



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

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**Working Group on Trafficking in Persons**

Vienna, 10-12 October 2011

Item 6 of the provisional agenda\*

**Proposed areas for future work**

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**Background paper prepared by the Secretariat**

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\* CTOC/COP/WG.4/2011/1.



## I. Introduction

1. In its decision 4/4, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (Organized Crime Convention) acknowledged that the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking in Persons Protocol), supplementing the Organized Crime Convention, was the principal legally binding global instrument to combat trafficking in persons. The Conference further decided to establish an open-ended interim working group, in accordance with article 32, paragraph 3, of the Organized Crime Convention, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau, to advise and assist the Conference in the implementation of its mandate with regard to the Trafficking in Persons Protocol.
2. In resolution 5/2, the Conference decided that the working group should hold at least one intersessional meeting prior to the sixth session of the Conference and present its recommendations to the Conference on whether the working group should be extended and, if so, proposed areas for future work.
3. The first, second and third sessions of this working group were held in Vienna, Austria from 14 to 15 April 2009, from 27 to 29 January 2010 and on 19 October 2010 respectively.
4. The present background paper was prepared by the Secretariat to aid in the discussion of the fourth session of the working group.

## II. Summary of the work of the Working Group

5. The first session of the meeting of the Working Group resulted in the adoption, by the Working Group, of recommendations<sup>1</sup> for consideration by the Conference at its fifth session that States parties adopt a comprehensive and balanced approach to combating trafficking in persons, inter alia, through mutual cooperation, in recognition of States' shared responsibility as countries of origin, destination and transit. The Working Group further adopted recommendations for consideration by the Conference at its fifth session for the Secretariat and States Parties to support:
  - Universal adherence to the Organized Crime Convention and the Trafficking in Persons Protocol
  - The adoption of adequate national legislation to give effect to those instruments
  - A better understanding and interpretation of key concepts of the Trafficking in Persons Protocol
  - Prevention and awareness-raising of trafficking in persons
  - Training on trafficking in persons in order to enable national authorities to respond effectively to trafficking in persons, especially by identifying the victims of such trafficking

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<sup>1</sup> CTOC/COP/WG.4/2009/2.

- Action to combat trafficking in persons for forced labour
- Non-punishment and non-prosecution of victims of trafficking in persons
- Victim protection and assistance
- Compensation for victims of trafficking in persons
- Protection of victims of trafficking in persons as witnesses
- Coordination of efforts at the national level
- Data collection, research and analysis
- Provision of technical assistance to implement the Trafficking in Persons Protocol
- The role of the Conference of the Parties in coordinating international action against trafficking in persons
- Regional approaches to combating trafficking in persons and
- International cooperation at the operational level.

6. The second session of the Working Group on Trafficking in Persons resulted in the adoption, by the Working Group, of recommendations<sup>2</sup> for consideration by the Conference at its fifth session on:

- Implementation of the Trafficking in Persons Protocol, including national and regional efforts
- Analysis of key concepts of the Trafficking in Persons Protocol
- Good practices and tools in reducing the demand for exploitative services
- Non-punishment and non-prosecution of victims of trafficking in persons: administrative and judicial approaches to offences committed in the process of such trafficking, and
- Good practices and tools for use in case management, including by front-line law enforcement authorities responding to trafficking in persons.

7. At its third session, the Working Group focussed on the issue of “National approaches to compensation of victims of trafficking in persons”. The Chair proposed recommendations<sup>3</sup> for consideration by the meeting. Without questioning the substance of the recommendations, some speakers noted that more time was needed to deliberate and consult on the recommendations made by the Chair. The Chair informed the meeting that the recommendations would be made available at the next meeting of the Working Group.

8. The Conference at its fifth session welcomed the work of the Working Group on Trafficking in Persons, including the Group’s above recommendations.<sup>4</sup>

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<sup>2</sup> CTOC/COP/WG.4/2010/6.

<sup>3</sup> CTOC/COP/WG.4/2010/7.

<sup>4</sup> Resolution 5/2, CTOC/COP/2010/17.

### III. Proposed areas for future work

9. The Working Group on Trafficking in Persons may wish to consider focusing on the recommendations endorsed at previous sessions and share national experiences and practices on their implementation in practice.

10. The Working Group on Trafficking in Persons may also wish to consider additional areas for future work. Topics previously proposed by the Secretariat for consideration by States parties during the first session of the Working Group and in response to consultation for the topics of the second session of the Working Group on Trafficking in Persons, which were supported by States parties but not yet addressed by the Working Group may be considered:

- National legislation to combat trafficking in persons: applicable principles of Islamic law, and
- Risk assessment in human trafficking investigations.

11. The Working Group on Trafficking in Persons may also wish to consider topics received by the Secretariat in response to the consultation process as described in the outcomes of the Extended Bureau of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its sixth meeting, held on Monday, 7 March 2011 and its eighth meeting, held on Wednesday, 29 June 2011. The topics which were not selected to be addressed during the fourth session of the Working Group on Trafficking in Persons are:

- Analysis of key concepts: focus on the concept of “consent” in Article 3, Trafficking in Persons Protocol
- Demand reduction through awareness-raising and criminalization of demand
- Non-punishment of victims of trafficking in persons for acts that are a direct consequence of their situation as trafficked persons and
- Drugs trafficking and its relation to trafficking in persons.

12. Taking into consideration the adoption of General Assembly Resolution “United Nations Global Plan of Action to Combat Trafficking in Persons”<sup>5</sup> on 12 August 2010, the Working Group on Trafficking in Persons may wish to consider focussing on fostering the implementation of requirements of the Global Plan of Action that have not been addressed yet by the Working Group or that require further focus at future sessions of the Working Group. This may aim to enhance the implementation in practice of the Global Plan of Action and the Trafficking in Persons Protocol. States parties may wish to consider selecting specific requirements under the main sections of the Global Plan of Action and may wish to facilitate their implementation, thus enhancing the implementation of the Trafficking in Persons Protocol through the exchange of experience and practices in these areas.

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<sup>5</sup> A/RES/64/293.

13. The Working Group may wish to consider the following topics stemming from operative paragraphs under the four headings of the Global Plan of Action:

- I. Prevention of trafficking in persons
    - Data collection and research suitably disaggregated to enable proper analysis of the nature and extent of trafficking in persons (Op. 16)
    - Measures to combat trafficking in persons for forced labour and educate consumers (Op. 22)
  - II. Protection of and assistance to victims of trafficking in persons
    - Measures to ensure that identified victims of trafficking in persons are not penalized for having been trafficked (Op. 30)
    - Measures to ensure safe and voluntary return (Op. 34)
  - III. Prosecution of crimes of trafficking in persons
    - Liability of all categories of perpetrators of trafficking in persons, including the liability of legal persons and entities (Op. 44)
    - Trafficking in persons and its relation to other crimes such as: money-laundering, corruption, smuggling of migrants and all forms of organized crime (Op. 48)
  - IV. Strengthening of partnerships against trafficking in persons
    - Cooperation and coordination at the national level among governmental institutions, civil society and the private sector to strengthen prevention and protection policies and programmes (Op. 53)
    - Cooperation among law enforcement agencies (Op. 54)
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