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### Advancement of women

## Trafficking in women and girls: strengthening access to justice for victim-survivors

### Report of the Secretary-General\*\*

#### *Summary*

In the present report, submitted pursuant to General Assembly resolution [77/194](#), the Secretary-General provides information on measures taken by Member States and activities carried out within the United Nations system to eliminate all forms of trafficking of women and girls. The report is focused on efforts to address the gender dimensions of the problem of trafficking in persons and contains recommendations on the strengthening of human rights-based, victim-centred and gender- and age-sensitive approaches within comprehensive, multidimensional, multicultural and balanced efforts to address trafficking in persons, including in the prosecution of traffickers and protection of victims. The report has a special focus on strengthening access to justice for victim-survivors of trafficking.

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

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## I. Introduction

1. Trafficking persists as a grave human rights violation, with a disproportionate impact on women and girls. In 2022, women and girls made up 60 per cent of the total number of detected trafficking victims. Sexual exploitation continues to be the most common form of trafficking experienced by women and girls.<sup>1</sup> Trafficking occurs as part of a continuum of overlapping and interlinked forms of violence against women and girls and is rooted in gender inequalities and economic insecurity across the life cycle.

2. Convictions for the crime of trafficking continue to be low. Women and girls continue to encounter significant barriers in gaining access to justice for trafficking crimes. Responses to trafficking continue to place greater emphasis on the prosecution and conviction of traffickers, rather than protection and support for victim-survivors. Data also shows that women are more likely than men to be convicted for trafficking crimes, reflecting entrenched gender bias in the justice system.<sup>2</sup> The fear of prosecution and punishment while being trafficked further discourages victim-survivors from seeking protection, assistance and justice. Criminal justice-based identification models that make assistance contingent on victim-survivors' cooperation with the authorities can actually have the opposite effect. This can discourage victims from coming forward due to fear of deportation or reprisals and can lead them to avoid the criminal justice system altogether.<sup>3</sup> The difficulty of prosecuting perpetrators due to the transnational nature of trafficking also remains a significant challenge.

3. Against this background, in accordance with General Assembly resolution [77/194](#), the present report is focused on the trafficking of women and girls, as well as access to justice for victim-survivors. It includes recent trends, developments and promising practices over the past two years, as well as concrete recommendations for accelerating progress in the elimination of trafficking in women and girls. The report was written on the basis of, inter alia, information received from Member States,<sup>4</sup> entities of the United Nations system and other organizations.<sup>5</sup>

<sup>1</sup> Global Report on Trafficking in Persons 2024 (United Nations publication, forthcoming).

<sup>2</sup> Global Report on Trafficking in Persons 2022 (United Nations publication, 2022).

<sup>3</sup> See [A/HRC/44/45](#), and E. George, D. McNaughton and G. Tsourtos, "An interpretive analysis of Australia's approach to human trafficking and its focus on criminal justice over public health", in *Journal of Human Trafficking*, 3 (2) (2017), pp. 81–92. See also Organization for Security and Cooperation in Europe (OSCE) Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, *Putting victims first: The 'social path' to identification and assistance* (Vienna, 2023).

<sup>4</sup> Submissions received from: Albania, Algeria, Argentina, Armenia, Austria, Belarus, Benin, Bosnia and Herzegovina, Burkina Faso, Cambodia, Côte d'Ivoire, Croatia, Cuba, Ecuador, France, Germany, Greece, Guatemala, Israel, Jordan, Kyrgyzstan, Lebanon, Luxembourg, Malaysia, Mali, Malta, Mauritius, Namibia, North Macedonia, Panama, Peru, Poland, Portugal, Romania, Senegal, Serbia, Singapore, Spain, Sudan, Türkiye, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and Zimbabwe.

<sup>5</sup> Submissions received from: Council of Europe, European Commission, International Organization for Migration (IOM), Organization for Security and Cooperation in Europe, Spotlight Initiative, United Nations Trust Fund to End Violence against Women, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), United Nations Development Programme (UNDP), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF) and United Nations Office on Drugs and Crime (UNODC).

## II. Global trends in the trafficking of women and girls

4. Since 2022, there has been an increase in the number of detected victims of trafficking, reflecting a return to trends before the coronavirus disease (COVID-19) pandemic.<sup>6</sup> Detected victims are those identified by national authorities and do not reflect the true scale of trafficking. The use of technology continues to expand the scope and severity of trafficking at every stage of the process, including advertising, recruitment, exploitation and control of victims, and concealment and transfer of the profits of traffickers' criminal activities. Technology allows traffickers to be able to operate more anonymously and across multiple locations simultaneously.<sup>7</sup>

5. Although women and girls continue to make up the majority of trafficking victims, the overall share of men and boys as detected trafficking victims continues to rise, largely explained by the greater detection of forced labour as a form of exploitation.

6. Trafficking for sexual exploitation and trafficking for forced labour are the most common forms of exploitation experienced by detected victims of trafficking. In 2022, nearly two thirds of detected victims of sexual exploitation were women, and about one quarter were girls. Conversely, women make up about one quarter of detected victims of trafficking for forced labour, while girls make up for about 10 per cent.<sup>8</sup>

7. There are some key regional differences in the detection of trafficking victims from a gender perspective. Countries in North America, Central America and the Caribbean most often detect women and girl victims trafficked for sexual exploitation. South Asian countries detect both female and male victims almost equally. Countries in Europe, the Middle East and North Africa detect more males, especially men, trafficked for forced labour, and boys for forced criminal activity. In sub-Saharan Africa, child trafficking is most prevalent, mainly for the purpose of forced labour.<sup>9</sup>

8. As the Secretary-General outlined in his previous report (A/77/292), the multiple and interlinked crises around the world are intensifying the factors that make women and girls more vulnerable to trafficking, particularly their poverty and economic insecurity, displacement, and the violence and discrimination against them. These factors are exacerbated in situations of crisis, climate change, disasters and conflict, as well as by the current cost of living crisis.

### Box 1

#### **International normative frameworks and instruments to protect women and girls from trafficking**

The most important international instrument to combat trafficking is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, a supplement to the United Nations Convention against Transnational Organized Crime. Article 5 of the Protocol requires States parties to criminalize trafficking, attempted trafficking, and any other intentional participation or organization in a trafficking scheme.

<sup>6</sup> Global Report on Trafficking in Persons 2024.

<sup>7</sup> Inter-Agency Coordination Group against Trafficking in Persons, "Human trafficking and technology: trends, challenges and opportunities", Issue Brief (2019); Global Report on Trafficking in Persons 2022.

<sup>8</sup> Global Report on Trafficking in Persons 2022.

<sup>9</sup> Ibid., p. 26.

The Convention on the Elimination of All Forms of Discrimination against Women requires States to take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women, including through Committee on the Elimination of Discrimination against Women general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, in which the Committee identified trafficking as a form of violence against women and girls. In its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee affirmed that it is a priority duty of States parties, both individually and collectively, to prevent women and girls from exposure to the risk of being trafficked and to tackle the demand that fosters exploitation.

Under the 2030 Agenda for Sustainable Development, targets 5.2, 8.7 and 16.2 of the Sustainable Development Goals all call for action to address trafficking.

### **Trafficking of women and girls is rooted in gender inequality and occurs as part of a continuum of violence against women and girls**

9. The trafficking of women and girls is rooted in gender inequality and occurs as part of a continuum of overlapping and interlinked forms of violence against women and girls.<sup>10</sup> Factors that make women more vulnerable to violence and abuse – gender discrimination, harmful gender stereotypes and discriminatory social norms, poverty and economic insecurity, and the lack of access to social protection, education and health services – are also factors that make women and girls vulnerable to trafficking.<sup>11</sup> In this respect, in the agreed conclusions of its sixty-eighth session, the Commission on the Status of Women recognized the significant relationship between the feminization of poverty and the vulnerability of women to all forms of gender-based violence, including trafficking ([E/CN.6/2024/L.3](#)).

10. The connection between trafficking and other forms of violence against women and girls is increasingly recognized. As the Secretary-General outlined in his previous report, the United Nations Office on Drugs and Crime (UNODC) found that, in around 25 per cent of cases examined, trafficking survivors were subjected to multiple forms of gender-based violence prior to being trafficked.<sup>12</sup> Moreover, the children of women who are trafficked for sexual exploitation, especially girls, are highly susceptible to becoming trafficked themselves.<sup>13</sup>

11. The global data on trafficking indicates that women are more likely to experience more extreme forms of violence at the hands of their traffickers than men. A global analysis by UNODC of court cases shows that women victims are subjected to physical or extreme violence, including sexual violence, at a rate three times higher

<sup>10</sup> See Committee on the Elimination of Discrimination against Women general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration; [A/77/170](#); and Winrock International, “Addressing inter-linkages between gender-based violence and trafficking in persons to prevent reinforcement of inequalities” (2012).

<sup>11</sup> Coalition to End Violence Against Women and Girls Globally, “The nexus between gender-based violence and human trafficking” (2015).

<sup>12</sup> UNODC, “Female victims of trafficking for sexual exploitation as defendants: a case law analysis” (Vienna, 2020).

<sup>13</sup> See [A/HRC/56/48](#).

than men.<sup>14</sup> Similarly, a study of 10,369 trafficking victims suggested that violence and abuse during trafficking is highly gendered, with sexual abuse in particular affecting women and girls.<sup>15</sup> The data also found that higher levels of abuse were reported by female survivors in sectors in which women and girls are more commonly exploited, namely, sexual exploitation and domestic work.

12. The persistence of trafficking as a global problem has been due in part to the lack of focus on effective programmes and policies that address the root causes of trafficking, in particular gender inequality and gender-based violence. Specifically, law enforcement and criminal justice systems remain underequipped to detect other types of gender-based violence as a precursor to the trafficking of women and girls.<sup>16</sup>

### III. Improving access to justice for victim-survivors of trafficking

13. In 2022, UNODC found that the rates of prosecution and conviction for trafficking were still extremely low and criminal justice responses are falling short.<sup>17</sup>

14. Perpetrators of human trafficking are predominantly male. According to recent data, 72 per cent of those investigated for trafficking-related crimes are men and 28 per cent are women. However, data shows that women investigated for trafficking-related crimes are significantly more likely to be convicted than men. In 2020, 59 per cent of those convicted were men and 41 per cent were women. This may be due to multiple factors: it could reflect more limited access to justice for women compared with men during trafficking prosecutions as criminal justice systems may not take into account women's specific needs. Evidence shows that traffickers may use their female victims as "shields" to protect themselves from accountability for criminal acts, such as fraud or drug offences.<sup>18</sup>

15. Trafficked women may also find themselves in conflict with immigration regulations in destination countries and thereby subjected to criminal charges.<sup>19</sup> These trends are indicative of justice systems that are ineffective in providing access to justice for trafficking survivors and accountability for perpetrators of trafficking.

#### A. Access to justice is a human right

16. A survivor-centred approach to justice is critical to contribute to minimizing the long-term impacts of trafficking on victim-survivors, in part by supporting healing and by enabling survivors to rebuild a sense of identity and restore individual autonomy.<sup>20</sup> In order to conform to human rights standards, justice systems must afford all women and girls who are victim-survivors of trafficking non-discriminatory access to appropriate pathways to justice in a manner that is physically, economically, linguistically and culturally accessible.

17. The provision of legal assistance enables victim-survivors to understand their rights and make informed decisions about exercising them. This includes the

<sup>14</sup> Global Report on Trafficking in Persons 2022.

<sup>15</sup> See H. Stöckl et al, "Human trafficking and violence: Findings from the largest global dataset of trafficking survivors" in *Journal of migration and health*, Vol. 4 (2021).

<sup>16</sup> Coalition to End Violence Against Women and Girls Globally, "The nexus between gender-based violence and human trafficking".

<sup>17</sup> Global Report on Trafficking in Persons 2022.

<sup>18</sup> UNODC, "Accessing justice: challenges faced by trafficked persons and smuggled migrants" (Vienna, 2023).

<sup>19</sup> Ibid.

<sup>20</sup> OSCE, Office for Democratic Institutions and Human Rights, *National Referral Mechanisms: Joining efforts to protect the rights of trafficked persons – a practical handbook*, 2nd ed. (Warsaw, 2022).

provision of sufficient information to equip victim-survivors to make an informed decision about participation in judicial proceedings against their traffickers. Support services should also extend beyond short-term legal assistance to include long-term social, health, psychological and employment support to ensure that trafficking survivors can regain control of their lives and recover.<sup>21</sup> Making this decision requires that victim-survivors have access to basic legal counselling with regard to the options available to them. These options should include reporting the crime formally and acting as a witness for trial, providing anonymous intelligence without formally reporting the crime or testifying at trial, or choosing not to do either.<sup>22</sup>

## **B. Deeply entrenched barriers to justice remain for trafficking victim-survivors**

18. Entrenched gender biases in legal systems persist, resulting in limited access to justice for women compared with men. These biases include deeply held stereotypes that excuse or normalize violence against women and girls or views about what is considered to be appropriate behaviour for women. Stereotyping also affects the credibility given to women's voices, arguments and testimony as parties and witnesses, and can lead justice systems to misinterpret or misapply laws. As such, systems are generally not equipped to address justice gaps and perform in a gender-responsive manner.<sup>23</sup>

19. Broader problems in the justice system, such as corruption of officials at border controls, police stations and labour inspectorates, not only facilitate the recruitment, transportation and exploitation of trafficking victims, but also obstruct access to justice. Evidence shows that officials abusing their positions of authority and accepting bribes can result in court proceedings being impeded and the intimidation of victim-survivors, leading them to refrain from giving evidence.<sup>24</sup>

20. Specifically, in the context of trafficking, gendered stereotypes and bias around who is a deserving or "good" victim play out in justice systems with judges often putting the onus on survivors to seek assistance.<sup>25</sup> Courts may also reinforce derogatory language towards trafficking survivors, which ingrains norms that justify and enable sexual exploitation. Furthermore, the law may excuse persons accused of sexually abusing women and girls on the grounds of a subjective assessment that the victim-survivor appeared to have attained the age of majority.<sup>26</sup> In addition, evidence of prior violence and exploitation may not always be considered during court proceedings against traffickers,<sup>27</sup> including when female defendants appear before courts.<sup>28</sup>

21. Women's access to justice is also limited by the quality and availability of legal and justice services, as well as trauma-informed support services, which are crucial to ensuring survivors' mental and physical well-being.<sup>29</sup> Without adequate legal

<sup>21</sup> See [A/HRC/44/45](#).

<sup>22</sup> UNODC, "Accessing justice".

<sup>23</sup> UNODC, "Handbook for the Judiciary on Effective Criminal Justice Responses to Gender-based Violence against Women and Girls" (Vienna, 2019).

<sup>24</sup> See [CTOC/COP/WG.4/2023/2](#), available from [www.unodc.org/unodc/en/treaties/CTOC/working-group-on-trafficking-2023.html](http://www.unodc.org/unodc/en/treaties/CTOC/working-group-on-trafficking-2023.html).

<sup>25</sup> UNODC, "Female victims of trafficking".

<sup>26</sup> See [www.ohchr.org/sites/default/files/WA2J\\_Module3.pdf](http://www.ohchr.org/sites/default/files/WA2J_Module3.pdf).

<sup>27</sup> See [www.unodc.org/documents/justice-and-prison-reform/Strengthening\\_Crime\\_Prevention\\_and\\_Criminal\\_Justice\\_Responses\\_to\\_Violence\\_against\\_Women.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Strengthening_Crime_Prevention_and_Criminal_Justice_Responses_to_Violence_against_Women.pdf).

<sup>28</sup> UNODC, "Female victims of trafficking".

<sup>29</sup> See <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2019/04/ap-Justice-for-Women.pdf>.

advice and representation, trafficking survivors may not be prepared for criminal proceedings or informed in a language that they can understand of their legal rights and the remedies available, thereby impeding their access to justice.<sup>30</sup> In most countries, legal aid resources are prioritized for perpetrators of crime. Data indicates that only 61 per cent of Member States provide legal advice and court services in all legal proceedings to female survivors of violence.<sup>31</sup>

22. Access to justice for trafficking victim-survivors is also hampered by such factors as limited financial means, lower levels of education and literacy and restrictive childcare responsibilities.<sup>32</sup> The lack of access to basic documents, such as identification documents, may also impede women's access to justice. Women who are marginalized socially, economically, culturally and politically are less likely to report violations of their rights to authorities for fear that they will be humiliated, arrested, deported, tortured or be subjected to other forms of violence. When they do lodge complaints, law enforcement officials often fail to act with due diligence to investigate and prosecute perpetrators and provide remedies.<sup>33</sup>

23. The failure to effectively detect trafficking victims through support services, such as health and social services, is also a factor that impedes access to justice for trafficking victim-survivors. Trafficked women and girls are more likely to turn to a range of different support services before making a report to authorities or seeking justice.<sup>34</sup> If services are not equipped with early intervention strategies to detect and identify trafficking victim-survivors, they may miss the opportunity to seek access to justice and remedies for the harm they have experienced.

24. In the specific context of trafficking, women's access to justice is affected by justice processes not being trauma-informed, the inadequate implementation of the non-punishment principle resulting in the misidentification of victims as offenders, and the criminalization of behaviours that have a disproportionate impact on women.

*Justice processes not being trauma-informed*

25. The devastating physical and psychological impact of trafficking on women and girls, compounded by the accompanying stigma and trauma, often prevents survivors from seeking redress.<sup>35</sup> Survivors often seek justice against their trafficker(s), or those who enabled their trafficking, to no avail. For example, there is evidence from some countries that survivors' lives are often threatened if they seek justice against their traffickers.<sup>36</sup> The fear of ostracization by families and communities can often be a further deterrent. Justice systems are generally not sufficiently sensitive to the needs of women and girls who have suffered trauma as a result of being trafficked.<sup>37</sup>

26. When a justice system is not trauma-informed, pursuing remedies can often lead to re-traumatization for survivors through exposure to highly stressful situations, including repeated questioning, protracted investigations, the scrutinization of victims' testimonies, as well as intimidation resulting from overly complex institutional processes. For example, the sexual history of the trafficking survivor may be introduced when it is unrelated to the case. Such actions not only re-traumatize

<sup>30</sup> See [A/HRC/44/45](#).

<sup>31</sup> UNDP and UNODC, "Global Study on Legal Aid: Global Report" (New York, 2016).

<sup>32</sup> UNODC, "Accessing justice".

<sup>33</sup> See [www.ohchr.org/sites/default/files/WA2J\\_Module3.pdf](http://www.ohchr.org/sites/default/files/WA2J_Module3.pdf).

<sup>34</sup> See A. C. Richie-Zavaleta et al, *Sex trafficking victims at their junction with the healthcare setting – a mixed-methods inquiry*, in *Journal of Human Trafficking*, 6(1), pp. 1–29 (2020).

<sup>35</sup> UNODC, "Accessing justice".

<sup>36</sup> IOM and Samuel Hall, *Monitoring the Reintegration of Trafficking Survivors: Study and Toolkit* (Geneva, 2023).

<sup>37</sup> See [www.hiil.org/news/making-justice-systems-work-for-women-a-people-centred-justice-approach/](http://www.hiil.org/news/making-justice-systems-work-for-women-a-people-centred-justice-approach/).

victim-survivors, but also uphold a culture of impunity for traffickers and can result in the miscarriage of justice and heightened risk of revictimization. This can be further exacerbated for child victims of trafficking if the justice system is not child-friendly. As well as aggravating existing trauma, these situations may compromise the quality of victims' testimonies, complicating their access to redress. Such practices can also lead trafficking survivors to withdraw their case. As a result, conviction rates for trafficking decrease and traffickers continue to enjoy impunity.<sup>38</sup>

*Inadequate or inconsistent application of the principle of non-punishment*

27. As a result of being trafficked, trafficking survivors may violate immigration laws, may hold fraudulent documents, may be charged with prostitution where the sex trade is illegal or may be involved with illicit drug production or violent crime.<sup>39</sup>

28. The non-punishment principle is one that has been recommended by the United Nations since 2002 in the Recommended Principles and Guidelines on Human Rights and Human Trafficking, and regional bodies such as the Council of Europe and more recently the Association of Southeast Asian Nations have reflected the principle of non-punishment within their regional conventions against trafficking.<sup>40</sup> The principle of non-punishment is recognized in many national jurisdictions in relation to victims of trafficking; however, its inadequate and inconsistent application may discourage women and girls who have been trafficked from pursuing justice due to uncertainty about the legal protections available to those in their situation. Whereas some jurisdictions fully acquit victim-defendants who have committed crimes in relation to their status as trafficked persons, others may convict but offer a conditioned sentence. Moreover, if a victim of trafficking has a record of previous criminal offences, or displays anti-social behaviour or substance dependencies, they may fail to present themselves as the "perfect victim"<sup>41</sup> and be denied the legal protections to which they are entitled as a trafficked person.<sup>42</sup>

29. A lack of recognition of the circumstances of women and girls who have been trafficked contributes to the inconsistent application of the principle of non-punishment. Women and girls involved in interviews or trials may have their credibility and character questioned by police and justice systems.<sup>43</sup> This can occur when authority figures perceive a victim's behaviour as illogical or atypical due to a failure to account for the strong influence of psychological control and complex, coercive relationships, which are often part of the dynamics between male traffickers and their female victims.<sup>44</sup> Elements of coercive control should be considered when evaluating the "means" used in victim-defendant participation in human trafficking, in particular in cases involving intimate partner and family trafficking.<sup>45</sup>

30. The failure to respect the principle of non-punishment leads to further serious human rights violations, including detention, forced return and refoulement, arbitrary deprivation of citizenship, debt burdens arising from the imposition of fines, family separation and unfair trial.<sup>46</sup> This is ultimately a denial of access to justice for trafficking survivors.

<sup>38</sup> Global Report on Trafficking in Persons 2022.

<sup>39</sup> See A/HRC/44/45.

<sup>40</sup> Inter-Agency Coordination Group against Trafficking in Persons, "Non-punishment of victims of trafficking", Issue Brief (2020).

<sup>41</sup> Global Report on Trafficking in Persons 2022.

<sup>42</sup> UNODC, "Female victims of trafficking".

<sup>43</sup> See <https://jaapl.org/content/jaapl/early/2022/03/10/JAAPL.210051-21.full.pdf>.

<sup>44</sup> OSCE, *National Referral Mechanisms*.

<sup>45</sup> UNODC, "Female victims of trafficking", p. 109.

<sup>46</sup> See A/HRC/47/34.



*Misidentification of trafficking victims where they are treated as offenders*

31. A further example of the inadequate application of the non-punishment principle is that victim-survivors of trafficking are often misidentified as offenders in situations where they have been forced into criminal behaviour. This can be due to a combination of inadequate laws, policies and guidance to support police and justice actors in understanding the dynamics of trafficking and correctly identifying victim-survivors.<sup>47</sup> A study of 457 trafficking survivors in the United States of America found that 62 per cent of survivors reported being cited, detained or arrested by law enforcement. In most cases, this occurred during their trafficking situation, and of those arrested, 71 per cent had criminal records that resulted from the original citation, detention or arrest.<sup>48</sup> The failure to formally identify women and girls as victims of crime whose rights have been violated denies them the corresponding protections afforded to victim-survivors. This can have adverse effects on women and girls, who may be treated in proceedings as suspects or witnesses only or plead guilty due to coercion or intimidation.<sup>49</sup> Furthermore, victim-survivors often end up with criminal records and are unable to rebuild their lives after they are no longer being trafficked.

32. The growing number of trafficking victim-survivors who self-rescue and self-report to authorities suggests there are many more victims who do not formally identify as trafficked persons and are not being detected by police and justice systems.<sup>50</sup> Ensuring effective access to justice for trafficking survivors requires police, prosecutors and judges that are able to recognize trafficking as a polycrime – a series of connected criminal enterprises, in which gendered power structures are often present, with men in top decision-making positions, which often protects perpetrators while more readily exposing others, usually women and girls.<sup>51</sup> In many situations, women are simultaneously being victimized by a trafficker while being forced to commit trafficking offenses against others in the operation. Legal responses have remained equivocal as to whether this role is best characterized as victim or offender.<sup>52</sup>

33. Case law relating to the prosecution of victims of human trafficking recognizes that such prosecution is likely a consequence of their status as “low-hanging fruit”, potentially resulting in their overrepresentation among those arrested and convicted. Perpetrators who have greater power and control in trafficking crimes but are higher up the criminal hierarchy, usually men, are therefore less likely to be apprehended.<sup>53</sup>

34. As well as denying survivors access to justice, the misidentification of trafficking victim-survivors as offenders and the resulting criminal record prevents their long-term recovery, by affecting their employment prospects and their ability to receive education, find secure housing and reunify with families. While criminal record relief for trafficking survivors is provided in some contexts, it may be restricted on the basis of whether the survivor knew they were being trafficked or the

<sup>47</sup> See <https://sherloc.unodc.org/cld/en/education/tertiary/tip-and-som/module-8/key-issues/principle-of-non-criminalization-of-victims.html>.

<sup>48</sup> See Polaris, “Criminal Record Relief for Trafficking Survivors” (2023).

<sup>49</sup> UNODC, “Accessing justice”.

<sup>50</sup> Global Report on Trafficking in Persons 2022.

<sup>51</sup> OSCE, *National Referral Mechanisms*.

<sup>52</sup> See Angie C. Henderson and Shea M. Rhodes. “‘Got Sold a Dream and It Turned into a Nightmare’: The victim-offender overlap in commercial sexual exploitation”, in *Journal of Human Trafficking*, Vol. 8, No. 1 (January 2022).

<sup>53</sup> UNODC, “Female victims of trafficking for sexual exploitation as defendants: a case law analysis” (2020).

type of exploitation experienced.<sup>54</sup> Such restrictions indicate a lack of understanding of the dynamics of coercion, power and control, which underpin trafficking.

*Criminalization of behaviours that have a disproportionate impact on women*

35. Women are disproportionately affected by discriminatory social norms that influence decision-making in every arena, including the law, and account for the pathways to incarceration for women. These pathways include coercion into crime by an abuser or a person of influence; abortion in countries where it is illegal or legal only under limited circumstances; “moral” crimes, such as adultery; running away, for example, to escape violence; and crimes relating to human trafficking, such as engaging in the sex industry where it is illegal. In these contexts, the charges against women tend to be in relation to minor and non-violent offences, which do not pose a risk to the public.<sup>55</sup> Women who are convicted of these types of criminal offences continue to experience serious obstacles to sustained recovery and holistic, social reintegration.<sup>56</sup>

### C. Lessons for increasing access to justice for trafficking survivors

*Access to legal assistance, support and remedies*

36. Many women and girls who have been trafficked require immediate access to a suite of health and other support services, including sexual and reproductive health services, and psychosocial counselling. It is essential that these services, along with access to legal support – including impartial legal counselling, interpretation and translation, and witness protection – be made confidential and not conditional on women’s cooperation with law enforcement in the prosecution of their traffickers. Remedies should be adequate, promptly attributed, holistic and proportionate to the gravity of the harm suffered. Remedies should take account of the survivor’s agency, safety and dignity.<sup>57</sup> Extra support is necessary to facilitate access to compensation for legal assistance due to the complicated processes involved in applying for and finalizing financial remedies in most countries.<sup>58</sup>

37. In response to the significant trauma experienced by women and girls who have been trafficked, and in order to prevent the misidentification of trafficking victims as suspects, law enforcement personnel should adhere to the Principles on Effective Interviewing for Investigations and Information-Gathering when interviewing suspects, witnesses and victims of trafficking, which shift from coercive interrogations to rapport-based interviews.<sup>59</sup> To that end, survivors’ advisory councils, such as those in Albania and the United States, centre survivors’ perspectives on the development and reform of services and policies for victims of trafficking.<sup>60</sup>

*Trauma-informed and gender responsive justice processes and criminal proceedings*

38. Innovations in the investigation and prosecution of trafficking have improved the impact of proceedings on women and girls in some countries. The introduction of technologies, such as the central storage of data on trafficking, lessens investigators’

<sup>54</sup> UNODC, “Accessing justice”.

<sup>55</sup> UNODC, “Toolkit for Mainstreaming Human Rights and Gender Equality” (2021); UN-Women, UNDP, UNODC and UNHCR, “Practitioners toolkit on women’s access to justice programming” (2018).

<sup>56</sup> OSCE, *National Referral Mechanisms*.

<sup>57</sup> UN-Women et al “Practitioners toolkit”.

<sup>58</sup> UNODC, “Accessing justice”.

<sup>59</sup> General Assembly resolution [77/219](#)

<sup>60</sup> OSCE, *National Referral Mechanisms*.

reliance on victims having to retell their experience multiple times. Portugal has established an observatory on trafficking in human beings, providing victims of trafficking with free, early access to legal aid in a centralized location and premised on the presumption of victimhood. In Canada, Italy, Spain and the United Kingdom of Great Britain and Northern Ireland, mobile service hubs housing multidisciplinary teams provide streamlined health and support services to victims of trafficking. Similarly, in Ireland, a non-governmental organization offers holistic services to victims of trafficking for sexual exploitation and campaigns to shift public attitudes towards sexual exploitation.<sup>61</sup>

39. A trauma-informed approach to justice for trafficking survivors involves building a relationship of trust between victim-survivors and actors within criminal justice systems.<sup>62</sup> This increases victim-survivors' confidence and minimizes the distress in re-experiencing trauma during proceedings. Victim-survivors should be offered the chance to choose the gender of the professionals with whom they work, and all professionals should be trained to understand the dynamics of gender-based violence in relation to assessing a victim's needs. In the case of girls who have been trafficked, the best interests of the child should be central to all interactions with justice actors.

40. Ongoing support should also be provided to lawyers, police, judges and other justice actors to develop their expertise when dealing with cases of gender-based violence, including trafficking, to improve the responsiveness of the system and to reduce delays and attrition.<sup>63</sup> Women's rights organizations and trafficking survivor organizations should play a key role in informing the justice system response.

*Full implementation of the non-punishment principle*

41. Some progress is being made towards the consistent application in national law of the non-punishment principle for victims of human trafficking. For instance, in Azerbaijan, article 17.7 of the Law on trafficking in persons states that persons subjected to human trafficking shall be free from responsibility for acts committed under compulsion as a result of being a victim of human trafficking. In Cyprus, article 29 of Law 60(I)/2014 provides that victims of trafficking are not to be prosecuted or penalized for involvement in unlawful acts if those acts directly resulted from their status as victims of trafficking. Policies such as "free in, free out" in the Kingdom of the Netherlands allow victims of trafficking to report a crime without fear of consequences from national authorities on account of immigration status.<sup>64</sup>

42. Where victims of trafficking have been convicted of offences directly linked to their status as trafficked persons, criminal records should also be expunged in accordance with the non-punishment principle. According to the Special Rapporteur on trafficking in persons, especially women and children, ensuring a comprehensive response to trafficking requires that the non-punishment principle be applied to unlawful acts, which are understood broadly to include criminal, immigration, administrative or civil offences, and not "status-related" offences only.<sup>65</sup>

<sup>61</sup> See <https://news.mit.edu/2021/turning-technology-against-human-traffickers-0506>.

<sup>62</sup> UNODC, "Handbook for the Judiciary".

<sup>63</sup> UN-Women et al "Practitioners toolkit".

<sup>64</sup> OSCE, *National Referral Mechanisms*.

<sup>65</sup> See A/HRC/47/34.

## IV. Actions taken by Member States and the United Nations system to eliminate trafficking of women and girls

### A. Laws, policies and accountability frameworks

43. Effective legal systems and policy frameworks are crucial to enabling access to justice for victim-survivors of trafficking and ending impunity for perpetrators. In the past two years, Member States have continued to adopt new laws and accountability measures, as well as amendments to existing policies, to deter traffickers and provide more effective legal redress for women and girls who have been trafficked. While some States have adopted new laws, plans and frameworks specific to ending trafficking (Bosnia and Herzegovina, Croatia, Kyrgyzstan, Lebanon, Mauritius, Peru, Singapore), others have effected reforms in the labour legislation to safeguard the security and decent conditions for women in the workplace (Armenia, Cambodia, Côte d'Ivoire) and corporate due diligence in supply chains (Germany), reforms to legislation on gender-based violence that will enhance protection for trafficking victims (Spain and Türkiye) and reforms to specifically combat the sexual exploitation of minors (Luxembourg). In Zimbabwe, amendments to the Trafficking in Persons Act will bring it into closer alignment with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, ensuring all elements related to the Act, including the means and purpose of human trafficking, will be punishable.

44. In Portugal, new legislation requires the national authorities responsible for surveillance, inspection and border control to take appropriate steps to identify and initiate the referral to services for those children who are detected as potential victims of trafficking. In a similar vein, a new programme in Serbia aims to strengthen cooperation at the local, national and international levels to more efficiently detect and suppress trafficking operations.

45. Several Member States have adopted new national plans to combat trafficking that focus on, inter alia, a victim-centred approach to the investigation of trafficking crimes (Albania), preventing the revictimization of women and girls who have been trafficked and dismantling the economic base that enables traffickers to coordinate their operations (Argentina), adopting a gender lens to increase awareness of the systemic vulnerabilities of women and girls to becoming victims of trafficking (Cuba and Malta) and enhancing coordination among agencies (Namibia). France has commenced its third national plan to address trafficking and exploitation of human beings after an independent evaluation by the national rapporteur of the previous plans, as well as consultations with key stakeholders. Actions to improve access to justice remain a focus (see box 2), as well as actions to address the role of technology in trafficking (see box 3).

#### Box 2

#### **Actions to improve access to justice for victim-survivors of trafficking**

Published in 2023, a United Nations Development Programme (UNDP) brief entitled “Learning from Provincial and District Responses to Trafficking in Persons for Forced Criminality” examines selected cases of trafficking in the Greater Mekong subregion. It explores lessons learned from district-level cross-border coordination and captures practitioners’ perspectives on how strengthened subregional mechanisms could improve outcomes for trafficked persons.

Malta has adopted a survivor-centred approach to court proceedings by allowing minors, victims of sexual offences and vulnerable persons to have their original police interview admitted as evidence. This eliminates the need for victims to recount their experiences multiple times during a trial.

In article 4 of its recently adopted Federal Decree by Law No. 24 of 2023 on combating human trafficking, the United Arab Emirates requires that trafficking victims involved in the prosecution of traffickers be informed of their legal rights in a language they understand, and provided with medical and psychological support. In Lebanon, a new anti-human trafficking division and hotline have been established to strengthen the identification of victim-survivors and investigations of trafficking crimes.

In 2023, Belarus undertook national round-table discussions on the rehabilitation of victims of human trafficking, including better access to trauma-informed justice services such as child-friendly interview processes and spaces, and social reintegration assistance. Additional capacity-building for law enforcement personnel and judicial actors has been provided by States, including Argentina, Burkina Faso, Germany, Guatemala, Jordan, Lebanon, Malaysia, Namibia, Panama, Senegal, Uganda and the United Arab Emirates.

Under its Strategy on Combatting Trafficking in Human Beings (2021–2025), the European Union has focused on actions to increase prosecution and conviction of perpetrators and strengthening victim-centred approaches by law enforcement bodies.

A UNODC policy brief published in 2023 details the challenges that trafficked persons experience, including the specific barriers to justice faced by women, and makes recommendations to improve access to justice.

### Box 3

#### **Actions to address the role of technology in enabling trafficking of women and girls**

Online environments continue to present new challenges for the identification and prevention of trafficking. Investigations into the role of social media platforms in traffickers' recruitment of women and girls (Algeria, Israel, Malaysia) have highlighted the need to provide more protections. In the United Kingdom, the new Online Safety Act will ensure companies take proactive action to keep those using their platforms safe from abuse and exploitation. Namibia has introduced Internet safety campaigns, including capacity-building and the establishment of an online child sexual exploitation and abuse unit.

In 2023, the Inter-Agency Coordination Group against Trafficking in Persons called upon Member States to strengthen efforts to guarantee child online safety by, among others, exercising regular due diligence, on the basis of concrete standards, to identify and mitigate risks of child trafficking. In October 2023, the Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings published research mapping the online landscape of risks of human trafficking on sexual services websites across the Organization for Security and Cooperation in Europe (OSCE) region.

## B. Prevention of trafficking, including addressing demand

46. Preventing trafficking also requires action to address the intersecting factors that create vulnerability for women and girls, in particular women's economic insecurity and violence against women and girls, as well as strategies to address the demand for trafficking. Member States continue to invest funds in support of measures to address the root causes of trafficking, including the social norms that contribute to demand. Increased budgets for women's issues (Austria) and the integration of trafficking-related issues with mainstream national policies on social and economic development (Côte d'Ivoire, Mali), are helping to prioritize the prevention of trafficking of women and girls. A workshop held in Kazakhstan in November 2022 advanced the dialogue in Central Asian States about the importance of combating demand by enhancing their capacity to respond to the proliferation of online marketplaces for sexual services.

47. Awareness-raising campaigns and large-scale education initiatives remain the most significant focus of prevention efforts. For example, in Benin a zero tolerance campaign on child marriage focuses on preventing exploitation and promoting life skills among students, especially girls. Over the past two years, the Office of the United Nations High Commissioner for Refugees (UNHCR) continued the Stay Safe campaign, reaching 7.9 million people in 2023 across 14 countries in Europe. In addition, the UNHCR Safe Online campaign reached 5.6 million people in 2023, responding to the online risk factors relating to violence, exploitation and trafficking. In the light of a growing concern around the risk of an increase in trafficking associated with major sporting events,<sup>66</sup> at the Euro 2024 tournament, held in Germany, the Union of European Football Associations (UEFA) intensified preventive measures were undertaken to combat forced prostitution, along with measures to enhance cooperation between relevant actors, including police and counselling services.

48. In El Salvador, Spotlight Initiative worked with teachers and community educators to implement the “¡Soy Música!” methodology, which promotes a culture of inclusion through art and music with workshops on issues related to trafficking, early marriage and positive parenting. Reaching 756 parents in 2022, the methodology has demonstrated scalability and replicability as a prevention strategy for trafficking in women and girls. In India, the United Nations Children's Fund (UNICEF) supported the Government in connecting more than 350,000 children identified as being at risk of trafficking with social protection schemes, enabling almost 130,200 children to receive care and protection services in 2022.

## C. Multisectoral services for victim-survivors of trafficking

49. Comprehensive, multisectoral survivor-centred services are a key component of an effective response to the trafficking of women and girls. Investing in and learning from the expertise of women's rights organizations and specialist trafficking survivor organizations are critical to ensuring a survivor-informed response. In North Macedonia, a new group for the representation of survivors of trafficking in human beings was established in 2024 to improve the engagement of survivors in the prevention and response to trafficking. Ensuring that support for family reunification is integrated into trafficking reintegration programmes is also key to minimizing stigma and facilitating the recovery of victim-survivors.<sup>67</sup>

50. Some Member States have strengthened services for trafficking survivors since 2022. Malta has implemented a programme to ensure that women in the sex trade have

<sup>66</sup> See [www.osce.org/cthb/560656](http://www.osce.org/cthb/560656).

<sup>67</sup> A. Brunovskis and R. Surtees, *No place like home? Challenges in family reintegration after trafficking* (The Fafo/NEXUS Institute project, Norway, 2012).

adequate access to services, to safeguard their well-being and to minimize the risk of exploitation in their work. In Albania, shelters for victims of trafficking offer packages of reintegration services, including accommodation, psychosocial assistance, microloans to generate business and assistance for victims' children. Similar services are available to victims of trafficking in Algeria, Austria, Benin, France, Germany, Lebanon and North Macedonia. Strengthening responses in crisis contexts has also been a focus for some States and United Nations agencies (see box 4).

51. In 2024, UNODC established the Child Trafficking, Survivor Engagement and Partnerships Team in its Human Trafficking and Migrant Smuggling Section, dedicated to strengthening protection and assistance specifically for child victims of trafficking and giving a voice to survivors of trafficking. The Council of Europe Group of Experts on Action against Trafficking in Human Beings carried out an evaluation of 35 States parties, focusing on access to justice for victims of trafficking, and found that obtaining compensation from perpetrators in the context of criminal or civil proceedings remains a considerable challenge. Compensation schemes are rarely applied in practice to victims of trafficking due to restrictive criteria and a lack of free legal aid to assist victims in claiming State compensation.

52. In Tunisia in 2023, the Centre of Arab Women for Training and Research, a women-led women's rights organization funded by the United Nations Trust Fund to End Violence against Women, worked to improve access to services for women with visual, hearing and/or speech impairments, offering them more effective protection against violence and increasing their opportunities for social and professional integration. In Ecuador, Kenya and Senegal, ongoing assistance for women who have been trafficked is provided in the form of multidisciplinary centres. Senegal also operates a hotline and text-based support service for survivors.

#### Box 4

##### **Services in crisis contexts**

The conflict in Ukraine since the previous report of the Secretary-General has led to targeted investment by Member States and United Nations agencies in support services, particularly for women and children. Over the past two years, the International Organization for Migration (IOM) and partners have reached over 29 million people in Ukraine to promote safe migration and assisted 1,261 survivors of labour exploitation in Ukraine.

Romania has provided temporary aid to approximately 80,000 Ukrainians, in the form of financial aid, access to health care and education, and employment opportunities, with 75 per cent of recipients being women and children. Poland has provided psychological support for children and young people fleeing Ukraine and delivered an education campaign targeting those most vulnerable to exploitation. Also, in the context of the war in Ukraine, Greece, in partnership with UNHCR, delivered a campaign for women victim-survivors of gender-based violence and their children. The provision of social protection and economic support for trafficking victims was a gap in the information provided by States.

The conflict in the Sudan has led to an increase in the number of identified cases of sexual enslavement, abductions and forced disappearances of women and girls. The Unit for Combating Violence against Women and Children, together with partners, has coordinated health-care services, a counselling and trauma treatment centre and other key support services for survivors.

## D. Data and monitoring

53. The collection of comprehensive, reliable data on the trafficking of women and girls remains a challenge globally. There is an opportunity for States to strengthen efforts to improve data on trafficking, including data disaggregated by such factors as age and gender. A few States provided limited data on the prosecution and conviction of traffickers (Greece, Malaysia and Serbia). Taken together, these uneven data sets indicate that improving data collection and reporting on the gendered dimensions of trafficking remains a priority for building a comprehensive understanding of trafficking.

## V. Conclusions and recommendations

### A. Conclusions

54. Trafficking remains an urgent and persistent global problem, with a disproportionate impact on women and girls. The trafficking of women and girls occurs as part of a continuum of overlapping and interlinked forms of violence against women and girls and is underpinned by gender inequalities and patriarchal systems. Furthermore, intersecting forms of discrimination can render certain groups of women and girls more vulnerable to trafficking. Conflict, crisis and climate change also continue to exacerbate gender inequalities and increase risks of trafficking in women and girls around the world. Technology continues to be misused by traffickers and has resulted in the dramatic acceleration of abuse and exploitation.<sup>68</sup>

55. Convictions for trafficking remain low, with perpetrators enjoying impunity. There remain significant barriers impeding trafficked women and girls from gaining access to justice. Entrenched gender bias in the justice system remains a significant obstacle, and the fear of prosecution and punishment while being trafficked only further discourages victim-survivors from seeking protection, assistance and justice. The misidentification of trafficking victims as offenders is also a factor limiting access to justice. Access to justice is also impeded by discriminatory laws and regulations.

56. Ensuring survivors of trafficking can gain access to justice mechanisms is not just an element of a fair and efficient criminal justice system, but also a fundamental human right. As well as ensuring survivor-centred, trauma-informed and gender-responsive justice processes, the provision of adequate support and assistance by specialized and comprehensive services is essential, regardless of whether survivors participate in criminal proceedings.

### B. Recommendations

#### *Access to justice*

57. To improve access to justice for victim-survivors of trafficking, Member States should ensure that laws and policies:

- (a) Include access to free legal aid and procedural rights for all victim-survivors;
- (b) Expand statutory definitions of coercion to recognize the tactics of coercive control;

<sup>68</sup> Global Report on Trafficking in Persons 2022, pp. 69–70.



(c) Vacate or expunge criminal records for individuals who were convicted of crimes they were compelled to commit or crimes committed as a direct result of trafficking;

(d) Apply the non-punishment principle comprehensively to all forms of trafficking, including to any unlawful activity carried out by a trafficked person as a consequence of their trafficking, including criminal, civil, administrative and immigration offences, and any situation of deprivation of liberty, including immigration detention;

(e) Re-examine statutory exceptions to non-punishment provisions in order to ensure that crimes frequently committed by victims as a result of being trafficked are not excluded from the application of the principle;

(f) Do not condition access to assistance, support, justice and remedies to initiating criminal proceedings or cooperating with law enforcement and judicial authorities;

(g) Review and reform the criminalization of acts that disproportionately or solely affect women and girls;

(h) Train justice sector actors to increase understanding of the continuum of gender-based violence and its relationship to trafficking.

58. Member States should also take concerted action to ensure gender-sensitive and trauma-informed justice system practices, including providing specialist support mechanisms, judicial and justice system training on gender bias and trauma and applying the Principles on Effective Interviewing, to avoid coercive interrogations. States should also prioritize capacity strengthening and behavioural and cultural change within justice and policing institutions, in line with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and UNODC Handbook on gender-responsive police services for women and girls subject to violence,<sup>69</sup> including ensuring accountability of authorities to ensure there is zero tolerance for any personnel involved in trafficking.

#### *Connections between trafficking and gender-based violence*

59. The connections between gender-based violence and trafficking should be explicitly addressed in national action plans to address trafficking and gender-based violence, with specific preventative actions to address the common drivers and risk factors for trafficking and other forms of gender-based violence. States should ensure the capacity strengthening of front-line service providers working with survivors of violence against women and girls or those that provide support to women in the sex trade, to better identify potential victims and refer them to specialist trafficking services and national referral mechanisms.

#### *Prevention*

60. To eliminate the trafficking of women and girls in the long-term, there should be a renewed focus on prevention, addressing gender inequality as the root cause of trafficking, empowerment, and social and economic justice for women and girls, as well as on actions that seek to discourage the demand that fosters exploitation and transform norms and stereotypes regarding patriarchal gender roles, male sexual entitlement, coercion and control. Actions should integrate an intersectional approach

<sup>69</sup> Available from [www.unwomen.org/en/digital-library/publications/2021/01/handbook-gender-responsive-police-services](http://www.unwomen.org/en/digital-library/publications/2021/01/handbook-gender-responsive-police-services).

to reach the marginalized groups of women and girls who are at greatest risk of trafficking.

#### *Response*

61. To ensure the full recovery and well-being of trafficking survivors, Member States should ensure that survivors of trafficking are given long-term, comprehensive reintegration support, including legal, migration, economic security, health and psychological support. Member States should support trafficking survivor groups and women's rights organizations, including through flexible and sustainable funding, to ensure that all responses, particularly for justice, health, employment and social services, are informed by the lived experiences of survivor groups and organizations.

62. Member States should also adopt strategies to ensure the early identification of victims or presumed victims and their referral for the provision of services that are rights-based, survivor-centred, age-appropriate, gender-sensitive and trauma-informed.

#### *Role of technology*

63. Given the continued role of technology in facilitating the trafficking of women and girls, Member States should strengthen efforts to detect and monitor activities associated with trafficking online. In particular, it is important to understand how online platforms where recruitment occurs can monitor, flag and refer potential cases. States should partner with technology companies, social media and online platform service providers to strengthen efforts to prevent trafficking and increase safe services.

#### *Crisis contexts*

64. Member States must ensure that responses to crises, including during conflict, in humanitarian settings and during climate change-induced disasters, address the risk of trafficking for women and girls. Humanitarian responses should prioritize social protection and economic support for all women and girls, including those vulnerable to trafficking, to reduce the risk of exploitation. Member States should also invest in strengthening the capacity of front-line responders in crisis contexts to better detect and identify potential trafficking victims.

#### *Data*

65. Member States should invest in data collection to report on disaggregated data on trafficking. Data should be disaggregated by age and gender, and include children, but also provide information on other factors, such as disabilities, race and sexual orientation, in line with do-no-harm principles.

66. Specific actions should be adopted to monitor access to justice for trafficking survivors and victims, including data disaggregated by gender on the rates of detection, reporting, prosecution and conviction, as well as research to better understand the experiences of trafficking victims and survivors in the justice system.

67. States should also prioritize research to understand the connections between trafficking and other forms of gender-based violence.