



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

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## Fifth session

Vienna, 18-22 October 2010

Item 2 (b) of the provisional agenda\*

### **Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**

#### **United States of America: draft decision**

### **Trafficking in persons**

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

*Recalling* the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,<sup>1</sup> pursuant to which the Conference was established to improve the capacity of States parties to promote and review implementation of the Convention, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,<sup>2</sup> supplementing the United Nations Convention against Transnational Organized Crime,

*Recalling also* its decision 4/4 and General Assembly resolutions 61/144 of 19 December 2006, 61/180 of 20 December 2006, 63/194 of 18 December 2008 and 64/178 of 18 December 2009; having considered the report of and the notes by the Secretariat on the fight against trafficking in persons; and taking into account the adoption by the General Assembly, in its resolution 64/293 of 30 July 2010, of the United Nations Global Plan of Action to Combat Trafficking in Persons,

*Welcoming* the results of the consultations of Government experts held during the meetings of the Working Group on Trafficking in Persons and the fifth session of the Conference,

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\* CTOC/COP/2010/1.

<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>2</sup> *Ibid.*, vol. 2237, No. 39574.



*Recalling* the Organized Crime Convention and, in particular, the Trafficking in Persons Protocol, and other relevant international instruments,

*Acknowledging* the Trafficking in Persons Protocol as the principal legally binding global instrument to combat trafficking in persons,

*Reaffirming* that one of the main purposes of the Conference is to improve the capacity of States parties to combat trafficking in persons and that the Conference should spearhead international efforts in that regard,

1. *Urges* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime<sup>3</sup> and, in particular, to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,<sup>4</sup> as a matter of priority;

2. *Recognizes* the recent adoption of the United Nations Global Plan of Action against Trafficking in Persons by the General Assembly, and expresses the view that the Plan of Action will promote the ratification and implementation of the Trafficking in Persons Protocol;

3. *Notes with appreciation* the efforts made by the Global Initiative to Fight Human Trafficking (UN.GIFT) to raise global consciousness about the harm caused by trafficking in persons, especially women and children;

4. *Welcomes* the report of the Chair of the Working Group on Trafficking in Persons on the activities of the Working Group;<sup>5</sup>

5. *Welcomes also* the recommendations made by the Working Group at its meetings held in Vienna on 14 and 15 April 2009 and from 27 to 29 January 2010, on the basis of which it calls on States parties to do the following:

(a) Make better use of tools and materials produced by the United Nations Office on Drugs and Crime and other organizations, such as the Office of the United Nations High Commissioner for Human Rights;

(b) Apply a victim-centred approach in their national responses to combating trafficking in persons, with full respect for the human rights of the victims of such trafficking;

(c) Seek to ensure that trafficked persons are not inappropriately punished or prosecuted for acts committed as a direct result of being trafficked and that domestic laws clearly espouse this principle;

(d) Establish appropriate procedures to allow victims to obtain compensation and restitution from perpetrators;

(e) Increase, where necessary, their efforts to investigate and prosecute cases involving trafficking in persons in all its manifestations;

(f) Establish national coordination mechanisms or inter-ministerial task forces composed of officials from relevant Government ministries to counter trafficking in persons;

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<sup>3</sup> Ibid., vol. 2225, No. 39574.

<sup>4</sup> Ibid., vol. 2237, No. 39574.

<sup>5</sup> CTOC/COP/2010/6.

(g) Monitor and evaluate the measures undertaken at the national level to combat trafficking in persons;

(h) Develop initiatives for raising the awareness of employers and consumers with the goal of rendering socially unacceptable the use of goods and services produced by victims of forced labour and other forms of exploitation;

6. *Requests* the Secretariat to compile and submit to it, at its sixth session, examples of good practices for addressing the demand for exploitative services and the products of forced labour and other forms of exploitation; research into all forms of exploitation and the factors underpinning the demand for exploitative services; and measures to raise public awareness of products and services resulting from exploitation, and urges Member States to provide such examples before the sixth session of the Conference in order to facilitate that process;

7. *Decides* that the Working Group should continue to perform the functions set forth in Conference decision 4/4;

8. *Also decides* that the Working Group should hold at least one intersessional meeting before the sixth session of the Conference and submit its recommendations to the Conference on whether the Working Group should continue its work and, if so, on proposed areas of work for the future;

9. *Requests* the Secretariat to report to the Working Group at its next meeting on the activities of the United Nations Office on Drugs and Crime, including with regard to its coordinating role for and activities of the Inter-Agency Cooperation Group against Trafficking in Persons and on coordination carried out with the secretariats of relevant international and regional organizations to promote and support implementation of the Trafficking in Persons Protocol;

10. *Also requests* the Secretariat to continue to assist the Working Group in the performance of its functions;

11. *Decides* that the Chair of the Working Group should submit a report on the activities of the Working Group to the Conference at its sixth session.