

fighting human trafficking in conflict

10 Ideas for Action by the
United Nations Security Council

Workshop Report | September 2016



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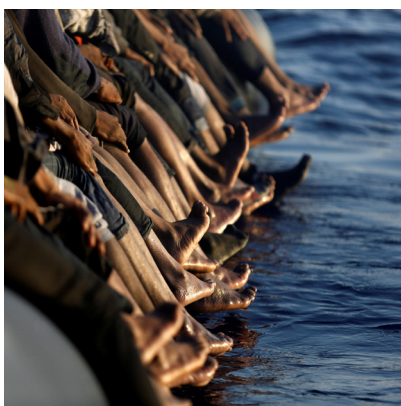
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Executive Summary

In December 2015, the United Nations Security Council held its first-ever thematic debate on Trafficking in Persons in Situations of Conflict.

The Security Council adopted a Presidential Statement that signalled a willingness to explore concrete steps to strengthen the international response to human trafficking, and requested a report from the Secretary-General, within a year, on steps taken within the UN system. There are real practical and political limits to Security Council action on this issue. But there is also now a unique opening for action.

To explore these possibilities and limits, on 30 June and 1 July 2016, United Nations University and the Permanent Missions of the United Kingdom and of Liechtenstein to the United Nations organized a two-day workshop, with the support of Thomson Reuters and Grace Farms Foundation. This workshop brought together 100 expert participants from Permanent Missions to the United Nations, UN entities, national law enforcement agencies, Financial Intelligence Units, the technology sector, the financial sector, media and civil society. The Workshop Agenda is annexed to this report.

This report distils insights from the Workshop regarding the connections between human trafficking and conflict; considers what forms of leverage are available to the Security Council to address this phenomenon; and summarizes the Ideas for Action emerging from the Workshop.

Human trafficking and conflict

Workshop Participants heard that the connections between human trafficking and armed conflict are multifaceted and transnational. Human trafficking, as defined by the relevant protocol to the UN Convention against Transnational Organized Crime, relates to a variety of forms of exploitation, including modern slavery and enslavement crimes, child recruitment, sex slavery, organ trafficking, forced labour and forced military service. The Workshop addressed three patterns of human trafficking in armed conflict situations: 1) human trafficking within and into conflict-affected areas; 2) child recruitment by non-state armed groups (NSAGs); and 3) human

trafficking issuing from conflict-affected areas.

Practitioners on the frontlines described how human trafficking within and into conflict areas includes sexual exploitation, other forms of enslavement, forced labour and forced military service. Tragically, today ISIL (Da'esh) and Boko Haram both openly advocate the enslavement of women and children, in defiance of international law and norms. Some NSAGs also force local citizens, migrants and recruited foreigners into forced labour, including construction, cleaning work, digging trenches, mining and agriculture.



Child recruitment by armed groups can also constitute human trafficking in conflict. Children are used by NSAGs as combatants, as sexual slaves and in supporting servitude roles (as porters, cooks, lookouts and intelligence-gatherers). Increasingly, children are forced to become suicide bombers. We are also witnessing a rapid increase in the online grooming and deceptive recruitment of children into NSAGs, for exploitation. This is an alarming new manifestation of human trafficking in conflict.

Third, the Workshop heard, people and body parts are trafficked out of and through conflict-affected areas. Large-scale displacement caused by armed conflict creates vulnerable populations that can all too easily become victims of human trafficking and modern slavery. Refugees fleeing conflict are often subjected to trafficking-related exploitation, including child labour, forced prostitution, forced and early marriage and forced begging. Irregular migrants face particular risks at certain hotspots, such as transit and collective holding points, informal

places of employment, displacement and refugee camps, informal settlements and within communities that host migrants.

Workshop Participants considered that the complex nature of human trafficking in conflict may suggest the need for a comprehensive, multidimensional and frequently transnational response. At the same time, the leverage available to the Security Council to address human trafficking in conflict will depend on the nature of an armed group's involvement in human trafficking. Some NSAGs directly organize human trafficking. Others simply tax the trade. Some NSAGs use human trafficking as part of their military strategy, building social and political power by terrorizing and controlling targeted civilian populations.

All of this points, as one senior Workshop Participant said, to the need for a "paradigm shift": a recognition that national criminal justice responses may need to be supported by other forms of Security Council leverage - normative, financial and technological.

Denounce, Disrupt and Protect

Workshop Participants considered that the role of the Security Council will need to vary, depending on the nature of the human trafficking activity. In some cases, it may be direct and disruptive. In others it may be more normative, or may involve shaping the UN's field response. In each of these areas, the Security Council can also take action to encourage and support other actors - Member States, regional organizations, the private sector - to pay attention to and address human trafficking in conflict.

10 Ideas for Action developed by Workshop Participants are summarized in the following pages. Broadly, they fall into four potential contributions that the Security Council can make in the effort to fight human trafficking in conflict:

Denunciation and Accountability

using the Security Council's authority and legitimacy to denounce human trafficking in conflict,

to reinforce global norms against it, to counter the emerging narrative normalizing slavery in conflict and to promote accountability;

Disruption

through data-sharing (particularly amongst law enforcement and financial sector actors), monitoring, use of existing sanctions tools and fostering private sector due diligence;

Protection

strengthening capabilities to identify, assist and protect civilians vulnerable to human trafficking in conflict; and

A framework for future action

involving the establishment of a new position of Special Representative of the Secretary-General, an annual report and an annual Open Debate.





10 Ideas for Action

The more than 100 expert participants at the Workshop on Fighting Human Trafficking in Conflict offered a wide range of Ideas for Action by the Security Council.

The following 10 Ideas for Action received recurring attention and support from a substantial cross-section of participants. These ideas are explored and explained at more length in the report that follows. As discussions were held under the Chatham House Rule, it is important to recognize that these ideas do not constitute “recommendations” attributable to any particular participant in the Workshop, or indeed the Workshop as a whole.

10 Ideas for Action

Adopt a framework for future action

1. Secretary-General’s report
2. Content of the report and an annual Open Debate

Denunciation and Accountability

3. Promote and enforce existing norms
4. Encourage active discussion

Disruption

5. Data-sharing
6. Monitoring
7. Sanctions
8. Due diligence

Protection

9. Strengthen UN field capabilities
10. Encourage action by Member States

The Security Council could:

Adopt a framework for future action

1. Request the Secretary-General to appoint a Special Representative on Trafficking in Persons in Conflict to drive forward the UN system’s work in this area, and *request* the Secretary-General to report annually to the Security Council on trafficking in persons in armed conflict and the UN system’s efforts to prevent and respond to it.
2. Decide that the Secretary-General’s annual report on trafficking in persons in conflict will be discussed in an annual Open Debate, and request that the report:
 - a. list the armed groups involved and describe that involvement;
 - b. identify geographic and other (e.g., online) ‘hotspots’ for trafficking in persons in conflict, including sectors, routes or locations in which there are particular concerns about the conduct of due diligence to protect against trafficking in persons in conflict; and
 - c. describe the efforts of the international community and UN system to prevent and combat trafficking in persons in conflict.

In the context of this framework, the Security Council could take the following steps:

Denunciation and Accountability

Promote and enforce existing norms

3. Signal that human trafficking in conflict violates existing international law, and that perpetrators will be held accountable, for example by:

- a. *Recalling* that the prohibition against slavery is a *jus cogens* norm, and that the human right to be free of slavery is non-derogable, applying at all times and in all places;
- b. *Noting* that in some cases widespread or systematic enslavement and trafficking in persons may constitute a crime against humanity, and calling on Member States to investigate and prosecute such crimes;
- c. *Condemning* efforts by non-state armed groups such as ISIL (Da'esh) and Boko Haram to normalize slavery and trafficking in persons;
- d. *Reminding* Member States that where human trafficking connected to conflict occurs on their territory, they may have obligations under international humanitarian and human rights law, and international criminal law, to investigate and prosecute that conduct;
- e. *Calling on* Member States to cooperate to investigate and punish crimes arising out of human trafficking in conflict, including war crimes and crimes against humanity;
- f. *Encouraging* Member States to ratify the UN Convention against Transnational Organized Crime and its related *Protocol to Prevent, Suppress and Punish Trafficking Persons*, especially women and children, to facilitate such cooperation; and
- g. *Considering* establishing a Special Tribunal to address ISIL's crimes against the Yazidi, including their systematic use of human trafficking and enslavement.

Encourage active discussion

4. Encourage discussion of trafficking in persons in conflict in the Security Council and beyond, for example by:

- a. *Requesting* that relevant mission and thematic reporting to the Security Council includes information relating to human trafficking in conflict and steps to address it. This could include reporting by the Special Representatives of the Secretary-General on Sexual Violence in Conflict and on Children and Armed Conflict, and the Council's engagement with the Counter-Terrorism Committee's Executive Directorate;
- b. *Providing* opportunities for victims and survivors of trafficking in persons in conflict to brief Council Members;
- c. *Including* trafficking in persons in armed conflict as an item of discussion with regional organizations; and
- d. *Encouraging* Member States to consider how the General Assembly's anticipated 2017 Review of the *Global Plan of Action to Combat Trafficking in Persons* could help strengthen efforts to counter trafficking of persons in conflict.

Disruption

Data-sharing

5. Foster the sharing of actionable data by relevant private and public sector actors, for example by:

- a. *Urging* states to cooperate to use existing criminal laws, including anti-corruption and anti-bribery laws, to investigate, disrupt and dismantle human trafficking networks, and *encouraging* relevant UN entities and INTERPOL to support state efforts to develop such capabilities, including through data-sharing and joint investigative networks and teams;
- b. *Encouraging* Member States, the private sector and civil society to redouble their efforts to share information helping to identify,

disrupt and dismantle networks involved in human trafficking in conflict;

c. *Calling on* states to consider adopting legal, regulatory, technological and institutional arrangements to facilitate the sharing of information from law enforcement and regulatory actors to banks and other financial intermediaries, and amongst banks and other financial intermediaries, to help identify suspicious financial activity related to human trafficking in conflict;

d. *Encouraging* the Financial Action Task-Force (FATF), FATF-Style Regional Bodies (FSRBs), Financial Intelligence Units (FIUs) and the Egmont Group to develop, use and keep up-to-date typologies, case studies and red flag indicators relating to financial flows associated with human trafficking in conflict and associated with human trafficking that finances terrorism;

e. *Calling on* states to ensure that their Financial Intelligence Units (FIUs) have access to expertise on human trafficking, and encouraging states to work together to develop that capacity, including potentially through creation of an expert network; and

f. *Encouraging* states, international organizations, the private sector and civil society to train risk and compliance officers to identify indicators of human trafficking in conflict in supply chains, and to develop modalities for effective and responsible data-sharing.

Monitoring

6. Monitor the presence and impact of human trafficking in conflict situations on its agenda, including by:

a. *Requesting* relevant actors provide information relating to trafficking in persons in armed conflict when they are briefing the Security Council on situations on its agenda; and

b. *Mandating* a Joint Temporary Monitoring Task Force, made up of experts from Mem-

ber States, UN entities and other relevant international organizations (such as INTERPOL, the Egmont Group and the International Organization for Migration) to monitor specified locations or hotspots where human trafficking in conflict has been identified, to produce joint analysis on an ongoing basis available to all Member States and relevant entities.

Sanctions

7. Use sanctions tools and mechanisms to disrupt human trafficking in conflict, for example by:

a. *Including* specific references to trafficking in persons in conflict in sanctions Resolutions, and in sanctions listing criteria, especially in those relating to ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals, and to Libya;

b. *Encouraging* sanctions committees to engage directly with relevant UN officials - such as the Special Representatives of the Secretary-General on Sexual Violence in Conflict, and on Children and Armed Conflict, and the Special Rapporteurs on Trafficking in Persons, Especially Women and Children, and on Contemporary Forms of Slavery - in order to understand the involvement in trafficking in persons in conflict of armed groups in the situation with which they are seized; and

c. *Mandating* 1) the Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals and entities; and 2) the Panel of Experts for Libya, to provide special reports on the relationship between entities eligible for listing under each of those sanctions regimes, and human trafficking in conflict.

Due diligence

8. Encourage efforts by the private sector to prevent and disrupt human trafficking in con-

flict, in line with the corporate Responsibility to Respect human rights reflected in the UN Guiding Principles on Business and Human Rights. This could involve *establishing* 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.

Protection

Strengthen UN field capabilities

9. Strengthen the United Nations system's capabilities to protect those vulnerable to human trafficking in conflict, for example by:

- a. *Encouraging* incorporation of human trafficking in the humanitarian Cluster System, through designation of a human trafficking lead;
- b. *Encouraging* relevant UN system entities, including the International Organization for Migration, to carry out targeted information campaigns to protect civilians vulnerable to trafficking in conflict; and
- c. *Requesting* that in his next annual report on trafficking in persons in conflict the Secretary-General report back to the Security Council on:
 - the feasibility and utility of the Security Council explicitly incorporating language mandating Missions to protect civilians from human trafficking in conflict;
 - the possibility of Member States identifying, or jointly developing with each other and the UN, rapidly deployable investigative and protection capabilities;
 - protocols by which UN field Missions might share information with UN entities and other relevant international organizations, such as the Egmont Group and INTERPOL, to help identify human trafficking networks and protect civilians from exploitation by

them;

- the possibility of developing training modules for troop- and police-contributing countries, civilian peace operations personnel and relevant humanitarian personnel, to ensure that they are able to identify victims of human trafficking in conflict, and respond appropriately; and
- efforts to ensure that UN peacekeeping operations meet agreed targets for female personnel.

Encourage action by Member States

10. Encourage efforts by Member States, individually and collectively, to assist and protect those vulnerable to, or victimized by, human trafficking in conflict, for example by:

- a. *Strengthening* their own capabilities to identify those so vulnerable, and to ensure they receive appropriate assistance and remedy, including by avoiding prosecuting victims of human trafficking in conflict; and
- b. *Encouraging* the established international trust funds that already work to support victims of human trafficking, such as the UN Voluntary Trust Fund for Victims of Trafficking in Persons, the UN Voluntary Trust Fund on Contemporary Forms of Slavery and the International Criminal Court Trust Fund for Victims, to consider paying particular attention to the needs of victims of trafficking in persons in conflict.



Introduction

In December 2015, the United Nations Security Council held its first-ever thematic debate on Trafficking in Persons in Situations of Conflict. Although the connections between sexual violence and armed conflict have become a matter of increasing international concern over the past decade, this was the first time that the Security Council had explicitly addressed the question of the connections between conflict and human trafficking more broadly understood - and what to do about them.

Human trafficking, or trafficking in persons, is defined under the relevant protocol to the UN Convention against Transnational Organized Crime to include any form of:

“recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹

Human trafficking in conflict thus encompasses a wide range of illicit conduct, including enslavement, child recruitment, sex slavery, organ trafficking, forced labour and fraudulent recruitment into an armed group resulting in illegal domestic servitude or military service.

During this first debate on the topic, the Security Council heard the brave and moving testimony of Ms Nadia Murad Basee Taha, a survivor of enslavement by the Islamic State in Iraq and the Levant (ISIL (Da'esh)) and now an articulate and passionate activist for the rights of the Yazidi minority in Iraq. The rare, sustained ovation that Ms Murad Basee Taha received from the Security Council signalled a recognition by members of the Council of the gravity of the issue. And the Presidential Statement subsequently adopted by the Security Council signalled its willingness to explore concrete steps to strengthen international response. The Statement “condemns in the strongest terms reported instances of trafficking in persons in areas affected by armed conflict”, and notes that human trafficking may form part of terrorist groups’ use of sexual and gender-based violence as part of their strategic objectives.² The Security Council called on Member States to reinforce their political com-

mitment to and improve their implementation of applicable legal obligations to criminalize, prevent and otherwise combat trafficking in persons, and to strengthen efforts to detect and disrupt trafficking in persons. It underscored the importance of international law enforcement cooperation, including with respect to investigation and prosecution, and urged countries to ensure that their public procurement and supply chains are not contributing to trafficking in persons in situations of armed conflict. And the Council explicitly expressed “its intent to continue to address trafficking in persons with respect to the situations on its seizure list.”

All of this might appear to signal that the Security Council is poised to embark on a process of sustained engagement and attention to - and action on - this issue. Attention to human trafficking in conflict would arguably pick up on, and deepen, the Council’s existing attention to the role that organized crime can play in sustaining terrorism (Resolution 2195 (2014)), to trafficking in persons by ISIL (Da'esh) (Resolution 2253 (2015)) and its ongoing attention to women, peace and security (Resolution 2242 (2015)).³ Nor is the Security Council the only forum within the UN considering these issues: the Human Rights

Introduction

Council recently received a report on trafficking in conflict by the Special Rapporteur on trafficking in persons, especially women and children, and adopted a related Resolution.⁴

Yet there are real limits to what is politically and practically feasible in terms of Security Council action on this issue. Negotiations over the December 2015 Presidential Statement reflected long-standing dynamics within the Security Council relating to discussion of matters concerning organized crime: many states from the Group of 77 and China tend to see the Council's considerations of matters that are otherwise dealt with through criminal justice tools as slipping improperly towards the realm of domestic affairs, beyond the Security Council's mandate and jurisdiction. In the past, Council members have been willing to look past such concerns in country-specific contexts where local criminal justice mechanisms have become ineffective, and all five Permanent Members (the "P5") have an interest in concerted international action.⁵ In the case of human trafficking, the only specific country-case where these conditions have so far been met is Libya - and then only in relation to activity on the high seas.⁶ However these conditions are also met, on a global basis, in relation to responses to terrorist activity by Al Qaida and ISIL (Da'esh) - suggesting that the P5, and the Council more broadly, may be more willing to countenance measures addressing human trafficking in conflict where that trafficking is seen as supporting terrorist activity.⁷

Some Workshop Participants also argued that human trafficking and modern slavery are by their nature distinct from other forms of organized crime, since slavery is recognized as an international crime creating obligations of prevention and punishment for all states.⁸ Where a state afflicted by armed conflict is unable to protect people from slavery and human trafficking, these Participants argued, the Security Council may have an important role to play both in protection, and in helping states to discharge their own obligations.

What can - and should - the Security Council do? The Presidential Statement of December 2015 contemplates a variety of measures, ranging from requesting the Secretary-General to take steps to reduce the risk that the UN's procurement and supply chains may contribute to the trafficking in persons in situations of armed conflict, through to urging relevant UN agencies to build screening and assistance capacities. Many of these suggestions are directed out, toward UN Member States, UN agencies - and especially the Secretary-General. Accordingly, the Council requested that the Secretary-General "report back to the Council on progress made in 12 months to implement better existing mechanisms countering trafficking in persons" [emphasis added]. The Secretary-General's report is expected to be received by the Security Council in the next couple of months, and is likely to be discussed in the Security Council before the close of 2016.

This approach, focusing on "existing mechanisms countering trafficking in persons", risks, however, foreclosing the possibility that the Security Council itself could take additional steps to address human trafficking in persons. It is also, of course, open to the Security Council, when it considers these issues in the months ahead, to contemplate how existing tools and mechanisms might be deployed - and even whether new tools or mechanisms are desirable.

The spotlight shone on this issue by the Security Council last December highlighted that human trafficking can both be incidental to conflict - as people affected and displaced by conflict become vulnerable to trafficking - and instrumental to it, used as a method of recruitment or a method of warfare, in particular to terrorize and displace populations, and to subjugate them. In doing so, the Council also revealed that a range of existing Council tools and mechanisms that are currently not being considered in the context of human trafficking might in fact be relevant: normative messaging; promoting efforts to counter money laundering

and terrorist financing; monitoring; promoting private sector due diligence; sanctions; international criminal accountability; and efforts by United Nations personnel in the field.

In order to explore these possibilities, on 30 June and 1 July 2016, the United Nations University and the Permanent Missions of the United Kingdom and of Liechtenstein to the United Nations organized a two-day workshop, with the support of Thomson Reuters and Grace Farms Foundation. This Workshop brought together over 100 expert participants from Permanent Missions to the United Nations, UN entities, national law enforcement agencies, Financial Intelligence Units, the technology sector, the financial sector, the media and civil society, to consider how the United Nations Security Council can help to strengthen international response to human trafficking in conflict.

This Report captures key themes and ideas discussed at that Workshop. The first section distils insights from the Workshop regarding the connections between human trafficking and conflict, emphasizing that the problem is multifaceted and transnational, not merely a local problem restricted to conflict-affected areas but one with serious impacts on neighbouring states, trading partners and other states. The second section considers what forms of leverage are available to the Security Council, suggesting a more comprehensive, multidimensional and transnational response than has been contemplated to date, intended to create and use leverage through:

Denunciation and Accountability

using the Security Council's authority and legitimacy to denounce human trafficking in conflict, to reinforce global norms against it, to counter the emerging narrative normalizing slavery in conflict and to promote accountability;

Disruption

through data-sharing (particularly amongst law enforcement and financial sector actors), monitoring, use of existing sanctions tools, and fos-

tering private sector due diligence;

Protection

strengthening capabilities to identify, assist and protect civilians vulnerable to human trafficking in conflict; and

A framework for future action

involving the establishment of a new position of Special Representative of the Secretary-General, an annual report and an annual Open Debate;

As discussions were held under the Chatham House Rule, it is important to recognize that the ideas discussed here do not constitute "recommendations" attributable to any particular participant in the Workshop, or indeed the Workshop as a whole.

Human Trafficking and Conflict



Workshop Participants heard that human trafficking related to conflict takes several different forms:

- 1) human trafficking within and into conflict-affected areas*
- 2) child recruitment*
- 3) human trafficking issuing from conflict-affected areas*

Human trafficking within and into conflict-affected areas

As the June 2016 *Trafficking in Persons Report* from the US State Department notes, "Armed conflict amplifies the risks of human trafficking for vulnerable populations by increasing economic desperation, weakening rule of law, decreasing the availability of social services and forcing people to flee for their safety."⁹

Human trafficking within and into conflict areas takes several forms.¹⁰ Over the last two decades, there has been increasing recognition of one in particular: trafficking for sexual exploitation by a range of armed groups, including non-state armed groups (NSAGs), state forces and, tragically, international peacekeepers.¹¹ International criminal tribunals have identified instances of enslavement, sexual slavery and forced marriage in the Balkans, Sierra Leone and Uganda.¹² Between 1987 and 2006, the Lord's Resistance Army is thought to have kidnapped over 20,000 children in Uganda, many of them for sexual enslavement and domestic servitude.¹³ There are allegations, too, that civil war and instability in Nepal have contributed to human trafficking in and from that country: an estimated 12,000-20,000 women and children - including some boys - are thought to be abducted or deceived into forced labour (ca. 30 per cent) and sex work (ca. 70 per cent) every year.¹⁴ And thousands of women and children appear to have disappeared in recent years along unsafe

migration routes through the Horn of Africa and Yemen.¹⁵

Until recently, much of this human trafficking within conflict-affected areas was covert. In the last five years, however, a horrifying new trend has emerged, with ISIL (Da'esh) and Boko Haram both openly advocating the enslavement of women and children, not as a clandestine matter, but as an open organizational policy, in defiance of international law and norms. Presently, over 5,000 Yazidi women, children and men are thought to be enslaved by ISIL.¹⁶ ISIL has organized slave contract registries and markets, advocates for the revival of slavery through official organizational policy and media outlets and has even issued official "how-to" manuals.¹⁷ Captured women are treated as what is known as "chattel slaves": they are treated as property that can be traded, gifted or bequeathed.¹⁸ UN Special Representative on Sexual Violence in Conflict Ms Zainab Hawa Bangura recently warned that ISIL has institutionalized slavery and sexual violence to increase recruitment.¹⁹ And a recent report to the UN Human Rights Council by a Commission of Inquiry has identified ISIL's use of rape, sexual violence, sexual slavery and enslavement as evidence of genocide committed against the Yazidi population.²⁰

ISIL and Boko Haram's attitude to slavery and

human trafficking differs from that of many other NSAGs: it treats human trafficking not just as a means to generate free labour, services and profit, but as a method of degradation, displacement and subjugation of targeted civilian populations. It is also used as a recruiting tool. ISIL lures male fighters to Iraq and Syria in part by offering them women and girls as property: Muslim women as “wives” to populate a new “caliphate”, and non-Muslim women as spoils of war, as a sex slave.²¹ The Commission of Inquiry on Syria concluded that men from Algeria, Australia, Belgium, Egypt, Iraq, Kazakhstan, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, Turkey and Uzbekistan had participated in these enslavement and human trafficking crimes.²² The problem thus is not merely one for the Iraqi and Syrian criminal justice systems, but for prosecutors and courts around the world.

ISIL’s efforts to promote and institutionalize slavery are both depraved and, at times, highly bureaucratic – recalling in some respects the machinery of earlier genocides. In Syria, a centralized ISIL body, the Committee for the Buying and Selling of Slaves, organizes the Yazidi slave markets.²³ Information about how to participate in ISIL-run slave auctions is circulated to ISIL combatants, and ISIL troops who control slaves receive a \$50 stipend per week.²⁴ ISIL forces sex slaves to use birth control drugs to prevent pregnancy,²⁵ has doctors conduct involuntary examinations to determine female virginity²⁶ and employs medical professionals to administer hormone treatments to facilitate early maturation for young girls and provide drugs to “facilitate rape.”²⁷ But when it comes down to it, ISIL also relies on ruthless atrocity to enforce slavery: earlier this year, ISIL appears to have publicly burned alive 19 Kurdish women for refusing to become sexual slaves of ISIL fighters.²⁸

Related practices have become visible in West Africa, where the “emir” of Boko Haram, Abubakar Shekau, has publicly stated that Boko Haram intends to “enslave” civilian populations

that it attacks, and to “sell” women and girls. Several thousand women and girls appear to have been kidnapped to date.²⁹ The US State Department’s *2016 Trafficking in Persons Report* suggests that some of these women have been “subjected to domestic servitude, forced labour, and sex slavery through forced marriages to its militants.”³⁰ Women rescued from Boko Haram report a slave hierarchy, where women who refuse to marry the militants become the slaves of the enslaved wives.³¹

Abduction of women and girls in conflict-affected areas frequently blurs the boundaries between human trafficking and kidnapping for ransom. In many cases in Syria and Iraq, kidnapped women kept in sexual slavery have been sold back to their families for ransom,³² which “contributes to the funding and sustainment of criminal and terrorist groups.”³³ Within ISIL, the reselling of enslaved women and girls to non-ISIL members is punishable by death, but many fighters engage in this practice, some even accepting instalment payments for the sale price.³⁴ In January 2016, ISIL received \$850,000 from Yazidi families for the return of 200 kidnapping victims, and estimates suggest that in 2014 ISIL earned between \$35 million to \$45 million in ransom payments from the Yazidi community.³⁵ Sexual violence in conflict can also, of course, be the trigger for displacement, in turn creating vulnerability to trafficking.³⁶

Human trafficking within and into conflict-affected areas also frequently leads to other forms of illegal exploitation, beyond sexual slavery. In Libya, armed groups exploit migrants and refugees for debt bondage and forced labour, including military service, as well as sexual exploitation.³⁷ Some NSAGs in Syria may be coercing or fraudulently recruiting foreign men, women and children, particularly from Central Asia “through false promises of employment in Turkey or threats of deportation from the country; ... [many are] forced to remain in Syria against their will.”³⁸ There are also reports that men and boys are forced to work for ISIL

in Iraq in construction, cleaning work, digging trenches and agriculture, including tending to cattle, sheep and poultry farms.³⁹ Internally displaced people in the Democratic Republic of Congo, many already victims of sexual violence, have been forced by armed groups to work in gold and mineral mines, generating natural resources that are then sold into global markets by the NSAGs controlling the mines.⁴⁰ Nor is

such exploitation limited to NSAGs: UN actors have raised concerns that both Eritrea and the Democratic People's Republic of Korea may use the state or threat of conflict with neighbours as a pretext for forced labour by their nationals, which, in some circumstances, amounts to human trafficking.⁴¹

Child recruitment

Recruitment, fraudulently or forcefully undertaken and leading to prohibited exploitation, meets the recognized definition of trafficking in persons. On that basis, child recruitment by armed groups can constitute human trafficking in conflict.⁴²

Children are used by NSAGs as combatants or in supporting servitude roles – as porters, cooks, lookouts and intelligence-gatherers, and as sexual slaves.⁴³ A UK think tank report on the use of child soldiers by ISIL found that boys are used as spies, executioners, preachers, soldiers and suicide bombers, whereas girls are used as sex slaves or taught domestic tasks, veiled and kept indoors.⁴⁴ ISIL is reported to have militant training “schools” for children as young as four and five. Many of these children are abducted Yazidi or Kurdish children, who are beaten, indoctrinated and forced to learn how to carry weapons and carry out suicide bombings.⁴⁵ Peshmerga fighters have reported that ISIL uses children wearing suicide vests as a first line of attack in battles.⁴⁶ Some children exploited by ISIL appear to have been “bought” from their parents, vulnerable families desperate to survive.⁴⁷ The *2016 Trafficking in Persons Report* from the US State Department argues that “by forcibly recruiting and using children in combat and support roles, Da'esh has violated interna-

tional humanitarian law and perpetrated war crimes on a mass scale.”⁴⁸

Looking beyond ISIL, in 2015 UNICEF reported that 44 children were involved in suicide bomb attacks connected to Boko Haram, up from four in 2014. These attacks, or attempted attacks, were carried out in Nigeria, Cameroon and Chad; 75 per cent of these children were girls.⁴⁹ Boko Haram reportedly also uses children as child beggars to raise funds for the organization.⁵⁰ As combatants, children are used as soldiers, but also increasingly as a means of attack, primarily as suicide bombers.⁵¹

A recent report by the UN Secretary-General, on children and armed conflict, states that wide-spread child abductions continue by Al-Shabaab, Boko Haram, ISIL and the Lord's Resistance Army (LRA), with Afghanistan and South Sudan also seeing significant recent increases.⁵² Some argue that at times up to 90 per cent of the Lord's Resistance Army has been child soldiers.⁵³ There are an estimated 30,000 child soldiers in the Democratic Republic of Congo, with 15-30 per cent of new recruits being under the age of 18 years old.⁵⁴ In Yemen, the recruitment of children reportedly rose by 500 per cent from 2014 to 2015.⁵⁵ UNICEF reports that 30 per cent of interviewed children in the Kurdistan region



of Iraq had been targeted for attempted recruitment by armed groups.⁵⁶

The UN Special Rapporteur on Trafficking in Persons recently concluded that “[c]hildren are especially vulnerable to being trafficked into military service” in conflict-affected situations “if they are separated from their families, are displaced from their homes, live in combat areas or have limited access to education.”⁵⁷ But child recruitment can also occur in other circumstances, too. In some cases, it is not separation from the family, but sale by a family, that leads to child recruitment. One Workshop Participant, for example, described how families in Somalia that are unable to pay taxes imposed by NSAGs may be expected to surrender children instead. Nor are children immunized against recruitment merely by being located far from a conflict zone: today, social media and in-

ternational airline travel have led to an alarming rise in the grooming and luring of children into conflict zones.⁵⁸ Workshop Participants spoke of examples ranging from Syrian groups luring middle-class American children to militants in the Middle East grooming children in migrant and refugee camps in the Sahel.⁵⁹

Human trafficking from conflict-affected areas

The third form that human trafficking related to conflict takes is the trafficking of people - and, sadly, their body parts - out of (and through) conflict-affected areas.

Large-scale displacement caused by armed conflict creates vulnerable populations who can all too easily become victims of human trafficking. Today, there are more displaced people than ever before on record.⁶⁰ In 2015, UNHCR reports, more than 1 million refugees and migrants reached Europe by sea, 84 per cent of them from the world's top refugee producing countries, all of which are embroiled in ongoing armed conflict and instability.⁶¹ Some commentators have used this connection between armed groups, conflict and displacement to suggest that NSAGs and terrorist groups might use migrant smuggling routes to infiltrate fighters into Europe or other countries; the reality, however, is that there is scant evidence of this, and in fact these groups have little incentive to subject their fighters to such risky, unsafe migration routes given the less-risky alternatives available to them (such as access to forged and stolen passports).⁶²

In reality, it is migrants and refugees who face the greatest immediate risks on these journeys: the International Organization for Migration (IOM) reports that irregular migrants face particular risks at transit and collective holding points, informal places of employment, displacement and refugee camps, informal settlements and within communities which host migrants.⁶³ At a recent UN Security Council debate, several Member States (including the United States, Switzerland and Russia) raised concerns over the potential for sexual exploitation and human trafficking among the current heightened flows of refugees, migrants and displaced persons.⁶⁴

The Secretary-General stated that women and girls displaced from conflict are often confronted again with "renewed risks of sexual violence, including forced prostitution and trafficking for sexual purposes by criminal elements." This risk is compounded by the difficulty of obtaining residency and work permits for refugees and asylum seekers.⁶⁵

Refugees fleeing the Syrian conflict are often subjected to trafficking-related exploitation, including child labour, forced prostitution, forced and early marriage and begging.⁶⁶ A UNICEF report from earlier in 2016 suggests that young people in refugee camps in Calais and Dunkirk are being sexually exploited and forced to commit crimes by traffickers who promise passage to the United Kingdom.⁶⁷ Conflict and displacement in the Kachin and northern Shan State of Myanmar have created similar risks, with stateless women and those who lacked identity documents at greatest risk, including while travelling on crowded boats and staying in smugglers' camps.⁶⁸ And there is speculation that Boko Haram could tap into existing human trafficking networks in West Africa to sell kidnapped women bound for Europe and other destinations.⁶⁹

Beyond sexual exploitation, vulnerable groups displaced by conflict and persecution are at risk of labour exploitation. UN and other sources have suggested that thousands of DPRK workers may have been trafficked into labour exploitation on private commercial premises in at least 16 countries on multiple continents.⁷⁰ In Thailand, there are cases of Rohingya men, fleeing conflict in Myanmar, being sold by human traffickers, apparently with immigration detention centre staff assistance, to serve as slaves on fishing boats.⁷¹ Many child refugees from Syria work long hours for extremely low wages with

little to no oversight in regards to labour practice.⁷² In France, refugees and migrants trying to make their way into the United Kingdom are allegedly exploited by organized criminal gangs.⁷³ In Libya, refugees and displaced people have been subjected to “forced labor and forced prostitution through fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage”,⁷⁴ while others are held captive upon arrival until families pay ransoms for their release.⁷⁵ In the Horn of Africa, there have even been cases reported where human traffickers have bought kidnapped migrants from armed groups who operate along known trafficking routes.⁷⁶

Additionally, there is some evidence of conflict giving rise to organ trafficking. In the Balkans, such allegations led to an international investigation, prosecutions and the convictions of several people by an EU-led multinational investigative taskforce.⁷⁷ The UN Special Rapporteur on trafficking in persons has reported evidence that migrants fleeing conflict in Sudan may have been targeted for organ harvesting in Egypt.⁷⁸ And some migrants and refugees in Libya may have been forced to sell their organs for onward passage, or had their organs stolen from them by criminal gangs who operate organ trafficking rings.⁷⁹

These vulnerabilities also lead to tragic survival strategies involving human trafficking, for those displaced by conflict. According to the Secretary-General’s most recent report on conflict-related sexual violence, some families in Syria resort to offering their children for marriage, usually to adults, usually foreigners, as a “negative coping strategy” for the rest of the family.⁸⁰ In some cases, such is the desperation of the parents, the practice is also tragically framed, within the family, as a way to protect the child against even greater potential harms – from poverty, unemployment and sexual exploitation. In other cases, it is seen as a way to tie the family to the host community, whether

through informal kinship bonds or formal access to family reunion visas.⁸¹ The prevalence of this practice, and the vulnerability of the families and children involved, creates self-evidently fertile ground for human trafficking. In the Jordanian city of Mafraq, Syrian brokers are reported to be running an organized trade in child brides for older men, mainly from Gulf states. Local sources say the girls are sold by their families for between 2,000 and 10,000 Jordanian dinars (\$2,800 to \$14,000) with brokers receiving 1,000 dinars (\$1,400).⁸² In Lebanon, 75 Syrian female refugees were recently rescued from sexual slavery. The women, all held captive in one location, were bought through “agents” using digital technologies such as WhatsApp to share photos of the victims. At least one of the victims was sold to an agent by her husband.⁸³

Implications for the Security Council

The evidence and discussions at the Workshop led to several important insights about the nature of the problem that the Security Council is grappling with, and what that means regarding the role the Security Council can play to foster effective international response.

A. Security Council leverage varies - from denunciation and accountability to disruption and protection

Workshop Participants reflected on the fact that human trafficking in conflict sometimes aims at generating revenue, sometimes at generating power - and sometimes at both objectives.⁸⁴ NSAGs benefit from human trafficking in a variety of ways. In some cases, such as in eastern DRC, Iraq, Kosovo, Libya and Nigeria, NSAGs operate as human traffickers - profiting directly, whether from "sales" (of people or organs) or from free labour and services from children, men and women forced into service.

In other cases, such as in Libya, NSAGs act more as taxers of human trafficking by others, profiting indirectly. With migrant smuggling in Libya estimated to be worth \$255-323 million annually,⁸⁵ even limited taxation may prove extremely lucrative. (Some analysts suggest tariffs range from 10 to 30 per cent).⁸⁶ The extension of migrant smuggling routes to Libya from neighbouring countries, particularly in the western Sahel, is also raising concern about potential taxation of trafficking by other armed and terrorist groups, such as AQIM, Mourabitoun, Boko Haram, MUJAO and Ansar Dine.⁸⁷

And in a third set of cases, such as in Syria, NSAGs act as governors of human trafficking markets, gaining local social and political power, including by terrorizing targeted civilian populations.

The nature of the Security Council's leverage

over an armed groups' involvement in human trafficking thus depends on the nature of that involvement. Where an NSAG is directly involved in trafficking, the Council may have access to tools that can help disrupt and reduce that group's ability to profit from the trafficking - for example, through reduced access to the global financial system, through sanctions listing or through measures designed to improve data and monitoring. Where an NSAG's role is more indirect - involving taxation or governance of human trafficking routes and markets - the Council may not have scope to directly disrupt such human trafficking, and may instead need to focus on denouncing that conduct, holding perpetrators accountable and protecting victims and potential victims. This may involve not only an active normative role for the Security Council, but also efforts to encourage due diligence by relevant private sector actors - such as suppliers of telecommunications and social media services that traffickers rely upon, or firms operating in industries that are identified as "hotspots" for labour trafficked from conflict-affected areas. We expand on these insights in the sections of the paper that follow, regarding the Council's possible responses.

B. The problem is transnational - and goes beyond conflict

Discussions at the Workshop also highlighted that, by its very nature, both the conduct of human trafficking and its impacts frequently spill over from active armed conflict theatres. People displaced by conflict may not meet the legal definition of having been trafficked until they are exploited, sometimes far away from their origin point. And increasingly, vulnerable people in countries far from active conflict zones are at risk of being duped and lured into travelling to those zones, including through grooming on social media.

Some may argue that this all suggests it is not appropriate for the Security Council to attempt to tackle this problem - because it goes well beyond those situations threatening international peace and security that the Council is mandated to address. This argument holds that the Security Council should leave it to Member States to resolve the problem on their own terms.

Many participants at the Workshop felt that another conclusion can also be drawn from this analysis. They argued that where a country is affected by armed conflict, the Security Council may be the only entity that has the mandate and capabilities to help states effectively wield their sovereignty, including through interstate and multisectoral cooperation. The Security Council, these participants argued, has an essential role to play - even if the transnational and multidimensional nature of the problem demands that other UN and international actors also get involved.

Workshop Participants pointed to the Security Council's approach to terrorism and violent extremism as a guide for such a multi-organ, multidimensional effort at the UN. There is no question, today, that the Security Council has a role to play in tackling terrorism, even as there is no question that there is also a larger role for the General Assembly (through the Global Counter-Terrorism Strategy)⁸⁸ and, more recently, the Secretary-General (through his Plan of Action to Prevent Violent Extremism).⁸⁹ Other Workshop Participants, likewise, pointed to the multidimensional approach of the UN system on Women, Peace and Security, with the Security Council and General Assembly both involved.⁹⁰

These analogies may also be helpful in highlighting that the Security Council's role in furthering anti-human-trafficking efforts may need to take different forms in different contexts. In some cases, it may be direct and disruptive. In others, it may be more normative. In others, it may involve shaping the UN's field response. And in some of these cases, it may also involve encouraging other actors - regional organiza-

tions, the private sector, Member States - to pay attention to, and take specific actions to address, these concerns.

In this regard, some Workshop Participants suggested that the Security Council's attention to this issue offers an important new opportunity to give impetus and direction to activity on trafficking in persons across the UN system - even beyond situations related to armed conflict. One Participant noted that the Secretary-General has been mandated, in the December 2015 Security Council Presidential Statement, to report on efforts to "better implement existing mechanisms countering trafficking in persons" - not limited to conflict. It was also noted that the 2010 *Global Plan of Action to Combat Trafficking in Persons*, adopted by the General Assembly, calls on states to address trafficking in persons in "humanitarian emergencies, including armed conflicts", to mainstream human trafficking into "broader policies and programmes, [such as] post-conflict reconstruction", and to "strengthen the capacity of relevant officials likely to encounter and identify possible victims of trafficking in persons, [including] peacekeepers."⁹¹ We return, below, to the question of how the Security Council might ensure that its efforts in this area reinforce and build upon the momentum created by the General Assembly's *Global Plan of Action*.

Other Workshop Participants suggested another way that the Security Council could foster greater normative, operational and strategic coherence across the UN system on this topic: by engaging directly with relevant UN mandate holders, including the Special Rapporteur on Trafficking in Persons, Especially Women and Children, and the Special Rapporteur on Contemporary Forms of Slavery (both appointed by the UN Human Rights Council); the Director-General of the International Labour Organization and the Executive Director of the United Nations Office on Drugs and Crime; and the Special Representatives of the Secretary-General on Sexual Violence in Conflict and on Children

and Armed Conflict. Some Workshop Participants suggested requesting the Secretary-General to appoint a Special Representative to work with Member States and relevant UN entities to further develop and strengthen the Global Plan of Action. Others cautioned, however, that this risks duplicating other existing mandates within the UN system.

C. Thinking beyond law enforcement

While Workshop Participants stressed that the complexity of the problem demands a creative approach from the Security Council, there was also a recognition that there are a wide range of existing tools already available to the Security Council which it might be able to deploy. Some Workshop Participants stressed that the UN Convention against Transnational Organized Crime, and in particular the supplemental *Protocol to Prevent, Suppress and Punish Trafficking Persons, especially women and children*, offers an essential framework for taking action against human trafficking in all contexts. Other Workshop Participants pointed out that, while

essential, criminal justice responses will not alone be sufficient to prevent and address human trafficking in conflict-affected situations, precisely because countries in conflict are suffering interruptions to their criminal justice capabilities. As one Workshop Participant put it: “The problem is worst where our leverage is least.” Even though prosecutions and accountability are crucial components of an effective response, said another: “We cannot prosecute our way out of this.”

The Security Council may therefore need, as another senior Workshop Participant put it, “a paradigm shift”, recognizing that while criminal justice tools and responses are essential, it may need to identify and use other forms of leverage - normative, financial and technological - to disincentivize and address human trafficking in conflict. As one other Workshop Participant put it, memorably: “It’s like a Rubik’s Cube - if we want to solve it we are going to have to tackle it from every angle we can.”





Three Forms of
Security Council
Leverage

In this section we consider the three major forms of Security Council leverage identified by Workshop Participants:

Denunciation and Accountability (a normative role for the Security Council)

Disruption (through data-sharing, monitoring, sanctions and due diligence)

Protection (especially in the UN's field activities)

Denunciation and Accountability

It may seem obvious that human trafficking is considered by the international community to be illegitimate conduct. 117 Member States have signed or ratified the Trafficking in Persons Protocol to the UN Convention against Transnational Organized Crime (sometimes called the "Palermo Protocol"), and slavery is recognized as an international crime.⁹² All UN Member States have endorsed the Sustainable Development Goals, which include several targets aimed at reducing human trafficking and ending modern slavery (notably Goals 5.2, 8.7 and 16.2).

Yet Workshop Participants felt that the UN Security Council has a unique and important normative role to play in denouncing such conduct, at a time when it appears to be on the rise - and in the face of explicit attempts by ISIL and Boko Haram to normalize it. Workshop Participants felt strongly that the Security Council should explicitly condemn the efforts by ISIL and Boko Haram to normalize slavery crimes and human trafficking in conflict, and argued that the Security Council has an important role to play in reinforcing respect for existing norms - including those elements of international humanitarian and human rights law applicable to this conduct, and, where relevant, the provisions of the Palermo Protocol. Workshop Participants also pointed to several other steps that the Security Council could take to denounce and delegitimize human trafficking in conduct, including some related to accountability.

First, they suggested that discussion of this issue should become a regular item on the Security Council's agenda, and something that all UN Member States - not only Council Members - should be heard on. By adopting a thematic Resolution - and not just a Presidential Statement - the Council would also signal its resolve to take meaningful steps to address this problem. This Resolution could, for example, request that the Secretary-General appoint a Special Representative who would report annually to the Council on trafficking in persons in armed conflict, and the efforts of the international community and UN system to combat it.

Second, Workshop Participants suggested that the Security Council should consider issues relating to trafficking in persons when addressing situations and thematic items on its agenda, as it does to advance the Women, Peace and Security agenda. This could involve, for example, requesting that the Secretary-General include information on this topic when reporting to the Council, and requesting that other relevant Special Representatives (for example, on Sexual Violence in Conflict, and on Children and Armed Conflict) address the issue where relevant. Likewise, the Security Council could consider how the Council's counter-terrorism entities, including the Counter-Terrorism Committee's Executive Directorate, are addressing human trafficking in conflict in their own programming.

Three Forms of Security Council Leverage

Third, in the view of some Workshop Participants, the Security Council could continue to create space for victims and survivors of trafficking in persons in conflict to share their experiences with the Security Council, to help it understand the human impact of this phenomenon. This could take the form of addresses during the annual Open Debate, or through Arria-formula meetings.

Fourth, Workshop Participants pointed out that the Security Council could include the issue in discussions with regional organizations. The OSCE, in particular, has done significant work in this area, which may be useful for the Security Council not only to highlight but also to learn from. And raising the issue with other regional organizations - such as the African Union, ASEAN, League of Arab States, OAS and SAARC, all of whom have begun to take measures in this field - would also help to ensure it receives due attention and resources in those forums.⁹³

Fifth, several Workshop Participants argued that the Security Council's normative work on this issue would be placed on a stronger, more sustainable footing if the Council encouraged Member States to consider how the General Assembly's Review of the *Global Plan of Action to Combat Trafficking in Persons*, expected to take place in 2017, could help strengthen efforts to counter trafficking of persons in conflict.

Many Workshop Participants also argued, however, that it is not enough for the Security Council to rely on rhetorical denunciations: for the norms against human trafficking and modern slavery in conflict to be effective, it also needs to strengthen accountability efforts.

Some Workshop Participants noted that the Council could recognize that these crimes not only constitute war crimes (as it did in its Presidential Statement in December 2015), but may also in some circumstances constitute crimes against humanity, and violate the *jus cogens* prohibition on slavery and the non-derogable human right to be free from slavery. The Coun-

cil could encourage Member States to investigate and prosecute such crimes and ancillary crimes. This would send a powerful normative message not only to those who engage in such crimes during armed conflict, but also to those who profit from them.

Many participants pointed out that we cannot expect the criminal justice systems of countries affected by conflict to effectively enforce these norms. Instead, it may fall to other countries - and the international community - to step in, or to assist the country in question. The Security Council arguably has an important role to play here in encouraging such collective efforts.

Some Workshop Participants stressed that there are extensive norms providing a basis for accountability, including relevant international humanitarian and human rights law, international criminal law (including certain provisions of the Rome Statute of the International Criminal Court) and the UN Convention Against Transnational Organized Crime. Workshop Participants recalled that the Security Council's December 2015 Presidential Statement recognizes that certain aspects of trafficking in persons by groups in armed conflict may constitute war crimes.⁹⁴ Some Participants noted that in other cases, human trafficking may, where it constitutes or forms part of a widespread and systematic attack against a civilian population, constitute the crime against humanity of enslavement (which specifically includes human trafficking), and be subject to prosecution in the International Criminal Court or through national systems. Other Workshop Participants pointed out that allegations of slavery crimes have already been raised in relation to several situations with which the Security Council is already seized, including ISIL, Boko Haram, Eritrea and DPRK.⁹⁵ The Workshop also heard that Ms Fatou Bensouda, the Prosecutor of the International Criminal Court, recently publicly committed to work within the four corners of the Rome Statute to address slavery crimes, which in some cases overlap with human trafficking in conflict.⁹⁶

Workshop Participants canvassed a number of ideas for action by the Security Council to strengthen accountability for those involved in human trafficking in conflict, including:

- reminding Member States that where human trafficking connected to conflict occurs on their territory, they may have obligations under international humanitarian and human rights law, and international criminal law, to investigate and prosecute that conduct;
- recalling that where it constitutes or forms a part of a widespread or systematic attack against a civilian population, human trafficking may be a crime against humanity, punishable in relevant criminal jurisdictions;
- calling on Member States to cooperate to investigate and punish crimes arising out of human trafficking in conflict; and
- considering establishing a Special Tribunal to address ISIL's crimes against the Yazidi, including their systematic use of human trafficking and enslavement.

Other Workshop Participants pointed out that the Security Council's credibility in calling for accountability measures in this area is damaged by the continuing crisis around the involvement of UN peacekeepers in sexual exploitation and abuse - which may, in certain contexts, amount to human trafficking in conflict.⁹⁷ A number of Member States and UN actors raised similar concerns at the June 2016 Security Council Open Debate on Sexual Violence in Conflict. The representative from the United Kingdom noted that "accountability cannot be selective" and remarked that no one representing the UN should be engaging in sexual violence, exploitation or abuse.⁹⁸ The Presidential Statement of December 2015 "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."⁹⁹ Several Workshop Participants argued that the Security Council must take concrete steps to ensure accountability of

peacekeepers for involvement in human trafficking, if it is to maintain credibility in promoting a normative or programmatic response to human trafficking in conflict by NSAGs.

The Secretary-General's 2016 *Annual Report on Special measures for protection from sexual exploitation and sexual abuse* includes, for the first time, the nationalities of UN personnel allegedly involved in sexual exploitation and abuse.¹⁰⁰ Since the beginning of 2016, troop-contributing countries (TCCs) have been required to conduct pre-deployment training to UN standards, before being certified for operational readiness, and the Department of Field Support is undertaking enhanced misconduct tracking. The Secretary-General has also instituted a six-month timeline for investigations into sexual exploitation and abuse, and has urged Member States to do the same. Yet, as some Workshop Participants pointed out, there may be more that the Security Council itself can do, including through the creation of mechanisms with jurisdiction to address peacekeeper sexual exploitation and abuse, where TCCs fail to.¹⁰¹

Disruption

Much discussion at the Workshop focused on the various forms of leverage that the Security Council might have, or that it might foster or encourage Member States and other actors to develop, to disrupt human trafficking in conflict. Workshop Participants paid particular attention to four different forms of leverage for disruption: 1) data-sharing; 2) monitoring; 3) sanctions; and 4) due diligence.

A. Data-sharing

Workshop Participants argued that the Security Council has a uniquely legitimate and powerful role to play in fostering data-sharing between relevant UN entities, law enforcement actors, financial regulators, the private sector and civil society. Improved data-sharing, they argued, will not only facilitate effective action to assist the victims of trafficking in persons in conflict-affected situations, but also to detect and disrupt those activities in the first place.

One step the Security Council could contemplate would involve encouraging actors involved in the global fight against money laundering and countering the financing of terrorism to focus on associated human trafficking financial flows. Financial flows from human trafficking in conflict frequently breach existing anti-money laundering (AML) norms. Similarly, where human trafficking finances terrorist groups, either directly (as traffickers) or indirectly (as taxers and governors of trafficking), tools intended to counter the financing of terrorism (CFT) may also provide leverage. Yet, Workshop Participants argued, to date human trafficking has received only limited attention in this context.

Some important steps have been taken, the Workshop heard. In 2014, the US Financial Crimes Enforcement Network (FINCEN) issued an Advisory on identifying activity that could be indicative of human trafficking and human smuggling.¹⁰² One Workshop Participant said that reporting of relevant suspicious activity subsequently increased by 900 per cent. Other Workshop Participants pointed to initiatives by the Financial Action Task Force (FATF) and

FATF-Style Regional Bodies (FSRBs) to issue “typologies”, helping relevant actors to identify suspicious activities and transactions.¹⁰³ These have helped to identify the important role that cash couriers, straw men and cash-intensive businesses typically play in human trafficking networks – and helped banks and other financial intermediaries to spot indicators of such activity.¹⁰⁴

In conflict-affected contexts, cash- and commodity-based transactions are likely to play an important role – as are informal value transfer systems (IVTS) (such as *hawala*). Where the financial aspects of trafficking are organized purely informally, it may indeed be difficult to use financial regulatory tools to disrupt it. In ISIL-held territory, kidnapped victims are sold to ISIL fighters for as little as \$10–\$13, weapons exchange or cigarettes.¹⁰⁵ ISIL has even given away Yazidi captives as rewards for a competition to memorize the Koran.¹⁰⁶ Boko Haram allegedly sells its kidnap victims as slaves to fighters for 2000 naira, or roughly \$12.¹⁰⁷ Traditional financial regulation may not be useful for disrupting these kinds of transactions, at the “retail” level.

It may, however, prove more useful in disrupting larger-scale human trafficking in conflict, especially where there are cross-border transactions involved. There are reports, for example, that ISIL transports “women and girls to buyers in the Gulf.”¹⁰⁸ Human traffickers frequently use cash couriers to transport large amounts of cash across borders.¹⁰⁹ And while ISIL appears to rely heavily on IVTS,¹¹⁰ IVTS nodes frequently engage in periodic, large-scale debt-settlement transactions in banking and free-trade hubs,

particularly in the Gulf.¹¹¹ Foreign exchange transactions offer another entry point: the Central Bank of Iraq has banned 142 money changers suspected of moving money for ISIL from participating in dollar auctions, pointing to one potential source of leverage.¹¹² And there may be other vulnerabilities, such as the use of Twitter and other messaging services (such as Threema) to organize bulk cash transfers.¹¹³ Moreover, Raqqa and Mosul in Iraq have been identified as places where ISIL carries out its trade in kidnapped women and girls,¹¹⁴ so monitoring IVTS in those locations could be particularly productive.

Many Workshop Participants argued that considerably more could be done - and that the Security Council could foster and encourage such activity. The Security Council has in the past been highly supportive of the work of the Financial Action Task Force (FATF), having several times encouraged UN Member States to implement its standards,¹¹⁵ and having forged a strong working relationship with FATF.¹¹⁶ The Council could build on this basis to signal a desire for improved data-sharing in this field. Relevant measures could include:

- encouraging FATF, FSRBs and FIUs to develop, and keep up to date, typologies on financial flows associated with human trafficking in conflict and with human trafficking that finances terrorism;
- encouraging states to ensure that their financial intelligence units (FIUs) are equipped with expertise on human trafficking, and encouraging states to work together to develop that capacity, including potentially through creation of an expert network;¹¹⁷
- encouraging states to initiate human-trafficking-related AML investigations and prosecutions. Today they remain rare,¹¹⁸ perhaps in part because of the heavy use of cash transfers and the informal banking system;¹¹⁹
- encouraging states, the private sector and civil society to redouble their efforts to share information helping to identify, disrupt and dis-

rupt mantle networks involved in human trafficking in conflict;¹²⁰

- encouraging states to consider and adopt legal, regulatory, technological and institutional arrangements to facilitate the sharing of information by law enforcement and regulatory actors with banks and other financial intermediaries, and amongst banks and other financial intermediaries, to help identify suspicious financial activity related to human trafficking in conflict;¹²¹
- encouraging states, international organizations, the private sector and civil society to train risk and compliance officers to identify indicators of human trafficking in conflict in supply chains, and to develop modalities for effective and responsible data-sharing;¹²²
- encouraging states to cooperate to use existing criminal laws, including anti-corruption and anti-bribery laws, to disrupt and dismantle human trafficking networks¹²³ and encouraging relevant UN entities and INTERPOL to support state efforts to develop such capabilities, including through data-sharing and joint investigative networks and teams; and
- encouraging the Egmont Group of Financial Intelligence Units to consider how its existing modalities can foster data-sharing relating to human trafficking in conflict.

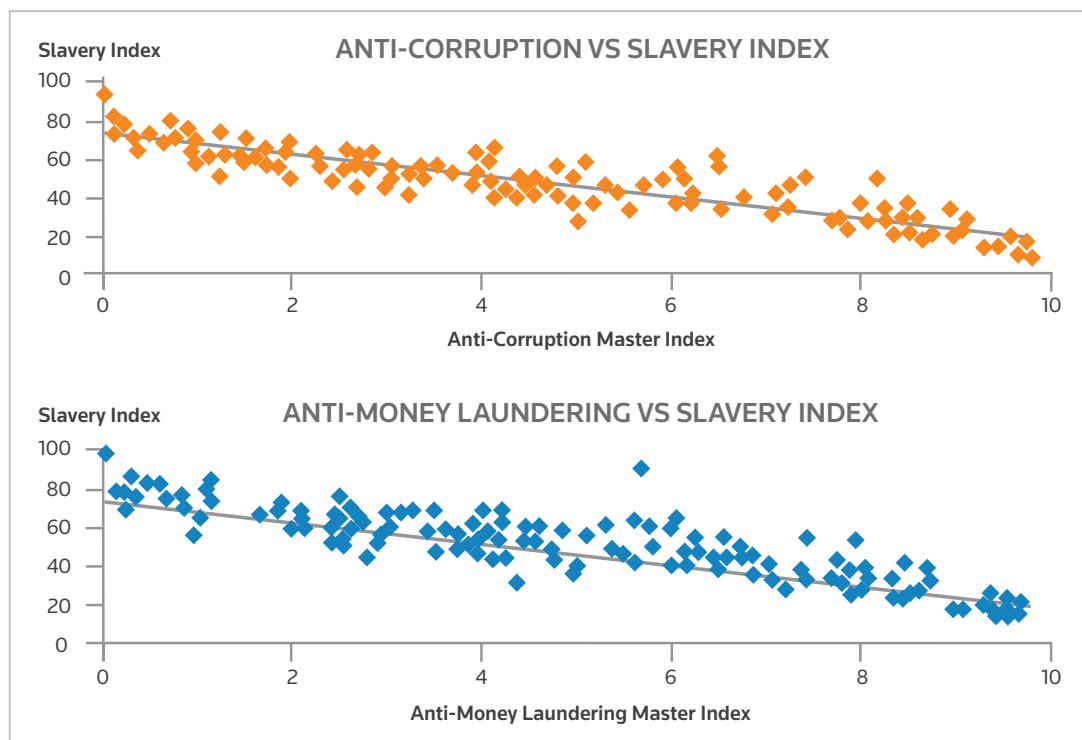
PARTNERING WITH THE PRIVATE SECTOR TO IMPROVE DATA SHARING AND DUE DILIGENCE

BY THOMSON REUTERS

Private sector actors have a crucial role to play in fighting human trafficking in conflict, through data gathering and sharing. At the same time, improved data sharing may help to protect private sector actors from risk and loss of value, through effective due diligence.

PRIVATE SECTOR DUE DILIGENCE

Thomson Reuters data suggest a correlation between the presence of corruption and the incidence of slavery, and between money-laundering and slavery risks.



Based on Thomson Reuters Country Risk data.

At some point the proceeds of trafficking and slavery will emerge in the financial system thereby offering the opportunity to target money laundering and to identify perpetrators.

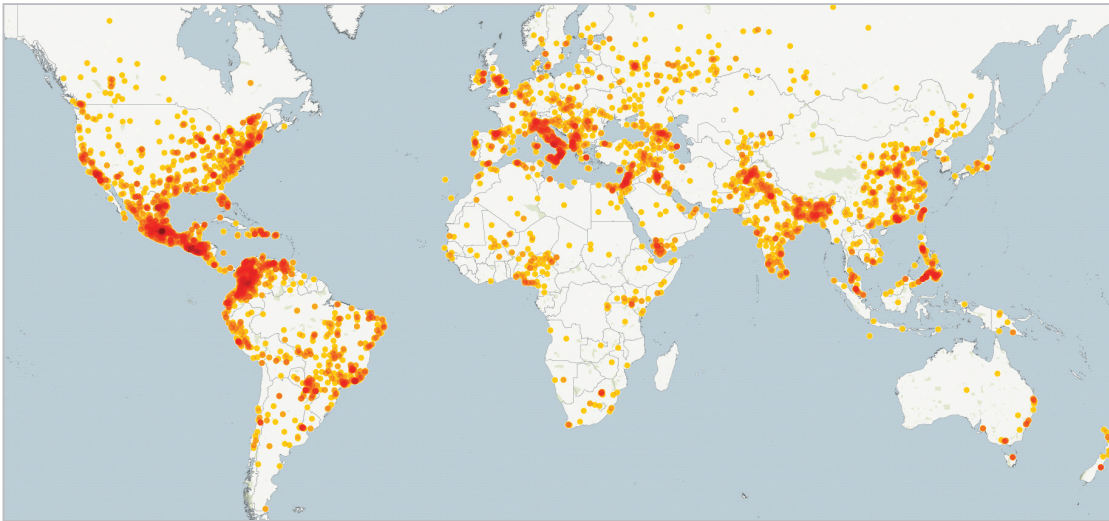
Global standards require private sector actors to conduct due diligence to protect against the risk of money-laundering related to human trafficking (the Financial Action Task Force Recommendations) and to ensure corporate respect for human rights (the UN Guiding Principles on Business and Human Rights). Some jurisdictions also specifically mandate private sector due diligence to identify and remove slavery and human trafficking from global supply-chains (e.g. the UK Modern Slavery Act). These due diligence requirements mean that there is a need for actionable data about the risks of involvement with human trafficking in conflict – and for a diverse array of public and private sector actors to help to generate that data and make it intelligible to each other.



FOSTERING IMPROVED DATA SHARING

How can this improved sharing of actionable data be fostered? Clearly, the UN Security Council has an important role to play in encouraging such efforts, and greater use of available tools. Better cooperation between different financial institutions, civil society actors and law enforcement could help to optimize the use of existing customer and third party due diligence processes to disrupt human trafficking related to conflict.

There is also a need for access to tools to identify risk. An example of such a tool is the Thomson Reuters World-Check risk intelligence, a highly curated, continuously updated database containing information on individuals and organizations affiliated with financial and other crimes, and includes over 63,000 profiles relating to human trafficking and human rights abuses. This data gathered from verifiable, public domain information helps World-Check customers to identify heightened-risk entities and their broader network of affiliations, whether they are individuals, organizations, or even vessels.



This diagram shows all locations associated with entries in World-Check that mention human trafficking. Limited to entities entered in 2006 or later.

Thomson Reuters World-Check is one of several such tools used routinely by the international financial sector to assist them with discharging their anti-money laundering (AML) and Counter Terrorist Financing obligations, and may be useful in helping regulators and private sector actors to identify relationships between terrorism, human trafficking in conflict, and complex global supply chains. World-Check also supports compliance with sanctions regimes by providing up-to-date data on 560 global sanctions, watch, do not sell and denied/debarred parties lists.

Thomson Reuters is also working with non-profit sector actors to develop a global information and anti-slavery intelligence platform to pool collective data. The intention is to provide fully searchable, cross-referenceable data source which will be updated regularly as new reports and intelligence emerges – and it is intended to be made available to those best placed to act on it.

Trusted media reporting on this issue is also crucial for public awareness of these crimes. The Thomson Reuters Foundation supports a global editorial team of almost 40 journalists and 100 freelancers covering human trafficking and other under-reported stories (see <http://news.trust.org/trafficking>).

These stories are distributed globally on the Reuters news service and are made available free of charge to hundreds of smaller media outlets and NGO's around the world.

Comprehensive multilateral action is required in order to succeed. Private sector and civil society action, and public regulation could have a big impact in this field when they work together.



B. Monitoring

Beyond data-sharing by national and private sector actors, the Workshop also considered whether or how the Security Council itself might monitor human trafficking in conflict, and associated with terrorist activity. In the December 2015 Presidential Statement, the Security Council “expresses its intent to continue to address trafficking in persons with respect to the situations on its seizure list.”¹²⁴ How might the Security Council organize itself to play that role?

Many Workshop Participants stressed that if the Security Council moves from general discussion of the topic of human trafficking in conflict to monitoring and consideration of the involvement of specific NSAGs, this was likely to have a more significant deterrent impact on those groups’ behaviour. One Workshop Participant recounted how, when dealing with NSAGs in eastern DRC, she was frequently reassured by those groups’ leaders that “we don’t have children” – a reference to efforts made by the Security Council and other actors (including the International Criminal Court) to monitor and address recruitment, use and other abuses of children in armed conflict.

Some Workshop Participants argued that the Security Council should create a new mandate – for a Special Representative of a Secretary-General – specifically to monitor human trafficking in conflict. They pointed to similar successful efforts in the area of Children and Armed Conflict and Sexual Violence in Conflict, noting that the establishment of such mandates helped Council Members to engage with these issues, and understand and address the specific contexts and groups involved. Other Workshop Participants, however, argued that such an approach was either unnecessary (because it would overlap with, and potentially duplicate, the work of those two mandates on sexual violence and children, and other UN bodies addressing human trafficking) or unrealistic (because it was unlikely to enjoy political support in the Security Council).

Some Workshop Participants suggested that the Security Council could, even without setting up a designated mechanism, continue to monitor human trafficking in conflict through other means: for example by, as suggested above, holding an annual Open Debate; or by requesting that the Secretary-General report to it annually on human trafficking in conflict, possibly including a list of armed groups involved in human trafficking in conflict, describing the nature of that involvement, and describing the efforts of the international community and UN system to combat it. The latter approach has been used successfully to monitor not only violations of norms protecting children in armed conflict, and against sexual violence in conflict, but also, most recently, protecting schools and hospitals in conflict.¹²⁵ Other Workshop Participants encouraged the Members of the Security Council to consider raising questions about human trafficking in conflict, and responses to it, directly to SRSGs, force commanders, heads of UN entities and other actors briefing the Council on specific situations on its agenda.

Some Workshop Participants pointed out that the Special Representative of the Secretary-General on Children and Armed Conflict (SRSG CAAC) works with listed entities to develop an action plan involving “concrete, time-bound steps to bring the party into compliance with international law.”¹²⁶ Participants discussed if or how such an approach might be adapted to address human trafficking in conflict. Most Participants appeared to consider that while the SRSG CAAC’s mandate already covers one form of human trafficking in conflict (child recruitment), it would be difficult to adapt this methodology to other major forms of human trafficking in conflict, in part because some of the NSAGs involved appear to show little interest in engagement with the international community to bring them into compliance with international law. This was felt especially to be true of ISIL and Boko Haram. Several Participants also noted that political controversy around the treatment of state armed forces, in the context of

the mandate of the SRSG CAAC, was likely to chill enthusiasm for the extension of that engagement model to new thematic areas, even if monitoring were limited to NSAGs.

A related idea proposed by several Workshop Participants was to have the Security Council request the Secretary-General to include, in her or his annual report on human trafficking in conflict, a list of geographic and sectoral “hotspots” for human trafficking in conflict. This could include both locations where human trafficking in conflict is known to be particularly prevalent (such as Raqqa and Mosul in Iraq), or particular sectors where there is heightened concern about the conduct of due diligence to prevent involvement in human trafficking in conflict (such as social media, agricultural, construction or financial sectors in particular places). Some law enforcement, financial regulatory and private sector Workshop Participants noted that this would greatly assist them in understanding where there were especially salient risks related to human trafficking in conflict. Others noted that this could have a significant deterrent effect. Several Workshop Participants pointed to the need to think further about how the Security Council can effectively foster due diligence by private and public sector actors, a matter discussed further below.

A final proposal raised by some Workshop Participants was to have the Security Council consider mandating Member States, UN entities and other relevant international actors (such as INTERPOL, the Egmont Group and the International Organization for Migration (IOM)) to form a Joint Temporary Monitoring Task Force to monitor particular locations or hotspots where human trafficking in conflict was identified, and to produce joint analysis on an ongoing basis, available to all Member States and relevant entities. One Workshop Participant described the success of the United Nations Inter-Agency Project on Human Trafficking (UNIAP)¹²⁷ as an example of how collaborative monitoring could help Member States to address specific human

trafficking situations, providing the timely information and analysis they need to bring their criminal justice, financial regulatory and other tools to bear. Several Workshop Participants argued that this approach could also help foster due diligence by the private sector, by lowering the costs of access to reliable data.

C. Sanctions

Several Workshop Participants argued that one of the best tools already available to the Security Council to monitor human trafficking in conflict is the expert and monitoring groups mandated to deal with specific Security Council sanctions regimes. As many Workshop Participants noted, existing UN sanctions regimes may provide one of the most flexible and effective tools available to the Security Council for disrupting human trafficking in conflict.

Each regime established by the Security Council sanctions a specified set of types of conduct. In the case of the ISIL (Da'esh) and Al-Qaida sanctions regime, which also covers Boko Haram, listing is possible wherever a person or group finances, facilitates, supports or recruits for ISIL or Al-Qaida.¹²⁸ Workshop Participants heard that these criteria clearly encompass both fund-raising for ISIL through human trafficking (whether direct profit or indirect taxation) and recruitment that itself constitutes human trafficking. Other sanctions committees develop their own listing criteria tailored to the situation (i.e., conflict) they are mandated to address.¹²⁹ These criteria have covered a variety of forms of conduct, and the Workshop heard that many of these criteria arguably already cover human trafficking – as a violation of human rights and international humanitarian law (e.g., Côte d'Ivoire, Sudan and Libya sanctions regimes), as sexual violence (e.g., Somalia/Eritrea sanctions regime), or child recruitment (e.g., DRC sanctions regime).¹³⁰

Workshop Participants also heard, however, that there are no specific references, at present, to “trafficking in persons in conflict” as a listing

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criterion - and that, absent such specific references, the expert and monitoring groups that support the Council's sanctions committees are unlikely to focus their time, attention and analysis on these issues. As a result, the sanctions committees are unlikely to receive from these monitoring and expert groups much information about the involvement of armed groups in human trafficking in conflict, and that information is also unlikely to find its way into the deliberations of the Security Council itself. Many Workshop Participants argued that this could easily be remedied by the Security Council making specific reference to trafficking in persons in conflict in sanctions Resolutions, and by sanctions committees including it explicitly as a listing criterion. Many Workshop Participants also argued that the Sanctions Committees could further benefit from direct engagement with relevant UN officials, such as the SRSGs on Sexual Violence in Conflict and Children and Armed Conflict, and two Special Rapporteurs - on Trafficking in Persons, especially women and children, and on Contemporary Forms of Slavery.

Some Workshop Participants pointed out that these steps would also increase the effectiveness of AML/CFT and law enforcement tools in addressing human trafficking in conflict. Law enforcement agencies and the global financial system pay close attention to Security Council sanctions criteria and lists, and Security Council listing of actors for involvement in human trafficking in conflict would quickly translate, through AML/CFT channels, to those targets having reduced access to legitimate financial channels, and becoming more vulnerable to investigation and prosecution. In short, as one Workshop Participant put it: "Sanctions listing could provide the basis for much more effective disruption of human trafficking in conflict."

Many Workshop Participants suggested that, given the agreement amongst the P5 about how to handle ISIL and Al-Qaida in the Security

Council, it was quite feasible that the Security Council could pay more explicit and prominent attention to trafficking in persons in conflict in the ISIL/Al-Qaida sanctions regime context. The Security Council could, for example, mandate the Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals and entities (the Monitoring Team) to look specifically at this issue, as it has previously mandated it to incorporate reporting on the oil trade, cultural heritage, kidnapping for ransom and external donations into reports to the Committee.¹³¹ The Security Council could do something similar relating to ISIL and Boko Haram's by now well-established extensive involvement in human trafficking in conflict.

Some other participants also suggested the Security Council might be able to agree to give greater prominence to this issue in the Libya sanctions regime. Workshop Participants heard detailed evidence of the extensive vulnerability of migrants and refugees in Libya to human trafficking in conflict. At present, the Security Council has mandated the "use [of] all measures commensurate to the specific circumstances in confronting migrant smugglers or human traffickers" on the high seas off Libya, which extends to inspecting and seizing vessels suspected of engagement in human trafficking and migrant smuggling,¹³² but it has done nothing directly to address trafficking in persons within Libyan territory. Many Workshop Participants suggested that there are a range of options open to the Security Council that could allow it to support effective action by the Government of Libya against human trafficking on its territory, including relating to protective measures (discussed further below) - and also sanctions. One Workshop Participant pointed out that the listing criteria for Libya already includes the "commission of serious human rights abuses",¹³³ which appears to include human trafficking in conflict. The Security Council could, however, ensure that this possibility is addressed by di-

recting the expert group to prepare a special report into the issue of armed groups' involvement in human trafficking in conflict in Libya, as it has directed the analogous group for Afghanistan to look into cooperation between armed groups and organized crime syndicates.¹³⁴

D. Due Diligence

A fourth area in which the Security Council may be able to foster leverage over armed groups involved in trafficking in persons in conflict is by encouraging relevant actors to develop appropriate due diligence guidance for particular industry sectors, notably the financial, telecommunications, recruitment and other affected sectors.

Workshop Participants argued that the Security Council is probably not well positioned to develop this guidance itself, due to a lack of requisite technical and human rights expertise. However, Workshop Participants also recalled that the Security Council has previously encouraged the development of such guidance relating to importation processing and consumption of minerals from mines under the control of illegal armed groups in eastern DRC, and relating to the mining industry in Eritrea.¹³⁶ In the case of the DRC, failure to exercise such due diligence was designated as a factor to be taken into account in sanctions listing decisions.¹³⁷ Workshop Participants heard that the guidance required specified private sector actors to:

- 1) strengthen company management systems;
- 2) identify and assess risk in the supply chain;
- 3) design and implement a strategy to respond to identified risks;
- 4) ensure independent third-party audits; and
- 5) publicly disclose supply chain due diligence and findings.

Workshop Participants also heard that this guidance has had important knock-on effects - for example, the inclusion of disclosure requirements for conflict minerals in the Dodd-Frank Act in the US, which in turn influenced reporting

rules to the US Securities and Exchange Commission;¹³⁸ and the negotiation of EU reporting regulations for conflict minerals.¹³⁹ Some Workshop Participants pointed out that the impact of this guidance has been complex,¹⁴⁰ and suggested that in order to be effective such guidance may need to be developed with the close involvement of representatives of affected industries.

Some Workshop Participants suggested that the Security Council may want to 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 - for example, by providing demand for labour trafficked from conflict zones. Workshop Participants recalled that evidence suggests that risk factors include geographic proximity to conflict zones and irregular migration routes, and reliance on low-wage, low-qualification and informal labour pools. Workshop Participants pointed out that different sectors may exhibit these characteristics in different places: for example, the domestic service industry in parts of Europe, agriculture and construction in the Middle East, or the fisheries industry in south-east Asia.¹⁴¹

Other Workshop Participants suggested that such due diligence may be particularly useful in the global employment and recruitment agency sector.¹⁴² Labour brokers clearly have significant responsibilities to ensure that they are not unwittingly facilitating human trafficking in conflict, and thereby providing unintended support to sanctioned armed groups or even terrorist groups.¹⁴³

Workshop Participants paid particular attention to the possibility that the Security Council could encourage the global information and communication technology (ICT) sector to develop due diligence guidance to ensure that their services are not being used to support or facilitate human trafficking in conflict.¹⁴⁴ The UN SRSG on Sexual Violence in Conflict, Ms Zainab Hawa Bangura, recently called attention to



the use of social media for trafficking in women and girls, stating that women and children are sold on the same forums as rockets, arms and grenades.¹⁴⁵ The Security Council has previously called on Member States to “develop robust social-media campaigns and counter-messaging efforts to blunt terrorist narratives and on-line recruitment attempts”;¹⁴⁶ it may be worth considering extending this call to efforts to prevent the use of social media and telecommunications apps for human trafficking. Workshop Participants heard that several NSAGs, most notably ISIL, are major exploiters of social media and digital messaging platforms for human trafficking. In the last year, ISIL fighters have used an encrypted application (Telegram) to set up online slave auctions, circulating photos of captured Yazidi females, including their age, marital status, current location and price.¹⁴⁷ Recently, a member of ISIL attempted to sell two enslaved women on Facebook, asking for \$8,000 and posting pictures of the women. (The content was taken down within hours).¹⁴⁸ And as discussed earlier in this report, apps as var-

ied as Threema, Twitter and WhatsApp have also allegedly been used for human trafficking in conflict.

Several Workshop Participants noted that NSAGs also use these platforms to identify and groom new recruits - including women and girls who are lured through fraud and deception to the conflict areas to serve as “wives.”¹⁴⁹ There is also evidence, the Workshop heard, of these platforms being used to recruit men by offering access to trafficked women and girls, both through broadcast offerings - such as online magazines¹⁵⁰ and YouTube videos discussing the sale of Yazidi captives on “slave market day”¹⁵¹ - and through more targeted recruitment efforts.

Protection

Workshop Participants spent considerable time exploring the opportunities open to the Security Council to take action focused on protecting civilians vulnerable to human trafficking in conflict. This discussion picked up on the exhortation in the Security Council's Presidential Statement of December 2015, which "urges relevant UN agencies operating in armed conflict and post-conflict situations to build their technical capacity to assess conflict situations for instances of trafficking in persons, proactively screen for potential victims of trafficking, and facilitate access to needed services for identified victims."¹⁵²

Several Workshop Participants pointed out that while the Security Council has been willing to authorize the "use [of] all measures commensurate to the specific circumstances in confronting migrant smugglers or human traffickers" on the high seas off Libya to inspect and seize vessels expected of engagement in human trafficking and migrant smuggling,¹⁵³ it has not taken action to protect the civilians in and travelling through Libya who feed into the criminal networks that operate on the high seas. Several Workshop Participants argued that if the Security Council is serious about protecting civilians in Libya, then it needs to, as one put it, "move its focus up the chain." Another Workshop Participant argued that since human trafficking funds armed groups in Libya, measures to protect civilians against human trafficking in conflict in Libya are an essential component of any effort to "sustain peace" in Libya.¹⁵⁴

Other Workshop Participants argued that the Security Council should consider the connections between human trafficking and conflict not only in Libya, but also in an array of other conflict-related and humanitarian crises. Some Workshop Participants suggested there is a "protection gap" in existing international response mechanisms, particularly in the humanitarian Cluster System, which, they argued, does not address several key areas of vulnerability to human trafficking.¹⁵⁵ The 2016 US *Trafficking in Persons Report*, published in June 2016, makes the point that "[h]uman trafficking is frequently

overlooked in crises and omitted from formulations of humanitarian and emergency response policies", and calls for the inclusion of anti-trafficking strategies in planning for conflict and humanitarian response.¹⁵⁶ Similarly, the UN Special Rapporteur on Trafficking in Persons, Especially Women and Children, Ms Maria Grazia Giammarinaro, recently called for increased attention to labour trafficking in displaced populations, including "incorporat[ing] anti-trafficking measures into all conflict-zone humanitarian interventions."¹⁵⁷ Some Workshop Participants argued that because human trafficking is not specifically addressed within the UN's cluster approach to humanitarian coordination, it receives little coordinated attention in UN field presences, including UN missions mandated by the Security Council. Several Workshop Participants argued that this creates significant weaknesses in the UN's ability to identify and respond to signs of human trafficking emerging in conflict situations. This could be addressed, they argued, by the Security Council calling for human trafficking in conflict to be addressed in the cluster approach, for example through the designation of a human trafficking "lead."

Several other ideas for targeted action by the Security Council to protect civilians vulnerable to trafficking in conflict were also shared, including carrying out targeted information campaigns at sites where vulnerable populations congregate, such as border crossings, refugee processing centres, food distribution centres

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- and on social media. For example, the UK's Metropolitan Police has released videos online of Syrian migrant women warning foreign women about the realities of life under ISIL, to counter the fraud and deception that drive online recruitment.¹⁵⁸ A similar approach could be adopted to use social media to warn refugees and migrants in conflict zones about the risk of exploitation and abuse by human traffickers. Some Workshop Participants pointed out that social media providers may be able to identify, through geospatial data and content, specific individuals who may be vulnerable to human trafficking in conflict, and incorporate warning information and assistance information (such as details for a hotline or assistance app) into social media feeds.

Related to this, some suggested exploring the possibility of Member States identifying, or jointly developing with each other and the UN, rapidly deployable investigative and protection capabilities. Several Workshop Participants noted existing capacity within the UN, such as the UNDP/DPKO Global Focal Point on Police, Justice and Corrections and the Rapid Response Unit of the Office of the High Commissioner for Human Rights.¹⁵⁹ One Workshop Participant pointed out that such investigative capabilities are already being used by the policing agencies of some European states to identify migrant trafficking networks in North Africa. Another suggested that this may be an area in which Western European and Other Group Member States have much to offer, while others pointed out that the UN might benefit from engaging with NATO and OSCE regarding such efforts.¹⁶⁰

Other Workshop Participants suggested that the Security Council could also encourage the development of protection capabilities in the Missions that it mandates, for example by requesting the Secretary-General to report back to it on:

- incorporating language mandating Missions to protect civilians from human trafficking in conflict;

- authorizing Missions to share information with UN entities and other relevant international agencies, such as the IOM, the Egmont Group and INTERPOL, to help identify human trafficking networks and protect civilians from exploitation by them;
- the possibility of developing training modules for Troop Contributing Countries, Police Contributing Countries, civilian peace operations personnel and relevant humanitarian personnel to ensure that troops are able to identify victims of human trafficking in conflict and respond appropriately; and
- efforts to ensure that UN peace operations meet agreed targets for female personnel.

Finally, the Security Council could encourage Member States to take steps to extend assistance to victims of human trafficking in conflict. This could include ensuring that victims of human trafficking in conflict are not prosecuted or punished for their experience. And it could also include encouraging the established international trust funds that work to support them (the UN Voluntary Trust Fund for Victims of Trafficking in Persons, the UN Voluntary Trust Fund on Contemporary Forms of Slavery and the International Criminal Court Trust Fund for Victims) to consider supporting victims of trafficking in persons in conflict. •

Endnotes

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- ¹⁵⁹ OHCHR, "OHCHR in the World: making human rights a reality on the ground", available from <http://www.ohchr.org/EN/Countries/Pages/WorkInField.aspx>.
- ¹⁶⁰ For existing OSCE anti-trafficking programs, see OSCE, 2014-15 *Report of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings* (Vienna: 2015 OSCE/Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 2015). OSCE has recently initiated an anti-trafficking program along migration routes. See, "OSCE launches innovative project to combat human trafficking along migration routes", OSCE Newsroom, 17 June 2016, available from <http://www.osce.org/secretariat/247311>.

Annex – Workshop Agenda

Thursday 30 June 2016

0900 **Opening Session**

Sharon Prince, President, Grace Farms Foundation

James Cockayne, Head of Office, United Nations University

Keynote: The tragedy of human trafficking in conflict situations

Introduction: H.E. Amb. Martin Shearman, Development and Human Rights, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations

Featuring: Nadia Murad Basee Taha, Yazidi survivor and activist, Nobel Peace Prize nominee (by video)

1000 **Session 1 | Human Trafficking in Conflict**

What do we know about human trafficking in conflict? What forms of exploitation are involved? How do trafficking networks operate within, into, and out of, conflict areas? How does conflict give rise to human trafficking problems further afield? And what are its impacts?

Moderator: James Cockayne, United Nations University

Ilwad Elman, Elman Peace and Human Rights Centre (via Skype)

Selma Vadala, UN Office of the High Commissioner for Human Rights

Christian Nellemann, Rhipito-Norwegian Center for Global Analyses

Mark Micallef, Executive Director, Migrant Report

Matthew Barber, Yazda

1330 **Special Performance**
by Alvin Ailey American Dance Theatre

“Cry”

Choreographed by Alvin Ailey

Performed by Rachael McLaren of the Alvin Ailey American Dance Theater

“Something About John Coltrane” written by Alice Coltrane. Published by Jowcol Music. “Been on a Train” 100% Laura Nyro (BMI) – EMI Blackwood Music Inc. (BMI). © 1971 EMI Blackwood Music Inc. All rights administered by Sony/ATV Music Publishing LLC., 424 Church Street, Suite 1200, Nashville, TN 37219. All rights reserved. Used by permission. “Right On, Be Free” written by Chuck Griffin, performed by The Voices of East Harlem. Used with permission of the publisher, Really Together Music.

Thursday 30 June 2016

1400 **Session 2 | How is the international community responding?**

What steps is the international community already taking to respond to human trafficking in conflict? What else could it be doing? How can the UN Security Council contribute?

Moderator: H.E. Amb. Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations

H.E. Amb. Gerard van Bohemen, Permanent Representative of New Zealand to the United Nations, Chair of ISIL/Al Qaida Sanctions Committee

Hiroute Guebre Sellassie, United Nations Deputy Special Representative for West Africa and the Sahel

Simone Monasebian, Director, New York Office, UNODC
and Fabrizio Sarrica, Global Report on Trafficking in Persons Unit, UNODC
Eugenia Afonso, Walkfree.org

1615 **Session 3 | New Approaches**

What new approaches are available for disrupting the connections between human trafficking and conflict - and for addressing its impacts? Where does technology fit in? What role should anti-money laundering (AML) and countering the financing of terrorism (CFT) regimes play? How can law enforcement cooperation be strengthened? Can supply chain due diligence play a role?

Moderator: H.E. Amb. Martin Shearman, Development and Human Rights, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations

Kevin Hyland, UK Independent Anti-Slavery Commissioner (by video)

Luis C.deBaca, Director, SMART, US Department of Justice; former US Ambassador at Large on Trafficking in Persons

Michael Mullaney, Chief, National Security Division, Counterterrorism Section, US Department of Justice

Emily Wyatt, IST Research

Benjamin Skinner, Transparentem

Duncan Jepson, Liberty Asia

1900 **Dinner**

Keynote Speaker: Congressman Jim Himes (D-CT)

Friday 1 July 2016

0930 Breakout Groups

Breakout Group One | Financial regulatory tools

What role can existing anti-money laundering, counter-terrorist financing, and other financial regulatory tools - such as anti-bribery and anti-corruption laws - play in disrupting connections between non-state armed groups and human trafficking? Do non-state armed groups rely sufficiently on the formal banking sector for these tools to be useful? How do we strengthen use of these tools to disrupt the connections between human trafficking and conflict? What role could the UN Security Council play in that regard?

Discussion leader:

Daniel Thelesklaf, Liechtenstein FIU

Thought leaders:

René Brülhart, AIF, Vatican City

Theresa Forbes, FINCEN

Chris Stott, Clifford Chance

Jason Nunn, Stop the Traffik

Rapporteur: Anesa Parker, Deloitte Consulting

Breakout Group Two | Law enforcement and data analytics

What role are digital technologies playing in human trafficking in conflict? How can law enforcement and intelligence agencies analyze or even disrupt human trafficking using social media and data analytics? How does this enable more effective responses? How can international law enforcement cooperation in these areas be strengthened? And what role does the UN Security Council have to play in this regard?

Discussion leader:

Stephen Reynolds, Deputy Chief/National Security Coordinator, Connecticut U.S. Attorney's Office, US Department of Justice

Thought leaders:

John Solomon, Thomson Reuters

Rashad Hussain, US Department of Justice

Wade Shen, Defense Advanced Research Projects Agency

Rapporteur: Richard Schechter, former US Prosecutor

Friday 1 July 2016

Breakout Group Three | Mobilizing collective, private action

What role can collective, private action play in breaking the links between human trafficking and conflict? Where do activist groups and civil society fit in? What role can the media play? How can philanthropists contribute? And what role, if any, do they have to play in influencing action in the Security Council – or vice versa?

Discussion leader:

James Cockayne, Head of Office, United Nations University

Thought leaders:

Richard Lui, MSNBC/NBC News

Joe Schmidt, Walkfree.org

Sharon Prince, Grace Farms Foundation

Daphne Eviatar, Human Rights First

Rapporteur: Kate Kennedy, The Freedom Fund

Breakout Group Four | UN operational response

What can the United Nations do to address human trafficking in conflict, on the ground? How can it help prevent human trafficking in refugee and IDP situations? What role do human rights, peace operations and other actors have to play? Can UN actors be useful sources of monitoring, analysis or even intelligence? What norms should guide such activities?

Discussion leader:

Rahul Chandran, Centre for Policy Research, United Nations University

Thought leader:

Michela Macchiavello, International Organization for Migration (by video)

Rapporteur: Philippa Garson, Independent Journalist

1145 Plenary reporting and discussion

Moderated discussion of the Breakout Groups' proposals for actions to strengthen global response to human trafficking in conflict will follow.

Moderator: Krishna Patel, Justice Initiative Director and General Counsel, Grace Farms Foundation

Rapporteurs: Anesa Parker, Deloitte Consulting
Richard Schechter, former US Prosecutor
Kate Kennedy, The Freedom Fund
Philippa Garson, Independent Journalist

Friday 1 July 2016

1215 **Session Four | Strengthening response in the UN Security Council**

What role can the UN Security Council play in promoting the fight against human trafficking in conflict, including through new approaches? Where do AML/CFT tools, and UN sanctions regimes fit in? Could the Security Council use other techniques, such as expert groups, due diligence guidance, a Working Group or a monitoring mechanism? What can it do to promote operational response? What can it do to promote collective action by actors outside the UN?

Moderator: James Cockayne, United Nations University

H.E. Amb. Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations

Hans-Jakob Schindler, Coordinator, Analytical Support and Sanctions Monitoring Team, ISIL and Al Qaida Sanctions Committee

Amanda Roberts, Senior Research Analyst and Coordinating Editor, Security Council Report

Rahul Chandran, Centre for Policy Research, United Nations University

1400 **Close**

Image Credits

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Nadia Murad Basee, a 21-year-old Iraqi woman of the Yazidi faith, speaks to members of the Security Council during a meeting at the United Nations headquarters in New York, 16 December 2015.

© Reuters / Eduardo Munoz

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Grace Farms is a welcoming new place, where a building designed by SANAA is seamlessly integrated into 80 acres of open space for people to experience nature, encounter the arts, pursue justice, foster community, and explore faith. The Workshop at Grace Farms in New Canaan, Connecticut, brought together 100 experts from Permanent Missions to the United Nations, UN bodies, national law enforcement agencies, Financial Intelligence Units, the technology sector and financial sectors, media and civil society.

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A wide view of the Security Council meeting on human trafficking in situations of conflict, 16 December 2015.

© UN Photo/Rick Bajornas

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A dinghy overcrowded by African migrants is seen drifting off the Libyan coast in the Mediterranean Sea 20 August 2016.

© Reuters / Giorgos Moutafis

Page 1

Mohamed, 10, stands guard at the frontline along the western entrance of Ajdabiyah 13 April 2011.

© Reuters / Yannis Behrakis

Page 5

Syrian Kurdish refugees cross into Turkey from Syria near the town of Kobani.

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11 year-old Sultan, displaced from Syria, packs bags of charcoal at a charcoal factory beside his tented settlement in the town of Bebnine, Akkar province, Lebanon, on 15 December 2013. Sultan works with 3 friends from 7 a.m. until 5 p.m. breaking apart charcoal before weighing and bagging it. He earns \$4 each per day and says he does the work to provide for his family. He says, "I want to work, my father has only one eye so I must earn money to help my family."

© UNHCR / A. McConnell / December 2013.

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Adula Gawni, a Rohingya Muslim, shows a picture of his son Marmot Ismai, who is being held at a human trafficking camp, in a refugee camp outside Sittwe, Myanmar 20 May 2015. Ismai left the refugee camp with others on a boat to Malaysia four months earlier, only to phone his family back 40 days later to tell them he was kidnapped with a ransom of 4,000 Malaysian ringgit. Gawni and his family had already sent 2,000 Malaysian ringgit and 600,000 kyats for Ismai's release. Just a few days before this picture was taken, the family received a picture of Ismai via an Internet shop at the refugee camp with the message that they needed to pay another 2,000 Malaysian ringgit to the perpetrators for his release.

© Reuters / Soe Zeya Tun

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Gold miners form a human chain while digging an open pit at the Chudja mine in the Kilomoto concession near the village of Kobu, 100 km (62 miles) from Bunia in north-eastern Congo, in this 23 February 2009 file photo. Home to the world's biggest reserves of cobalt – used in batteries, ceramics and dyes – Congo has gold, silver and diamond mines, and holds some of the world's largest stores of copper, tin and metals such as tungsten, a component of many mobile phones.

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Image Credits

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Yazidi sisters, who escaped from captivity by Islamic State (IS) militants, sit in a tent at Sharya refugee camp on the outskirts of Duhok province 3 July 2015. The sisters were among one hundred women, men and children taken by IS as prisoners after the militants attacked their village of Tal Ezayr in the northern Iraqi province of Mosul close to Syrian border in 2014. In an interview with Reuters TV, the sisters talked about their horrific ordeal, treatment of women by the militants, and their eventual escape. Picture taken 3 July 2015.

© Reuters/Ari Jala

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