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UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Circular 357

Guidelines for Reporting Trafficking in Persons by Flight and Cabin Crew



Approved by and published under the authority of the Secretary General

INTERNATIONAL CIVIL AVIATION ORGANIZATION



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FOREWORD

Trafficking in people is a terrible crime and a human rights violation that takes place all over the world. In the aftermath of COVID-19, increased poverty and unemployment may result in more people taking risks in search of jobs — making them vulnerable to trafficking and exploitation.

The aviation industry can play an important role in identifying victims of trafficking. These reporting guidelines have been drawn up to enable members of cabin crews and other aviation personnel to identify potential victims whom they may encounter on flights and at airports.

It is essential that we protect and help all victims of human trafficking, as well as the related crimes of forced labour and modern slavery. We also need to ensure that the perpetrators face justice. On behalf of my Office, I thank you in advance for your help with these important, and urgent, tasks.

I extend my appreciation to ICAO for our fruitful partnership, which has led to the development of these guidelines and other tools. I also thank the Cabin Safety Group of ICAO for their contribution.



Michelle Bachelet
High Commissioner for Human Rights
Office of the United Nations High Commissioner for Human Rights

Following the successful collaboration on the *Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons* (Cir 352), ICAO is honoured to once again partner with the Office of the United Nations High Commissioner for Human Rights on these comprehensive new guidelines to help crew members report suspected cases of trafficking in persons.

States implementing Circular 352 requested assistance with procedures to combat trafficking in persons in aviation, including clear reporting systems from the aviation sector to law enforcement. Our goal with this new tool is accordingly to provide clear reporting guidelines to manage crew reports of suspected cases of trafficking in persons in aviation.

States can contribute to these goals by implementing the guidelines and disseminating them to civil aviation authorities, law enforcement, immigration authorities, airport security and airport and airline operators, in order to ensure that aviation personnel efforts to report suspected cases of trafficking in persons will be effectively responded to and acted upon.

This initiative and efforts reflect the continued commitment of ICAO and the civil aviation sector to assist States in the achievement of the United Nations Sustainable Development Goals (SDGs) adopted under the *2030 Agenda for Sustainable Development*, including those aimed at ending trafficking in persons. On behalf of our Organization, I therefore thank you for your on-going engagement in combating these heinous crimes and striving to safeguard and protect the safety and security of international civil aviation passengers and crew.

Dr. Fang Liu
Secretary General
International Civil Aviation Organization

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Chapter 1

INTRODUCTION

1.1 BACKGROUND

1.1.1 Trafficking in persons refers to the process through which individuals are placed or maintained in an exploitative situation for economic gain. Trafficking is a lucrative, worldwide criminal activity and can occur within a State or may involve movement across borders. Women, men and children are trafficked for a range of purposes: slavery-like practices, including forced labour in factories, farms and private households; organ removal; sexual exploitation; and forced marriage. No State, operator¹ or route is beyond the reach of trafficking in persons, regardless of geographical location or a State's level of economic development.

1.1.2 Aviation is one of the modes of transportation utilized by traffickers. It is the responsibility of States, through their law enforcement authorities (i.e. airport police or other entity competent to exercise criminal jurisdiction in accordance with national law), immigration and asylum authorities, and operators to ensure that traffickers do not misuse the aviation industry to deny the freedom of others. Cabin crew members are in a unique situation where they can observe passengers over a certain period of time, thus allowing them to use their skills of observation to identify a potential victim of trafficking and they are well placed to report any suspicions to the flight crew and to the relevant State authorities. Information from crew reports assists States and operators to identify and respond to cases of trafficking in persons. Therefore, all operators should provide training on identifying and responding to trafficking in persons, including training on correct reporting procedures for their cabin crew members, flight crew members and other personnel in direct contact with the travelling public. The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Civil Aviation Organization (ICAO), recognizing the important role aviation plays in combating trafficking in persons, worked in collaboration to develop the *Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons* (Circular 352).

1.1.3 States should take measures to ensure that procedures are in place to combat trafficking in persons in aviation, including clear reporting systems and relevant competent authorities' points of contact for airport and aircraft operators' personnel. The implementation of a simplified and standardized reporting procedure benefits both States and operators, in uniting forces and working together to combat trafficking in persons.

1.2 PURPOSE

1.2.1 ICAO worked in collaboration with OHCHR to develop the present reporting guidance, *Guidelines for Reporting Trafficking in Persons by Flight and Cabin Crew* (Circular 357). This circular is intended to assist States, their law enforcement authorities and operators in managing crew reports of suspected cases of trafficking in persons in aviation. These guidelines should be used in conjunction with Circular 352, which can be found on the ICAO website at www.icao.int/cabinsafety.

¹ For the purpose of this circular, the term "operator" is defined as "the person, organization or enterprise engaged in or offering to engage in an aircraft operation".

1.2.2 This circular emphasizes the need for appropriate reporting by cabin crew of suspected cases of trafficking in persons. The gathering and analysis of crew reports help law enforcement authorities and operators gather intelligence on trafficking in persons. Cabin crew members and other employees should be encouraged to take action to help stop this crime. To encourage continued reporting, States, their law enforcement authorities and operators should reassure personnel that their efforts to identify and report suspected cases of trafficking in persons will be reviewed and taken seriously, even if the person submitting the report is not aware of what actions, if any, are ultimately taken. A joint effort on the part of the State and the operator is needed to maintain open communication and to allow for statistical analysis and other intelligence to emerge periodically, in relation to trafficking in persons in aviation.

1.2.3 Effective implementation of these guidelines is a gradual process, requiring collaboration between States, their law enforcement authorities and operators. Factors that may affect the implementation timeline include the size and complexity of a State's aviation system and the maturity of its safety oversight capabilities.

1.2.4 The reporting process set out in this circular is aligned with ICAO provisions related to safety management. Operators are encouraged use the safety management process that they have in place to collect, analyse and provide feedback to their employees as part of a safety management system (SMS). Reports on suspected cases of trafficking in persons should be managed under the operator's SMS. The State should consider including reports of suspected cases of trafficking in persons as part of its mandatory safety reporting system, to encourage and collect reports from its operators.

1.3 SCOPE

1.3.1 The content and approach outlined in this circular are an acceptable means, but not the sole means, to establish operator reporting procedures around the issue of trafficking in persons. Operators should consult with their State on specific requirements and comply with national laws and regulations, where applicable.

1.3.2 This circular is applicable primarily to cabin crew members, however, the issue of trafficking in persons involves multiple stakeholders. The procedures and reporting form presented in this circular are one part of a comprehensive process to combat trafficking in persons in aviation. Different aviation stakeholders (e.g. States and operators) should use the procedures and reporting form provided as a basis upon which to develop their own reporting processes.

1.3.3 The content of this circular was developed through a process of consensus, with inputs from OHCHR and from experts from civil aviation authorities, operators, aircraft manufacturers and training organizations. It was thereafter submitted for an extensive peer review to collect and take into account comments from the aviation expert community. ICAO and OHCHR gratefully acknowledge the contribution received from the ICAO Cabin Safety Group (ICSG).

Chapter 2

ROLES AND RESPONSIBILITIES

2.1 ROLE AND RESPONSIBILITIES OF THE OPERATOR

2.1.1 The operator's role involves two aspects:

- a) reporting suspected cases of trafficking in persons on board its aircraft, or cases which may be observed by its personnel at the airport (e.g. during passenger boarding or disembarkation) to the State's law enforcement authority in real time, or as soon as operationally possible; and
- b) having its personnel subsequently submit the report internally, as part of its SMS, to enable statistical analysis and intelligence gathering on the issue of trafficking in persons.

2.1.2 The operator is responsible for relaying the information gathered to the law enforcement authority. Trafficking in persons is a crime and is dealt with by law enforcement authorities in the State where the case is reported. It is neither the role nor the responsibility of an operator to investigate cases. Nor is it up to an operator to determine if and how the relevant authorities use the information provided by its personnel. The operator should cooperate with the law enforcement authority and provide the information requested in a timely manner.

2.1.3 Annex 6, Part I — *International Commercial Air Transport — Aeroplanes* requires each operator to ensure that all employees, when abroad, know that they must comply with the laws, regulations and procedures of those States in which operations are conducted. The operator should consult with law enforcement authorities throughout its route network to implement a clear reporting process and associated procedures related to suspected cases of trafficking in persons, including point of contact, for each of its domestic and foreign stations. The operator should ensure that all its personnel are knowledgeable of the procedures pertinent to the performance of their duties. The information provided by the operator should include a general overview of the entire reporting process, for personnel to understand how their reports are handled, who has access to them and expected follow-up actions.

2.2 ROLE AND RESPONSIBILITIES OF THE STATE

2.2.1 The State's role involves three aspects:

- a) establishing training requirements for all aviation personnel on identifying and responding to trafficking in persons;
- b) ensuring procedures are in place to combat trafficking in persons, including clear reporting systems; and
- c) communicating roles and responsibilities, as part of the national reporting process, to operators and other stakeholders.

2.2.2 The State should mandate training on reporting suspected cases of trafficking in persons, for all personnel whose jobs require regular interaction with passengers. The State should ensure the operator's training programme related to trafficking in persons addresses how to identify and respond to potential cases of trafficking. The State should also encourage the standardization of information required to report suspected cases of trafficking in persons in aviation. In order to promote reporting, the State should inform operators of the established national reporting process, which may give personnel the options of anonymous, non-anonymous or de-identified reporting.

2.2.3 The State should ensure that procedures are in place to combat trafficking in persons, including clear reporting systems at the national level. If the State has multiple stakeholders that address trafficking in persons in aviation, these entities are encouraged to collaborate on initiatives to combat trafficking in persons, including reporting by aviation personnel. A collaborative approach facilitates the gathering and analysis of information and the coordination of an appropriate response through an established process. Together with different stakeholders from the State, representatives from industry should also be involved in the development of reporting procedures specific to aviation.

2.2.4 The State should communicate the following points to its operators to clarify roles and responsibilities, as part of the national reporting process:

- a) the investigation of a suspected case of trafficking in persons and any subsequent administration of justice rests solely with the law enforcement authority;
 - b) the law enforcement authority has no obligation to follow up with operators or individual crew members who reported suspected cases of trafficking;
 - c) if further information is required following a reported case, the law enforcement authority may contact the operator and formally request additional information; and
 - d) not all operator reports may lead to the rescue of victims and/or enforcement action (e.g. the prosecution of traffickers), however, information received from operators is not lost – it is used by the State as a source of intelligence that may include subsequent actions such as increased monitoring of certain routes or airports.
-

Chapter 3

REPORTING

3.1 GENERAL

3.1.1. The timely reporting to law enforcement authorities of suspected cases of trafficking in persons on board is critical for appropriate action to be taken. The process of relaying information from the aircraft to the ground and onwards to law enforcement authorities may differ based on aircraft technological capabilities and operator procedures. The operator should implement a reporting process, including clear procedures and guidance to coordinate the response to suspected cases of trafficking in persons.

3.1.2 The operator may have established procedures for the air-to-ground reporting of offences committed on board aircraft, such as unruly and disruptive passenger incidents. These may be used as the basis for reporting suspected cases of trafficking in persons, but should be adapted to address the specifics of these types of occurrences. In a suspected case of trafficking in persons, crew members may report their suspicion, based on indicators of trafficking. Unlike unruly and disruptive passenger incidents, where the pilot-in-command may request the law enforcement authority to meet the aircraft upon arrival, authorities may consider letting the suspected trafficker disembark in order to properly investigate and, if necessary, apprehend the individual.

3.1.3. Annex 9 — *Facilitation* recommends that States take measures to ensure that procedures are in place to combat trafficking in persons, including clear reporting systems and points of contact of the relevant competent authorities for airport and aircraft operators. In line with Annex 9, each State should develop an integrated framework, which includes coordination between different stakeholders such as the civil aviation authority and relevant law enforcement authorities.

3.2 STANDARDIZED PROCESS FOR REPORTING SUSPECTED CASES OF TRAFFICKING ON BOARD

3.2.1 To support an appropriate response, the operator should develop and implement a standardized process for reporting suspected cases of trafficking in persons on board, based on indicators covered in cabin crew training. This section describes a series of steps that the operator should address as part of its reporting process specific to suspected cases of trafficking in persons on board aircraft.

3.2.2 The first step involves cabin crew members observing the passengers and cabin and communicating any suspicions to the flight crew. The second step involves relaying preliminary information from the aircraft to the ground. Once the flight crew send the initial notification, they may relay additional details via a two-way communication between the aircraft and the ground. The method of the communication to be used by the flight crew in such occurrences should be specified in the operator's procedures. Generally, the flight crew may not contact law enforcement authorities directly while airborne. Therefore, designated personnel on the ground (e.g. air traffic controller, flight operations officer) should be responsible for relaying information to the law enforcement authority in order for it to determine its response. Upon arrival, the responsibility should be transferred to the relevant authority at the State of Destination (i.e. upon landing at the next destination point). The crew members' interaction with the law enforcement authority may involve providing details of the occurrence, if requested.

3.2.3 Figure 3-1 presents a flow chart that the operator may use as guidance for crew member reporting of suspected cases of trafficking in persons on board. Integrating the steps listed in the flow chart into the operator's procedures will facilitate reporting.

3.3 COMMUNICATION PROCEDURES

3.3.1 Overview

As part of its reporting process, the operator should establish communication procedures specific to suspected cases of trafficking in persons. These procedures should include the concept of "Do No Harm" to ensure that a potential victim is not further jeopardized, and to ensure the personal safety of the crew member(s) and passengers. Below are the elements of "Do No Harm", which should be followed by cabin crew members in a suspected case of trafficking in persons and incorporated in the operator's procedures:

- Be discreet with the discussion and relaying of information so as not to raise suspicion.
- Do not confront the trafficker.
- Do not attempt to rescue the victim.
- Act normally. Do not display unusual concern or alarm.

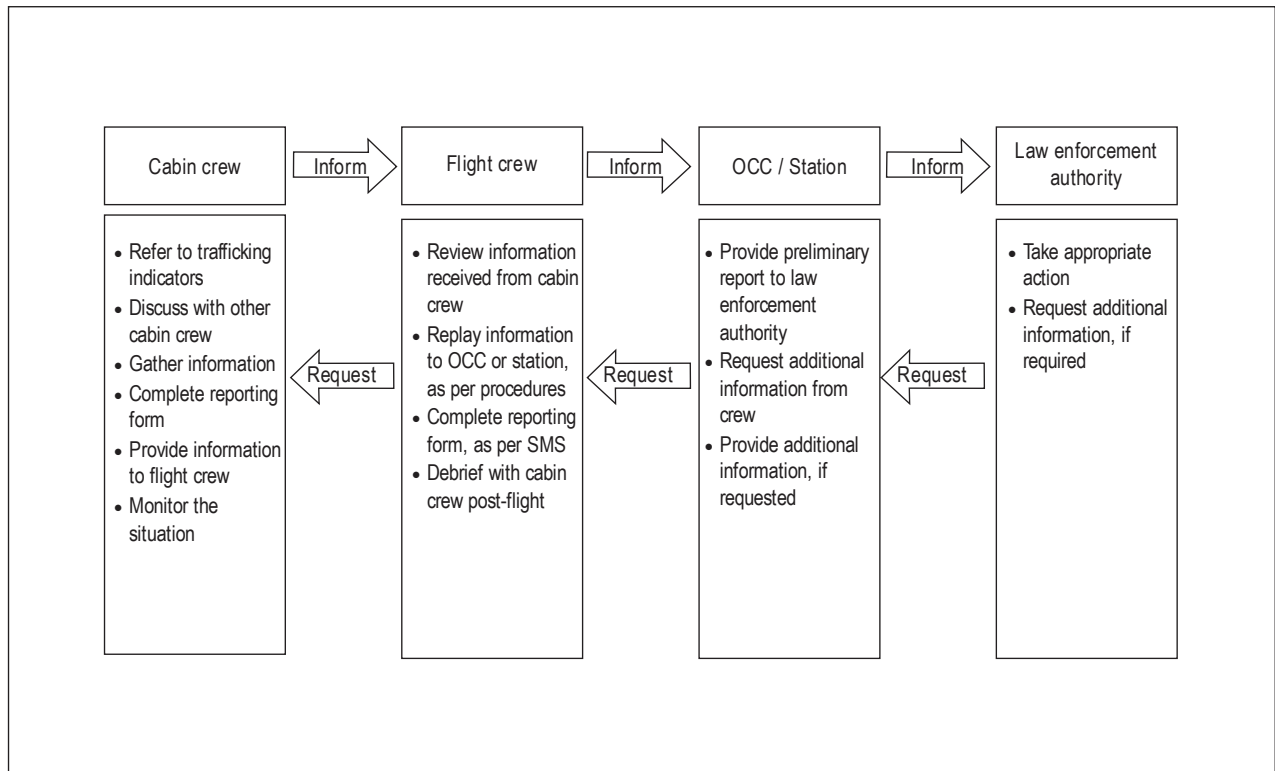


Figure 3-1. Flow chart for reporting suspected cases of trafficking of persons

3.3.2 Discussing with other cabin crew members

If cabin crew members suspect a case of trafficking in persons on board while in-flight, they should apply the procedures specific to such occurrences, as described in Circular 352, Chapter 4. As part of the procedures, cabin crew members should confer with other cabin crew members for an additional assessment of the situation before reporting to the flight crew. For flights operated with a single cabin crew member, the initial assessment should be discussed with the flight crew. The cabin crew members should then complete the standardized reporting form and contact the flight crew and inform them of suspicions.

3.3.3 Discreet communication when reporting

Due to the sensitive nature of the situation, flight and cabin crew members should use discretion when handling a suspected case of trafficking in persons and relaying pertinent information. The operator should establish a discreet form of communication among the crew to minimize the risk of alerting others to the situation. This may include the use of a coded or specialized phrase. If specialized phraseology is utilized, it should be addressed in the training for flight crew members, cabin crew members and other personnel involved in using or responding to the specialized phrase. The coded or specialized phrase may be limited for internal use by the operator.

3.3.4 Communication from the flight crew

When the aircraft is in-flight, the pilot-in-command is responsible for relaying the information, as per operator procedures. When relaying information to the operation control centre (OCC), ground station or air traffic control (ATC), the flight crew should consider the sensitive nature of information concerning the suspected case of trafficking in persons. Subject to aircraft equipment, wherever possible, the notification should be transmitted through a non-public aircraft to ground communication system such as an aircraft communications addressing and reporting system (ACARS) and satellite communication (SATCOM). The transmission should contain at least the following data: <Trafficking in Persons on Board, or Human Trafficking on Board (e.g. HT)>, <name of suspected trafficker>, <Seat number(s)>. Further communications may be necessary for the flight crew to transmit additional information to the ground. For example, the flight crew members may relay the list of indicators of trafficking based on observations reported by the cabin crew that led to the suspected case of trafficking on board.

EXAMPLE

Flight YY1234 from ABC to DEF: Suspected HT in-flight.

ACARS MESSAGE: xxxxxxxx xxxxxxxx xxxxxxxx xxxxxxxx xxxxxxxx xxxxxxxx

3.3.5 Communication from OCC, station or ATC

The operator's OCC, station or ATC at the destination airport should relay the information in a timely manner to the local authorities, including the law enforcement authority. The OCC or station should also relay information given by local authorities to the flight crew, including any specific instructions regarding the management of the occurrence (e.g. requested parking position).

3.4 STANDARDIZED INFORMATION FOR REPORTING

3.4.1 The reporting tool (whether paper or digital) should include a reminder of the concept of “Do No Harm”. The following information should be included in the reporting for suspected cases of trafficking in persons on board:

- a) general flight information (e.g. operator name, flight number);
- b) date of departure;
- c) suspected trafficker information (e.g. seat number, physical description);
- d) potential victim information;
- e) indicators;
- f) any additional information (to better define the situation); and
- g) option to contact the reporter.

Note — If available, advance passenger information/passenger name record (API/PNR) may be included in the reporting form.

3.4.2 In the event that the operator is asked to release the report externally, it should take the necessary steps to de-identify the report to protect the identity of the reporter, unless they wish to be contacted in the event that the law enforcement authority requests additional information. The de-identification of a report involves the removal of any information that could otherwise reveal the reporter’s identify (e.g. crew member’s name, employee number).

3.4.3 Appendix A presents a sample trafficking in persons on board reporting form. The operator should use the information collected through this form to inform law enforcement authorities of suspected cases on board. States should promote the use of this form by operators to facilitate standardized reporting and coordination among the different stakeholders.

3.5 REPORTING INCIDENTS IDENTIFIED DURING BOARDING AND DISEMBARKATION

3.5.1 Crew members may identify a suspected trafficker(s) and/or victim(s) of trafficking in persons during the boarding or disembarkation of passengers, in addition to when the aircraft is in-flight.

3.5.2 Cabin crew members, time permitting, should complete the reporting form and report their suspicions to the flight crew members. Crew members should proceed to calling the appropriate entity, as outlined in the operator’s procedures. In some instances, the crew members may not have sufficient time to provide a full report ahead of arrival; the law enforcement authority may request additional information at a later time.

3.5.3 This circular addresses mainly the roles of flight crew and cabin crew in reporting suspected cases, nevertheless, all personnel involved in the boarding and disembarkation process (e.g. gate agents or others in direct contact with travelling public) should be instructed to communicate any suspicious behaviour to the appropriate entity (e.g. station manager) or to flight crew or cabin crew members.

3.5.4 Persons employed or subcontracted by the operator (such as passenger service agents and aircraft cleaners, as appropriate) should be trained in the following aspects: how to identify trafficking in persons; how to communicate and collaborate during such an occurrence; and how to report any suspected case of trafficking in persons to the appropriate entity.

3.6 AFTER REPORTING

The operator should keep a physical or electronic copy of the report and other information, stored as per its SMS process, for internal use and to ensure it can be provided to the law enforcement authority, if necessary.

Appendix to Chapter 3

TRAFFICKING IN PERSONS ON BOARD

REPORTING FORM

<p><i>Note.— When dealing with suspected cases of trafficking in persons in aviation, remember to “Do No Harm”: Be discreet with the discussion and relaying of information so as not to raise suspicion.</i></p> <p><i>Do not confront the suspected trafficker.</i></p> <p><i>Do not attempt to rescue the victim.</i></p> <p><i>Act normally.</i></p> <p><i>Do not display unusual concern or alarm.</i></p>			
Trafficking In Persons On Board – Reporting Form			
Operator name:			
Flight number:	From:	To:	Transit stop(s):
Date of departure:			
Suspected trafficker information			
Name:		Gender:	Seat number:
Brief physical description:			
General descriptors (complete below to the extent possible)			
(Estimated) height:	Distinguishing features (e.g. tattoos, visible scars, jewellery, facial hair):		
(Estimated) age:			

Build:		
Hair colour:		
Hair style:		
Eye colour:		
Potential victim information		
Name:	Gender:	Seat number:
Brief physical description:		
General descriptors (complete below to the extent possible)		
(Estimated) height:	Distinguishing features (e.g. tattoos, visible scars, jewellery, facial hair):	
(Estimated) age:		
Build:		
Hair colour:		
Hair style:		
Eye colour:		
Select all indicators present to the extent possible (not all indicators listed below need to be present):		
<input type="checkbox"/>	Shows signs of physical abuse (e.g. bruises).	
<input type="checkbox"/>	Avoids eye contact and social interaction.	

	Avoids and distrusts authority figures/law enforcement authorities.
	Is not in control of their documentation and/or has false identity or travel documents.
	Has a language barrier with the accompanying traveller.
	Has no money, personal items or carry-on baggage.
	Is not wearing appropriate clothing or their appearance may not fit the route of travel or weather.
	Comes from a State or a location known to be a source or destination for trafficking in persons.
	Lacks awareness of final destination and travel plans in general.
	Is unusually submissive to the accompanying traveller.
	Is not be allowed to speak for themselves.
	If directly addressed, someone else insists on answering/translating.
	Accompanying traveller provides inconsistent responses when asked questions.
	Does not have the freedom on the aircraft to separate themselves from others (e.g. cannot use lavatory alone).
	May speak of a modelling, dancing, singing, hospitality job or something similar in a foreign country.
	Does not know who will be meeting them upon arrival, and knows few details about the job/travel.
	Exhibits unusual behaviour that just does not seem right to the cabin crew member.
	Shows signs of having been denied food, water, sleep, medical attention or of being drugged.

Include below any additional information that better defines the situation (such as describing what raised your suspicion; what did you first observe; what did your fellow crew members observe?):

Do you wish to be contacted should the law enforcement authority have any questions?

Yes No

— END —

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