
[54] See: IASC, Statement on the Centrality of Protection, 17 December 2013, http://www.refworld.org/pdfid/52d7915e4.pdf

Trafficked people have experienced a series of human rights violations, with serious consequences for the individual person, their family and community. Based on the needs and rights of trafficked people, **trafficking is considered a core protection concern** much like sexual and gender-based violence or child protection, which should be, at a minimum, integrated into all areas of work.[55]

1.3 Sensitising National Societies

Despite trafficking being a clear protection concern, some National Societies might feel unsure of how to start work to prevent and respond to trafficking, which may make them reluctant to engage with this key protection issue. In order to overcome this challenge, National Societies can start by conducting **internal sensitisation work, within the organisation.** This is important because:

- it helps improve understanding of trafficking, allowing National Societies to assess their limits and abilities and what they can genuinely achieve
- trafficking in persons is as important as child protection or gender-based violence, yet it is often overlooked. It is a core protection concern that needs to not only be included in our broader protection work but also mainstreamed in all of our activities.

How can we sensitise National Societies?

- have **conversations** at management level around the main protection issues faced by affected populations, which should include trafficking in persons
- establish a minimum **safe response** by taking the steps detailed in this guide
- seek **peer-to-peer support from other National Societies** that are actively engaging with this area.
- seek **support from local and national organisations that specialise in trafficking in persons.** If you do that, it is important to remember that other organisations have different mandates to that of Red Cross National Societies. Our work and activities should always follow our humanitarian mandate and be in line with our Fundamental Principles, and this also applies to work to respond to trafficking.[56] Keeping this in mind is important, so that each National Society can decide critically what activities they should and should not undertake, in line with the principles outlined in this guide.

Who can support sensitisation work?

Staff with knowledge and understanding of the different protection concerns (such as those specialising in protection, gender and inclusion, migration or psychosocial support) can drive forward these conversations and actions within their National Societies. However, it is also imperative that **the leadership of the National Society** understands the importance of this work and supports it with human, technical and financial resources.

[55] Please refer to chapter 4 to learn more about activities that National Societies can implement in order to respond to trafficking
[56] Please refer to chapter 4 to learn more about activities that National Societies can implement in order to respond to trafficking

2. Context analysis

2.1 What it is and why it is important

Before we start doing any work related to trafficking, it's important to start by assessing the context we are working in.[57] Although evidence around trafficking in persons is difficult to collect, reports and documents are usually available from a number of sources (including I/NGOs, authorities, civil society, etc.), so each National Society should gather any information that's relevant for their context. This should be done by someone with appropriate skills and experience, ideally with an understanding of protection, gender and inclusion issues. Expertise in research is preferable, but not necessary.

This crucial analysis not only improves a National Society's understanding of their own context, but also helps them design services and training that cater to specific needs. By assessing existing services and capacities, we can identify gaps, needs and opportunities for training and improvement.

It's important to identify what financial, technical and human resources you will need to complete your analysis, and which of these are available. Resources you might need include:

financial: making sure budget is available for research, travel and editing the final report

technical: getting support from specialists from inside the National Society or from the Movement

strategic: making sure leadership is supportive and is prepared to act on the findings

human resources: deciding who will coordinate or lead the analysis and identifying additional human resources such as other National Societies, local consultants, or support from other National Societies.

2.2 How it is done

Conducting a context analysis is a complex process and there are different ways to conduct it. A suggested structure is presented below but there may be other methods.

Step 1: establish objectives. Understanding what your National Society hopes to achieve through the analysis will inform its direction.

You should consider exploring:

- trafficking trends, including how trafficking occurs in your country and if there is any difference at the local level
- factors that increase the risk of trafficking
- the humanitarian needs of trafficked people
- legislative frameworks around trafficking and related areas, such as asylum, migration, labour rights, etc.
- key organisations currently working with trafficked people (both governmental and non-

[57] To learn more about how to conduct a context analysis in relation to trafficking in crisis settings please consult the Global Protection Cluster's Guide: An Introductory Guide to Anti-Trafficking Action in Internal Displacement Contexts

governmental), and any gaps and capacities in prevention, identification and service provision
- the capacity and the role that the National Society can play in the sector.

Make sure to keep your objectives clear throughout.

When you define your objectives, it is helpful to think about whether it may be appropriate to share the final report. If it is, decide who you are going to share the report with (for example, is it just for management or all staff?) and how, as it is important for interviewees to know how the information they provide will be used and shared.

REMEMBER: You should think carefully about sharing your findings. This should always be discussed with management – especially if the report contains recommendations. The structure we've suggested is intended for **an internal report** designed to inform a National Society's work, rather than an external, public report. If the goal of your context analysis is to publish for an external audience, we recommend hiring an expert researcher.

Step 2: decide at what **level** you want to conduct your context analysis.

Depending on the scope of the project/activities, the analysis can be conducted at:

- **Local level:** this allows for a deeper understanding of a specific context within a country, as it focuses on a smaller area (for example, a particular region or province, or a selected area covered by a branch of a National Society). Local analysis is useful if we want to understand trafficking in a certain context, perhaps because we know that there are specific needs and risks (for example, in border areas or where tourism is prevalent); or if we want to assess a branch's capacity and identify gaps. Local analysis can also help understand the branch's strategic role as auxiliary to the government and their added value at local level.

- **Nacional level:** this is recommended if the aim is to understand trafficking trends that occur within, to and from a country, to assess the National Society's capacity and identify any gaps. National analysis can also help identify the added value a National Society can bring to the sector, given their strategic role as auxiliary to the government. There can be scope for assessing strengths and capabilities of all the branches or just selected ones.

- **Regional level:** because of the bigger geographical reach, this kind of analysis does not allow for in-depth assessment unless you have a lot of time. Although it is difficult to analyse the entire trafficking situation in a region, you can identify the main regional trends and compare similarities and differences between countries (and their different approaches to trafficking prevention and response). Regional-level analysis could be useful if a number of National Societies are involved in a Population Movement Operation, in order to identify opportunities to collaborate, share information and improve services.

- **Integrating trafficking in other thematic areas:** if a National Society is not ready, does not have the technical skills and resources or isn't in a position to conduct a context analysis specifically about trafficking, consider adjusting the scope so that the analysis is widened to include trafficking elements within other thematic areas the National Society is already

engaging with – such as sexual and gender-based violence or migration. For example, a National Society could conduct an analysis on labour migration and the humanitarian needs of migrant workers, including whether there is evidence of exploitation or trafficking.

Step 3: prepare and conduct your context analysis.

The first step is to decide how you are going to carry out your analysis. Information can be collected through different methods, such as an initial scoping visit in the field, desk review, remote consultations, quantitative sources and field research, amongst others. For the purpose of this guide, we will illustrate two of the most common methods: **desk review** and **field research.**

If you use both methods, the desk review should be conducted first, in order to gain a general understanding of the context. This also helps to identify potential interviewees and specific topics or questions to explore during the interviews.

Working definitions

It is useful to create a list of terminology and definitions right from the start. The working definitions can be developed as you explore the various documents and legislation. They are important as they provide the conceptual framework for the analysis and can guide the work of the person/people who conduct(s) it. Interviewees don't need to understand these definitions, but it's essential that every member of the research team does.

As a starting point, you can find a list of terminology and definitions in the glossary of this guide.

Desk review

A desk review is a brief overview of what knowledge has already been established on a subject by other researchers, organisations and the media. It involves reviewing existing secondary sources (published reports, studies, news articles, publications and academic journals) that may contain information relevant to the human trafficking situation in your chosen context. The desk review should:

- be led by the objectives of the analysis
- organise results into a summary of what is and is not known
- identify areas of controversy in the literature
- formulate questions that can be explored further during field research.

How to prepare and conduct a desk review:

A. First of all, you need to define **what you want to find out with your desk review.** Suggestions include:

REMEMBER: There are many different forms of exploitation, so broaden your analysis beyond just sexual exploitation and forced labour

- main trafficking trends (such as forms of exploitation and where trafficking is occurring)
- which groups are most at risk
- how trafficking is facilitated
- the humanitarian needs of trafficked people
- factors that increase risks of trafficking (risk factors should be analysed at individual, family, community and structural level)
- provision or lack of services – in terms of prevention, identification and protection of trafficked people
- legislative frameworks and implementation instruments, such as national action plans.

Use tool 1.1. to select research questions that can help you frame your objectives and guide your desk review:

☞ Tool 1.1 – Suggested themes and guiding questions for a context analysis

B. When you have defined the research questions, you will then need to **find sources** that can help you answer those questions.

Did you know?

There are lots of ways to find sources. For example, you can use Google, Google Scholar, a portal from a university or a library for books and journals.

Using reliable and trustworthy sources of information is critical when conducting a desk review. The following questions can help gauge the quality of the data:

- Is it from a known or trustworthy source[58]?
- Is it from a known or trustworthy source ?
- Is the intended audience other researchers or the general public?
- What methods were used to collect the data?
- Is the information current or out-of-date?
- Do the numbers make sense?
- Does the author provide references for the data and information reported?

Some well-known resources aim to give a global overview of trafficking (please note that the majority of these are in English only):

Global resources	
The Global Report on Trafficking in Persons[59]	Published by the United Nations Office on Drugs and Crime (UNODC) every two years. It provides an overview of patterns and flows of trafficking in persons at global, regional and national levels, based primarily on trafficking cases detected during the two-year period.

[58] Reliable sources are empirically validated sources that have carried out exhaustive analyses that have generated evidence-based knowledge
[59] The 2018 UNODC Global Report on Trafficking in Persons

The Global Estimates of Modern Slavery[60]	Published by the International Labour Organization (ILO) in 2017. It focuses on two main issues: forced labour and forced marriage. The estimate of forced labour includes forced labour in the private economy, forced sexual exploitation of adults and commercial sexual exploitation of children, and state-imposed forced labour.
The Global Slavery Index[61]	Published by the Walk Free Foundation. It provides a country-by-country ranking of the number of people in modern slavery, as well as analysing the actions governments are taking to respond to this and the factors that make people vulnerable.
International Centre for Migration Policy Development (ICMPD) [62]	The ICMPD often publishes various reports/research on trafficking in persons.
Counter Trafficking Data Collaborative (CTDC)[63]	The CTDC is the first global data hub on human trafficking, with data contributed by organisations from around the world.
The Trafficking in Persons Report[64]	Published annually by the US Department of State. The report gives a general picture of trafficking in each country and ranks governments according to three tiers, based on their perceived efforts to acknowledge and address trafficking in persons. The US government imposes sanctions on countries that rank in tier three.

Field research

Field research allows you to collect information directly from groups with lived experience of trafficking, or from organisations and individuals with access to them and/or information pertaining to them. You can use various methods[65], such as:

Interviews with key informants. If possible, interviews should be conducted in person, but you could also use methods such as phone, Skype, email or postal correspondence.

Focus group discussions. This method facilitates the collection of information during a relatively short period of time with a larger number of interviewees who have something in common. Focus groups discussions centre on a particular topic, and you can assemble groups based on factors like sector, topic or region.

Field observations. It can be useful to observe people's natural behaviour in their own settings, using field journals to record observations, ideas, insights and conclusions.

Surveys. These can be carried out by an interviewer or completed independently. They are normally based on a questionnaire where the respondent is given a limited set of options.

[60] Global Estimates of Modern Slavery
[61] https://www.globalslaveryindex.org/
[62] https://www.icmpd.org/publications/publications/trafficking-in-human-beings/
[63] The Counter Trafficking Data Collaborative
[64] Trafficking in Persons Report 2020
[65] For the purpose of this guide we will provide guidelines on how to prepare and conduct key informant interviews and focus group discussions.

Interviewing trafficked people for the purpose of a context analysis

You might be tempted to interview trafficked people when conducting a context analysis. Although it is important to include the voices of people with lived experience, interviews can also cause harm if not done correctly. People with lived experience have been through extremely traumatic experiences and may have very complex support needs due to language barriers, immigration status, trauma and abuse. **It is not recommended to interview trafficked people for the purpose of a context analysis,** unless you are highly skilled in conducting trauma-informed consultations and are confident in what other support services are available to refer people to after your interview.

The resources mentioned above already contain a lot of relevant information, and various professionals can also contribute their knowledge and experience through interviews. The information collected in this manner should be enough for the purpose of a context analysis, without requiring interviews with trafficked people themselves.

If after careful consideration you still believe it is absolutely necessary to interview survivors of trafficking, you need to carry out a very careful risk assessment. You must ensure that all protection, safety and support needs (including psychosocial support) have been addressed before the interview takes place (both for the interviewee and the interviewer). **Only trained staff with an understanding of how trafficking in persons affects survivors should be allowed to interview trafficked people, using both a trauma-informed and survivor-centred approach. It is recommended that interviewers also understand psychosocial support and protection, gender and inclusion considerations.**

Trauma-informed approach

Using a trauma-informed approach during an interview with a survivor means understanding the **complex and nuanced** impact that trafficking has on survivors. An interviewer that integrates this practice should:

- do no harm
- create a comfortable and safe environment
- allow the survivor to have control of the interview (letting them take breaks when they want to and only answer questions they're comfortable with, etc.)
- never ask the survivor to talk about their own trafficking experience. Remember the objectives of the context analysis and ask them the same questions you would ask other interviewees without lived experience. If they want to include details of their experience, they can do so of their own accord.
- understand how the effects of trauma can influence someone's behaviour during an interview
- take into consideration cultural and language needs
- avoid re-traumatisation and re-victimisation
- be trained to handle any crisis that may arise during the interview
- ensure follow-up support.

A. Map stakeholders and potential interviewees. This bank of potential sources should include their locations and contact details (names of key people, telephone numbers and email addresses where possible). It should be kept updated throughout the field research, specifying the level of anonymity requested by each interviewee. Use tool 1.2 as a template to keep track of this.

☞ Tool 1.2 – Mapping template for relevant stakeholders and interviewees

NOTE: This is a different exercise to the service mapping explained in the next section (which is meant to help establish referral pathways). Some people and organisations may appear on both lists, but the two exercises have different purposes. At the research stage, you are trying to identify people who can contribute knowledge and experience, so you don't need to list every stakeholder present in your area – just those who could serve as key informants for the context analysis.

B. Select your interviewees. Identifying appropriate interviewees is crucial. Participants should be able to inform the questions for the analysis and enhance understanding of trafficking, but this doesn't mean you should restrict your interviews to trafficking experts. Others can also provide valuable information on related topics or share front-line expertise and experience. Ideally, you should interview a range of candidates inside and outside the Movement, such as:

- colleagues working at management/field level in different areas (protection, migration, health, psychosocial support etc.)
- relevant staff from key international organisations, such as the International Organization for Migration (IOM) counter-trafficking unit, the United Nations Office on Drugs and Crime (UNODC) and the International Labour Organization (ILO)
- staff from organisations working in the areas of child protection, gender-based violence, protection, labour migration and other relevant areas
- staff from the labour inspectorate and/or labour unions
- relevant authorities such as asylum authorities, welfare departments, police
- staff working for civil society organisations and international or national non-governmental organisations that specialise in trafficking prevention and response.

C. Conduct the interviews/focus group discussions. Use the following tools to help you with this step.

☞ Tool 1.3 – Interview guidelines

☞ Tool 1.4 – Interview consent form template

☞ Tool 1.5 – Focus group discussion guidelines

☞ Tool 1.6 – Focus group discussion consent form template

Qualities of a good interviewer:

- has adequate knowledge of the topic
- has been trained on how to conduct interviews
- can listen attentively with sensitivity and empathy
- can listen and think at the same time
- can ask the right questions and tailor them to the knowledge and experience of interviewees
- knows how to respect silences when there is a subject that the interviewee does not want to address
- believes that all interviewees have something to offer
- understands that the interview is not a dialogue
- understands the mission and work of the Red Cross Red Crescent Movement and its role in relation to trafficking in persons
- is open to being guided by the research, and is able to acknowledge one's own biases and not allow them to inform the direction of the research or the findings

Step 5: conduct the **data analysis.**

Once the data is collected, the next phase is to interpret it, which will help your National Society make decisions. Through analysis, you can understand trends, recognise gaps, and identify how the National Society can better address the needs of trafficked people.

Data analysis enables you to look at the information as a whole, while reflecting back on your key objectives. This process can lead to a better understanding of complex issues and help you to clearly communicate key findings and potential opportunities to decision-makers.

You might start by going through the information obtained in each interview/focus group discussion to summarise the data, identify common or recurring themes and look for anything surprising or concerning. To make this easier, it's best to draft a summary at the end of each interview/focus group discussion. As you identify different themes, it can be useful to assign each one a colour so you can highlight relevant text in the summary documents.

When analysing data, ask yourself:
- What are the recurring issues or themes?
- What does a particular piece of information mean, and why is it important?
- If I compare two different pieces of information, what does it tell me?
- What are the most interesting findings of the research, and what is not useful?
- Did we find out what we wanted to learn, based on our objectives?
- What information is missing?
- What are the priorities?

Creating an Excel document can be very helpful at this stage. Place the themes covered during the interviews/focus group discussions in rows, according to their assigned colour, then list which interviews/focus group discussions mentioned each topic. The following template can help you with your data analysis:

☞Tool 1.7 – Example data analysis template

It is also useful to create Word documents where you can collate your findings by theme. For example, one theme might be the humanitarian needs of trafficked people. After adding the theme on the Excel document and listing all the interviews/focus group discussions in which this topic was discussed, you could then go through your session summaries picking out all the relevant points that were made and collating them in a Word document. This will be very useful when you come to write the report. When analysing data, remember that inconsistencies or contradictions between different sources should also be acknowledged.

Step 6: write and share your findings.

Your findings can be written up in a **report**, integrating the information obtained through the desk review and the field research.

The report can simply set out your findings or it can also make recommendations, such as:

- how your National Society can better address the humanitarian needs of trafficked people through existing or new services
- how your National Society can improve its overall response to trafficking in persons
- how your National Society can leverage its strategic role as auxiliary to the government to improve trafficking prevention and response.

Share your report if appropriate and if this was established as an initial objective. Remember that sharing your findings should be thought of carefully from the onset of the research, and if the goal of your context analysis is to publish for an external audience, we recommend hiring an expert researcher.

2.3 Contextualising indicators/warning signs of trafficking

A context analysis also serves another important purpose, in that it allows to explore and contextualise indicators. The term 'indicator' can be often misunderstood as it could also refer to monitoring and evaluation frameworks and key performance Indicators. Therefore, when we're talking about indicators of trafficking, we often like to explain that what we're specifically talking about are warning signs of trafficking which help us recognise people who are being trafficked, have been trafficked in the past and those who are at risk of it. For the purposes of brevity, in this document we will continue to call them 'Indicators' hereafter.

Different organisations, such as UNODC and ILO, have created helpful lists of **general indicators**, as well as indicators that are specific to certain forms of exploitation. Understanding these is useful, but it is important to be able to put them in context. Indicators can vary depending on the trafficking trends and other factors in particular environments. Contextualising indicators is especially important for training purposes – helping staff and volunteers to learn about which ones they might be more likely to encounter in their work.

There is no set way to contextualise trafficking indicators. However, one way of carrying out this exercise is to:

- familiarise yourself with the list of general indicators of trafficking

☞Tool 1.8 - Trafficking indicators checklist

- ask specific questions during interviews or focus group discussions. This might include who the most at-risk groups are and any methods of recruitment and facilitation of trafficking that are specific to the context you're analysing. From this information, you can identify any relevant indicators of trafficking. Questions 1 to 4 of tool 1.1 (the suggested themes and guiding questions for a context analysis) are relevant for this exercise. You may want to ask these questions to trafficking specialists who may have more in-depth/detailed knowledge of the way trafficking presents in their context.

Once this information has been collected, it is useful to distribute a list of UNODC[66] and ILO[67], indicators, highlight the ones that apply to the context you are analysing and create a list of specific contextualised indicators that can be used during training of staff and volunteers.

3. Service mapping

3.1 What it is and why it is important

Mapping services means researching organisations that are already working to support trafficked people in the country or providing services that survivors may need. The purpose is to create a directory for front-line staff and volunteers who may come across trafficked people and might need to refer them on to more specialised services.

Mapping services is a crucial exercise that allows a deeper understanding of:

- whether there are statutory services for survivors of trafficking
- which organisations provide services to trafficked people
- the quality of these services
- how to ensure referrals are safe
- the gaps in service provision.

3.2 How it is done

Step 1: decide the **purpose** of the mapping.

For example, the purpose could be to focus specifically on the support services available to foreign victims/survivors of trafficking, or to map services for both national and foreign victims/survivors. The purpose could also be to map services that could carry out prevention/risk mitigation work.

Step 2: decide **how** you are going to collect the information.

A mapping exercise can be conducted in many different ways depending on time, resources and objectives. Some possible methods are:

- desk review
- questionnaire
- survey
- interviews (face-to-face, email, telephone)
- official websites and social media.

[66] UNODC Trafficking Indicators
[67] ILO trafficking indicators

Wherever possible, avoid duplicating work by making use of available mapping documents from other sectors (for example from the health sector). In some contexts, there might be an active cluster system that has already mapped the services in the area. Information from these sources should always be verified.

Step 3: conduct your mapping using the selected methods.

When mapping support services, there are five categories that should be explored:

WHO	**Who provides the service?** Identifying services that support trafficked people may be sensitive. You should carefully assess any risks associated with publishing information about certain organisations. Even if the mapping is for internal use only, it's important to consider who has access to the information.
WHAT	**What type of service do they provide?** It's useful to organise services into categories (safe accommodation, psychosocial support, case-management, health, etc.)
WHERE	**Where is the service located?** Mapping may begin at a larger administrative level (e.g. state or city level) and become more detailed as access and resources allow (e.g. to neighbourhood or block level). You should think carefully about sharing the location of certain services such as shelters and safe houses. It is still possible to identify providers without revealing names or exact locations.
WHEN	**When is the service open?** Apart from listing opening hours and out-of-hours procedures, it's useful to specify whether services are time-limited and when they will end.
TO WHOM	**To whom is the service provided?** Is the service open to all or is it for specific groups?

It is useful to select key areas to map, depending on your context. For the main aspects to address in a mapping exercise, refer to:

☞ Tool 2.1 – Things to consider for a service mapping

It is important to investigate whether services offer **conditional support.** This means they only accept clients on certain conditions. For example, a service might only offer support if:

- the survivor agrees to start criminal proceedings against the trafficker and collaborate with the authorities
- the survivor agrees to leave their trafficking situation or stops exercising sex work.

It's crucial to include in the mapping exercise whether support is conditional, since this helps us decide if a service or organisation is safe to build referral pathways with.

Step 4: create a **mapping document.**

☞Tool 2.2 – Mapping template

The document should be kept simple and easy to read. The format may vary (Excel sheet, Word document, etc.) and each National Society can create their own template depending on the level of information they want to include. You can create separate tables according to the type of organisation or service offered. The final document should only be shared with relevant staff and volunteers, once safe referral pathways have been created.

Services that cater specifically to the needs of trafficked people and those at risk of trafficking could also be included in a broader mapping of protection and/or migration services.

Step 5: analizar la información recopilada.

Once the information has been collected, it's useful to summarise the key findings and any gaps or areas that might need to be explored further. This will generally be a result of discussions at the end of the mapping exercise, but it is important to note these down and include them as a summary to the mapping document.

Some findings may be that:

- here are not enough support services in the country
- the accessibility criteria are not in line with our Fundamental Principles
- the majority of services are provided by NGOs and UN agencies

These are important reflections that can inform our next steps. To present the analysis more clearly, you may want to use visual methods such as charts, graphs and geographical maps.

Step 6: update the mapping document regularly, as provision of services and accessibility criteria may change. Services and organisations may close, while new ones may emerge. When you set out to complete this task, it might be helpful to already consider the sustainability of the activity, by making plans for who will be responsible to update this at set intervals.

4. Establishing referral pathways

4.1 What it is and why it is important

One important aspect of a mapping exercise is revealing potential partnerships with other organisations who can provide direct referral pathways for when we encounter trafficked people (or those at risk of it).

Establishing safe referral pathways with external organisations is especially important when a National Society itself cannot meet some or all of a trafficked person's needs. Normally, no one organisation can do everything, and the goal is to connect with services and organisations that not only share our commitment to creating a support network but can also fill in the gaps and complement our approach.

Referral pathways are effective when:

- roles and responsibilities of all partners in the network are clearly defined
- procedures for managing referrals within and between partners are clearly articulated
- information and data are shared between partners in an efficient and safe manner
- there is good communication between partners
- the effectiveness and quality of services provided by all partners in the network is regularly monitored.

4.2 How it is done

Step 1: conduct a **stakeholder analysis.**

The service mapping should have given you a good overview of relevant services and organisations. It is now time to analyse these and decide whether a referral pathway can be established with them. A stakeholder analysis is a technique used to assess the importance of key people, institutions or organisations that could complement your own services and activities through referral partnerships. It may be worth adding this analysis to the mapping document, noting which organisations could be important links for the National Society, which organisations should be avoided, and which are safe to refer to. Your assessment should be an honest reflection of the quality of the services available, therefore it is important to keep the results of the analysis accessible to only a small circle of relevant people. If such information is circulated outside of the National Society, it could lead to reputational damage.

To understand whether an organisation is safe to refer to, we need to evaluate it according to the **"do no harm" principle.**

Could the organisation increase the risks that the trafficked person faces, either by act or by omission?

If the mapping identified that there is a protection cluster or an organisation providing specialist support to trafficked people in your area (for example IOM), it would be best to start by evaluating these, as they are normally safe organisations to refer to.

For a checklist of things to consider when evaluating an organisation, refer to:

☞Tool 3.1 – Evaluation checklist

Stakeholder analysis can be conducted by screening organisations' websites or scheduling phone calls/meetings to find out about their principles and ways of working.

REMEMBER: It is good practice to evaluate ALL the services and organisations that have been identified through the mapping exercise before deciding who we want to establish referral pathways with.

Step 2: if the evaluation suggests an organisation is safe to refer to, **contact a relevant person at the organisation** to explore the collaboration, informing them that your organisation would like to start referring cases to them.

If the mapping was conducted via online research, it's best to check with your contact at the organisation that the information gathered is correct.

What if an organisation only provides conditional support?

As explained, some organisations might only provide conditional support, which could cause harm to people you refer on to them.

For example, if a trafficked person has not left exploitation – or now engages in sex work for survival – certain organisations might expect them to stop this before they can get support. However, if the organisation does not then help with employment or money, this could mean a person loses their means of survival through the referral.

Offering conditional support does not automatically exclude an organisation from your list of safe referral partners, but it's crucial that any conditions, potential consequences and alternative options are carefully explained to the trafficked person. They can then make an informed decision as to whether they would like to be referred or not.

What if an organisation is not safe to refer to?

There are different reasons a National Society might not deem an organisation safe to refer to. The organisation might:

- report trafficking cases to the authorities, who may not be trained on how to recognise trafficking cases. This could lead to criminalisation and/or deportation
- discriminate towards minorities (for example ethnic minorities or individuals identifying as LGBTQI+)
- employ staff who impose their own views on the service users (for example, in advising for or against abortion)
- have affiliations and sharing agreements that might require the sharing of data about the clients they are supporting (for example if they receive significant funding from a government department).

If our evaluation suggests that a service or organisation is not safe and may put the referred person at risk, it's better not to establish the referral pathway.

What if there are no suitable organisations to refer to?

It is unlikely there will be absolutely no organisations a National Society can refer to. However, if this is the case, we should:

- support trafficked people's needs with services we already offer (for example health services, psychosocial support, livelihoods services, etc.)
- **keep a record** of how many trafficked or potentially trafficked people are left unsupported (or partially supported) and what the consequences might be

- use the evidence you've gathered to bring the issue to the attention of Governments and authorities. National Societies are often in a privileged position to do so, due to their auxiliary role. Starting a dialogue is a very delicate task that should be led by expert staff, and the National Society needs to have already explored its own position on trafficking in persons and related areas. **Advocacy and humanitarian diplomacy** work like this allows National Societies to share their concerns and advocate for better identification and protection for trafficked people
- use the data you've gathered to raise funds to build specific services that can fill the gaps in the sector.

Step 3: **agree on the procedures** for a safe referral.[68]

Here are some of the key aspects that should be discussed:

- What information about the person will need to be provided to the receiving organisation?
- How can we make a referral to them? Decide on a method that suits both organisations, such as:
    - an online referral form that can be sent via email
    - a telephone referral
    - self-referral (only the person who wants to be referred can contact the receiving organisation)

Is there a specific referral focal person within the organisation that referrals should be made to?

- How can we ensure that data and confidentiality will be protected?[69] Ensure that both your National Society and the receiving agency:
    - safely store paper referral forms in locked cupboards
    - password-protect online referral forms
    - limit the number of persons copied on referral emails
    - don't mention identifying information about the survivor in emails
    - have a shared understanding of informed consent and seek this consent from the victim/survivor before information is shared between organisations.
    - tengan un entendimiento compartido sobre el consentimiento informado y busquen este consentimiento de la víctima sobreviviente antes de que la información se comparta entre organizaciones.

- How can we follow up on the referral to make sure that it has been received and the case has been assessed? Agree on a follow-up method, including:
    - who will contact who for follow up
    - preferred method of contact (for example, email, phone, in person).

Step 4: **test** that the referral pathway works safely by starting the referral process.

- Make sure staff and volunteers are properly trained before they can make referrals for potentially trafficked people
- If you realise that the referral pathway is not working safely (for example, because referring

[68] Please refer to chapter 4 to learn more about how to make safe referrals
[69] Please refer to chapter 4 to learn more about the importance of data protection

to the organisation ends up causing harm) or you receive a complaint from the person who has been referred, you should immediately stop making referrals to them and re-evaluate the pathway.

Step 5: **update your service mapping document** by adding which organisations referral pathways have been established with and how referrals should be made.

Step 6: **regularly review** the referral pathway and stop referrals immediately if you find the pathway is causing harm.

5. Developing standard operating procedures (SOPs)

5.1 What they are and why they are important

The final step in implementing a minimum safe response to support trafficked people is developing standard operating procedures (SOPs). Standard operating procedures are written, step-by-step instructions that describe how to perform a routine activity, while specifying **responsibilities and procedures** for different stages in the process. Essentially, standard operating procedures detail and visually represent the referral pathways that a service within the National Society must follow.

Standard operating procedures are important because they help you put systems in place for various processes, both within and outside a National Society. Most importantly, having them ensures that good practice becomes the norm. They are a roadmap that staff and volunteers can follow when they come into contact with a potential trafficked person or someone at risk of trafficking. Having clear procedures in place improves the chances of a positive outcome for the trafficked person, minimising the chances of causing harm throughout the process.

Standard operating procedures are also important from an organisational perspective. They allow a National Society to maintain institutional knowledge and skills when experienced people move on and they provide a clear pathway for training new staff and volunteers.

5.2 How it is done

Step 1: **develop a list of processes** that you believe need standard operating procedures.

Standard operating procedures will vary according to the level of services that a National Society can provide. For example, you can create them to explain how to recognise trafficked people and refer cases onward, or you can devise more extensive procedures for specialised case management. Standard operating procedures need to be specific to each National Society.

As procedures are developed, some may overlap. In this case some processes can be combined, while others may need to be split up into different standard operating procedures.
It's best to start by creating standard operating procedures for:

- recognising potential cases of trafficking and providing immediate support
- onward referral (or internal referral if the National Society is already running a specialised service for trafficked people).

As services and projects become more specialised, you will need to adapt and expand your standard operating procedures.

Step 2: outline the procedure to follow for each process you want to create standard operating procedures for.

Each standard operating procedure consists of a set of measures that should explain in detail:

WHAT	**What they are** for example, standard operating procedures for safely dealing with potential cases of trafficking.
WHEN	**When they should be put in place** Standard operating procedures should explain exactly when the procedure explained should be activated and within which timeframe actions need to be taken.
TO WHOM	**Who are the standard operating procedures for and who should be responsible for them** For example, a designated focal point, a service manager, all staff, leadership, etc.
HOW	**How they should be carried out** Standard operating procedures should carefully detail what steps staff need to take.

Normally standard operating procedures are organisational. However, standard operating procedures could be developed for specific sites (for example a branch, a town, a camp or another location or area). This will depend on each National Society, its projects and its capacity. If there is capacity to develop site specific standard operating procedures, it's helpful to have a separate page for each site, with specific referral pathways for each. In many contexts there will also be established inter-agency procedures for trafficking cases or for other at-risk groups (for example standard operating procedures for sexual and gender-based violence cases). If these exist, they should be analysed and internal standard operating procedures should refer to them.

☞Tool 4.1 - Things to consider when developing standard operating procedures

Step 3: determine the **format** and **create** the standard operating procedures.

The format is how you present the process. Different formats might include:

- a step-by-step narrative
- diagrams
- flowcharts
- a combination of different formats.

Flowcharts are best used to illustrate standard operating procedures when multiple outcomes are possible. In such cases, how one step turns out may affect what the team will need to do next. It could be useful to use a mix of narrative and diagrams or flowcharts: for example, the narrative could introduce roles and responsibilities, explain how to recognise potential cases of trafficking (including indicators of trafficking), set out good practice and guiding principles

for initial support, and mention data protection. The flowchart can then visually represent the steps that staff and volunteers need to take to make a referral.

☞Tool 4.2 – Standard operating procedure template

For consistency, all of the organisation's standard operating procedures should look and read the same way.

Step 4: review and share the standard operating procedures.

It is best to develop a review process for completeness and accuracy. Key staff should have the opportunity to review the standard operating procedures and provide feedback before managers sign them off.

Once the procedure has been agreed on, the standard operating procedures should be shared within the National Society. It is very important that staff and volunteers understand the standard operating procedures and are properly trained on how to follow them.

Step 5: regularly review the standard operating procedures.

The standard operating procedures should be periodically reviewed to make sure they remain relevant and accurate. If they become out-of-date, it is important that they are reviewed and adjusted promptly.


Violência
Física
Direitos da criança
Brincar
Ter um nome
Estudar

4 Responding to trafficking

This chapter will explore what a response can look like for a National Society as a whole, as well as for staff and volunteers who might come into contact with trafficked or potentially trafficked people.

The actions recommended in this chapter are not meant for every staff and volunteer working within a National Society. They are only meant for **staff who have attended the regional training on trafficking in persons delivered by the British Red Cross or other specialised training on trafficking in persons within the Movement; those who work in human mobility programmes and specialise in protection, gender and inclusion; and those whose National Society has technical programmes on trafficking.** These actions should also be carried out by staff of a National Society that has completed the groundwork detailed in chapter 3.

There are many ways National Societies can adapt existing activities or create specific ones to respond to trafficking, once they have done the groundwork to ensure that their response is safe. This will look differently for each National Society and will depend on the organisation's technical capacity, human and financial resources. The following section provides a framework for National Societies' responses.

1. How can National Societies respond to trafficking?

In general, comprehensive responses to address trafficking at a global level focus on three pillars: **prevention, protection and assistance,** and **prosecution, plus partnership working** which is an enabler that applies to all three pillars. When National Societies respond to trafficking, their work must be guided by the Fundamental Principles.[70]

Prevention: our Principle of humanity means we can conduct activities that prevent and mitigate risks of trafficking. This may include supporting people with their livelihoods, addressing gender inequality through awareness raising and/or community-based protection initiatives that promote equality and reduce risks of gender-based violence, reuniting families through Restoring Family Links services or raising awareness with people and groups who are at risk of trafficking.

NOTE: there are risks associated with trafficking awareness-raising activities, and if not conducted properly this could be another example of how we might cause harm through our actions. This can happen if a National Society promotes trafficking awareness without having the structures in place to safely recognise and support trafficked people and/or has not previously mapped protection services.

[70] For more information on this topic please consult: IFRC (2018), Action to Assist and Protect Trafficked Persons: Guidance for European Red Cross National Societies on Assistance and Protection to Victims of Human Trafficking

Protection and assistance: nour Principles of independence, impartiality and humanity mean that our services meet the various needs of people who have been trafficked, helping them to recover. This may include providing case-management support, health services (including psychosocial support), cash transfer programmes and/or shelter to survivors of trafficking. National Societies are not expected to be able to provide all of the services needed to meet survivors' needs, and therefore it is important to have strong partnership arrangements with expert organisations in the context.

Prosecution: our Neutrality means that we do not engage in prosecution and therefore refrain from cooperation in judicial processes related to investigating crime. In some countries, the government or organisations will only support trafficked people if they agree to take part in criminal proceedings, and in these cases National Societies need to consider ways to provide support that sits outside and beyond the requirement to cooperate with prosecutions. If our staff are asked to provide evidence for criminal proceedings and/or have indirectly acquired this evidence in their humanitarian work, they must refer to the current legislation of the country. They should also seek further guidance from the legal department of their National Society to carefully assess how each situation relates to our Fundamental Principles.

Partnership working: facilitating cooperation and strengthening partnerships with key stakeholders engaged in assistance and protection to trafficked persons and related areas of work, including representatives of international organisations, civil society organisations and state authorities.

Remember that the groundwork outlined in the previous chapter always comes first, across all National Societies' activities.

2. How can staff and volunteers provide an initial response to trafficking? [71]

Regardless of whether your National Society is embedding trafficking within existing activities or implementing more specialised actions, during your day-to-day work, you may come into contact with people who are in a situation of trafficking, as well as those who have previously been trafficked or are at risk of it. It's crucial that you understand how you can support trafficked people to a safe minimum level, which includes recognising potential cases, handling concerns and disclosures and making safe referrals either internally or to other organisations. Tools to help you with this can be found in section five of the toolkit and will be referenced throughout this chapter.

[71] As mentioned in the introduction, the actions recommended in this paragraph are only meant for staff who have attended the regional training on trafficking in persons delivered by the British Red Cross or other specialised training on trafficking in persons within the Movement; those who work in human mobility programmes and specialise in protection, gender and inclusion; those whose National Society has technical programmes on trafficking; those whose National Society has completed the groundwork detailed in chapter 3

2.1 Initial contact

Usually there are two ways of recognising trafficked people:

You have a concern	You receive a disclosure
This is when you believe someone you've come into contact with might be trafficked or at risk of trafficking **because of something they say or something you see.** The person may imply they are in a trafficking situation without being aware of it themselves.	This is when **a person shares their story with you.** The person may or may not say explicitly that they are a victim/survivor of trafficking but may instead describe parts of their experience such as exploitation, recruitment or working conditions.

If you have a concern or receive a disclosure, you should make sure you always adopt a **survivor-centred approach,** which means creating a supportive environment where the survivor is safe, listened to, treated with dignity and has their rights and wishes respected. This approach follows five principles:

Security: experiencing trafficking and exploitation normally affects survivors' sense of security and trust in other people. It is important to create a safe space for survivors by remaining calm, even if the person is extremely distressed. People have different needs and concerns in relation to their physical and psychological safety and involving them in decisions ensures that we consider these.

Confidentiality: never share information unless you have someone's informed consent. To do so may put them at risk of threats, reprisals, stigma or discrimination.

Respect: the survivor is the most important person in the situation and the response must be informed by their wishes and them exercising their rights. Our role is to enable survivors to make decisions and plans that are best for them, promoting their independence. In some cases, we may not agree with the decisions they make and though we have a duty to sensitively outline our concerns the decision is ultimately theirs. Loss of control is a central element of trafficking situations, so regaining this is often a vital part of a survivor's recovery process.

Non-discrimination: it is important to be aware of your own prejudices and biases. Our Fundamental Principle of impartiality should inform the way we work, ensuring that everyone has the right to be supported without discrimination on the basis of gender, age, disability, race, colour, language, religious or political beliefs, sexual orientation, status or social class, etc.

Strength-based practice: recognising people's unique capabilities and skills helps them build their abilities and confidence, rather than focusing on the challenges and issues that they are facing.

The "Do no harm principle" underpins all of the principles above. It involves taking all measures necessary to avoid exposing people to further harm as a result of the actions of humanitarian actors. Therefore, at the very least, humanitarian activities should not increase the risks trafficked people face, either by act or by omission.

2.2 Handling concerns and disclosures

While many National Societies do not have specialised support available for people who have experienced trafficking, it is important that they equip staff and volunteers to be able to safely respond to concerns and disclosures about trafficked people in order to uphold the 'do no harm' principle.

It can take people months, years and sometimes even decades to trust someone enough to make a disclosure, so it is important that you handle it as well as you can. There could be many **barriers to disclosure**, including:

- fear of authorities
- shame or embarrassment
- concerns for their own or their family's safety
- fear of traffickers
- worries about deportation or arrest
- threats from traffickers
- limited knowledge of the local language
- not understanding what has happened or is happening to them
- there isn't somebody of the appropriate gender available to speak to when they come to our service (e.g. a person exploited by a man may prefer to speak to a woman)
- people from the same nationality are present when the survivor accesses our service, so they may not wish to speak about trafficking in front of them
- lack of trust in the interpreter provided
- the trafficker accompanies the survivor and they cannot speak freely in front of them
- concerns that personal information will be shared with third parties.

Being aware of these barriers will help improve your interactions with survivors, as you will be able to understand certain behaviours that they might display.

In general, the minimum actions that you should take when you have a trafficking concern or receive a disclosure are:

REMEMBER:

- If you have a **trafficking concern** about a person that you are supporting: it is not your role to mention your concern to the potential survivor, nor to investigate their trafficking experience by asking them questions. Instead, you should follow the steps highlighted below. By addressing immediate needs and referring to internal or external services, the person can build trust with them, creating a feeling of safety that may enable a disclosure if and when the survivor is ready.

- If a person makes a **trafficking disclosure:** even when a person tells you directly that they were or are in a trafficking situation, it is still not your role to investigate the person's trafficking experience. Whilst you do not want to stop someone talking about their experiences if they choose to, it is important to remember that discussions about their past or the future can be very traumatic and overwhelming. Therefore, the amount of details collected about the trafficking experience should be minimised. If you are not the person providing casework, you should only collect relevant information for the purpose of assessing needs and making safe referrals. More specialist organisations will be able to conduct a thorough trafficking assessment if needed.

It is therefore important that the steps highlighted below are followed on both occasions.

2.2.1 RISK ASSESS

When dealing with a concern and/or disclosure of trafficking, assessing **safety and security** at all stages is crucial. The risks that may arise are diverse and depend upon a range of factors, and they might affect you, the survivor and their family, the organisation and staff or the wider community. You must analyse each situation to assess danger levels, anticipate threats and take steps to manage the risk.

Before starting a conversation with a survivor or a potentially trafficked person, make sure to:

- Consider if you're the right person to be handling this. If there is anyone in the National Society that acts as an expert or a main point of contact for trafficking (or protection) concerns, it could be more appropriate for them to risk assess the situation and take the lead in the conversation with the person. Alternatively, you could speak to said colleague in order to prepare for this conversation.
- Find a safe, confidential and quiet space to talk. Provide water if you can.
- Always use an official interpreter, if needed. Avoid using friends, family and acquaintances as interpreters as they could be involved in the trafficking of the person.

It is important to try and assess the situation from the outset, in order to identify any risks that the person might be facing and/or perceiving. The person may share information that informs the risk assessment, which should ideally be conducted together. In order to carry out an initial risk assessment you could ask questions like:

How are you feeling?
Would you prefer to speak to a colleague of a different gender?
Do you feel that this is a good time and place to talk?
Do you feel safe? What can we do to help you feel safer?
Do you have any concerns about speaking to me today?

There are additional considerations that can help you carry out an initial informal assessment of potential risks:

During initial contact with a survivor, be mindful of…	
• Where you are	• Is the space safe and does it allow for a confidential conversation? • Is privacy ensured?
• Who is nearby	• Is the person alone or accompanied by someone? • Is the person accompanying them a safe person? Sometimes traffickers may accompany survivors.
• Who can hear	• Are there other colleagues or community members nearby who could hear confidential information?
• Who can see	• Can anyone – including potential traffickers – see the survivor talking to you?
• What the person might do	• Survivors of trafficking might display symptoms of trauma, which can be triggered when speaking to them in a certain manner or about certain topics. • Is there any indication that it might be unsafe to converse with the survivor?
• Whether the person is still in the trafficking situation	• What does the survivor believe will happen if they leave? • Does the survivor think anyone else is in danger? • Does the survivor depend on the trafficker to meet their needs (physical, psychological etc.)? • Are there safe ways to give the survivor information without endangering the survivor, yourself or the organisation?
• Whether the person has left the trafficking situation	• Is the survivor still in contact with the trafficker? • Does the survivor show signs of self-harm or harming others?
• What the community might think	• How visible is the support being provided to the person? • Are trafficked people stigmatised in the community?
• Who is nearby to support you if something goes wrong	• Can you get help from a colleague if you need it?

Reporting cases of trafficking following risk assessment

When you conduct a risk assessment, you may identify serious risks and assess that a survivor is in immediate danger. The threat might be external (for example, from traffickers) or may come from the survivor themselves (they might mention suicide or threaten to harm someone else).

In these circumstances, you might need to involve health professionals (such as an ambulance), the police or other relevant authorities. However, it is always recommended to talk to the survivor first before reporting the case. Survivors are often the experts when it comes to assessing their own safety, so they should **always be involved in their own risk assessment.**

In certain cases, survivors may not want to come into contact with the authorities for a number of reasons. However, in certain contexts, there might be a requirement by national legislation to report cases of trafficking to law enforcement agencies. If you find yourself in such situation, we encourage you to have a conversation with the survivor and seek support from a senior colleague, so that you can talk through options and next steps. It is recommended **to always seek the explicit consent from the survivor** before reporting the case to the authorities. If the survivor would like to report, you should identify if there is an internal reporting mechanism within your National Society and if this includes direct reporting to the authorities. Some National Societies won't have direct reporting mechanisms to the authorities, however they may be able to refer the survivor to the designated entity that can activate the reporting route. In all cases, you should take on a supporting role, which means that you should explain the procedures to report the case, explore the potential consequences both positive and negative, and support the survivor to report, if that is what they want. If possible, you could also refer the survivor to appropriate legal services.

By considering all available options first, you may be able to reduce these risks through referrals and the provision of other support – such as supporting a survivor to leave exploitation by referring them to a service that offers shelter.

Going against the survivor's wishes will make it difficult to build trust. However, we understand there are occasions where you might need to **override the survivor's consent** or break confidentiality to keep them safe:

- when the survivor threatens their own life or threatens to harm another person
- when the survivor is unconscious or does not have 'capacity'. A person lacks capacity if their mind is impaired, which means they cannot make a decision at that time
- when there is a situation of child trafficking and it is in the best interest of the child.[72]

Remember that you are not alone, and you should seek support from other professionals (such as your manager, mental health professionals etc.). Even if you do decide you need to override a person's consent, it is still important that:

- you explain to the survivor why you need to contact the relevant services/authorities, as established by the National Society
- decisions are taken together when possible
- everything that happens is explained to the survivor, whether they are an adult or a child.

[72] The principle of '**best interest of the child**' states that the primary consideration when you're making decisions about children and young people should be their best interests, "therefore, more importance should be given to what is best for the child". Committee on the Rights of the Child, General Comment No. 14, on the right of the child to have their best interest as a primary consideration (article 3, paragraph 1). CRC / C / GC / 141, MAY 29, 2013

If you feel you are in danger, you should try and ask a more experienced member of staff for advice. If this is not possible because the threat is imminent (for example if the trafficker is present and is making threats to you, the survivor and/or the organisation), you should call the police and try to find a safe place where you can wait for them to arrive.

2.2.2 LISTEN AND ASSESS NEEDS

Once you have established that the person is safe and would like to speak to you further, you should:[73]

- Listen in case they want to talk about what has happened.

Listen actively by using these techniques:

Open questions: asking open questions allows the survivor to include more information including feelings, worries and their own understanding of the situation. Open questions also allow them to be in control of how much information they want to disclose at a certain time. Be careful of using questions beginning with 'why' (for example, 'why did you decide to accept that job?' or 'why did you trust that person?') as they might sound judgemental and make the survivor feel ashamed of their choices.

Clarification: sometimes survivors might sound incoherent or experience memory loss, while important information might also get lost in translation. It is therefore useful to clarify with survivors at regular intervals that you have understood them correctly. You should briefly summarise what you have heard from them and confirm that the information is correct.

Paraphrasing: this involves using other words to describe what the survivor has told you. This technique shows not only that you are listening, but that you are attempting to understand what the survivor is saying. When paraphrasing, it's very important that you don't introduce your own ideas or question the survivor's thoughts, feelings or actions.

Reflection of feelings: this means accurately conveying an understanding of the survivor's feelings. This technique represents the deepest form of listening as it validates their emotional response.

- Be mindful of non-verbal communication, such as facial expressions, the tone and pitch of the voice, body language and the physical distance between you and the survivor. Non-verbal cues very much depend on the cultural context. For example, whereas in some cultures it could be considered appropriate to comfort a survivor with a hug, this might not be appropriate in others.

- Ask the survivor only relevant information in order to assess their needs. Some questions you can ask include:

[73] The following list is adapted from SGBV sub-working group (2018), Safe referrals of SGBV survivors by non-specialized actors to SGBV case management organizations

Do you have any discomfort or health problems? Would you like to see a doctor?
Where are you going next after you have spoken with me?
Do you have somewhere safe to stay? How long can you stay there?
Have you got access to money?
Is there anyone else you trust who is aware of your situation?

- Not ask detailed questions about exploitation as it's not your role to investigate it and decide whether the person is telling the truth or needing support.
- Not pressure the person to talk or expect them to display particular emotions. There are no standard emotional reactions and you shouldn't judge the survivor if they don't express their feelings, or the feelings you were expecting
- Make sure the person is not left alone if in distress. Try to calm them down and comfort them using statements like: "It's not your fault", "I believe you", "I'm very glad you've told me", "I'm sorry this has happened to you", or "you're very brave for telling me".
- Clarify that you have understood what the person has said, when they have finished speaking. You can do this by saying things such as: "from what you are telling me, you feel...", "if I have understood, you have told me that", "I appreciate you sharing this with me, I'd like to seek the advice of a colleague".

GOOD PRACTICE. DO:

POOR PRACTICE. DO NOT:

It is useful to document what the person says and what is observed. This is good practice and ensures that the case can be properly followed up, if needed. You should explain to the person that you will take some notes during your conversation, outlining what data you will collect and how it will be stored and used. Data protection is covered later in the chapter.

Use ☞Tool 5.1 – Personal information intake form template to collect personal information ☞ Tool 5.2 – Intake form template to document your concerns or a disclosure of trafficking.

When you collect information about a case, you should assign them a case ID number and use it whenever possible instead of their name. This is to protect the identity of the person and to enhance their safety, should your National Society experience a data breach incident. When filling in the intake form, remember to only ask for information that is necessary for the purpose of the referral; be mindful that recording too much information on this form could make the person identifiable even if their name or personal information is not included.

2.2.3 PROVIDE INFORMATION

Once you have carried out an assessment of needs of the person, you should provide information on available services that can address them. If there is anyone in the National Society that acts as an expert or a main point of contact for trafficking (or protection) concerns, it could be more appropriate for them to give information and handle trafficking referrals, or to equip you with the information you need to do this yourself.

The information provided should be accurate and up to date:[74]

- Identify if there are services that can meet the person's needs, including those provided by your own National Society. It's useful to refer to the mapping document that you should have created and/or consult other mapping documents if these are available in your area – taking care to verify the information if the mapping is from outside your own National Society.

- Provide information about available services and explain which provide specialised support to trafficking survivors and which don't. Remember to explain if support is conditional and pass on any other relevant information that you have collected during your stakeholder analysis, so that the person can make informed choices about any referrals.[75]

- If there is an organisation that offers case management, explain to the survivor that in this service specialised staff assist people who have faced the same problem as them. The staff will listen to them and help them get the support they want, including psychosocial support, medical help, legal advice, and safe shelter if needed.

- Explain the referral process. Include information like what services are provided, where the service is located, how the person can get there and what will happen if they go. If possible, explain that the person can file a complaint if the care provided is not satisfactory and let them know how to do this. Keep in mind that the person can still choose not to be referred.

- Don't advise/encourage the person to seek a certain type of service, instead giving them information without pushing your preferred option. Providing assistance to a survivor is about empowering them to make their own decisions, and it's up to them to decide on next steps.

- Don't raise expectations – be honest and accurate (for example, don't tell someone that an organisation will give them money or solve all their problems).

Sometimes support options for the person may be very limited. You may feel helpless, but it's important that you are honest with them, recognising their courage in sharing their experience

[74] The following list is adapted from SGBV sub-working group (2018), Safe referrals of SGBV survivors by non-specialized actors to SGBV case management organizations
[75] Please refer back to chapter 3, paragraph 4 – Establishing referral pathways

with you, expressing how sorry you are that you can't be more helpful and giving them as much dignity in the course of your conversation as possible. **Being present while demonstrating active listening is supportive in itself.** Remember that your National Society might already provide some services that could meet the immediate needs of survivors and potential trafficked people, such as health, psychosocial support, access to food and non-food items and so on.

2.2.4 ASK FOR INFORMED CONSENT[76]

Consent is any free and informed indication of agreement by a person, which can be given through a written or oral statement, or through a clear act of affirmation. It is an integral part of making a referral. Informed consent can be given by a person 18 years or older. A child 17 years or younger may require informed consent to be given through a parent or a guardian.[77]

- Ask the person if they give you consent to contact other services and accurately describe what information you will share, how and with whom. Ensure that that they have opportunities to ask questions and that they fully understand what they are giving consent to.
- Record consent using ☞Tool 5.3 – Consent form template
- If the person doesn't want to be referred for further assistance, you need to respect their wishes. You can provide contact details of relevant organisations and services that they can access later if they feel ready.
- If you need to override consent to make a referral that will keep the person safe, the same principles explained above apply.[78]

NOTA: Manejar una revelación de trata puede resultar abrumador y afectar el bienestar del personal, ya que escuchar las experiencias de otras personas puede exponerlos a la experiencia dolorosa, traumática o hiriente del sobreviviente, también conocida como experiencia de trauma secundario. Además, a veces el personal debe tomar decisiones difíciles, como anular el consentimiento de una víctima sobreviviente.

Es responsabilidad de cada Sociedad Nacional apoyar al personal que entra en contacto con las personas sobrevivientes de trata de personas.

Las formas de cuidar el bienestar del personal pueden incluir hablar con un superior, brindar capacitación para ayudarlos a desarrollar la resiliencia y mantener su bienestar, al igual que ofrecer sesiones grupales o individuales con un trabajador psicosocial capacitado para explorar sus experiencias y sentimientos. La clave para mantener la fuerza laboral segura y saludable es crear una cultura en la que las personas puedan acceder al apoyo psicosocial. Podemos hacer esto promoviendo acciones de autocuidado en capacitaciones y reuniones de equipo, y asegurando que el personal sepa con quién puede hablar si se sienten abrumados.[79]

[76] For more information on informed consent please consult Tool 3.2.0 of the IFRC PGI Toolkit
[77] For more information on confidentiality and informed consent when working with unaccompanied and separated children please consult the Field Handbook on Unaccompanied and Separated Children by the Inter-Agency Working Group on Unaccompanied and Separated Children (paragraph 7.1, page 147)
[78] Please refer to the section on "reporting cases of trafficking following risk assessment" in paragraph 2.2.1
[79] Some resources to enable National Societies to fulfil this duty are: Guidelines for caring for staff and volunteers in crises; Provision of psychosocial support in crisis to staff and volunteers of red cross and red crescent societies; A guide to psychological first aid for Red Cross Red Crescent Societies.

2.2.5 REFER IN A TIMELY MANNER[80]

What is a safe referral?

A safe referral is the process of directing a survivor to another organisation that provides safe and reliable services when the National Society cannot meet the person's needs. We can refer people to a variety of services, such as shelter, health, psychosocial support, protection etc.

A referral is '**safe**' when organisations working in the area have been mapped and the quality of the available services has been assessed. Another key aspect of a safe referral is giving the person transparent information so that they can make an informed choice about whether or not they want to be referred.

- Make the referral. Make sure the person fully understands who will provide the service and what your National Society's role will be from now on.
- Fill out three copies of the referral form: one for your own National Society, one for the person and one for the receiving agency.
- Give the person the referral agency's contact information and explain when they should expect to be contacted by the service you're referring them to.
- Referrals can be made over the phone, via e-mail or through an app or database. Always ensure confidentiality, contacting the agency if necessary, to gain a better understanding of their data protection policy and processes – especially when using technology to refer someone.
- It is possible to accompany the person to the service you are referring them to, if you have capacity to do so and if this has been requested by the person. You should talk this through carefully with the person, always assessing safety risks before taking any actions. In some settings, Red Cross workers are known in the community, so accompanying a person to a service may raise curiosity and may inadvertently put the person at further risk. Therefore, a thorough risk assessment should be conducted at all times.
- Follow up with the person and the receiving agency to ensure the referral was successful and exchange information if the person has agreed to this. Areas for follow-up include: did the person receive the services as planned? What was the outcome? Were they satisfied with the referral process and the services?
- Make sure that personal information is stored in accordance with your National Society's data protection measures.[81] All referral forms and case files should be stored in secure (locked) cabinets to ensure data collection, management and storage is safe and ethical.

Use ☞Tool 5.4 – Inter-agency referral form template to share information with the receiving service/organisation.

[80] Please refer to the IFRC "Guide for the creation of safe referral mechanisms for migrants and refugees for Red Cross and Red Crescent National Societies" for more information on how to make safe referrals for survivors of trafficking.
[81] For more information on this topic please consult ICRC Rules on Personal Data Protection

The suggested inter-agency referral form does not include the name of the survivor or the potentially trafficked person to add an extra layer of protection in the event that the referral is rejected. The name and additional personal details can be shared once the referral has been accepted by the receiving agency. However, the form includes the case ID number so that your National Society can keep track of referrals, in case more than one is made to the same service/ organisation.

Sometimes, external organisations might ask you to complete their own referral form, which may request for personal details and information about the survivor or potential trafficked person's circumstances. In this case, you should still provide only essential information for the purpose of the referral and share personal information only if you have acquired consent from the person. In addition, you should also make sure to inquire about data protection policies or agreements, specifically in relation to what happens to the data shared in case the referral is not accepted (for example, will the data be destroyed immediately or kept for a period of time? For how long?).

3. Data protection

Survivors of trafficking are often at high risk of further harm, so it's essential that there are policies and procedures in place to protect them. The personal information and history of each survivor (including what they have said and about whom) is extremely sensitive and can affect their ongoing safety[82] if the wrong people gain access to it. It is therefore important that **National Societies assess their existing data security and develop a specific data protection protocol to follow when working with survivors of trafficking.** This is a vital part of ensuring safety and confidentiality for the survivor.

Data protection means a set of principles and practices put in place to ensure that any personal data collected and used by, or on behalf of, the National Society is accurate and relevant, and that the personal data is not misused, lost, corrupted, or improperly accessed and shared.[83]

The following general rules apply to data protection for trafficking survivors:[84]

- each National Society needs to create internal structures and policies for managing and protecting data
- if a National Society does not have a policy in place, they should adopt the data protection policy developed by the International Federation of Red Cross and Red Crescent Societies[85]
- staff who collect data from trafficking survivors must sign and understand the National Society's data protection policy
- all staff in contact with the data must understand its sensitive nature and the importance of data confidentiality and security

[82] British Red Cross, the Human Trafficking Foundation, the Anti-Trafficking Monitoring Group, and Anti Trafficking and Labour Exploitation Unit (2018), *Principles that underpin early support provision for survivors of trafficking*
[83] IFRC Policy on the protection of personal data
[84] List adapted from GBV Sub-cluster (2018), Standard Operating Procedures for Gender-Based Violence Prevention and Response
[85] IFRC Policy on the protection of personal data

- staff should be aware of any situation-specific security risks and of the possible implications for survivors, their families and communities and the National Society itself if data gets into the wrong hands
- survivors and/or their caregivers need to give informed consent to gather and store their data before any information is recorded
- staff need to be aware that survivors may highlight particular information they do not want shared with certain people, and that this must be recorded and respected
- information must not be passed on to a third party without the informed consent of survivors and/or their caregiver(s)
- staff who collect or handle data from trafficking survivors must be vigilant about who is entering the room where they work and for what purpose

Data that relates to trafficking survivors can be stored and filed on paper or electronically.[86]

For data stored and filed **on paper**:

- paper documentation for each survivor must be stored in its own individual file
- the names of survivors must not be written on the outside of paper files
- the personal information intake form and consent form, which normally include names, should be stored separately from the intake form and the inter-agency referral form, which should only carry the case ID number
- paper files must be kept in a locked cabinet or drawer that is accessible only to responsible individuals specified by the site manager
- no one else should be given independent access to the paper files without permission
- rooms containing paper and electronic information must be locked securely when staff leave the room.

For data stored and filed **electronically**:

- all computers used for data storage must be password protected
- information should be transferred by encrypted and password-protected files whether this is via the internet or memory sticks
- information should only be printed if absolutely necessary
- all printed material should be destroyed when it is no longer needed
- if you share information by email, use a program that can encrypt the information. Emails should never contain personal names or contacts.

To make a safe referral, staff need to share some of the survivor's personal data with external organisations. If not done properly, this can further exacerbate risks. For this reason, a key data protection principle is the **principle of minimisation**, which states that "personal data collected should be adequate, relevant, accurate and not excessive considering the specified

[86] List adapted from GBV Sub-cluster (2018), Standard Operating Procedures for Gender-Based Violence Prevention and Response

purpose for which the data was collected".[87] Both National Societies and receiving agencies must adopt this principle, alongside having a defined policy or process for handling, using, and recording personal information of trafficking survivors.

Finally, trafficking survivors have certain **rights** when it comes to the processing of their information, including the right to:

- provide as much or as little information they want
- decide how much information they would like to share with external organisations
- be informed on how the information will be collected, processed and stored
- be informed on how long the data will be kept for and how it will be disposed of after that time
- access the data that the National Society holds on them and ask for any or all of it to be deleted.[88]

Conclusion

Implementing a minimum safe response to trafficking in persons as detailed in this guide is key to the work of a National Society. Although this work can feel overwhelming, as it requires time and resources, it is also a responsibility we all need to uphold. If you would like to discuss issues relating to trafficking or develop your work in this area, we would strongly encourage you to seek support from your local/regional protection, gender and inclusion (PGI) team and/or to email pgi.support@ifrc.org where the global team can link you to resources available in your region. You could also get support and share best practice by talking to other National Societies that are already providing a response to trafficked people.

For resources and knowledge on trafficking, safe migration and supporting those in exploitation please visit the Trafficking Response Hub. This is currently hosted by the British Red Cross and it is an online space with guides, tools and other resources for National Societies and other organisations. We would also recommend that, as a minimum, National Societies that are interested in this area of work ask their staff to complete the e-module *Understanding and Responding to Trafficking in Persons*, which is available on the IFRC e-learning platform. Combined with the steps highlighted in this guidance, the course should provide staff and volunteers with basic knowledge of trafficking in persons and prepare them for a basic safe response. The Hub and the e-module are also available in Arabic, French and Spanish.

[87] IFRC Policy on the protection of personal data
[88] For more information on the rights of data subjects please see the ICRC Rules on Personal Data Protection, Chapter 2

Credit: British Red Cross

Glossary

General

Adult: any person over the age of 18.

Informed consent: different elements constitute informed consent, such as being given full and correct information, understanding the consequences, risks and benefits of decisions and having sufficient mental capacity. If one of these elements is missing, consent cannot be considered valid.

Child Protection

Child: any person under the age of 18 (1989 UN Convention on the Rights of the Child).

Child protection: protecting children from all forms of violence, abuse or exploitation (UNICEF).

Separated child: a person who is under the age of 18 who is separated from both parents, or from their legal or customary caregiver, but accompanied by another adult. Separated children may include those in the care of adult siblings or other adult family members (Save The Children).

Unaccompanied child: a person who is under the age of 18 who has been separated from parents or other legal or customary caregivers, as well as other adult relatives. The child is not being cared for by an adult who is customarily responsible for doing so. The child may, however, be with other young siblings under 18 (Save The Children).

Trafficking in persons

Potential victim of trafficking: a person who could, from the indicators, be a victim/survivor of trafficking but who has not yet been identified as such, according to the identification procedures in place. Potential victims/survivors are entitled to the same treatment as identified victims/survivors right from the start of the identification process (ICMPD).

Survivor of trafficking: while the term refers to a person who continues to live after a dangerous (life-threatening) event or suffering difficulties, in the context of a trafficking response the term refers to individuals with lived experience as a trauma-informed recognition of their ability to regain control over their lives and their renewed empowerment (ICMPD).

Trafficker: a person who subjects another person to the crime of trafficking in persons.

Trafficking in persons: 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 (The Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime)

Victim of trafficking/trafficked person: the terms 'victim of trafficking' and 'trafficked person' refer to persons who qualify as victims of trafficking in accordance with the UN Trafficking Protocol (Art. 3) and/or relevant national legislation. The term 'trafficked person' is used to acknowledge that person's trafficking experience as central and in need of redress. For many people, the term 'victim' implies powerlessness and constructs identity around the individual's victimization. However, from a human rights perspective, the term 'victim' is important as it designates the violation experienced and the responsibility for redress (ICMPD).

Migration

Country of origin: the country that an international migrant leaves in order to take up residence in another country (the country of destination). The country of origin may be where the migrant was born, or simply the place they were living before they migrated (ICMPD).
Displacement: when people move from their home or place of residence as a result of armed conflict, violence, human rights abuse and natural or man-made disasters (Guiding Principles of Internal Displacement).

Internally displaced person (IDP): a person or group who have had to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human- made disasters, and who have not crossed an internationally recognized State border (UNHCR Master Glossary of Terms 2006).

Irregular border crossing or irregular entry: when a person enters another country without the necessary legal permit or visa (ICMPD).

Irregular migration: this includes irregular entry, but also refers to people living in a destination country without authorisation because their permit or visa has expired, as well as those working in a destination country without being authorised to do so (IOM).

Migrant: a person who leaves or flees the place where they normally live to seek safety or better opportunities somewhere new – usually abroad. Migration can be voluntary or involuntary, but most of the time a combination of factors are involved (IFRC Policy on Migration).

Migration: a general term for when a person leaves or flees the place where they normally live to seek safety or better opportunities somewhere new – often crossing an international border. Migration can be voluntary or involuntary, but most of the time a combination of factors are involved (IFRC).

Returnee: a person returning to his or her country of origin or habitual residence after spending time in another country. This return may or may not be voluntary (IOM).

Smuggler: a person who facilitates the irregular entry of another person into a country.

Smuggling of migrants: the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime).

International protection

Asylum seeker: a person who is seeking international protection. In countries with individualised procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which they have submitted it. Not every asylum seeker will ultimately be recognised as a refugee, but every refugee is initially an asylum seeker (UNHCR Master Glossary of Terms 2006).

Refugee: any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (1951 Refugee Convention and its 1967 Protocol).

Any person who has fled their country because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order (1984 Cartagena Declaration on Refugees).

Stateless person: someone who is not considered as a national by any state under the operation of its law (United Nations Convention relating to the Status of Stateless Persons 1954).

THE FUNDAMENTAL PRINCIPLES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

Humanity

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality

In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality

The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

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