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## Working Group on Trafficking in Persons

Vienna, 27-29 January 2010

### Draft report

#### Addendum

#### **Agenda item 2: 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, including national and regional efforts**

1. In its decision 4/4, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided that the Chairperson of the Working Group should submit a report on the activities of the Working Group to the Conference at its fifth session, in 2010, and would review and take a decision on the effectiveness and future of the working group at its sixth session, in 2012.
2. On 27 January, the Working Group considered agenda item 2, on consideration of ways to promote and support 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.

#### Deliberations

3. The Chairperson informed the Working Group that since the holding of the fourth session of the Conference of the Parties in October 2008, ten more States had acceded to the Trafficking in Persons Protocol: Chad, Indonesia, Iraq, Jordan, Luxembourg, Malaysia, Qatar, Syrian Arab Republic, Timor-Leste and United Arab Emirates. Those accessions had brought the total number of States parties to the Protocol to 135.
4. The Officer-in-Charge of the Anti-Human Trafficking and Migrant Smuggling Unit of UNODC briefed the Working Group on some of the most recent developments in the work done by UNODC for the implementation of the Trafficking in Persons Protocol. UNODC was currently carrying out projects in more than 80 countries in Africa, Asia, Central and Eastern Europe, the Middle East and Latin America. It was noted that UNODC was working closely with national



authorities to develop policies and action plans against trafficking in persons and to establish the related infrastructure. That work had included the launch of the International Framework for Action to Implement the Trafficking in Persons Protocol in New York on 9 October 2009. The Framework for Action — the product of a broad range of anti-trafficking partners<sup>1</sup> — is a technical assistance tool specifically designed to support States parties in taking practical actions to support the implementation of the Trafficking in Persons Protocol. With regard to data collection and research, the Working Group was informed that the second edition of the UNODC Toolkit to Combat Trafficking in Persons had been released in October 2008. The UNODC Toolkit to Combat Migrant Smuggling has also been completed and will be launched at the fifth session of the Conference of the Parties in October 2010. She stressed that progress has been made in the development of a comprehensive software programme to gather information on the implementation of the Convention against Transnational Organized Crime and its Protocols and the United Nations Convention against Corruption. In terms of international cooperation, the Working Group was also briefed on activities in the area of international judicial cooperation, in particular on UNODC initiatives to train national authorities, judges, prosecutors and others in the use of the mechanisms of the Organized Crime Convention and UNODC tools for extradition, mutual legal assistance and cooperation for the purposes of confiscation. With regard to legislative assistance, the UNODC model law against trafficking in persons was finalized. The model law is a tool aimed at facilitating and systematizing the provision of legislative assistance by UNODC and at facilitating the review and upgrading of existing legislation by States. In that framework, reference was also made to the development of a model law against the smuggling of migrants which is nearing finalization.

5. In terms of the core mandate of UNODC, i.e. building up of criminal justice capacity, an advanced training manual for criminal justice practitioners combating trafficking in persons is also now available. The manual was launched in Bangkok, Thailand by the United States Ambassador-at-large, Luis CdeBaca and simultaneously launched on UNODC's website. UNODC has also published a Basic Training Manual for law enforcers and prosecutors on combating migrant smuggling. At a side event of the Conference of State Parties to the United Nations Convention against Corruption held in Doha on 9 to 13 November 2009, UNODC and Transparency International jointly produced an issue paper on the role of corruption in trafficking in persons. UNODC has also launched a "first aid kit" for the detection of cases of trafficking in persons and for providing assistance to

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<sup>1</sup> Anti-Slavery International, Council of Europe, End child prostitution, child pornography and trafficking of children for sexual purposes (ECPAT), International Organization for Migration (IOM), International Labour Organization (ILO), Intervention Centre for Victims of Trafficking in Women (LEFOE-IBF), Organization of American States (OAS), Organization for Security and Co-operation in Europe (OSCE), Terre des Hommes International Federation (Tdh), The Protection Project, Johns Hopkins University School of Advanced International Studies, United Nations Division for the Advancement of Women/Department of Economic and Social Affairs (UNDAW/DESA), United Nations Children's Fund (UNICEF), United Nations Development Fund for Women (UNIFEM), United Nations High Commissioner for Refugees (UNHCR), United Nations Interregional Crime and Justice Research Institute (UNICRI), United Nations Office of the High Commissioner for Human Rights (OHCHR) and United Nations Office on Drugs and Crime (UNODC).

victims of such trafficking, which is available in all UN languages on its website. In connection with the issue of providing protection and support to victims, the Working Group was informed that a victim-centred approach was advocated in the framework of the 26 technical assistance projects carried out by UNODC on trafficking in persons. UNODC also reported on its activities on prevention and awareness-raising and, in that regard, mentioned that it has launched the Blue Heart Campaign and developed a film called “Affected for Life”. The purpose of the film — which can be downloaded on UNODC’s website — is for use in the training of criminal justice practitioners and other specialists and for awareness-raising purposes more generally.

6. Mention was made of a conference hosted by Sheikha Sabeeka Bint Ibrahim Al-Khalifa of Bahrain entitled “Human Trafficking at the Crossroads”, which had been held in Manama on 2 and 3 March 2009, and of a high-level international forum which was held in Bulgaria in May 2009. The Working Group was informed that the International Labour Organization, in the framework of UN.GIFT and the Global Compact (a network involving Governments, companies and the United Nations), had conducted an exploratory survey targeting businesses to assess their level of awareness and knowledge about the ways in which trafficking in persons affected supply chains. Reference was also made to the launch by UNODC (in the framework of UN.GIFT) and the Inter-Parliamentary Union of Combating Trafficking in Persons: a Handbook for Parliamentarians; the Handbook had been released in Addis Ababa on 7 April 2009 on the occasion of the 120th Statutory Assembly of the Inter-Parliamentary Union, which had been attended by over 1,500 parliamentarians from around the world. In 2009, the Gulu Gala project helped raise awareness of the plight of child soldiers and rehabilitation programmes aimed at child victims of trafficking. UN.GIFT also held a photo exhibition in Vienna, showcasing situations of trafficking for purposes of domestic labour exploitation. UN.GIFT has also elaborated jointly with UNODC, INTERPOL, law enforcers and relevant NGOs to develop an interactive computer-based tool in 40 languages to help victim service providers identify and assist victims of human trafficking. This tool is currently in the testing phase.

7. The Chairperson presented the documents before the Working Group for its consideration of agenda item 2. For its consideration of this item, the Working Group had before it the Report on the Meeting of the Working Group on Trafficking in Persons held in Vienna on 14 and 15 April 2009.<sup>2</sup> Agenda item 2 of that meeting on 14 April 2009 specifically considered ways to promote and support 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.

8. Under item 2 of the agenda, the Working Group heard statements from the following States and organizations: Colombia, Azerbaijan, Argentina, Belarus, Montenegro, Netherlands, Namibia, Panama, Philippines, Austria, China, India, United States of America, Canada, Israel, Kuwait, the European Union, Norway, Egypt, Belgium, Indonesia, Qatar, Lebanon, Estonia, Pakistan, Iran (Islamic

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<sup>2</sup> Report on the Meeting of the Working Group on Trafficking in Persons held in Vienna on 14 and 15 April 2009 (CTOC/COP/WG.4/2009/2).

Republic of), Russian Federation, Algeria, Chile, Peru, United Arab Emirates, Thailand and Brazil.

9. Speakers discussed the following issues: the absence of specific legislation addressing trafficking in persons posing a challenge to combating the phenomena; definitional challenges with regard to implementing the Trafficking in Persons Protocol into domestic legislation and inadequate understandings of the definition of trafficking in persons; challenges of international cooperation as a result of different understandings of trafficking in persons; the value of multidisciplinary approaches to combating trafficking being coordinated by a specialized agency to ensure coordination and avoid duplication, the need to focus on victim protection to give effect to the Trafficking in Persons Protocol and in order to empower victims to be witnesses in the criminal justice process.

## **Recommendations**

10. The Working Group on Trafficking in Persons, established pursuant to decision 4/4 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, adopted the recommendations below, on agenda item 2, for consideration of the Conference at its fifth session.

### **1. Victims of trafficking**

(a) With regard to developing a comprehensive, multi-dimensional response to trafficking in persons, States parties should adopt a victim-centred approach.

(b) States parties should consider developing guidance for law enforcement officials on culturally sensitive responses to victims of trafficking in persons, including standards and procedures for identification and interviewing victims of trafficking in persons and methods for appraising such victims of their rights.

(c) States parties should recognize the important work being done by civil society in the fight against trafficking and should seek to effectively integrate civil society in national, regional and international strategies to prevent trafficking as well as to protect and care for victims.

(d) States parties should consider providing legal aid to all potential victims of trafficking.

### **2. Research**

(a) With regard to research, the Conference should request UNODC to continue compiling and regularly producing the Global Report on Trafficking in Persons, including through a computerized database allowing the regular submission of contributing information.

(b) States parties should, further to recommendation 18 from the previous report of the Working Group, consider supporting greater research on all forms of trafficking in persons, including labour exploitation.

(c) States parties should support research into profiling the crime of trafficking in persons, developing typologies and analysis regarding methodologies and offenders.

### **3. Criminal justice response to trafficking in persons**

(a) Noting the low rate of human trafficking convictions globally, as reported in the Global Report on Trafficking in Persons, States parties should increase their capacity to investigate and prosecute trafficking in persons crimes, including the early use of financial investigation techniques, special investigative techniques and other tools used to combat other forms of organized crime.

(b) States parties should increase cross-border criminal justice action through enhanced use of joint investigations, information sharing and confiscation of assets.

(c) States parties should establish extraterritorial jurisdiction over the crime of trafficking in persons.

(d) States parties should consider the lifting of immunity of persons, including for example international civil servants and diplomatic staff, who have conducted the crime of trafficking in persons.

### **4. Coordination**

(a) Noting recommendation 17 of the previous report of this Working Group, States parties should establish national coordinating and monitoring mechanisms, such as national rapporteurs or national committees.

(b) With regard to coordination, States parties should increase efforts to enhance cross-border criminal justice action, including the increased use of joint investigations, special investigative techniques, information sharing and the transfer of knowledge regarding use of these methods.

(c) States should harness joint investigations as a practical means of offering technical assistance to other States and strengthening a transnational criminal justice response to trafficking in persons. Particularly, joint operations should be undertaken between countries of origin and destination.

(d) Noting recommendation 17 of the previous report, States parties should establish coordinating bodies or agencies to enhance the investigation and prosecution of instances of trafficking in persons.

### **5. Partnerships**

(a) With regard to partnerships, States parties should acknowledge the importance of developing partnerships across as well as within borders, recognizing the key role that civil society plays in partnering with government at all levels, especially in effective law enforcement responses.

(b) States parties are encouraged to partner with the private sector in their efforts to combat trafficking in persons.

### **6. Training**

(a) With regard to training programmes, States parties should involve all stakeholders including law enforcement, victim service providers, prosecutors, judges and consular representatives.

(b) In addition, noting the related tools and materials developed by UNODC at a global level, States parties are encouraged to develop country-specific training materials, if needed, with technical assistance from UNODC.

(c) Further to recommendation 19 contained in the previous report, UNODC should continue to provide technical assistance, upon request, to assist the enhancement of regional coordination and cooperation, including the related capacity-building of States and regions.

## **7. General recommendations**

(a) Further to recommendation 20 of the previous report, the Conference should consider acknowledging the essential role of the Inter-Agency Cooperation Group Against Trafficking in Persons (ICAT) in reducing duplication of assistance efforts and applying the core areas of competence of individual international organizations in a coordinated manner.

(b) States parties should make better use of UNODC and other tools and materials which have been produced to support the implementation of the Trafficking in Persons Protocol.

## **8. Review**

(a) States parties should monitor and evaluate the results and impact of measures undertaken at the national level. Member States should establish an independent mechanism to carry out such evaluation and monitoring and to make recommendations for further action at the national level.

(b) The Conference of the Parties to UNTOC should establish a single monitoring mechanism to evaluate implementation of the Protocol in conjunction with appropriate provisions of the UNTOC Convention. Such a mechanism should allow for identification of weaknesses and well-targeted technical assistance.

(c) To avoid duplication of efforts, States parties should take advantage of existing experience at the regional level.