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Item 71 (b) of the provisional agenda\*

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## Trafficking in persons, especially women and children

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally, in accordance with Human Rights Council resolution [53/9](#).

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\* [A/79/150](#).



## **Report of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally**

### **Trafficking in persons and gender and peace and security**

#### *Summary*

In the present report, the Special Rapporteur calls for strengthening the focus on trafficking in persons in the women and peace and security agenda and in action plans and programmes, recognizing that trafficking in persons for all purposes of exploitation threatens peace and security and undermines peacebuilding processes and the realization and enjoyment of equal human rights. She also reflects on how gender shapes the experience of conflict, insecurity and injustice, for women and girls, men and boys, lesbian, gay, bisexual and transgender (LGBT) persons and persons of diverse gender identities, often limiting the equal protection of rights. She calls for a more comprehensive approach to the achievement of gender equality, recognizing the significance of gender in the realization of justice, peace and security. She recalls that achievement of gender equality requires a transformation of gendered relations of power and inequality and recognition of the indivisibility of rights: economic, social and cultural, and civil and political.

Finally, the Special Rapporteur analyses the limited progress made in integrating measures to combat trafficking in persons into the women and peace and security agenda at the United Nations and at the regional and national levels, and presents targeted recommendations to strengthen action to combat trafficking in persons in women and peace and security agendas, action plans and programmes, prioritizing the human rights of trafficked persons and effective prevention and accountability measures, including reparations and guarantees of non-recurrence. She builds on earlier analyses of trafficking in situations of conflict, climate change and displacement, refugee protection and forced displacement, on the intersections with terrorism and counter-terrorism, on the principle of non-punishment, and specifically on the women and peace and security agenda.

## **I. Activities of the Special Rapporteur on trafficking in persons, especially women and children**

1. In her report to the Human Rights Council at its fifty-sixth session, the Special Rapporteur addressed the theme of trafficking in persons, mixed migration and protection at sea ([A/HRC/56/60](#)). The Special Rapporteur undertook country visits to the Central African Republic and Colombia and participated in interactive dialogues at the fifty-sixth session of the Human Rights Council, in June 2024. The recommendations presented by the Special Rapporteur highlight the need for continued support by United Nations entities and the international community in order to combat trafficking in persons for all purposes of exploitation, particularly in peacebuilding processes and in development planning. The Special Rapporteur looks forward to the continuation of constructive engagement with Governments, United Nations entities and civil society to support the implementation of these recommendations. She is grateful to Guinea Bissau for its acceptance of her request for a country visit, which will take place from 12 to 22 November 2024.

2. The Special Rapporteur was elected as Chair of the newly established Platform of Independent Experts on Refugee Rights. The Platform was launched at the Global Refugee Forum in December 2023 and its purpose is the coordination of joint advocacy initiatives that will enhance the protection and promotion of the human rights of refugees and asylum-seekers. The Platform is currently composed of the following mandate holders and bodies: Special Rapporteur on the human rights of migrants, Special Rapporteur on trafficking in persons, especially women and children, the Working Group on Arbitrary Detention, the Committee against Torture, the Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa of the African Commission on Human and Peoples' Rights and the Rapporteurship on Human Mobility of the Inter-American Commission on Human Rights. The Platform is supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the United Nations High Commissioner for Refugees (UNHCR). Consultations with refugee-led organizations were held in Geneva in June 2024 during the UNHCR global consultations with non-governmental organizations on "Solutions, inclusion and gender equality". The Platform held its first side-event at the fifty-sixth session of the Human Rights Council and agreed a programme of work focusing on the following thematic priorities: access to asylum; rights of refugee and asylum-seeking children; access to livelihoods, socioeconomic rights and sustainable development; climate change; statelessness; and gender.

3. On 11 December 2023, at a high-level event marking the seventy-fifth anniversary of the adoption of the Universal Declaration of Human Right, the Special Rapporteur addressed the topic of strengthening the human rights ecosystem.

4. The Special Rapporteur has continued to work on the thematic priority of combating trafficking in children and will publish a joint study with the office of the Special Representative of the Secretary-General for Children and Armed Conflict on the topic of trafficking in children during armed conflict. The study will examine the links between trafficking in children and the six grave violations against children in armed conflict, with the objective of strengthening prevention, protection and accountability measures through enhancing the capacity of humanitarian, peace, justice and security actors and ensuring that the rights of child victims of trafficking in armed conflict are considered a priority.

5. On 2 October 2023, on the margins of the 13th meeting of the Working Group on Trafficking in Persons, held in Vienna, the Special Rapporteur co-convened a panel briefing to States on the topic "Trafficking in children: strengthening prevention,

protection and accountability measures”. The panel was convened jointly with the Special Representative of the Secretary-General on Violence against Children, Najat Maalla M’jid, the Special Representative of the Secretary-General for Children and Armed Conflict, Virginia Gamba de Potgieter, and Mikiko Otani, Expert, Committee on the Rights of the Child.

6. Building on her report to the Human Rights Council in 2023 on refugee protection, internal displacement and statelessness (A/HRC/53/28), the Special Rapporteur led a multi-stakeholder pledge at the Global Refugee Forum in December 2023 directed at protection for refugees and migrants at risk of or affected by trafficking in persons. She seeks to further the objectives of the Global Compact on Refugees, which overlap with commitments reflected in the Global Compact for Safe, Orderly and Regular Migration, specifically its tenth objective. The multi-stakeholder pledge was aligned with the key recommendations and follow-up actions adopted at the High-Level Officials Meeting of the Global Compact on Refugees in 2021, in particular recommendation 2, entitled “Enhance access to international protection”. The pledge was also aimed at contributing to Sustainable Development Goals 5, 8, 10 and 16 for the purpose of upholding the rights of trafficked persons. It represented the first time that trafficking in persons had been included in the work of the Global Refugee Forum and was supported at its launch by UNHCR, joined by the International Labour Organization (ILO), the International Organization for Migration, the United Nations Office on Drugs and Crime and the Inter-Agency Coordination Group against Trafficking in Persons.

7. The rights of persons with disabilities has been a key priority of the Special Rapporteur’s work. The Special Rapporteur gave a keynote address at an international conference hosted by the Association of Southeast Asian Nations-Australia Counter Trafficking programme on 6 and 7 December 2023, specifically addressing disability rights, disability inclusion and the intersections between disability and trafficking in persons. The Special Rapporteur made a joint presentation with the Special Rapporteur on the rights of persons with disabilities, Heba Hagrass, at the International Disability Law Summer School at the University of Galway in June 2024. A priority focus on the rights of persons with disabilities in all measures to combat trafficking in persons will be central to the work of the Special Rapporteur on trafficking in persons, especially women and children, for the coming year, in line with the human rights model of disability in the Convention on the Rights of Persons with Disabilities, ensuring participation by and the leadership of persons with disabilities.

8. At the sixty-eighth session of the Commission on the Status of Women, the Special Rapporteur participated in a side event on trafficking in persons in Ukraine, co-hosted by the Permanent Missions to the United Nations of Sweden and Ukraine, where she highlighted the need for continued attention on the prevention of trafficking, particularly among displaced persons and refugees. The Special Rapporteur has contributed to and participated in multiple events and conferences as an advocate for the rights of trafficked persons and a response to trafficking in persons based on human rights law. Continuing the priority focus on engagement with regional human rights mechanisms, the Special Rapporteur joined the Rapporteur on Human Mobility of the Inter-American Commission on Human Rights, Andrea Pochak, in a consultation with civil society on trafficking in persons.

## **II. Trafficking in persons and gender and peace and security**

9. The present report focuses on the connections between the gender and peace and security agenda and the women and peace and security agenda as a way to strengthen the focus on trafficking in persons in the agendas and their action plans and

programmes, by recognizing that trafficking in persons for all purposes of exploitation threatens peace and security and undermines peacebuilding processes and the realization and enjoyment of equal human rights for all.

10. Gender shapes the experience of conflict, insecurity and injustice for women and girls, men and boys, LGBT persons and persons of diverse gender identities, often limiting the equal protection of rights. The present report extends beyond the attention on women and peace and security to include a wider focus on gender and gender equality, by recognizing the significance of gender in the realization of justice, peace and security and recalling that the achievement of gender equality requires a transformation of gendered relations of power and inequality and a recognition of the indivisibility of economic, social and cultural, and civil and political rights.

11. As we approach the twenty-fifth anniversary of the adoption of Security Council resolution [1325 \(2000\)](#), the present report contains an analysis of the limited progress made in integrating measures to combat trafficking in persons into the women and peace and security agenda, at the United Nations and regional and national levels, and presents targeted recommendations to strengthen action to combat trafficking in persons in women and peace and security agendas, action plans and programmes, by prioritizing the human rights of trafficked persons and effective prevention and accountability measures, including reparations and guarantees of non-recurrence. The report builds on earlier analyses of trafficking in situations of conflict, climate change and displacement, refugee protection and forced displacement, on the intersections with terrorism and counter-terrorism, on the principle of non-punishment and specifically on the women and peace and security agenda.

12. As the Committee on the Elimination of Discrimination against Women noted in its general recommendation No. 30, trafficking in women and girls constitutes gender-based discrimination. It is exacerbated during and after conflict owing to the breakdown of political, economic and social structures, displacement, weak child protection systems, high levels of violence and increased militarism, and, in transitional societies, the potential for increased levels of criminal activity. Despite a recognition of the links between trafficking in persons and conflict, there has been limited attention paid to trafficking in persons in the reporting on and monitoring of the implementation of Security Council resolution [1325 \(2000\)](#).

13. In his report on women and peace and security in 2023, the Secretary-General noted that as women and girls are a majority of the millions of civilians displaced in Ukraine or seeking refuge in neighbouring countries, addressing the risks of trafficking and abuse has been a central feature of the humanitarian response ([S/2023/725](#), para. 39). In his report on women and peace and security in 2022, the Secretary-General highlighted trafficking in women and girls in Ukraine, and specifically noted the need to streamline action plans on women and peace and security with other plans, policies and strategies that address peace and security and women's human rights ([S/2022/740](#), paras. 36 and 71). In a report in 2022 ([S/2022/77](#)), the Secretary-General outlined the specific political, security and humanitarian challenges faced by survivors who become pregnant as a result of conflict-related sexual violence and by their children born of wartime rape. The challenges recognized in the report included discriminatory laws and harmful social norms, heightened vulnerability to conflict-driven trafficking and the perceived association of pregnant women, survivors and their children with the enemy, which exacerbates stigma and endangers them.

14. The Women and Peace and Security Focal Points Network issued a joint communiqué, in which the Network recognized the need to establish synergy with plans and strategies that address emergency and humanitarian response, refugees and internally displaced persons, climate change, youth, peace and security, countering

all forms of extremism and radicalization, issues of trafficking, the gendered impacts of small arms and light weapons, and gender-responsive early-warning systems.<sup>1</sup> As such, it is timely to now move more effectively towards integration of such plans, addressing all forms of trafficking in persons.

## A. Limited visibility of trafficking in persons in national action plans

15. Although more than 20 years have passed since the adoption of Security Council resolution [1325 \(2000\)](#), a review of national action plans adopted to date reveals that there has been limited attention paid to trafficking in persons in conflict prevention, protection or accountability measures. Recognition of the existence of trafficking in persons for purposes of sexual exploitation, or sexual slavery, as a form of sexual violence in conflict has increased attention to such risks. Other forms of trafficking in persons, for purposes of forced labour, forced marriage or domestic servitude, receive less attention however, resulting in failures to identify, assist and protect trafficked persons and failures of prevention.

16. In Yemen, the national plan to implement Security Council resolution [1325 \(2000\)](#)<sup>2</sup> identifies risks of trafficking in persons occurring in the context of refugee movements and displacement, together with exploitation of refugees in the conflict situation in Yemen and in all forms of human trafficking, as contributing to insecurity. More recently, the Panel of Experts on Yemen reported that trafficking gangs affiliated with parties to the conflict have perpetrated torture and other forms of ill-treatment, including sexual violence, against migrants, asylum-seekers and refugees, particularly women and children, some of whom became pregnant as a result of rape (see [S/2023/833](#)).

17. In Mali, the national action plan highlights numerous vulnerabilities and notes that trafficking in drugs, arms and persons provides sources of income for organized criminal groups.<sup>3</sup> In Lebanon, legislative, policy and social assistance measures in response to trafficking in persons, as a form of gender-based violence, are incorporated into its national action plan on Security Council resolution [1325 \(2000\)](#).<sup>4</sup>

18. The action plan for the implementation of resolution [1325 \(2000\)](#) for the Great Lakes region of Africa includes specific action to dedicate resources for the security sector in South Sudan to undertake research on the prevalence of violence against women in South Sudan, including trafficking in women.<sup>5</sup> The national action plan of South Sudan includes actions on trafficking in persons, including the development of early warning systems and analysis of the high rates of domestic violence, rape, trafficking and sexual harassment and exploitation.<sup>6</sup>

19. In Afghanistan, the national action plan for the period 2015–2022, adopted in June 2015, specifically highlights the vulnerability of women to rape, sexual harassment, trafficking, forced prostitution and forced marriage and the plan calls for the protection of women through implementation and monitoring of the anti-human

<sup>1</sup> Available at <https://wpsfocalpointsnetwork.org/geneva-meeting/>.

<sup>2</sup> Available at <http://1325naps.peacewomen.org/wp-content/uploads/2020/12/Yemen-NAP-English.pdf>, p. 7.

<sup>3</sup> Available at <https://www.wpsnaps.org/app/uploads/2021/01/Mali-NAP-3-2019-2023-English-translation.pdf>, p. 11 (unofficial translation funded by the Australian Research Council under grant No. DP160100212, Chief Investigator Laura Shepherd).

<sup>4</sup> Available at <https://www.wpsnaps.org/app/uploads/2021/01/Lebanon-NAP-2019-2022.pdf>.

<sup>5</sup> Available at <http://1325naps.peacewomen.org/wp-content/uploads/2021/08/RAP-2018-2023-IGGLR.pdf>, annex VI, para. 3.1.1.

<sup>6</sup> Available at <http://1325naps.peacewomen.org/wp-content/uploads/2020/12/SS-NAP-1325.pdf>, p. 39.

trafficking and abduction law.<sup>7</sup> In his report of May 2024, the Special Rapporteur on the situation of human rights in Afghanistan highlighted that while obtaining documentation remained challenging, indicators suggested the existence of significant risks, particularly regarding trafficking for the purposes of forced marriage, domestic servitude and sexual exploitation, and of the recruitment and use of children as a form of trafficking and representing a grave violation against children in armed conflict. Furthermore, he noted that the link between denial of access to education for girls and the limited capacity for child protection was recognized as a factor that increased the risk of trafficking in children. He also recognized that women-headed households and widows were at risk, given the breakdown of service provision (A/HRC/56/25, para. 96).

20. In the national action plan for the period 2021–2024 for Iraq, women belonging to “ethnic and religious components” are described as being subjected to numerous violations, including kidnapping, detention, sexual slavery, trafficking and forced marriage.<sup>8</sup> In its national action plan,<sup>9</sup> Nigeria makes several commitments towards combating trafficking in women and girls, child trafficking, child marriage and abductions. Among the continued reports of conflict-related sexual violence in Nigeria, including sexual slavery, some victims are identified as living with disabilities. In Kenya, specific attention to human trafficking and forced migration is included in the national action plan for the period 2020–2024, which also addresses the prevention of conflict and all forms of violence (institutional, structural and social) against women, girls and vulnerable groups, in particular the prevention of sexual and gender-based violence, discriminatory practices, abuse, trafficking and exploitation.<sup>10</sup> In Cyprus, combating trafficking in persons has been prioritized in actions to combat violence against women and on gender mainstreaming.<sup>11</sup>

## **B. Accountability, trafficking in persons and gender and peace and security**

21. In her report on strengthening accountability for trafficking in persons in conflict, the Special Rapporteur has highlighted the limited attention given to trafficking in persons by the International Criminal Court, either as a crime of enslavement or sexual slavery, or other related crimes (A/78/172, paras. 18–22). The Special Rapporteur has highlighted that attention to trafficking in persons as a violation of international humanitarian law and international criminal law by United Nations mechanisms has been limited. This limited attention also affects access to justice and to reparations and guarantees of non-recurrence for victims. Reports of sexual slavery in conflict and enslavement and actions that may constitute trafficking in persons are included in the reports of United Nations accountability mechanisms, but the documentation and reporting is not consistent.

<sup>7</sup> Available at <https://www.wpsnaps.org/app/uploads/2019/09/Afghanistan-NAP-2015-2022.pdf>, pp. 2 and 18.

<sup>8</sup> Available at [https://www.wpsnaps.org/app/uploads/2022/12/Iraq-NAP-2-2020-2024\\_arabic\\_ENG-translation-Google-Translate.pdf](https://www.wpsnaps.org/app/uploads/2022/12/Iraq-NAP-2-2020-2024_arabic_ENG-translation-Google-Translate.pdf), p. 6 (unofficial translation funded by the Australian Research Council under grant No. DP160100212, Chief Investigator Laura Shepherd).

<sup>9</sup> Available at [https://www.un.org/shestandsforspeace/sites/www.un.org/shestandsforspeace/files/nigeria\\_nap\\_2017\\_-\\_2020.pdf](https://www.un.org/shestandsforspeace/sites/www.un.org/shestandsforspeace/files/nigeria_nap_2017_-_2020.pdf).

<sup>10</sup> Available at <https://www.un.org/shestandsforspeace/sites/www.un.org/shestandsforspeace/files/kenya-2nd-1325-national-action-plan-knapii-2020-2024.pdf>.

<sup>11</sup> Cyprus, Office of the Commissioner for Gender Equality, “Women and peace and security: national action plan 2021–2025 of the Republic of Cyprus for the implementation of United Nations Security Council resolution 1325 (2000)”, 29 December 2020 (unofficial translation funded by the Australian Research Council under grant No. DP160100212, Chief Investigator Laura Shepherd).

22. The Independent International Commission of Inquiry on Ukraine specifically identified in 2022 alleged forced transfers of people and conditions under which expedited adoptions of children were allegedly taking place ([A/77/533](#), para. 114). Forcible transfers of children and sexual slavery were reported by the Commission of Inquiry in 2023 (see [A/78/540](#)). Forced labour was reported by the Commission of Inquiry in 2024 ([A/HRC/55/66](#), para. 53).

23. In its resolution [54/2](#), entitled “Responding to the human rights and humanitarian crisis caused by the ongoing armed conflict in the Sudan”, the Human Rights Council expressed its grave concern at reported acts of sexual and gender-based violence and the recruitment and use of children in armed conflict, principally by the Rapid Support Forces. Furthermore, the Council strongly urged all parties to take immediate and specific measures to put an end to and prevent further acts of sexual and gender-based violence, including rape, sexual slavery and sexual exploitation and abuse, by members of their respective forces or allied groups, and to ensure access to services for survivors, and stressed the importance of ensuring accountability for those who commit acts of sexual and gender-based violence, and also of ensuring a survivor-centred approach when responding to such acts.

24. Recognition of the prevalence and impact of trafficking in persons is evident in reports of the Independent International Commission of Inquiry on the Syrian Arab Republic. In 2024, the Commission reported that parties to the conflict variously directly perpetrated, tolerated or were unable to prevent criminal activities such as trafficking, corruption and extortion backed by violence ([A/HRC/55/64](#), para. 14). On child recruitment, the Commission highlighted the action plan signed by the Syrian Democratic Forces and the United Nations in June 2019 to end and prevent the recruitment and use of children under the age of 18. The Commission noted, however, that underage boys and girls continued to be recruited and that the Syrian Democratic Forces had yet to devise adequately rigorous enforcement of its undertakings against child recruitment. In addition, it was highlighted that families looking for their children did not receive support from various self-administration or Syrian Democratic Forces offices, which failed to allocate resources to reveal the fate of abducted children and, in most cases, refused to register the cases (*ibid.*, para. 115).

25. Grave violations against children in armed conflict may be linked to child trafficking, in particular the grave violations of sexual violence, recruitment and use, and abductions, and require greater attention to strengthen prevention, protection and accountability for children in armed conflict. In his report on children and armed conflict in 2024 ([A/78/842-S/2024/384](#)), the Secretary-General states that the monitoring and verification of grave violations remained extremely challenging, including owing to access constraints, a high level of insecurity, and threats and direct attacks on United Nations personnel, monitors and humanitarian actors, leading to the underreporting of grave violations. Verified cases of conflict-related sexual violence perpetrated against children (1,470) had increased by 25 per cent. The Secretary-General noted that such violence continued to be vastly underreported owing to stigmatization, the fear of reprisals, harmful social norms, the absence of, or lack of access to, services, impunity and safety concerns. The Secretary-General provided additional information in his report on conflict-related sexual violence ([S/2024/292](#)). Furthermore, the number of children who were victims of multiple grave violations increased, as illustrated by the high percentage of girls being abducted for recruitment and use and sexual violence, including rape and sexual slavery.

26. The Independent International Commission of Inquiry on the Syrian Arab Republic has repeatedly highlighted in its reports the situation of women and children detained in camps in the north-east of the Syrian Arab Republic, many of whom are victims of trafficking in persons, and the continued recruitment and use of children. The Commission has noted that while some women in the camps may bear various



degrees of responsibility for crimes based on their roles in Da'esh, some were also victims of abuse, trafficking or sexual exploitation after having been coerced or groomed to join the group. The Commission has highlighted both the gendered impact and the impact on children of the continuing failures of assistance and protection, and the limited accountability to date. The Commission has also highlighted the significant role of civil society and Syrian women's rights advocates in highlighting the continuing impact of the conflict.

27. The establishment of the Independent Institution on Missing Persons in the Syrian Arab Republic is an important step. Missing persons may also be victims of trafficking in persons. The Institution will apply a victim- and survivor-centred approach, and is required to be inclusive of families and to be guided by the principles and fundamental features of gender inclusivity and non-discrimination. As was noted at the time of the establishment of the Institution, the unresolved issue of missing persons has had a particular impact on women and children.

28. The independent international fact-finding mission on Myanmar noted, concerning the situation of the Rohingya in Bangladesh, that the absence of formal education and of livelihood opportunities raised serious human rights issues that were beyond the mission's mandate. The mission stated that it had received reports of trafficking and other forms of illicit activities (A/HRC/42/50, para. 93). Furthermore, the mission documented findings on substantiated patterns and trends of serious violations of international human rights law and international humanitarian law in Kachin and Shan States from 2011 to 2018 (ibid., para. 30), specifically including forced labour, enforced disappearances and the perpetration of sexual and gender-based violence. The mission also made reference to the forced recruitment of men and women by some ethnic armed organizations operating in northern Myanmar (ibid., para. 61). In its resolution 39/2 on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, the Human Rights Council expressed grave concern at the findings of the independent international fact-finding mission that crimes against humanity and war crimes had been committed in Kachin, Rakhine and Shan States, including murder, imprisonment, enforced disappearance, torture, rape, sexual slavery and other forms of sexual violence, persecution and enslavement. The Special Rapporteur has highlighted the relevance of trafficking in persons as enslavement in the context of the negotiations on the proposed convention on the prevention and punishment of crimes against humanity (A/78/172, para. 19).

### **C. Racism, racial discrimination and gender and peace and security**

29. Strengthening conflict prevention and peacebuilding measures requires recognition of the prevalence and incidence of racism and the intersections with gender in the context of trafficking in persons. The Special Rapporteur has consistently highlighted the significance of racism and racial discrimination in increasing the risks of trafficking in persons and in limiting the effectiveness of prevention, protection and assistance measures. In conflict and post-conflict situations, discrimination and violence against Indigenous Peoples, persons of African descent and racialized and minority communities intersects with gender and gender inequalities to increase the risks of trafficking in persons for all purposes of exploitation, including by armed groups and armed forces and by criminal organizations and networks, as well as in communities.

30. In her reports on country visits to Bangladesh, Colombia and Tajikistan, the Special Rapporteur has highlighted the particular risks of trafficking due to racial discrimination, intersecting with vulnerabilities resulting from failures of protection linked to statelessness and migration status. The prevalence of trafficking in persons, which particularly affects Rohingya women and girls, was highlighted during the

Special Rapporteur's visit to Cox's Bazar, Bangladesh. In her recent report on Myanmar, the Special Rapporteur again highlighted the risks of trafficking in persons due to the conflict, insecurity and violence and forced displacement. Specifically, she highlighted that due to deteriorating conditions and security concerns in Myanmar and Bangladesh, many Rohingya have decided to risk their lives at sea or take dangerous overland journeys to seek safety and shelter in Malaysia, Indonesia, Thailand, India, or elsewhere, and are at risk of trafficking for child, early and forced marriage, commercial sex work, sexual slavery, domestic servitude, debt-bondage and forced and child labour (A/HRC/56/CRP.8, paras. 176–177).

31. The obligations arising in international human rights law to eliminate direct, indirect and structural racial discrimination are particularly relevant to the application of the non-punishment principle (A/75/590, paras. 55–56). A range of punishments applied to victims or potential victims of trafficking linked to United Nations-designated terrorist groups or proscribed groups have been highlighted in communications to States by the mandate holders of several United Nations special procedures<sup>12</sup> and by the Special Rapporteur in her report on the implementation of the non-punishment principle (A/HRC/47/34, para. 41). Such forms of punishment are frequently seen in the context of unlawful acts associated with proscribed groups and in disputes in relation to trafficking for the purpose of forced criminality. The Committee on the Elimination of Discrimination against Women reiterates in paragraph 98 of its general recommendation No. 38 (2020) the importance of the non-punishment principle and the obligation of States to ensure its application to all victims without exception. Its application must comply with States' obligations of non-discrimination and positive obligations of protection, as well as the peremptory norms of prohibiting racial discrimination and protecting the right to a fair trial.

#### **D. Rights of persons with disabilities**

32. The Special Rapporteur has highlighted the specific impact of conflict on persons with disabilities, including specifically on women and children with disabilities. To date, there has been limited attention to the rights of persons with disabilities in actions taken in the context of the women and peace and security agenda or in peacebuilding measures. Women and girls with disabilities are disproportionately affected by armed conflict, yet they are marginalized in or excluded from peace and security processes.<sup>13</sup> Disability can affect vulnerability to trafficking in both international and non-international armed conflicts, as highlighted, for example, in Ethiopia,<sup>14</sup> where women and girls with disabilities may have been trafficked for the purposes of sexual exploitation, as well as in Iraq and the Syrian Arab Republic. The limited attention given in international criminal law, international humanitarian law and transitional justice measures to crimes against persons with disabilities contributes to failures of accountability and limits access to justice. That limited attention is also evident in the failure to ensure accountability in the context of trafficking in persons with disabilities. Recognizing the intersecting axes of discrimination, the Special Rapporteur has emphasized the importance of a disability-inclusive approach to responses to trafficking in persons in situations of conflict, including in the context of forced criminality, and the application of the non-punishment principle.

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<sup>12</sup> See OHCHR communication search tool, available at <https://spcommreports.ohchr.org/TmSearch/Results>.

<sup>13</sup> See OHCHR, *United Nations Human Rights Report 2022*, available at [https://www.hrw.org/sites/default/files/media\\_2022/02/Joint%20OHCHR%20submission%20Final%202%20April%202021.pdf](https://www.hrw.org/sites/default/files/media_2022/02/Joint%20OHCHR%20submission%20Final%202%20April%202021.pdf).

<sup>14</sup> See OHCHR communication AL ETH 2/2022.

33. In her report to the General Assembly in 2021, the Special Rapporteur specifically highlighted the obligation of States to ensure that measures to combat trafficking in persons are disability-inclusive and comply with the Convention on the Rights of Persons with Disabilities and with Security Council resolution 2475 (2019) on the protection of persons with disabilities in situations of conflict, in order to ensure effective access to justice, assistance and protection and effective remedies (A/76/263, para. 60). As the Special Rapporteur has noted, and as has been highlighted by the Security Council, the risks related to trafficking in persons are exacerbated in crisis situations, in particular in situations of conflict and humanitarian emergencies. In a statement on Ukraine issued jointly with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Rapporteur on violence against women, its causes and consequences, entitled “Ukraine: armed conflict and displacement heightens risks of all forms of sexual violence including trafficking in persons”, the Special Rapporteur highlighted that to reduce the risks of trafficking, effective assistance and protection must be provided to refugees and internally displaced persons without discrimination, in particular on grounds of race, gender, disability or other status, recognizing that discrimination and racism may increase vulnerability to trafficking. Furthermore, Security Council resolution 2475 (2019) is recalled in the statement and it is stressed that all responses to the risks of trafficking in persons must be disability inclusive and must ensure the rights of persons with disabilities, including in the provision of information, access to safe and accessible accommodation and transportation and in all assistance and protection measures.

34. The Special Rapporteur has previously expressed concern that as a result of discrimination, harmful stereotypes and failures to ensure reasonable accommodations, people with disabilities, in particular women and girls, are at heightened risk of violence, including trafficking in persons, during conflict situations and emergencies. Constraints imposed on decision-making and situations of dependency may limit mobility, including opportunities for migration, planned relocation or resettlement, and increase risks of harm and human rights violations, including trafficking in persons. Discrimination and stereotyping may also limit the participation of women with disabilities in decision-making and planning.<sup>15</sup>

35. As has been previously noted, trafficking in persons is frequently invisible in national action plans and programming on women and peace and security. Women with disabilities are also frequently left out of national action plans on women and peace and security. It has been highlighted, however, that where the preparation of a national action plan includes the participation of women with disabilities, attention to the gendered impact of conflict on women with disabilities is included in measures that are subsequently adopted.

36. In its resolution 2475 (2019) on the protection of civilians in armed conflict, the Security Council does not specifically mention the participation of women with disabilities and the additional gendered obstacles to participation they face due to structural discrimination and failures to ensure inclusive conflict prevention and peacebuilding measures. Reference to women with disabilities without addressing their rights to meaningful participation is not compliant with the core commitment of Security Council resolution 1325 (2000), or with obligations arising under the Convention on the Rights of Persons with Disabilities.

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<sup>15</sup> Submission by the Special Rapporteur on the draft general comment on persons with disabilities in situations of risk and humanitarian emergencies (article 11 of the Convention on the Rights of Persons with Disabilities), available at <https://www.ohchr.org/sites/default/files/documents/issues/trafficking/Submission-on-the-Draft-General-CommentArticle11CRPD.pdf>.

## **E. Economic, social and cultural rights**

37. The fulfilment of economic, social and cultural rights is critical to conflict prevention and to sustainable and just peacebuilding. The prevention of trafficking in persons for all purposes of exploitation requires commitment to the implementation of the International Covenant on Economic, Social and Cultural Rights, international labour conventions and recommendations, the ILO Declaration on Fundamental Principles and Rights at Work and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families to the achievement of just and fair conditions of work, food security, access to education and the highest attainable standards of health, adequate housing and freedom from violence and discrimination. It is critical that women and peace and security action plans commit to effective implementation of economic, social and cultural rights, to labour rights and to women and girls' empowerment. As recently highlighted in Myanmar, the military coup, the brutality and oppression that followed and the collapse of State institutions have severely affected the economic, social and cultural rights of people in Myanmar. Gender and sexual orientation significantly exacerbate the impact of these deteriorating conditions. In the light of these circumstances, women, girls, LGBT persons and persons of diverse gender identities are also increasingly vulnerable to a range of gendered risks, including trafficking, exploitation and early or forced marriage (see A/HRC/56/CRP.8).

## **F. Realization of the Sustainable Development Goals and the 2030 Agenda for Sustainable Development**

38. Target 17.14 of the Sustainable Development Goals explicitly calls for policy coherence for sustainable development. To achieve policy coherence, action to prevent all forms of trafficking in persons should be linked to planning and reviews of the Goals and to the outcomes of the Summit of the Future, recognizing the cross-cutting relevance of Goals 5 and 16, in particular.

39. Conflict prevention and the achievement of just and sustainable peace are closely linked to the prevention of trafficking in persons and realization of the Sustainable Development Goals. Prevention of trafficking, protection of victims and accountability are deeply rooted in concerns relating to development and socioeconomic rights, including poverty and inequality, child labour, gender inequality, discrimination, migration and the effects of climate change, as well as education, decent work and respect for the rule of law and human rights.

40. Of particular relevance to action to prevent trafficking in persons are Sustainable Development Goal 5 (Gender equality), Goal 8 (Decent work and economic growth) and Goal 16 (Peace, justice and strong institutions). Trafficking in persons is specifically mentioned in three targets, namely target 5.2 (Eliminate all forms of violence against all women and girls in public and private spheres, including trafficking), target 8.7 (Take immediate and effective measures to eradicate forced labour and end modern slavery and human trafficking) and target 16.2 (End abuse, exploitation and trafficking and all forms of violence and torture against children). In addition, Goal 16 includes targets on promoting the rule of law, reducing corruption, developing effective and accountable institutions and ensuring a legal identity, including birth registration, for all. Also directly relevant are target 5.3 (Eliminate all harmful practices such as child, early and forced marriage) and target 10.7 (Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies). Given the links between climate change and environmental degradation and conflict,

Goal 13 (Climate action) is relevant to measures to ensure environmental peacebuilding.

41. Despite these links, measures to combat trafficking in persons are given limited attention in national reviews or implementation measures for the Sustainable Development Goals. The peace-development nexus is not recognized in practice, limiting the reach and impact of the women and peace and security agenda. A continuing concern in making progress in the agenda is the limited focus on prevention, protection and accountability measures focused on economic and social rights violations, and the gendered impact of persistent socioeconomic inequalities.

## G. Forced labour and other purposes of exploitation

42. Trafficking in persons for purposes of forced labour receives limited attention in women and peace and security agendas and action plans, yet has a significant gendered impact. Trafficking for purposes of forced labour in conflict contexts occurs in many situations, including for domestic servitude in Nigeria (see [A/HRC/41/46/Add.1](#)) and construction, cleaning and agriculture in Iraq.<sup>16</sup>

43. The means by which individuals are trafficked into conflict zones for purposes of forced labour include deceptive recruitment practices,<sup>17</sup> false promises ([A/HRC/41/46/Add.1](#), para. 11) and recruitment at the hands of trusted community members who recruit and groom young people by means of deceptive job offers or offers of educational or scholarship opportunities. Factors that contribute to labour trafficking in conflict include the fact that conflict disrupts or depletes the regular workforce,<sup>18</sup> affecting the demand for exploitative labour and services<sup>19</sup> and that some armed groups use forced labour to generate illicit income or sustain military operations.<sup>20</sup> Trafficking for labour exploitation can also coincide with other forms of exploitation, including sexual exploitation, as seen in the context of, for example, Da'esh.<sup>21</sup> Furthermore, trafficking for labour exploitation includes both internal trafficking and trafficking across borders. In conflict prevention, assistance and protection measures are ineffective and there is limited or no accountability or access to justice for trafficked persons.

44. During her country visit to Colombia, the Special Rapporteur specifically expressed concern at the limited allocation of resources and capacity to respond effectively to trafficking for purposes of forced labour, which disproportionately affects Afro-Colombian, Indigenous and campesino communities and migrants and refugees. Trafficking for purposes of forced labour occurs in sectors such as mining, construction, agriculture and domestic work and in illicit activities, including coca production and illegal mining. The Special Rapporteur highlighted the need to address weakness in prevention, assistance and protection measures in relation to trafficking

<sup>16</sup> James Cockayne and Summer Walker, "Fighting human trafficking in conflict: 10 ideas for action by the United Nations Security Council", workshop report (United Nations University, 2016), pp. 7–8, available at [http://collections.unu.edu/eserv/UNU:5780/UNUReport\\_Pages.pdf?utm\\_source=UNU%20Campaign%20page&utm\\_medium=Web&utm\\_campaign=Human%20Trafficking](http://collections.unu.edu/eserv/UNU:5780/UNUReport_Pages.pdf?utm_source=UNU%20Campaign%20page&utm_medium=Web&utm_campaign=Human%20Trafficking).

<sup>17</sup> *Countering Trafficking in Persons in Conflict Situations* (United Nations publication, 2018), p. 15.

<sup>18</sup> *Ibid.*, executive summary, p. xiii.

<sup>19</sup> *Ibid.*

<sup>20</sup> United Nations, "Trafficking in persons in the context of armed conflict", 2018, p. 13.

<sup>21</sup> See submission of the Special Rapporteur to the Special Immigration Appeals Commission in the case of *Shamima Begum v. the Secretary of State for the Home Department*, 30 June 2022, available at <https://www.ohchr.org/en/special-procedures/sr-trafficking-in-persons/submissions-courts-and-other-bodies>. See also Jayne Huckerby, "When terrorists traffic their recruits", *Just Security*, 15 March 2021.

in at-risk sectors. The Special Rapporteur also commended the dissemination of actions for the prevention of the crime of trafficking in persons for purposes of labour exploitation and further training and capacity-building measures, engaging with the Ministry of Labour, the Attorney General's Office, the national police, the Ombudsman's Office, territorial entities and private companies' representatives, at both the national and regional levels.

45. The Guiding Principles on Business and Human Rights provide that businesses should respect the standards of international humanitarian law in situations of armed conflict. International humanitarian law binds State and non-State actors, including businesses, and applies to both international and internal armed conflicts. International human rights law continues to apply, including the non-derogable prohibitions of slavery, forced labour and servitude. For women and girls, child and forced labour is also linked to heightened risks of sexual exploitation, as documented particularly in the context of extractive industries, such as mining. The prevalence of such risks and the need for more effective prevention measures through strengthening of labour inspections, monitoring and enforcement, protection of workers' rights and trade unions, receives little attention in women and peace and security agendas.

46. The supervisory bodies of ILO have consistently made comments on cases of forced labour, including sexual slavery, in conflict contexts. For instance, in its comments under the Forced Labour Convention, 1930 (No. 29) and its optional Protocol of 2014, the ILO Committee of Experts on the Application of Conventions and Recommendations has noted with concern the incidence of forced labour and sexual exploitation in armed contexts in the Democratic Republic of the Congo, Eritrea, Liberia, Libya, South Sudan, the Sudan, the Syrian Arab Republic and Yemen. In addition, in its comments under the Worst Forms of Child Labour Convention, 1999 (No. 182), the Committee of Experts has noted with concern the forced recruitment of children in armed conflict in the Central African Republic, Chad, the Democratic Republic of the Congo, Guinea Bissau, Iraq, Libya, Mali, Myanmar, Nepal, Nigeria, Pakistan, the Philippines, Rwanda, Somalia, South Sudan, the Sudan, the Syrian Arab Republic and Yemen.<sup>22</sup>

47. According to ILO child labour estimates, there is a strong correlation between child labour and situations of conflict and disaster. One in four children lives in a country struck by conflict, fragility and/or disaster. Child labour in situations of fragility are three times higher than the world average. Many of those children are in forced labour and are victims of trafficking in persons (although no precise statistics exist).<sup>23</sup> Many cases of forced labour, including sexual exploitation, to which women and girls are particularly vulnerable, occur in situations of crisis linked to armed conflicts, disasters and disease. The new edition of the ILO publication *Profits and Poverty: The Economics of Forced Labour* on the illegal profits made out of forced labour does not specifically focus on crisis situations. It highlights, however, how profits amounting to some \$236 billion per year are generated through abusing situations of vulnerability, linked to persistent failures of prevention, protection and accountability on the part of States and non-State actors.

## **H. Gender equality: expanding the women and peace and security agenda and responses to trafficking in persons**

48. A failure to identify victims of trafficking and to ensure effective protection is evident in situations where women and girls do not fit into the dominant stereotypes of a victim of trafficking, in particular in the context of exploitation in criminal

<sup>22</sup> Input received from ILO (2024).

<sup>23</sup> Ibid.

activities of armed groups, criminal networks or proscribed groups, including United Nations designated terrorist groups. These failings may be evident even where there is credible evidence of trafficking but victims or potential victims are not identified as such.

49. The Special Rapporteur notes that it is important to reflect on the potential for anti-trafficking measures to be complicit in reinforcing gender inequalities and in limiting women's and girls' agency. In its general recommendation No. 38 (2020), the Committee on the Elimination of Discrimination against Women highlights that the causes, consequences and experiences of trafficking differ for young girls, for adolescent girls and for adult women and calls on State parties to address the full spectrum of those differences, ensuring age-appropriate and child-centred anti-trafficking response measures, where appropriate. There is a risk that women are assumed to be a homogenous group, and a risk also that anti-trafficking actions conflate women and girls, reinforcing potentially damaging stereotypes of the so-called "ideal victim". This potential is particularly relevant in the context of human trafficking measures, where the tendency to slide into protective measures is ever present and frequently works against the recognition of trafficked persons as bearers of rights.

50. The concern to respond to women's apparent vulnerability continues to be a core motivating impulse in the anti-trafficking movement, at both the national and international levels. The normative re-emergence of this protective impulse may limit the trafficked woman's agency and mobility. It also hinders identification of victims of trafficking who do not fit dominant stereotypes of a vulnerable victim and whose testimonies are not considered credible. The Special Rapporteur highlights the obligation of States to ensure that identification procedures recognize the possible impact of psychological trauma on a victim's ability to consistently and clearly relate the circumstances of exploitation.<sup>24</sup>

51. The Special Rapporteur has highlighted the failures to identify men and boys as victims of trafficking or at risk of trafficking, for all purposes of exploitation, recognizing the particular obstacles to recognition of men and boys as victims of sexual exploitation and sexual slavery (A/78/172, para. 10).

52. The Special Rapporteur has highlighted that LGBT persons and persons of diverse gender identities may face additional risks of trafficking in persons due to discrimination and violence, including in situations of displacement and conflict and as a consequence of marginalization, and limited employment or regular migration opportunities. Access to assistance and protection may also be limited (A/HRC/56/60/Add.1, paras. 56–61, A/HRC/53/28/Add.1, para. 43, and A/HRC/56/60/Add.2, para. 105).

## **I. Trafficking in persons, terrorism and counter-terrorism**

53. The Special Rapporteur has repeatedly highlighted the failures of States to identify, assist and protect victims of trafficking in the context of terrorism and by designated terrorist groups. Counter-terrorism measures and overreach of national security measures have led to failures of assistance and protection, with devastating consequences for child victims and young people. In the context of the situation in the north-east of the Syrian Arab Republic and of continuing failures of protection affecting thousands of children, as well as failures with regard to repatriation, the Special Rapporteur has stressed the obligation of States to assist, protect and

<sup>24</sup> European Court of Human Rights, *S.M. v. Croatia*, Application No. 60561/14, Judgment, 25 June 2020, para. 80.

repatriate victims of trafficking, without discrimination. Accountability processes, including United Nations mandated mechanisms, have highlighted the continuing impact of failures to protect victims of trafficking, including children.<sup>25</sup> The Special Rapporteur has highlighted concerns in relation to failures of identification, assistance and protection in the case of *Shamima Begum v. the Secretary of State for the Home Department*, and before the European Court of Human Rights in *H.F. and M.F. v. France* (Application No. 24384/19) and *J.D. and A.D. v. France* (Application No. 44234/20).

54. Methods exist to assess the links between trafficking and financial flows in situations of conflict and in counter-terrorism measures. The Counter-Terrorism Committee Executive Directorate study issued in 2023 entitled “Towards meaningful accountability for sexual and gender-based violence linked to terrorism”, includes guides on trafficking in persons used for financing terrorist activities or used to instil fear within communities, aimed at ensuring a gender-responsive and human rights compliant approach.<sup>26</sup> As noted, however, concerns remain at the limited compliance with obligations related to non-discrimination and non-punishment in ensuring assistance and protection of victims of trafficking by groups designated as terrorist.

## J. Climate change, conflict and gender and peace and security

55. Climate-related conflict contributes to displacement and loss of livelihoods, potentially increasing unsafe migration and risks of exploitation, including trafficking in persons, for displaced persons. Climate change also has implications for women’s security as they may be exposed to higher probabilities of gender-based violence while accessing resources for livelihoods in situations of conflict and transition.<sup>27</sup>

56. Several Security Council resolutions highlight the links between climate change, environmental degradation and risks of conflict and insecurity. Related concerns in relation to the prevalence of sexual violence in conflict are also highlighted, but without explicit attention on conflict-related trafficking in persons. In his report on women and peace and security in 2020, the Secretary-General noted that women are at the front lines of both climate change and insecurity, burdened with new economic responsibilities in ever degraded environments (S/2020/946, para. 77). Reports highlight the gendered impact of climate-related insecurity. Across the Sahel region, for example, the impacts on livelihoods of rising temperatures and unpredictable rainfall are contributing to intercommunal violence and to shifting migration patterns. In many communities, such as those in Northern Kordofan in the Sudan, men are increasingly leaving villages in search of alternative livelihoods to farming, while herders migrate to search for grazing land in increasingly insecure environments.

57. The Special Rapporteur highlights the urgency of recognizing the linkages between gender, climate and security, and the need to ensure the meaningful participation of women in policymaking and planning regarding the distribution of natural resources in conflict-affected countries.<sup>28</sup> Implementation of obligations to

<sup>25</sup> Submission of the Special Rapporteur in the case of *Shamima Begum v. the Secretary of State for the Home Department*, and submissions by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in the cases of *H.F. and M.F. v. France* (Application No. 24384/19) and *J.D. and A.D. v. France* (Application No. 44234/20), available at <https://www.ohchr.org/en/special-procedures/sr-terrorism/submissions-courts>.

<sup>26</sup> Input received from the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), 2024.

<sup>27</sup> Inputs received in 2024.

<sup>28</sup> See also S/2021/827, para. 77.



prevent trafficking in persons, through systemic policy changes, must be integrated into policymaking processes to support nationally determined contributions, national adaptation plans, national climate change action plans, land tenure policies and the reduction of emissions from deforestation and forest degradation.

58. The Special Rapporteur is concerned that current measures to address the gender dimensions of climate insecurity, including in peacebuilding initiatives, do not take account of obligations to prevent trafficking in persons, or to ensure effective protection and partnerships.

## **K. Peace building: gender, disarmament and small arms control**

59. In conflict, transitional and post-conflict societies, the prevalence of arms, in particular small arms and light weapons, contributes to risks of trafficking in persons by non-State armed groups and in the context of criminal activities, undermining the achievement of peace and security. It has been recognized that the proliferation of weapons fuels the systematic and widespread occurrence of sexual violence in conflict. Limited attention has been given, however, to the urgency of disarmament in anti-trafficking programmes and measures. In her report on her country visit to Colombia (A/HRC/56/60/Add.1), the Special Rapporteur highlighted the importance of ensuring continued support for the efforts of the Government in addressing serious crime and in disarmament and demobilization of armed groups. Furthermore, the Special Rapporteur welcomed the progress made on disarmament, demobilization and reintegration since the signing of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, including through the work of the Agency for Reintegration and Normalization, and highlighted the urgency to make continued progress, noting that the prevalence of small arms, weapons and armed groups was a significant obstacle to combating trafficking in persons and to ensuring access to protection, effective remedies for victims and accountability.

60. Action to combat trafficking in persons requires effective action to strengthen gender mainstreaming in disarmament measures and in small arms control, as agreed in global frameworks such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Arms Trade Treaty.

## **L. Role of civil society, partnerships and peacebuilding**

61. The Special Rapporteur notes the importance of partnerships with civil society in all anti-trafficking actions.<sup>29</sup> An enabling environment for civil society and effective protection of human rights defenders, including those working with victims of trafficking, must be ensured without discrimination. It is critical to ensure that counter-terrorism measures do not lead to restrictions on civil society. Labelling of human rights defenders as terrorist or claiming they are linked to terrorist groups, including through criminalizing the work of non-governmental organizations and human rights defenders, and overreach of counter-terrorism measures and terrorism financing laws, undermines their important work in protecting the rights of trafficked persons, including in conflict, migration and forced displacement settings.

62. Repeated concerns have been highlighted at the limited representation of women in leadership roles in designing, implementing and leading in conflict prevention,

<sup>29</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 9 (3).

protection, recovery and peacebuilding programmes. LGBT persons, persons of diverse gender identities and persons with disabilities also remain underrepresented. Given the impact of conflict-related trafficking in persons on Indigenous Peoples, persons of African descent and racialized minorities, it is also critical to see transformative change in the leadership of peacebuilding and conflict prevention measures, by recognizing the intersections of gender, race and ethnicity, disability and migration status.

## **M. Youth and peace and security**

63. Young people, particularly in conflict, post conflict and transition situations, may be at particular risk of trafficking and of failures of identification, assistance and protection. Young people are frequently punished, not protected. The gendered impact of trafficking in persons, on young women, LGBT persons and persons of diverse gender identities, undermines the protection of rights, recovery and peacebuilding. Security Council resolution [2250 \(2015\)](#) identifies five key pillars for action: participation, protection, prevention, partnerships, and disengagement and reintegration. Ensuring the leadership of young people in combating trafficking in persons, non-punishment and trauma-informed recovery is essential.

## **III. Conclusions and recommendations**

### **A. Conclusions**

64. Security Council resolution [1325 \(2000\)](#) introduced an ambitious agenda aimed at addressing the specific situation of women in armed conflicts and peace processes. The agenda sought to recognize women's specific role and potential contribution in post-conflict reconstruction and peacebuilding in conflict and post-conflict settings. The related agenda revolves around four main pillars: prevention; protection; participation and meaningful representation of women at all levels of decision-making about conflict prevention, management and resolution; and relief and recovery. The pillars are interconnected, recalling that the realization and effective enjoyment of fundamental rights is a prerequisite for sustainable peace.

65. To date, the resolutions adopted on women and peace and security have focused primarily on sexual violence in conflict. Trafficking in persons is recognized as a form of sexual violence in conflict; however, it is critical that we now effectively implement all pillars of the women and peace and security agenda, in particular by ensuring the participation and leadership of those most affected by conflict-related trafficking in persons in the design and implementation of peacebuilding measures and in the recovery programmes that ensure economic, social and cultural rights as well as civil and political rights. As we approach the deadline of the 2030 Agenda for Sustainable Development, recalling the global climate crisis and levels of conflict-related displacement and violence, it is urgent that we place prevention of trafficking in persons and protection and accountability, and a human rights-based response, at the heart of an expanded women and peace and security agenda and of an agenda for gender and peace and security.

## **B. Recommendations**

### **Gender and peace and security**

#### *Prevention and protection*

66. **United Nations entities and States should:**

(a) **Develop and strengthen specialized anti-trafficking and children and armed conflict expertise in monitoring, reporting and investigation that uses a gender, age, diversity and trauma-informed approach and ensures the rights of children with disabilities;**

(b) **Strengthen access to justice for trafficked persons, through gender-sensitive, trauma-informed and child-friendly justice procedures on the investigation and prosecution of conflict-related trafficking crimes, and early access to legal assistance.**

67. **States must ensure that children detained for association with armed groups are recognized as victims of grave violations of international law, prioritizing recovery, reintegration and family reunification and ensuring timely handover of children associated with armed conflict or armed groups to civilian child protection actors.**

68. **United Nations entities should ensure that the gender dimensions of climate-related conflict and security risks are systematically addressed, including in peacebuilding efforts, and that the heightened risks of trafficking in persons, especially women and children, are recognized and addressed.**

69. **Action plans, programmes and measures relating to women and peace and security must incorporate measures to prevent trafficking in persons for all purposes of exploitation, recognizing the increased risks of trafficking arising in the context of climate change, displacement, disasters and conflict.**

70. **States transitioning from conflict to peace should enact relevant policies and legislation that ensure LGBT and gender-diverse persons who are victims of armed violence have comprehensive access to all their rights as victims and citizens, including: truth-seeking mechanisms; reparations programmes; justice proceedings; and other social and development programmes aimed at rebuilding the social fabric in the aftermath of conflict.**

71. **The capacity of humanitarian and protection actors, peace operations personnel and peacekeepers and border officials must be strengthened with regard to screening for trafficking indicators among people fleeing conflict affected areas or passing through humanitarian corridors, including by ensuring multi-agency engagement in identification procedures and effective referral pathways for assistance and protection, linked to national referral mechanisms where available.**

#### *Participation*

72. **States and donors should increase support to civil society and other efforts to identify and ensure the rights of trafficking victims and survivors in conflict and post-conflict contexts, and to support the involvement of trafficking victims and survivors in decision-making that affects them.**

73. **States must ensure full implementation of the Peacebuilding Commission's Gender Strategy, including in increasing the participation of women in leadership roles in the design and implementation of peacebuilding, conflict prevention and recovery measures.**

74. **Recognizing the impact of conflict on persons with disabilities, in particular women with disabilities, States must take measures to ensure the leadership of persons with disabilities in peace, conflict and recovery measures, in line with Security Council resolution 2475 (2019) and the Convention on the Rights of Persons with Disabilities.**

75. **LGBT persons, persons of diverse gender identities, Indigenous Peoples, persons of African descent, minority ethnic communities and others directly affected by conflict must be supported in taking on leadership roles in conflict prevention, recovery and peacebuilding.**

76. **In relation to the participation of women, including victims or potential victims of trafficking:**

(a) **Increased representation of women must be ensured at all levels of decision-making on the prevention, management and response to conflict-related sexual violence, including trafficking;**

(b) **Formal mechanisms should be created to transfer the demands and needs of women, including those deriving from trafficking in persons, into decision-making and peace processes, in line with efforts for the implementation of Security Council resolution 1325 (2000) and the related agenda.**

*Protection measures*

77. **All parties to a conflict must ensure that humanitarian access is maintained to ensure specialized assistance and protection for victims of trafficking, to enable timely identification and to prevent re-trafficking; identification should be undertaken by multi-agency teams, not limited to law enforcement officials.**

78. **Assistance for victims of trafficking should be long term and unconditional, ensuring access to education and training, employment, social protection, safe accommodation and residence, with pathways to citizenship.**

79. **Recalling Security Council resolution 2388 (2017), States must ensure that survivors of trafficking are provided with appropriate care, assistance and services for their physical, psychological and social recovery, in full respect of their human rights and in a manner that takes full account of the extreme trauma they have suffered and the risk of further victimization and stigmatization. Access to sexual and reproductive health care and psychosocial support for survivors of trafficking must be ensured, without discrimination. Non-governmental organizations and service providers assisting trafficked persons, and persons at risk of trafficking, must be supported and provided with the resources needed to carry out their work.**

80. **Recalling Security Council resolution 2467 (2019), States and United Nations entities should ensure the adoption of a survivor-centred approach in the prevention and response to all forms of trafficking in persons.**

81. **Recognizing the positive obligations of States under international human rights law to identify and ensure protection of victims of trafficking, States should take immediate action:**

(a) **To repatriate victims of trafficking and children of victims, ensuring the best interests of the child as a priority and a protective environment for children;**

(b) **Provide consular assistance to all victims of trafficking without discrimination.**

82. Recognizing that recovery and protection requires sustained and long-term assistance, measures to ensure long-term residence permits, access to employment, education and training and social protection, as well as pathways to citizenship, should be provided.
83. For refugees, internally displaced persons and stateless persons, early identification of victims of trafficking and persons at risk of trafficking should be ensured through trauma-informed, gender- and age-sensitive screening measures, ensuring disability inclusion and the rights of persons with disabilities.
84. Effective prevention measures for displaced persons, refugees and stateless persons should be ensured, including through universal birth registration, measures to end statelessness, pathways to international protection, including effective access to asylum, and pathways to citizenship.
85. Recognizing the importance of the non-punishment principle, particularly in relation to trafficking for purposes of forced criminality and trafficking by designated terrorist groups, the Special Rapporteur reiterates the recommendations stated in her report on the implementation of the non-punishment principle (A/HRC/47/34) and highlights the commitment made in relation to objective 10 of the Global Compact for Safe Orderly and Regular Migration to facilitate access to justice and safe reporting without fear of detention, deportation or penalty, focusing on prevention, identification, appropriate protection and assistance, and addressing specific forms of abuse and exploitation.

#### *Accountability*

86. States should devise transitional justice and peacebuilding mechanisms aimed at transforming the structural forms of exclusion and discrimination fuelling the armed violence against LGBT and gender-diverse persons during conflict. For that reason:
- (a) Truth-seeking and justice institutions should underscore the role that social mores concerning sexual orientation and gender identity play in armed conflict, with the purpose of highlighting social patterns and traditions that might have exposed LGBT and gender-diverse persons to violence. These institutions should also communicate the way in which those social mores were integrated into the philosophies and repertoires of violence of armed groups;
  - (b) Peace conversations and negotiations and other peacebuilding-related frameworks should devise special instances and mechanisms to guarantee the meaningful and impactful participation of LGBT and gender-diverse persons in all institutional efforts related to nation-building and reconstruction in the aftermath of conflict;
  - (c) Reparation measures should include special strategies to award gender-sensitive reparations to LGBT and gender-diverse persons, with special focus on rehabilitation, satisfaction and non-repetition.
87. States contributing personnel to peacekeeping operations should ensure the investigation and prosecution of peacekeepers for involvement in trafficking, and prosecute perpetrators without delay, waiving any immunities and ensuring effective protection for whistle-blowers.
88. States, peacekeeping operations and humanitarian actors should ensure the provision of protection services for trafficked persons in conflict and post-conflict situations, including legal aid.
89. Businesses should:

(a) Engage in heightened human rights due diligence that incorporates tools from atrocity prevention and conflict prevention to augment their existing due diligence frameworks, in order to prevent trafficking in persons for all purposes of exploitation and to ensure accountability and access to remedies for victims;

(b) Actively participate in truth and reconciliation processes and provide reparations and guarantees of non-repetition as part of their commitment to building peace and ensuring accountability.

90. States, United Nations agencies and programmes, international organizations and humanitarian actors should:

(a) Establish mechanisms for the systematic investigation of trafficking by international personnel, ensuring accountability and effective access to justice for victims;

(b) Take proactive measures to train personnel to identify, assist and protect trafficked persons and persons at risk of trafficking from the outset of conflict, for all purposes of exploitation;

(c) Include rights-based anti-trafficking measures in protection clusters for humanitarian action and referral pathways and standard operating procedures for reporting and for accessing protection services;

(d) Ensure that monitoring and reporting procedures on grave violations against children in armed conflict incorporate related incidents of trafficking and contribute to investigations into conflict-related trafficking to strengthen accountability.

91. States should:

(a) Ensure the comprehensive application of international humanitarian law, international criminal law, international human rights law and international refugee law to trafficking in persons in conflict situations for all purposes of exploitation, and to both internal and cross-border trafficking in persons, in order to ensure accountability, combat impunity and ensure effective access to justice for trafficked persons;

(b) Ensure the investigation and prosecution of individual members of non-State armed groups responsible for trafficking in persons, under international human rights law, international humanitarian law and international criminal law, when applicable, and ensure effective remedies to victims of trafficking by non-State armed groups; States should strengthen accountability for trafficking in persons by non-State armed groups, including by establishing trust funds to ensure remedies and reparations for victims of trafficking, especially children;

(c) Ensure the investigation and prosecution of members of private military and security contractors and mercenaries involved in trafficking in persons for all purposes of exploitation, including forced recruitment, and ensure access to remedies for victims;

(d) Strengthen international cooperation and mutual legal assistance to ensure effective investigations, including through bilateral agreements and multilateral cooperation and the ratification and implementation of the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes;

(e) Recognizing the significant risks of reprisals against victims and witnesses in conflict situations, adopt the necessary measures to provide effective and appropriate protection to victims, witnesses and members of their families, when necessary (given that the families themselves are sometimes involved in the trafficking), in all investigations of trafficking in persons;

(f) Provide a protective environment for all child victims of trafficking in conflict situations, without discrimination, to ensure the rights and best interests of the child, as required under the Convention on the Rights of the Child, including the child's right to access to justice;

(g) Strengthen capacity for effective investigations and international cooperation in relation to technology-facilitated trafficking, while respecting international law and ensuring the rights of victims to assistance, protection and effective remedies;

(h) Provide training and specialized personnel to ensure capacity and skills to collect and handle electronic evidence and for the storage of digital evidence, complying with international human rights law and ensuring secure forms of electronic cooperation in international cooperation and joint investigations;

(i) Ensure that investigations into missing persons and enforced disappearances also investigate the related risks of trafficking in persons to ensure accountability and access to justice for victims;

(j) Advance the adoption of a convention on crimes against humanity and specifically enumerate trafficking in persons among the list of acts falling within the definition of crimes against humanity, and not only under the act of enslavement;

(k) Ensure that transitional justice processes include trafficking in persons for all purposes of exploitation within the scope of truth recovery, reparations, memorialization, justice and guarantees of non-recurrence, and provide training and specialized personnel for the investigation and reporting of trafficking in persons, especially children.

92. States, international courts and tribunals and transitional justice processes must take all appropriate steps to ensure non-discrimination on the basis of disability and to ensure the provision of procedural and age-appropriate accommodations, in order to facilitate effective access to justice and the participation of trafficked persons with disabilities in all legal proceedings, including identification procedures and at the investigative and other preliminary stages.

93. States must ensure, recalling the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, that victims of conflict-related trafficking in persons are ensured:

(a) Equal and effective access to justice;

(b) Adequate, effective and prompt reparation for harm suffered;

(c) Access to relevant information concerning violations and reparation mechanisms.

94. States and United Nations entities must ensure that investigations into missing persons and enforced disappearances integrate investigations into related risks of trafficking in persons.

95. States and United Nations entities must ensure that transitional justice processes include trafficking in persons for all purposes of exploitation within the scope of truth recovery, reparations, memorialization, justice and guarantees of non-recurrence.

96. States and United Nations entities must adopt legislation providing universal jurisdiction for crimes of trafficking in persons.

97. States and United Nations entities must provide training to build capacity through professional training to ensure consistent application of international humanitarian law, international criminal law and international human rights law to conflict-related trafficking in persons.

*Recovery and peacebuilding*

98. States and United Nations entities must ensure a priority focus on fulfilment of economic, social and cultural rights, to strengthen prevention of trafficking in persons and recovery and reintegration of survivors.

99. States and United Nations entities must fully implement international labour standards, protecting the fundamental rights of workers, ensuring effective access to justice for victims and supporting the participation and leadership of women in design of post-conflict recovery and development planning.

100. Recognizing the humanitarian-development-peace nexus, States and United Nations entities must prioritize measures to combat trafficking in persons for all purposes of exploitation in development planning, in programmes to achieve the Sustainable Development Goals and in humanitarian programming, thereby ensuring the achievement of gender equality.

101. United Nations investigative mandates and fact-finding bodies should consistently investigate trafficking in persons for all purposes of exploitation, including by non-State armed actors, paying particular attention to the gender dimensions of trafficking in persons and to trafficking in children.

102. In the planning of disarmament, demobilization and reintegration programmes, particular attention must be paid to the needs of female ex-combatants and dependents of combatants or other people directly participating in hostilities, including by identifying and referring to appropriate protection services any person who was forcibly recruited into armed forces or armed groups or forced to commit crimes as a result of being trafficked, ensuring non-punishment, access to justice and assistance and protection measures.

103. Robust measures must be taken to implement the United Nations policy of zero tolerance of sexual exploitation and abuse and the Secretary-General's strategy to prevent and respond to sexual exploitation and abuse, in particular by taking appropriate measures to put into place a victim-centred approach that assists victims in claiming their rights, including access to justice and to remedies.