

Multistakeholder Pledge: Protection for refugees and migrants at risk of or affected by trafficking in persons

Key outcome: To enhance access to protection, asylum, and solutions for asylum-seekers, refugees, stateless persons, and migrants, who are victims of trafficking or at risk of being trafficked, including through increased scope of and access to protection services to mitigate trafficking risks and respond to the needs of victims, and through strengthening referral mechanisms, including those between asylum and the anti-trafficking systems. Expanding protection and assistance services will also benefit returnees and host communities.

Pledge description

This pledge aims at enhancing protection for asylum-seekers, refugees, stateless persons and migrants at risk or affected by trafficking in persons, thus supporting the overarching objectives of the Global Compact for Refugees.

It aligns with the Key Recommendations and Follow-Up Actions of the 2021 High-Level Officials Meeting (HLOM), in particular with Recommendation 2, entitled 'Enhance access to international protection'.

This pledge contributes towards SDGs 5, 8, 10 and 16,¹ and upholding the rights of trafficked persons. Furthermore, given that anti-trafficking is a thematic area of commonality between the Global Compact on Refugees and the Global Compact on Migration, when pledging for the GCR, States and stakeholders may submit similar pledges under the Global Compact for Migration in line with Objective 10 and vice versa.

Pledging guidance

Pledges may be designed drawing from any of the following measures to achieve positive impacts for *asylum-seekers*, refugees, stateless persons, migrants, returnees or host communities at risk of affected by trafficking in persons.

¹ ICAT, [The Role of the Sustainable Development Goals in Combating Trafficking in Persons](#), 2018.

1. Ensuring that legislation on trafficking in persons includes a saving clause to recall and safeguard States' obligations under international law, including international humanitarian law, international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement.
2. Implementing legislative, policy and practical measures to ensure access to assistance, protection, and justice for all victims of trafficking among [asylum-seekers](#), refugees, stateless persons, and migrants, without discrimination, regardless of their status, their ability or willingness to cooperate with the authorities, regardless of the place or places where they may have been trafficked, and no matter their means of entry.
3. Establishing or improving cooperation mechanisms and referral pathways between the anti-trafficking and asylum systems to strengthen victims' and survivors' access to protection and support, including enhancing access to international protection for victims of trafficking and persons at risk of trafficking, where relevant.
4. Ensuring that identification and referral procedures for victims of trafficking, asylum procedures, and other protection processes are trauma-informed, child and gender-sensitive, and respect the rights of all persons, including people with disabilities.
5. Strengthening capacity and increasing support of all relevant actors to effectively recognise the various forms of trafficking in persons occurring in humanitarian settings, mitigate and respond to trafficking-related protection risks and needs, and initiate referrals to appropriate processes and procedures. In doing so, ensure that all relevant stakeholders are trained on how to detect indicators of potential trafficking in persons as well as on available referral pathways for [asylum-seekers](#), refugees, stateless persons, and migrants who are trafficked or at risk.
6. Establishing or strengthening assistance and protection services, especially along mixed movement routes, to uphold the rights and address the specific needs for accommodation, health care, safety, psycho-social support, legal aid, social protection and child protection for [asylum-seekers](#), refugees, stateless persons, and migrants who are victims of trafficking or at risk of being trafficked, ensuring a systematic application of an age, gender and diversity approach. To this end, upscale also financial and technical support for local authorities to ensure asylum seekers, refugees, stateless persons, and migrants are included in the provision of all relevant services.
7. Establishing protective environments for all children, including asylum seeking, refugee, stateless, and migrant children who are victims or at risk of trafficking, including timely appointment of independent and qualified guardians, specialised assistance, best interests determination, rights-based family reunification, and access to education and health services without discrimination.

8. Strengthening child protection safeguards to prevent risks of child trafficking and investing in protecting children against exploitation or work that is harmful or interferes with a child's development or education. In doing so, ensure that interventions include asylum seekers, refugees, stateless persons, and migrants.
9. Establishing safe spaces and empowering individuals and communities to stay safe (e.g., raising awareness of asylum seekers, refugees, stateless persons and migrants on trafficking risks, rights and options to seek support, safely report, and access justice).
10. Promoting and implementing policies to effectively prevent trafficking in persons and address its root causes, including by ensuring respect for fundamental principles and rights at work, addressing discrimination against asylum seekers, refugees, stateless persons, and migrants; increasing job and livelihood opportunities and promoting decent work; strengthening labour inspection systems; promoting freedom of association and collective bargaining for all workers regardless of their status; and educating employers in order to prevent their becoming involved in trafficking.
11. Providing legal aid, and early legal assistance, to trafficking victims in ways which strengthen access to justice for all, including *asylum-seekers*, refugees, stateless persons, and migrants, taking into account age, gender and disability, among other relevant factors, and to increase accountability of perpetrators for trafficking acts.
12. Introducing legal and policy changes to ensure that *asylum-seekers*, refugees, stateless persons and migrants who are trafficked are not penalised for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of their situation as trafficked persons, in line with international law.
13. Ensuring the non-penalisation on account of irregular entry or presence of victims of trafficking or persons at risk of trafficking who are refugees, in accordance with the 1951 Refugee Convention relating to the Status of Refugees; in the case of children, it is recommended to explicitly prohibit detention, prosecution, and application of any penalties.
14. Providing capacity-building and mentoring to criminal justice practitioners, including police and prosecutors, to enhance the detection, investigation and prosecution of human trafficking cases in mixed movements. In doing so, ensure that efforts are protection-sensitive and take into account the rights and needs of asylum seekers, refugees, stateless persons and migrants.
15. Enhancing the knowledge and skills of the judicial sector to improve the adjudication of trafficking cases in a trauma-informed, inclusive, and victim-centred manner that, inter alia, fully implements the principle of non-punishment.
16. Increasing transnational cooperation among law enforcement and other relevant actors to improve the identification and referral to needed support of victims of

trafficking as well as the prosecution of traffickers and prevention of trafficking in persons in mixed movements.

17. Strengthening data collection systems on trafficking in persons using existing standards and best practices and investing in research addressing current knowledge gaps for evidence-based anti-trafficking policies, including with regards to **asylum-seekers**, refugees, stateless persons, and mixed movements of refugees and migrants.
18. Putting in place mechanisms for safe, ethical, and meaningful participation of **asylum-seeking**, refugee, stateless, and migrant survivors of trafficking in the formulation, implementation, monitoring, and evaluation of anti-trafficking legislation, policies, procedures, and measures.
19. Removing obstacles for family reunification, increasing resettlement commitments, and expanding other safe and legal pathways for refugees who are victims of trafficking and persons at risk of trafficking (e.g., education, employment, and humanitarian pathways).
20. Facilitating rights-based return in safety and dignity, and preferably voluntary, and reintegration programs for victims and survivors of trafficking and persons at risk, ensuring that any such return is carried out with due regard for their safety and in accordance with international law, including the principle of non-refoulement and the prohibition of torture, cruel, inhuman or degrading treatment under international human rights law.