



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Draft report

Rapporteur: Said Nasser **Al-Harthy** (Oman)

Addendum

IV. Review of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

1. At its 6th to 8th meetings, on 12 and 13 October, the Conference of the Parties considered agenda item 3, "Review of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime". The Conference had before it an analytical report of the secretariat (CTOC/COP/2005/3) containing a summary and a first analysis of the replies sent by States parties and signatories to the Trafficking in Persons Protocol,¹ in response to the questionnaire on its implementation, prepared by the secretariat and endorsed by the Conference of the Parties at its first session (CTOC/COP/2004/L.1/Add.1).

2. All speakers recognized that trafficking in persons was one of the most complex, nefarious and multifaceted forms of transnational organized crime, which posed a serious threat to human security and dignity. They also agreed that combating such a crime effectively required concerted efforts and strategies at the national, regional and international levels and, above all, strong political will and determination on the part of Governments.

3. Commenting on the results of the first reporting cycle for the implementation of the Protocol established by the Conference of the Parties at its first session, most speakers expressed their appreciation for the work carried out by the secretariat in

¹ General Assembly resolution 55/25, annex II.



relation to the presentation and analysis of the national responses to the questionnaire. They noted that effective implementation of the Protocol at the national level should go beyond the development of an appropriate legal framework and should focus on the adoption of comprehensive and multidisciplinary strategies that would cover equally prevention, prosecution and protection of victims of trafficking. Others underscored the need for a human rights-based approach to trafficking in persons as a key element of such a strategy. In that regard, it was underlined that such an approach required a high degree of participation and cooperation of all actors involved, including relevant sectors of civil society and non-governmental organizations.

4. Many speakers provided information on action taken at the national level to combat trafficking in persons, while others mentioned the development of national plans of action and strategies against such crime focusing primarily on border controls and strengthening of immigration rules, promotion of law enforcement measures and exchange of information, as well as measures to ensure protection of victims. Most speakers also reported on legislative measures, including provisions on criminalization, or on ongoing or planned law reform aimed at ensuring the consistency of domestic legislation with the requirements of the Protocol.

5. Many speakers focused in particular on issues related to protection of and assistance to victims of trafficking. In that context, the vulnerability of such victims was emphasized as the basic factor to be considered in implementing relevant protective measures. It was noted that, because of the major imbalance of power and resources between victims of trafficking acting as witnesses in relevant criminal proceedings, on the one hand, and transnational organized criminal groups involved in their exploitation, on the other, the return of such victims to their home countries often resulted in a further increase in their vulnerability. In that connection, it was stressed that serious consideration should be given to measures focusing on the reflection period and residence status of victims of trafficking in the receiving States and that the repatriation of such victims should always be carried out with due regard to their safety. One speaker suggested that international cooperation to protect victims of trafficking could be enhanced by allowing their relocation, where necessary, to other countries that were able to ensure their safety through effective witness protection schemes.

6. Furthermore, it was stressed that vulnerable persons, especially women and children, were increasingly victimized during humanitarian crises caused by war or natural disasters, as the breakdown of institutions and their complementary support structures in disaster-stricken areas created immediate opportunities for traffickers. In that connection, prompt action had to be taken by Governments, in close cooperation with international and non-governmental organizations, to address, in particular, the precarious situation of unaccompanied children. It was also pointed out that, in view of the fact that natural disasters were inherently unpredictable, there was a need to design an emergency mechanism and take appropriate measures to enhance international cooperation to cope with such problems in the future.

7. The importance of victim protection and assistance, and in particular their impact on the effective prosecution of traffickers, was the subject of a panel discussion on human trafficking, organized on 17 October as a side event of the Conference of the Parties by the Government of Thailand in its capacity as chair of the Human Security Network. The event provided a forum for constructive

discussion and exchange of views on how best to achieve protection and assistance measures for victims of trafficking as a shield against retaliation and intimidation by traffickers.

8. Some speakers placed emphasis on ways to achieve the identification of victims of trafficking and referred to relevant difficulties encountered by national authorities in relation to the issue. They noted, in that regard, that many trafficked persons were often not correctly identified by competent authorities in countries of destination and that, instead, they were treated as illegal or undocumented migrants, deported to their home countries and exposed to the risk of being re-trafficked.

9. Discussion on the exploitative element of trafficking highlighted the need to ensure common grounds of understanding and establish common standards as to what exploitation entailed and what forms it could take. In that connection, one speaker referred to national initiatives to promote research on forms of exploitation other than sexual exploitation and suggested that discussions at the third session of the Conference of the Parties could be devoted to related issues. Other speakers were of the view that further consideration should be given, in particular, to trafficking for the purpose of labour exploitation and that this would include identification of indicators of various forms of labour exploitation.

10. Several speakers pointed out that greater attention should be paid to the root causes of trafficking in persons and that consequently that crime should be considered in linkage with issues of poverty and development, in particular in developing countries. It was noted, in that regard, that such consideration was especially relevant to the work of the Conference of the Parties in view of the low rate of responses to the questionnaire from developing countries. Some speakers stressed that addressing the root causes of trafficking in persons might include further efforts to deal with issues related to demand. One speaker proposed a study of the root causes of trafficking in persons.

11. In relation to preventive measures against trafficking in persons, many speakers emphasized the need for awareness-raising activities aimed at influencing public opinion and increasing the readiness of institutions, organizations, groups and individuals to address trafficking adequately, as well as for dissemination of information on the assistance available for victims of trafficking.

12. The need to harmonize national and international efforts to combat trafficking in persons was pointed out by several speakers. One speaker made reference to the Arab model law against trafficking as an example of action at the regional level intended to assist countries in adopting appropriate and effective legislation to counter trafficking.

13. Some speakers referred to difficulties encountered by national authorities in the fight against trafficking in persons mainly in view of the methods used by traffickers, including resorting to corrupt practices, and their efficiency in evading law enforcement action and techniques. One speaker identified the lack of interpretation in languages spoken in many of the countries of origin as one of the principal difficulties that national authorities faced in daily practice, which inevitably caused communication problems and minimized chances of cooperation with victims of trafficking. An additional problem was the reliability of interpreters, many of whom were found to be in collusion with trafficking networks and, thus, more liable to intimidate victims rather than to assist them.

14. Most speakers recognized the importance of technical assistance activities in building and enhancing domestic criminal justice and law enforcement capacity to combat trafficking in persons, while others referred to the need to launch regional projects in that area. The need for training programmes for criminal justice personnel, as well as law enforcement, immigration and other authorities involved in the fight against trafficking, was underlined. It was proposed that a catalogue or manual of best national practices in tackling trafficking in persons be developed by the secretariat. One speaker expressed the willingness of her country to share its practical experience and other information with interested Member States.

15. With a view to collecting information from States parties and signatories to the Protocol in the context of the second reporting cycle, the secretariat submitted a second draft questionnaire on its implementation (CTOC/COP/2005/L.8) to the Conference. The Conference endorsed the questionnaire, as amended.

16. An analytical report based on the responses to that questionnaire would be prepared by the secretariat and submitted to the Conference at its third session.

17. The outcome of the related discussions was brought to the attention of the Conference of the Parties in the form of a draft decision submitted by the President (CTOC/COP/2005/L.3).

Action taken by the Conference

18. At its [...] meeting, on [...] October, the Conference of the Parties decided that the programme of work under this agenda item for its third session would cover the areas of consideration mentioned above. (For the text of the decision, see [...].)