

Modern slavery and trafficking in conflict: The UN's response



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Author: Anna de Courcy Wheeler.
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Cover image:
Children look out at the sunset over the Bamarne IDP camp in northern Iraq. © Andrew McConnell/Panos for DFID

Abbreviations

AML	Anti-Money Laundering
CTF	Counter-Terrorism Financing
EU	European Union
FATF	Financial Action Task Force
Glo.Act	Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants
IASC	Inter-Agency Standing Committee
ILO	International Labour Organization
IOM	International Organization for Migration
OECD	Organization for Economic Cooperation and Development
OHCHR	United Nations Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
SDGs	Sustainable Development Goals
SRSR CAC	Special Representative of the Secretary-General on Children and Armed Conflict
SRSR SVC	Special Representative of the Secretary-General on Sexual Violence in Conflict
UNDPKO	United Nations Department for Peacekeeping Operations
UNFAO	United Nations Food and Agriculture Organisation
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNODC	United Nations Office on Drugs and Crime

Executive summary

Violent conflict greatly increases the vulnerability of civilian populations to human trafficking and slavery. Refugees and other migrants displaced by conflict are particularly vulnerable to this extreme form of exploitation. As the international community struggles to respond to increasing levels of conflict and the consequent, unprecedented, scale of human flight, it is imperative that the United Nations, Member States and all stakeholders work together to ensure that the world's most vulnerable are protected from trafficking in and beyond conflict.

While the anti-slavery movement has begun to make significant progress in recent years, the response is yet nowhere near equal to the challenge. But the focus of UN and world leaders on modern slavery does provide a foundation to build upon. In July 2016, UK Prime Minister Theresa May said eliminating modern slavery is "the great human rights issue of our time."¹ Leaders from U.S. President Barack Obama to Pope Francis have stressed the moral imperative to combat human trafficking and end slavery. And in December 2015, the United Nations held its first thematic debate on human trafficking, with a call for the UN Secretary-General to address and prevent trafficking in conflict.

The inclusion of modern slavery and human trafficking at the highest levels of the international agenda is a welcome development, as is the surge of activity among UN agencies and Member States to tackle these crimes. However, despite growing awareness of modern slavery, the UN's response has been fragmented and uncoordinated. There is a real danger that the anti-slavery momentum built over the past year will be squandered without high level UN-leadership, much greater Member State engagement, and focussed interagency cooperation.

This report assesses the UN's role in addressing trafficking in conflict and provides recommendations for strengthening its efforts. It finds that the UN system should work more effectively to help countries tackle slavery in conflict, in part by appointing a Special Coordinator on Modern Slavery. Much closer collaboration should be encouraged between anti-slavery experts and humanitarian practitioners working in conflict zones to help close the gap between high level commitments in Western capitals and the reality on the ground for vulnerable people in crisis. Without more attention to frontline humanitarian action on slavery and trafficking, as well as significantly increased coordination and leadership within the UN and a broader approach to accountability and consequences, positive intentions will fail to translate into real change for the victims of modern slavery.

Eradicating slavery and trafficking is well beyond the capacity of any one country or UN agency. All parts of the UN system, states and civil society will need to work strategically together if we are to see real progress. Stronger and coordinated multilateral action is essential – for, without it, the world's most vulnerable will continue to be horrendously exploited.

Recommendations

UN leadership and coordination

1.

The UN Secretary-General should:

- a. make combatting slavery and human trafficking one of the key areas of focus for the Office of the Secretary General over the next five years,
- b. remind States Parties to the 1926 Slavery Convention, the 1950 Trafficking Convention, and the 1956 Supplementary Convention on the Abolition of Slavery specifically of their obligation to report to him any laws which they have enacted to give effect to those instruments

2.

Making it clear that all parts of the UN system must work more effectively together to help countries tackle slavery and trafficking in conflict zones, the Secretary-General should appoint, for a time-bound period of three years, a Special Coordinator on Modern Slavery tasked with:

- a. providing coherent and strategic leadership, to work towards the creation of effective United Nations coordination mechanisms, and to engage in advocacy efforts with governments and civil society, in order to address, at both headquarters and country level, issues of forced labour, slavery, and trafficking, while promoting cooperation and coordination of efforts among all relevant stakeholders²;
- b. reporting annually on system-wide efforts to end modern slavery including forced labour and trafficking in conflict;
- c. developing effective supply-chain measures to ensure that legitimate businesses do not unwittingly encourage human trafficking from conflict zones. These could draw on lessons learnt from the corporate due diligence guidelines on conflict minerals, as well as recent legislation and regulation in some Member States on supply chain transparency.

3.

The Secretary-General should encourage thematic Special Representatives to report on the ways in which trafficking in conflict and slavery more broadly intersect with their mandates, and include this in their briefings to the Council.

4.

The UN Security Council should convene an annual open thematic debate to explore the links between modern slavery, human trafficking, and threats to international peace and security.

Humanitarian action

5.

The Inter-Agency Standing Committee (IASC) should issue policy guidance for incorporating anti-slavery and counter-trafficking measures into humanitarian response in conflict and other humanitarian emergencies.

6.

UNHCR, as the Global Protection Cluster lead agency, should work with IOM, UNODC and other partners to urgently mainstream awareness of anti-slavery and counter-trafficking into the humanitarian response cluster systems and protection mechanisms. It should also consider the establishment of a new Area of Responsibility (AOR) to ensure that there are clear mechanisms to incorporate anti-slavery and anti-trafficking interventions into humanitarian action.

7.

The IOM and UN agencies operating in crisis-affected areas should at the onset of crisis take protective and preventive anti-slavery and counter-trafficking measures such as awareness raising and sensitisation sessions for civilians vulnerable to being trafficked.

8.

The IOM should be encouraged to develop and regularly update training modules aimed at building capacity within UN agencies and among other humanitarian and security actors to prevent, identify, and address human trafficking during crises. Much closer collaboration should be encouraged between anti-trafficking experts and humanitarian practitioners working in conflicts and crisis zones.

9.

Member States should re-evaluate their immigration and refugee policies and rhetoric in light of indications that these could be contributing to increased vulnerability to trafficking in conflict. They should also ensure that refugees have effective access to assistance and protection, irrespective of their legal status. To reduce vulnerability in host countries, governments should consider mitigating measures including the adoption of temporary residency and employment measures that would allow refugees to seek jobs or other economic opportunities legally and transparently.

Accountability

10.

The UN Security Council should include references to human trafficking in its sanctions listings and in Resolutions establishing new sanctions in order both to curb the financial gains armed groups secure by engaging in trafficking and, through the investigations of the sanctions committee's monitoring teams, to better understand the involvement of armed groups in human trafficking in conflict.

11.

The Security Council should increase efforts to strengthen the capacity of national institutions to ensure accountability for human trafficking and modern slavery including for sex slavery in

conflict, and encourage Member States to wherever possible use their national criminal justice systems to prosecute such crimes.

12.

The Security Council should encourage the robust application of the Financial Action Task Force's (FATF) Recommendations to cases involving human trafficking and modern slavery in conflict. It should also encourage the FATF to

- a. systematically assess the vulnerabilities of banking and other sectors to involvement in the laundering of funds flowing from modern slavery and human trafficking, including in conflict and other crises;
- b. develop "red flag" indicators to better identify such funds

13.

The UN should work to ensure that its procurement and other activities do not contribute to trafficking in conflict; modern slavery must be cut out of supply chains. The incoming Secretary General should request a review of UN supply chains to assess the risk that they contribute to human trafficking and modern slavery in conflict and set out clear steps for UN agencies to take to mitigate this risk; and urge all Member States to do likewise.

14.

The UN should encourage efforts by the private sector to prevent and disrupt human trafficking in conflict, in line with the corporate Responsibility to Respect human rights reflected in the UN Guiding Principles on Business and Human Rights. It should establish a Group of Experts to report on the utility of enhanced due diligence guidance to protect specific industries against involvement in human trafficking in conflict, including the global employment and recruitment agency sector, and the international communications technology (ICT) sector.³

Slavery and human trafficking: an enduring risk

In December 2015 the United Nations Security Council held its first ever thematic debate on human trafficking, focussed in particular on trafficking in conflict.⁴ The Freedom Fund's CEO Nick Grono⁵ and Nadia Murad Basee Taha⁶, a Yazidi survivor of enslavement by the Islamic State, were asked to brief the Security Council. The outcome of the debate was a Presidential Statement⁷ calling, among other things, for the United Nations Secretary-General to report back to the Security Council in twelve months on progress in achieving measures to better tackle trafficking in conflict as outlined in the Statement. Eleven months later, and ahead of the planned Secretary-General report, this policy report reviews what action has been taken or initiated thus far at the international level, and suggests additional steps that could be taken to strengthen the UN and Member States' response to slavery and trafficking in conflict.⁸

This inclusion of human trafficking and modern slavery in the Security Council agenda was in part a response to the open promotion and practice of enslavement by the Islamic State (ISIS) and Boko Haram, particularly of women and girls for the purposes of sexual slavery and of children as labourers, fighters and suicide bombers. During the UN Security Council debate, Nadia Murad gave a powerful and wrenching account of the abuses she suffered, declaring "[the] Islamic State didn't come to kill the women and girls, but to use us as spoils of war, as objects to be sold with little or to be gifted for free".

The inclusion of trafficking also indicated increased awareness of the enduring scale of slavery and trafficking in the modern world, as well as growing concerns over the vulnerability to extreme exploitation of refugees and others displaced by conflict. In 2016 the Global Slavery Index estimated that as many as 45.8 million people are subject to some form of modern slavery today⁹, in an industry that the International Labour Organization (ILO) estimates generates \$150 billion USD in annual illegal profits.¹⁰ Modern slavery takes many forms, from traditional forms of chattel slavery - such as that promoted by ISIS in Syria and Iraq and Boko Haram in Nigeria - to debt bondage, and

from forced marriage to the illegal exploitation of children, including in the sex industry and in conflict. It is an umbrella term that encompasses a variety of situations in which one person is forcibly controlled by another for the purposes of exploitation.¹¹ It persists despite being recognised as illegal in every state in the world, and despite its global prohibition being one of the strongest norms of international law.

The increased international attention to the dangers of trafficking in conflict signalled by the UN Security Council debate and Presidential Statement also reflects a growing risk: the world is struggling to effectively respond to both a global refugee crisis and to the growing levels of deadly conflict that are generating unprecedented levels of human flight. The UN has recorded some 65 million forcibly displaced persons globally, including over 21 million refugees, 3 million asylum-seekers and over 40 million internally displaced persons - the highest levels since the Second World War.¹² Half of all refugees in 2015 were children.¹³ In this global context, the protection of the world's most vulnerable, including from extreme exploitation, is ever more pressing. Yet thus far the response of the UN and world leaders has been markedly inadequate compared to the scale of the catastrophe.

Against this backdrop, the UN Security Council debate nevertheless marked an important step for the anti-slavery movement, indicating significant progress in elevating concerns about modern slavery and human trafficking up the international agenda. This progress was also reflected in the inclusion of a target to end modern slavery in the Sustainable Development Goals (SDGs). There is also an increased recognition of the ways in which slavery crimes intersect with other international concerns around peace and security, such as terrorism, corruption, bribery and money laundering.

The Presidential Statement adopted by the Security Council at the debate's conclusion set out measures for Member States and UN agencies aimed at tackling the problem, suggesting a genuine willingness to strengthen the international response to modern slavery and trafficking. The measures set forth ranged from improving victim identification and assistance, to increasing accountability and calling on states to mitigate the risk of trafficking in their own public procurement and supply chains. Notably, the statement also requested that the UN Secretary-General report back, within a year, on steps taken within the UN system to "implement better existing mechanisms countering trafficking in persons" and to carry out the measures set out in the Statement.

"[the] Islamic State didn't come to kill the women and girls, but to use us as spoils of war, as objects to be sold with little or to be gifted for free"

Yazidi survivor of enslavement
by the Islamic State

Image © The Freedom Fund



Signs of progress

Momentum has clearly been building on tackling slavery and trafficking, at both the multilateral level at the UN and among individual Member States. The December 2015 Presidential Statement has been referred to in a number of subsequent debates and reports on a wide range of issues before the UN Security Council and Human Rights Council, and has over the last eleven months prompted greater attention and higher levels of commitment to anti-slavery efforts. A notable number of high-level meetings, debates and reports to the UN's General Assembly and Security Council have also dealt, both directly and indirectly, with human trafficking and modern slavery in and beyond conflict.

The language of both slavery and trafficking, issues previously too often relegated to a worthy but niche concern, has made its way into major reports by the Special Representatives of the Secretary General (SRSG) on Children and Armed Conflict¹⁴ and on Sexual Violence in Conflict, both of whom emphasised the significance of sexual exploitation, trafficking and the slave trade in conflict. In particular, SRSG Zainab Hawa Bangura reported on the "commodification" of the bodies of women and girls in conflict, and decried "the revival of the slave trade in our own life and times" as she briefed the UN Security Council on her annual report on conflict-related sexual violence.¹⁵

The June 2016 report of the Secretary-General on conflict-related sexual violence similarly highlighted the particular risks of exploitation introduced or exacerbated by conflict, noting that:

"increased debt and dependency on humanitarian assistance have led many displaced families to rely on harmful coping strategies, such as the early marriage of girls... Abduction for the purposes of sexual slavery or forced marriage to combatants also appears to be on the rise. Armed groups often view the civilian population as a resource to be exploited, seeing women's sexuality and fertility as commodities to be 'owned', trafficked and traded as part of the political economy of war".¹⁶

The Human Rights Council Special Procedures also gave significant attention to modern slavery and human trafficking, particularly the UN Special Rapporteur on Trafficking in Persons who submitted a detailed report on trafficking in conflict and post-conflict situations, and in July 2016 convened a multi-stakeholder expert meeting aimed at identifying good practice in tackling trafficking and forced labour.¹⁷ Experts also gathered at Grace Farms¹⁸ where the United Nations University hosted a two-day workshop bringing together experts from the UN, national law enforcement, financial intelligence, media and civil society. The workshop and its conclusions, *Fighting Human Trafficking in Conflict: 10 Ideas for Action by the United Nations Security Council*¹⁹, further moved the anti-trafficking agenda forward with concrete suggestions for immediate and longer-term action at the highest levels of the UN.

Alongside these high-level meetings and reports, there have also been several working-level events and technical initiatives, with practitioners, government leaders and specialists contributing to discussions and plans centred on combatting slavery and trafficking. For example, the Migrants in Countries in Crisis Initiative (MICIC) is a state-led undertaking established in 2014 in partnership with the International Organisation for Migration (IOM)²⁰ aimed at improving the ability of states and other stakeholders to protect migrants affected by crisis situations and reduce their vulnerability. In June 2016, MICIC published their guidelines after eighteen months of extensive consultation.²¹ Though voluntary and non-binding, the guidelines go some way towards better equipping states, international organisations, civil society, the private sector and other actors in emergency response, post-crisis action and even crisis preparedness. Vulnerability to trafficking and other forms of slavery including bonded labour are referred to throughout the guidelines, a clear indication of the degree to which these concerns are resonating with other subject-matter experts and agencies.

A four-year joint initiative by UN Office of Drugs and Crime (UNODC) and the European Union, implemented in partnership with UNICEF and the IOM, and focussed on assisting a range of selected countries, also became operational in 2016. The *Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants (Glo.Act)* aims to work with 13 countries to build capacity, provide legislative assistance, and enhance regional cooperation, protection and assistance. UNODC has also continued to concentrate efforts at the national level to increase accountability. It has led a number of technical workshops focussed on strengthening criminal justice capacity, including in Algeria, Morocco, Tunisia and Macedonia, as part of a broader strategy to strengthen investigations into and prosecution of trafficking in order to deter and effectively punish those responsible.²²

The inclusion of language on ending modern slavery and human trafficking in the 2030 Agenda for Sustainable Development²³ also marked a significant step forward in putting slavery on the agenda of not just the UN Development Programme, but development agencies and civil society worldwide. Under SDG targets 5.2, 8.7, and 16.2, UN Member States committed to ending forced labour, modern slavery, the worst forms of child labour (including child soldiering) and human trafficking. In 2016 the ILO launched "Alliance 8.7"²⁴ to coordinate efforts to fulfil the world's promise to "[t]ake immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms". The Alliance was established as an inclusive multi-stakeholder initiative that will bring together governments, UN agencies, regional actors, workers' and employers' organisations, civil society and others supportive of the aims set out in SDG 8.7.

The U.S. Mission to the United Nations is also seeking to broaden the range of actors committed to ending modern slavery in business supply chains, from corporations and consumers to governments and activists. To this end it has established "The Dignity Partnership to End Forced Labour in Supply Chains," a collaboration between several states and representatives from the private sector aimed at raising awareness of human trafficking in supply chains within the broader context of SDG targets. Both these initiatives are now focussed on the considerable challenge of mobilising state commitments in order to see real change in areas where slavery, trafficking and other forms of severe exploitation thrive.

There is no doubt that at UN headquarters, and within many UN agencies, there has been increased attention to the risks of human trafficking in conflict and slavery more broadly, as well as the ways in which those risks might be heightened in times of conflict. There has also been significant discussion of how to mitigate such risks. However, many of these discussions have taken place in capital cities far from conflict or crisis, and have not fully engaged leading humanitarian organisations or practitioners operating in humanitarian emergencies. A clear exception was a side-event at the World Humanitarian Summit in May, where the United States government and UNODC held an event on human trafficking in the context of humanitarian situations that successfully included humanitarian agencies, Non-Governmental Organisations (NGOs) and other civil society invested in improving humanitarian action. Broadly, however, there is a danger that without more attention to frontline humanitarian action on slavery and trafficking, as well as significantly increased coordination and leadership within the UN and a broader approach to accountability and consequences, the momentum and positive intentions tangible in Western capitals and at UN headquarters will fail to translate into real change for the victims of human trafficking in conflict.

Multilateral action and coordination

Since late 2015, there has been a surge in activity to combat modern slavery and trafficking within the UN system, including on sexual exploitation, forced labour and global supply chains. And there is much to be welcomed, not least because continued high-level engagement, such as efforts to ensure these concerns and crimes remain high on the Security Council's agenda, will be essential to drive anti-slavery activities forward.

Ending slavery lies at the core of the UN's mission and objectives. As an egregious abuse of individual human dignity, modern slavery cuts to the heart of the global human rights agenda, but it is also intrinsically linked to human security and economic development, something that has been acknowledged by its inclusion in the Sustainable Development Goals. Most notably in this context, slavery's links to international security and conflict – both in terms of being a source of revenue for terrorist and organised criminal groups, and because conflict and instability are key drivers of increased vulnerability – have been recognised by its inclusion in the UN Security Council's agenda, albeit in this instance constrained to the particular form of human trafficking in conflict.

Yet at the same time, there is a danger that this increased understanding and growing activity on modern slavery will be undermined by a continued failure to fully recognise the cross-cutting nature of the issue, ongoing disputes over terminology and a tendency among UN agencies to work in silos. The complex nature of human trafficking in conflict, and indeed of all forms of modern slavery, necessitates a collaborative and integrated response among UN agencies, as well as strong political leadership from the incoming Secretary-General and Member States.

To date, numerous UN entities and agencies have played key and influential roles on bringing awareness to, and directing action on, various aspects of modern slavery. Most notably, UNODC, tasked with the promotion and implementation of the UN Trafficking Protocol, has worked actively to increase both knowledge and national capacity on trafficking. The ILO has been similarly active on

forced labour and remains a forceful and effective promoter of respect for anti-slavery norms, and IOM has provided active programming and evidence in recent years about how to address human trafficking and exploitation in times of crisis.²⁵ At the same time, the UN Human Rights Council and the UN High Commissioner for Human Rights have also been active on slavery and trafficking for a number of years.

Unfortunately, despite increased attention and activity, the UN response has remained institutionally fragmented. There is no clear centre of gravity for efforts to end slavery in all its forms, from human trafficking – the process by which many become enslaved – to forced labour, child soldiering, and sexual exploitation. Instead, policy responses are largely formulated within and rolled out by separate agencies depending on the form of slavery encountered. Although there have been attempts at joint action and coordination, interagency cooperation is usually conducted on an ad hoc basis, dependant on the particular project. Consequently, with the exception of positive examples such as Glo.Act which brings together UNODC, UNICEF and the IOM, the UN's response to slavery has been and continues to be patchwork. There is a real danger that the momentum built over the past year will be squandered without a coordinated and system-wide effort.

Without efforts to achieve a broad strategic vision at the UN, and a mechanism by which its various initiatives can be pulled together and coordinated. A Special Coordinator on Modern Slavery could act as such a mechanism by providing coherent and strategic leadership, engaging in advocacy efforts with governments and civil society, and promoting cooperation and coordination among stakeholders. All parts of the UN system need to work more effectively together to tackle trafficking in conflict, and slavery more generally, and without a strong vision and coordination, there is a danger that various initiatives will continue to be piecemeal and fail to achieve real systemic change for victims.

Continued engagement and clear direction from the UN Security Council and the Office of the



United Nations Headquarters in New York
Image © United Nations

Secretary-General will be essential to driving the broad anti-slavery agenda forward. For half a century the Secretary-General has seldom used his established mandate to foster cooperation and to assist states in carrying out their legal obligations in regard to anti-slavery and anti-trafficking. This privileged position flows from a number of legal instruments: the 1926 Slavery Convention, the 1950 Trafficking Convention, and the 1956 Supplementary Convention on the Abolition of Slavery.²⁶ Under these conventions, States Parties

“undertake to communicate” to the Secretary-General any laws which have been promulgated to give effect to those legal obligations. Further, by virtue of the 1956 Supplementary Slavery Convention, a majority of United Nations members have undertaken to “co-operate with each other and the United Nations to give effect” to this instrument.²⁷ As a result, the Secretary-General already has a mandate to carry out activities in this area, and could do so beyond any mandate given to him by the UN Security Council.

Frontline humanitarian response

Rising deadly conflict is driving millions from their homes.

The seemingly intractable wars in Syria, Afghanistan, and Somalia alone are responsible for more than half the world's refugees.²⁸ The number of displaced, internally and across borders, has topped 65 million, the largest figure ever recorded. Half of all refugees in 2015 were children, many of whom are unaccompanied by adult family members.²⁹ Conflict is driving humanitarian catastrophe, not just in conflict-affected states themselves, but in neighbouring states who are struggling to deal with the economic, social and political pressures caused by an influx of refugees. The biggest burden is borne by states closest to the unfolding humanitarian crises, states like Lebanon, Turkey and Pakistan.

At the same time, as the crisis grows several states have responded by tightening their borders. In Europe, at least €17 billion has reportedly been spent since 2014 on curbing migration and asylum-seeking, with the political emphasis by Western states placed on deterring those on the move.³⁰ Far less attention has been given to efforts to make people safer, including the adequate resettlement of refugee populations such as those fleeing the conflict in Syria. Instead, states such as Greece, struggling with a deep financial crisis, or Lebanon, with a country of just 4.5 million, have been left to manage and respond to the crisis on their own. The absence of a sufficient global resettlement plan has only contributed to the risk of exploitation faced by populations fleeing conflict. The IOM recently reported that over 70% of migrants travelling overland through north Africa to Europe had been victims of human trafficking, forced labour and other forms of exploitation such as organ and blood trafficking during their journey.³¹

Refugees and migrants are increasingly resorting to covert routes to safety, as legal pathways are perceived as more difficult to access. For unaccompanied children on the move, this can result in them deliberately avoiding contact with others. These children struggle to access basic

services and become increasingly isolated, making them highly vulnerable to violence, exploitation and abuse.³² Covert transit routes are not the only danger. Even upon arrival in another state, refugees remain highly vulnerable to exploitation. The criminalisation and detention of irregular migrants can lead to increased vulnerability, for example in Libya where detained refugees and migrants have reported sexual exploitation, forced labour and other violence. The result is that those who have been exploited are afraid to report their experiences and seek assistance.³³ Where refugees have no opportunity to work legally, and where they are living in abject poverty with children unable to attend school, their desperation leaves them vulnerable to exploitation as they struggle to find ways to simply survive. Where their legal situation is precarious, they are vulnerable to abuse by employers. In Lebanon, stringent residency renewal regulations imposed on Syrian refugees have left them at the mercy of their employer "sponsor," vulnerable to forced labour or sexual slavery.³⁴

Consequently, tackling the problem of trafficking in conflict will require serious attention to the shortcomings of the current response to the global refugee crisis, including the ways in which the policies of Member States could be exacerbating the vulnerability of those in flight to serious exploitation and abuse. On 19 September 2016, the UN General Assembly held a one-day Summit for Refugees and Migrants with the aim of agreeing a Declaration to start negotiations on a comprehensive Refugee Response Framework. This framework is intended to lead to a Global Compact on Refugees and a Global Compact for Safe, Orderly and Regular Migration, both due for adoption in 2018. The Summit's non-binding Outcome Document struck some as falling short of what is needed in light of the scale of the current refugee and migrant crisis.³⁵ There was, however, for the first time significant acknowledgement of the risks of human trafficking and inclusion of several commitments to combatting them, suggesting that the dangers of human trafficking and modern slavery are at last being integrated into UN action in other spheres. The Outcome Document also reaffirmed the rights of all refugees and migrants,

something that was sorely needed at a time when national rhetoric in several Western and other affected states tilts increasingly towards the kind of xenophobia and exclusion that, when heaped on top of poverty and the daily struggle to survive, renders many refugees and migrants so vulnerable.

A Summit on Refugees hosted by U.S. President Obama on 20 September resulted in 18 developed countries announcing plans to increase legal routes for access for refugees, and 15 – including Jordan and Turkey, who are hosts to the largest populations of refugees fleeing the current conflict in Syria – committing to measures to help expand refugees’ access to work. Though significantly more promising in terms of specific and concrete pledges, particularly those that will reduce the vulnerability of refugees to trafficking and modern slavery, uncertainty remains over whether, when and to what degree the pledges will be implemented.

For there is a danger that the increased number of international events in world capitals like New York, Geneva and Vienna will not translate into outcomes for the world’s most vulnerable people who are living, surviving and moving through conflict-affected areas. Particularly as UN-led efforts thus far have been fragmented – on slavery broadly, and on trafficking in conflict in particular. This fracturing is concerning when it occurs between those working at UN headquarters and northern capitals, and those humanitarians working inside conflict zones and directly with affected populations. One humanitarian worker described the two as “parallel universes”³⁶ and humanitarian practitioners were notably underrepresented in several of the events held on trafficking in conflict and on slavery and forced labour more broadly.

Refugees and migrants are increasingly resorting to covert routes to safety, as legal pathways are perceived as more difficult to access.

This may be because the current humanitarian system is overstretched with the Syria crisis and other situations drawing away limited attention, staff and donor support. However, it is a significant oversight, because frontline humanitarian workers are often already identifying modern slavery in their assessments and grappling with how to respond to it in ways that are effective and adhere to humanitarian principles. For example, various programs to address the risks and effects of child soldiering, forced marriage or sexual exploitation are already part of humanitarian efforts on protection more broadly. But frontline humanitarian work is not necessarily understood in the context of top-level anti-slavery or anti-trafficking efforts. This means opportunities to share expertise, collect valuable data, refine programming, and improve the outcomes for survivors are lost.

Despite a strong commitment to human rights and protection at the highest levels of UN agencies³⁷, efforts to reduce vulnerability to human trafficking and modern slavery have traditionally been, and are in danger of remaining, largely overlooked in emergencies. For example, the Lebanon Crisis Response Plan 2015-2016, through which the UN and the Lebanese government coordinate their humanitarian response to the Syria crisis, barely mentions slavery and trafficking.³⁸

Progress has also been hampered by the tendency among some agencies to take a reactive approach to anti-trafficking efforts and the fact that is often overlooked as a direct consequence of conflict and other humanitarian crises. It is rarely understood in terms of an urgent and immediate protection need, and therefore a priority; the temptation is to wait until evidence of trafficking is found and then to respond, which in turn can skew the focus toward solutions driven by a criminal justice approach. Evidence and data collection have a fundamental place in anti-slavery and anti-trafficking efforts – both in terms of understanding the problem more fully, and by providing redress and hopefully some measure of deterrence. But they should not come at the expense of working to mitigate vulnerability and the risks of trafficking and enslavement from the very onset of an emergency. A response that



Turkey is currently hosting over 2.5 million registered Syrian refugees and most of the over one million migrants and refugees who reached the EU in 2015 came via Turkey.
Image © European Union 2016 - European Parliament

is purely reactive risks failing potential victims by missing crucial opportunities to protect the most vulnerable from exploitation. Instead, in areas experiencing conflict or hosting large numbers of forcibly displaced people, identifying and tackling the risks of forced labour and other forms of slavery and human trafficking at an early stage can have a significant impact in reducing the vulnerability of those already suffering from violence and war.

In crises, much of the international community's humanitarian assistance is coordinated through the Inter-Agency Standing Committee (IASC) and the cluster system. At a global level, this draws together UN agencies and non-UN organisations (such as the Red Cross and Red Crescent Movement and NGOs); at the local and national level, this involves other relevant actors including civil society and legal authorities. Clusters can provide vital inter-

agency coordination aimed at ensuring a coherent and complementary approach to humanitarian response. Though mentioned briefly in some of the IASC's operational guidance documents, the dangers of human trafficking and slavery in crises, including in conflict, are for the most part not systematically integrated into humanitarian response.

This is particularly disappointing because not only is the humanitarian community at the forefront of preventing abuses during conflict, but it has also already developed useful tools and approaches that could be used to tackle human trafficking and other forms of slavery in humanitarian crises. The Global Protection Cluster, established in 2005 with the task of supporting protection responses in non-refugee situation humanitarian action (often involving internally displaced persons) as well as

setting policies and standards relating to protection in humanitarian emergencies, is widely cited as highly effective. Two of its “Areas of Responsibility (AORs)” – the sexual and gender-based violence AOR and the child protection AOR – already address a range of slavery-related abuses, including through monitoring the recruitment of children in conflict and leading rehabilitation efforts, taking action to prevent sexual assault and abduction of women and girls, and providing services for survivors of rape and forced sexual exploitation. The mainstreaming of anti-slavery and counter-trafficking work through the cluster system, including attention to forms of forced labour and recruitment that affect men, and the creation of an AOR on slavery and trafficking, could go a significant way towards promoting better coordinated action and ensuring frontline staff are better trained in identifying and addressing the risks of trafficking and slavery.

The significant expertise and influence of the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) within the international humanitarian system could also be better leveraged. As a non-operational agency, its core mandate includes humanitarian coordination and policy formation and advocacy at both the global and local levels. In this respect, it is especially well positioned to work with agencies experienced in operations relating to displacement, migration and refugee crisis (such as UNHCR, UNICEF and IOM) to make the links that have so

far been missing. It could also do more to encourage the sharing of expertise from human rights and development workers, many of whom have deep experience of countries pre-conflict and expertise on population vulnerabilities that emergency humanitarian responders may be unaware of. Yet despite its ability to act as a neutral broker of common humanitarian goals, UNOCHA has not been especially visible in discussions over the last year on the UN’s overall response to trafficking in conflict. IOM, which recently affiliated with the UN in September 2016, has been working to bridge the gap between the trafficking experts and humanitarian responders. Various governments, particularly the United States, have sponsored fora and trainings to achieve this goal, but more could be done. Connections must also be made with human rights and development workers with experience in crisis countries pre-conflict who will likely have a deep understanding of power relations and potential vulnerabilities.

A prevention-focussed and inclusive approach that would draw humanitarian responders already grappling with the protection of vulnerable populations into the broader UN discussions on ending slavery and human trafficking offers significant opportunities for increased protection for those most at risk. It could also potentially provide additional and better data on vulnerability, as well as frontline practitioner experience, to the higher levels of UN agency discussions and policy formulation on slavery. Without concerted efforts to fully and deeply engage the international humanitarian system, and to educate and increase the skills of frontline humanitarian workers, we risk failing to translate high-level momentum into field-based initiatives that actually make a real difference protecting populations vulnerable to trafficking in conflict and supporting victims and survivors.

A response that is purely reactive risks failing potential victims by missing crucial opportunities to protect the most vulnerable from exploitation.

Accountability and consequences

A central thrust of the Security Council's Presidential Statement was a call for accountability, including for Member States to "hold accountable those who engage in trafficking in persons in situations of armed conflict". The call was sorely needed. The small number of criminal prosecutions globally stands in stark contrast to the much higher number of estimated victims. Criminal justice systems are failing to combat human trafficking and modern slavery in all contexts, during peacetime and war.

At the UN, there have been efforts to increase the number of prosecutions around the world. Notably, UNODC's Global Programme against Trafficking in Persons has been working to train criminal justice practitioners from across the globe, providing technical assistance to a wide variety of states. Many states have developed national action plans to strengthen the national legal criminal response to trafficking and slavery, and cross-border cooperation is increasingly emphasised at the regional level, such as the Bali Process and the European Union.

At the international level, the Prosecutor of the International Criminal Court, Fatou Bensouda, has committed to use the tools available to her to fight slavery, and there is growing recognition among Member States and the international community that trafficking in conflict constitute not only war crimes, but where such abuses are systematic and widespread, crimes against humanity. In the case of the Islamic State, there are growing calls for their crimes against Yazidis to be named as genocide, and for action to be taken to ensure criminal accountability. In June 2016 the UN Human Rights Council-mandated Independent International Commission of Inquiry on Syria reported its conclusions that the Islamic State is committing genocide against Yazidis and stressed that there must be no impunity for such a crime.³⁹ Unfortunately, avenues for legal action are less clear than the need for accountability. Efforts to encourage the UN Security Council to refer the situation to the International Criminal Court⁴⁰ or commit to establishing an ad hoc tribunal have been unsuccessful. More promising are the possibilities for prosecution of international crimes - including trafficking in conflict - by national

courts. In September 2015, the UN and Iraq's Baghdad government signed an agreement aimed at improving accountability for sexual violence in conflict, including Islamic State crimes against Yazidi women and girls, by strengthening Iraq's legal framework, putting in place procedures to compensate victims and increasing the collection of evidence. Other states, many of whom have significant investigative and prosecutorial resources, could also prosecute Islamic State and other war crimes and crimes against humanity, including enslavement and trafficking. Indeed cases have already been brought in Sweden and Finland, and in December 2015 a Swedish District Court convicted two men of terror crimes committed in Syria in 2013.⁴¹

The UN's credibility in driving accountability efforts for trafficking and slavery crimes are, however, undermined by its limited success in providing accountability for such crimes committed within its own ranks. In recent decades there have been persistent allegations of sexual abuse and exploitation, including of large numbers of children, by UN peacekeepers, most recently in Haiti and in the Central African Republic where victims reported peacekeepers demanding sex in exchange for food and other vital aid. This is not a new phenomenon - in 1996 a UN study on *The Impact of Armed Conflict in Children*⁴² noted that in half of the countries studied, the arrival of peacekeepers had seen a rapid rise in child prostitution. The UN response has widely been viewed as inadequate, with allegations of cover-ups, punishment of whistle-blowers and inaction when it comes to holding perpetrators to account.⁴³

Recognising this, the December 2015 Presidential Statement "requests the Secretary General to identify and take additional steps to prevent and respond robustly to reports of trafficking in persons in UN peacekeeping operations with the objective of ensuring accountability for exploitation".⁴⁴ There had already been some progress towards increased accountability: in June 2015, amid increased high-level attention to the problem, growing media and public awareness and mounting pressure from advocacy groups, UN Secretary-General Ban

Ki-Moon announced the creation of an External Independent Panel to examine the UN's handling of allegations of sexual exploitation and abuse by peacekeepers in the Central African Republic. The report, issued in December 2015 shortly after the Presidential Statement on Trafficking in Conflict, was scathing, labelling the UN's response as "seriously flawed...fragmented and bureaucratic".⁴⁵

In June 2016 the Secretary-General set out more details of the UN's response in his report on combatting sexual exploitation and abuse. Measures included the appointment in February of a Special Coordinator on Improving the UN Response to Sexual Exploitation and Abuse with a time-bound mandate to organise, unify and prioritise prevention and response measures; mapping and gap analysis of system-wide policies and procedures that apply to sexual exploitation; the introduction of a requirement for all troop-contributing countries to conduct pre-deployment training to UN standards on sexual exploitation and abuse; and the establishment of a trust fund to support victim services, including medical, psychological and legal support. In addition, in her June 2016 report to the UN Security Council, SRSG on Sexual Violence, Zainab Bangura, for the first time included references to sexual exploitation by UN peacekeepers, suggesting its shift to a mainstream concern rather than solely a conduct and discipline issue to be dealt with internally by the UN Department for Peacekeeping Operations.

Though such efforts should be lauded, there is a risk that, as with other reforms and measures put in place in previous years to redress these abuses, and as with many of the broader anti-slavery and anti-trafficking initiatives, there will be a lack of implementation and enforcement on the ground. Though there have been significant efforts to improve accountability in national jurisdictions for peacekeeper crimes, the judicial systems of several troop-contributing countries are weak, their rule of law eroded and gender-based crimes in particular are in danger of not being treated with the seriousness they deserve. Yet enforcement is crucial, not just to fulfil state obligations to victims

and to improve deterrence, but because there is a significant danger that any continued lack of accountability for UN "Blue Helmets" will undermine wider UN efforts to call for or enforce accountability for exploitation and abuse by others.

For impunity remains very much the norm, not only for abuses perpetrated by peacekeepers, but for human trafficking and slavery crimes broadly, including in conflict. Efforts to improve accountability at the UN, and at the international, regional and national level, though commendable, have thus far been dwarfed by the scale of the problem. They have also been hampered by the fact that the areas of highest prevalence and the groups engaged in such crimes are too often beyond or impervious to judicial reach, due to conflict, long term erosion of the rule of law or serious shortfalls in state capacity to tackle such entrenched and pervasive crimes. Criminal investigation and prosecution can serve to focus attention on trafficking and slavery and mobilise the necessary political will and public pressure to effect real change. But at the same time, given the scale of the abuses we face, criminal prosecution cannot be the sole solution, especially as slavery flourishes where the rule of law is weak.

Other forms of accountability and consequences, such as imposing sanctions against armed groups involved in human trafficking and slavery in conflict, offer the possibility of curbing impunity where international and national criminal justice systems are unable or fail to act. The existing UN sanctions regime could potentially be harnessed to tackle the financial flows and illegal profits of non-state actors such as Islamic State and Boko Haram, curtailing their movement and funding through travel bans and asset freezes.⁴⁶ For human trafficking and sexual slavery is used by such groups not only to sow terror among civilians and reward fighters, but as a key source of financing. Yet sanctions remain a contentious tool for effecting change. The process of listing and delisting individuals has been criticised for being opaque, and an examination of the UN's targeted sanctions regimes in 2013 found that in nearly 70% of cases these led to increased

corruption and crime⁴⁷. It also remains unclear whether they can curb a crime such as human trafficking when the economic income generated by such activities are but one of several perceived benefits. Nonetheless, sanctions, travel bans and freezing assets have had some success in curtailing the funding and movement of other non-state armed groups.

Beyond the specific policy goal of deterrence, sanctions regimes offer the possibility of curbing a particular group's ability to profit from human trafficking and can also result in the gathering and analysis of significant information. Each particular sanctions regime lists behaviours which the relevant sanctions committee and its monitoring team then monitor closely. But currently there are no sanctions regimes that include human trafficking as a form of conduct that would result in the perpetrator being added to a UN sanctions list.⁴⁸ The inclusions of such crimes as a listing criterion offers a way to focus the attention of the Security Council's sanctions committees, and thereby promote greater investigation and tracking of such crimes, as well as channel increased information on the involvement of armed groups in human trafficking in conflict into Security Council deliberations.

Anti-money laundering and counter-terrorist financing (AML/CTF) regimes offer another angle to tackle the financial flows of groups engaging in or profiting from human trafficking, by reducing their access to international financial markets. The risks of money laundering – accepting, holding and transacting the proceeds of a crime – and terrorist financing are generally well understood by national authorities⁴⁹. In the international campaign against the Islamic State, disrupting their financing has been a significant component, complicated by the fact that the group has managed a level of financial independence by engaging in successful criminal activity in the territory it controls, in particular the sale of illicit oil. For example, the Iraqi Central Bank has pushed hard to improve the regulation of the country's financial system in order to prevent the Islamic State from gaining access to local or global financial markets, adopting money-laundering and counter-terrorist financing laws and investing

considerable energy into their implementation. At the international level, the UN Security Council in 2015 adopted Resolution 2199 which “urges Member States to take steps to ensure that financial institutions within their territory prevent ISIL, ANF or other individuals, groups, undertakings or entities associated with Al-Qaida from accessing the international financial system”.⁵⁰

For the most part, at the national and international level, AML and CTF regimes and guidelines are well developed, but despite human trafficking being listed as a designated offence under the Financial Action Task Force's standard-setting Recommendations⁵¹, they have not yet been widely applied in the context of human trafficking in conflict or in peacetime. Additional work is needed to systematically assess the vulnerabilities of the banking sector to the laundering of funds flowing from modern slavery and human trafficking, including in conflict and other crises. “Red flag” indicators, which denote suspicion and should prompt further investigation, should also be developed to better identify such funds. And it is necessary to further understand how these criminal activities contribute to the financing of armed and terrorist groups.

AML regulations could also have a significant impact on business supply chains by making it more difficult for businesses with modern slavery or human trafficking in their supply chains to secure financing. Promoting business awareness, particularly in certain high-risk areas and industries, and introducing and enforcing measures to hold accountable those that profit from forced labour, human trafficking and other forms of slavery, can go some way towards introducing consequences beyond criminal prosecution.

The risks that business supply chains are tainted by the forced labour of those trafficked in crisis or conflict are significant. This was explicitly recognised in the Security Council's Presidential Statement, which urged states to take action on the risk of trafficking in their own procurement and supply chains. Recent reports have documented the danger of severe exploitation and modern slavery

faced by Syrian refugees in Syria, Turkey, Iraq, Jordan and Lebanon⁵², as well as the dangers of such exploitation tainting global supply chains.⁵³ Recent years have seen considerable political momentum around pressing for improved transparency in global supply chains⁵⁴, bolstered by a groundswell of public-private initiatives aimed at delivering on commitments to meet SDG targets and to improve labour practises more broadly. And with the passage of the California Transparency in Supply Chains Act in 2010, and more recently the UK Modern Slavery Act in 2015, which includes wide-reaching supply chain transparency provisions, there has been a notable shift from voluntary codes to legal reporting requirements with extraterritorial impact.

But further action is needed to guide private sector actors in identifying and assessing the risks of exploitation in their supply chains, particularly for those businesses operating within or in close proximity to conflict zones. A wide range of industries with global supply chains can be affected by slavery including manufacturing, agriculture, fishing, forestry, mining and domestic work. The OECD has already provided detailed recommendations to help companies respect human rights through their mineral purchasing decisions and practices in conflict-affected and high-risk areas. It more recently launched guidance developed with the UN Food and Agriculture Organisation (FAO) on agricultural supply chains, and is now developing guidance for the garment and footwear sector. Together with national legislation already enacted, such as the UK's Modern Slavery Act, and the better use of existing AML tools, these will hopefully become the building blocks of an effective international regulatory regime with clear penalties for companies that engage in abusive labour practices and seek to take advantage of the world's most vulnerable. And they will more broadly promote a culture of accountability and deterrence, not just for those who engage at the ground-level in such crimes, but those who deliberately or inadvertently profit from them.

Conclusion

The massive displacement of civilian populations that accompanies conflict leaves people acutely vulnerable to exploitation. Across the globe, modern slavery and human trafficking have been connected to conflicts and crises as the unscrupulous look to profit by abusing the desperate.

The inclusion of human trafficking in conflict on the agenda of the UN Security Council marked a big step forward in recognising these risks. There are now a large number of UN bodies, NGOs and other international organisations working to tackle slavery and trafficking, not just in conflict but in times of peace, and from both ends of our global supply chains. But there is a danger that the high-level discussions in international capitals will fail to translate into real protection and accountability for the most vulnerable. A lack of coordination, particularly within the UN, will undermine an emerging global commitment to act.

Now, nearly a year after that first Security Council debate on trafficking, and as the UN prepares for a new Secretary-General, there is an opportunity to act decisively. The next five years present a historic opportunity for the United Nations' incoming Secretary General to set a global agenda to finally eliminate the worst forms of exploitation, including human trafficking in conflict. Eradicating slavery and trafficking is beyond the capacity of a single state, or a single UN agency. All parts of the UN system, states and civil society will need to work effectively together. Stronger and coordinated multilateral action is sorely needed if real change is to be achieved. Without it, the world's most vulnerable will continue to be horrendously exploited.

Syrian refugee children line up for work in Za'atari refugee camp in Jordan. Image © UNHCR/G.Beals



Endnotes

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The Freedom Fund (UK)

Lighterman House
26-36 Wharfdale Road
London N1 9RY
United Kingdom
 +44 20 3077 2222

The Freedom Fund (U.S.)

The Freedom Fund
33 Irving Place
New York, NY 10003
USA
 +1 (929) 244-9722

 www.freedomfund.org

 info@freedomfund.org

 [@Freedom_Fund](https://twitter.com/Freedom_Fund)

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