

**Background Paper for the
General Assembly Thematic Debate on Human Trafficking**

United Nations Headquarters, New York, 3 June 2008

I. Introduction

Trafficking in persons is widely recognised as an important challenge of the 21st century and can only be tackled collectively, globally, across regions and across different segments of societies. As the United Nations chief deliberative, policy making and coordinating body, the General Assembly has a special role in laying out the multilateral vision of an effective and successful fight against human trafficking. The General Assembly thematic debate on human trafficking aims to raise awareness about the scale of the problem, promote international partnerships and consider how the UN system most effectively can address human trafficking.

The United Nations General Assembly has during the last few years placed high emphasis on the topic of trafficking in persons and significant efforts have been made in establishing normative and institutional mechanisms for the elimination of trafficking in persons.

The adoption in 2000 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, followed by other related conventions and instruments precipitated intense activity around the world to stop trafficking in persons. The Protocol provided a comprehensive definition of the crime of “trafficking in persons”, and legal tools to combat this crime. Focusing on the “three P’s” (prevention, protection and prosecution), it entered into force on 25 December 2003, and to date has 117 signatories and 118 parties.

In 2006, the General Assembly adopted Resolution 61/144 on trafficking in women and girls, and Resolution 61/180 on improving coordination of efforts against trafficking in persons. The General Assembly will review the implementation of these two resolutions during its 63rd session.

An International Conference on Trafficking in Women and Girls took place at the UN Headquarters, New York, on 5 March 2007 in the framework of the General Assembly informal thematic debate on gender equality and the empowerment of women.

These efforts have been further enhanced by the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), launched on 25 March 2007. UN.GIFT collectively addresses human trafficking in a multi-faceted manner by bringing together partners from within as well as from outside the UN.

As part of UN.GIFT, the United Nations Office on Drugs and Crime (UNODC) together with the International Labor Organization (ILO), Office of the High Commissioner of Human Rights (OHCHR), United Nations Children’s Fund (UNICEF), Office for Security and Cooperation in Europe (OSCE), and the International Organization for Migration (IOM), organised a Forum on trafficking in persons in Vienna on 13-15 February 2008. It brought together new and existing partners in the fight to end trafficking in persons: i.e. Governments, civil society, the private sector, the media, arts, trade unions,

women leaders, and youth representatives. It took stock of what has already been done in order to share best practices with the broadest range of stakeholders, and highlighted innovative approaches to combating human trafficking. It also addressed key issues in a comprehensive anti-trafficking strategy: vulnerability, impact and action.

The GA thematic debate will focus on the “three P’s” in the UN Trafficking Protocol and will be organized in the form of two interactive panels. Under the title “**Enhancing multilateral cooperation to prevent trafficking in persons**” the morning panel will focus on prevention. The afternoon panel, “**Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons***” will be focusing on prosecution and protection.

II. Panels

Morning Panel: Enhancing multilateral cooperation in preventing trafficking in persons

A recent global report on forced labour by the ILO suggested that the illicit profits realized per year from trafficked forced labourers – US\$32 billion – are far greater than has so far been understood.

Issues of demand for trafficked persons, social and economic conditions which make people vulnerable to trafficking, information campaigns informing of the risks of trafficking and other preventive measures will be addressed at this panel. The panel will highlight the role of the government, the private sector, the NGOs and media in preventing trafficking -- both for economic and sexual exploitation. It will focus on identifying problem areas and sharing good practice.

The involvement of the private sector in partnership with others is imperative in addressing the serious and growing problem of human trafficking for sexual and economic exploitation. The panel will discuss the need for a clear and transparent policy that sets out the concrete measures and tools by which to prevent forced labour and trafficking. Such policy should apply to all enterprises involved in a company’s product and supply chains. The panel will also discuss the value of private sector codes of conduct, such as the Athens Ethical Principles, in contributing to anti-trafficking efforts.

The panel will also look at the need for better implementation of Article 9 of the Trafficking Protocol, which provides, inter alia, that States Parties shall establish comprehensive policies, programmes and other measures to prevent and combat trafficking in persons.

The Protocol calls for States Parties to undertake measures such as: 1) research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons; 2) collaboration with civil society, 3) strengthening of measures to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity; and, 4) resort to educational, social or cultural measures, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

In addition to the UN Trafficking Protocol, the prevention of forced labour based trafficking is addressed in various other important instruments, including the 1930 Convention against Forced Labour (No. 29), the Migrant Worker’s Conventions (Nos. 97 and 143), the Private Employment Agencies

Convention (No. 181), the Worst Forms of Child Labour Convention (No. 182), and the Multilateral Framework on Labour Migration.

The UN General Assembly has an important role in ensuring the realization of such preventative actions both as the proper forum for discussing the issue and as well as the nexus for promotion of multi-faceted cooperation among Member States, UN system and non-governmental actors.

Afternoon Panel: Cross-border cooperation in protecting victims of trafficking in persons and prosecuting their traffickers

Effective prosecution of traffickers and the combat of crime require close cross-border cooperation and appropriate legal bases for international cooperation in fighting human trafficking. It also requires appropriate protection and assistance to victims, especially with a view to reconciling interests and promoting understanding between victim service providers and law enforcement.

The Trafficking Protocol, other international treaties and international human rights instruments, including the Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, and regional treaties, including Council of Europe Convention on Action against Trafficking in Human Beings, create an important legal basis for cross-border cooperation on combating trafficking in persons.

The United Nations General Assembly has an important role in facilitating the effective implementation of these treaties. General Assembly Resolution 61/180, for example, established the Inter-Agency Coordination Group, in order to enhance cooperation and coordination and facilitate a holistic and comprehensive approach by the international community to the problem of trafficking in persons. The resolution also requested Member States to consider the advisability of elaboration of the United Nations strategy on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking.

UNGIFT, the Vienna Forum, and related events have created a momentum and a unique opportunity to catalyse the cross-border cooperation in prosecuting traffickers and protecting victims of trafficking.

Panelists will discuss important initiatives by regional organisations such as Council of Europe, and OSCE, and the best practices in bilateral cooperation, including exchange of information, joint law enforcement actions and training programmes. The panel will also pay attention to the nexus between effective prosecution and assistance to victims of human trafficking.



GENERAL ASSEMBLY THEMATIC DEBATE ON HUMAN TRAFFICKING

Trusteeship Council Chamber
United Nations Headquarters New York
3 June, 2008

10.00 – 10.15am:

Opening address by **H.E. Mr. Srgjan Kerim**, the President of the United Nations General Assembly

Address by **H.E. Ms. Asha-Rose Migiro**, the Deputy Secretary General of the United Nations

10.15 – 10.35am:

Keynote speech by **H.E. Dr. Anwar Gargash**, Minister of State for Foreign Affairs, United Arab Emirates

Keynote speech by **Ms. Ashley Judd**, Actress and Philanthropist

10.35am – 1pm:

Panel 1: Enhancing multilateral cooperation to prevent trafficking in persons

Moderator: **Mr. Antonio Maria Costa**, Executive Director of United Nations Office on Drugs and Crime

- **Ms. Kyung-wha Kang**, Deputy High Commissioner for Human Rights, Office of the High Commissioner for Human Rights
- **Ambassador Mark Lagon**: Director of the United States State Department's Office to Monitor and Combat Trafficking in Persons
- **Mr. Roger Plant**, Head, Special Action Programme to Combat Forced Labour, International Labour Organisation
- **Ms. Marilyn Carlson Nelson**, The Carlson Companies, Chairman and CEO
- **Mr. Tom Ehr**, Executive Director of the MTV Europe Foundation

3.00 – 5.45pm:

Panel 2: Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons

Moderator: **Ms. Maud de Boer-Buquicchio**, Deputy Secretary-General of the Council of Europe

- **H.E. Mr. Fernando Bustamante**, Minister of Government for Internal Issues of the Republic of Ecuador
- **H.E. Ms. Natalia Petkevich**, Deputy Head, Administration of the President of the Republic of Belarus
- **Mrs. Ndioro Ndiaye**, Deputy Director General of International Organization for Migration
- **Ms. Ruchira Gupta**, Executive Director of Apne Aap Women Worldwide (India)

5.45 – 6pm:

Closing remarks by **H.E. Mr. Srgjan Kerim**, the President of the United Nations General Assembly



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

28 July 2008

Excellency,

I wish to thank you for your participation in the thematic debate of the General Assembly on Human Trafficking, on 3 June 2008.

The speeches, panel discussions and the debate among the Member States, civil society and the private sector confirmed the urgency of dealing effectively with the increasingly wide-spread phenomenon of human trafficking.

Participants agreed that we need to create more effective partnerships involving all stakeholders – governments, lawmakers, media, businesses, non-governmental organizations, regional and international organizations –to create a common vision and a global alliance for action.

A summary of the debate is attached for your information.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Srgjan Kerim'.

Srgjan Kerim

All Permanent Representatives and
Permanent Observers to the United Nations
New York

SUMMARY OF THE GENERAL ASSEMBLY THEMATIC DEBATE ON HUMAN TRAFFICKING

New York, 3 June 2008

Introduction

The United Nations General Assembly held a thematic debate on human trafficking at the United Nations Headquarters, New York on 3 June 2008. The focus of the debate was on the prevention, protection and prosecution as defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

The debate consisted of an opening session and two interactive panels, one entitled “Enhancing multilateral cooperation to prevent trafficking in persons” and another “Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons”. Non-governmental representatives from regional organizations, the private sector, media, and civil society were active participants at the thematic debate.

Opening Session

1. **The President of the General Assembly** highlighted the special role of the General Assembly in setting an effective global normative framework and institutional mechanisms for combating trafficking in persons. However, despite the existence of a legal framework, he expressed concern about the worsening of the problem and urged Member States to become party to the relevant treaties, to speed up implementation, and to put into place a regular review mechanism to hold Member States and the UN system to account. As a threat to human security, he emphasized that human trafficking policy calls for comprehensive, integrated, and people-centred solutions at the crossroads of security, development and human rights. Nonetheless, solutions that address the causes of human trafficking, protect its victims and ensure effective prosecution of traffickers can only be achieved through close cooperation among all stakeholders.
2. **The Deputy Secretary-General** recalled the Universal Declaration of Human Rights, adopted sixty-years ago, which specifically prohibited the slave trade and all forms of slavery. Today, she said, millions of people are being coerced into human trafficking, which amounts to nothing more than a modern form of slavery. In order to combat human trafficking, she called for the universal ratification of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons and the inclusion of an additional “P” – partnership – to the three “P” agenda of prevention, protection and prosecution. She referred to the Global Initiative to Fight Human Trafficking (UN.GIFT) and the Vienna Forum held in 2008 when representatives from governments, parliaments, the media, the private sector, civil society and the entertainment industry joined their voices and issued a call to action that deserves a response.

Keynote Speakers

3. **The Minister of State for Foreign Affairs and Chairman of the National Committee to Combat Human Trafficking of the United Arab Emirates** stated his country's objective of bringing forward a multilateral vision to eradicate the crime of human trafficking. He acknowledged the UAE's share of this global problem and presented the legislative and policy measures it has taken, including the elaboration of a counter-trafficking strategy and a four pillared action plan covering: legislation, enforcement, victim support, as well as bilateral agreements and partnerships. He noted that the UAE's anti-human trafficking measures are fully in line with the UN priorities of raising awareness, promoting international partnerships and collectively addressing the problem. He also emphasized that while deterrence, legal punishment and international cooperation are important, addressing the underlying conditions which drive both supply and demand of human trafficking was also necessary.
4. **The actress and philanthropist, Ashley Judd** shared the life stories and experiences she witnessed in her capacity as a board member for Population Services International, and the Global Ambassador for YouthAIDs. She described through narratives of personal stories from across the world, how poverty, illness and gender inequality correlate to sex and labour slavery. She called for the legal, economic, educational and social equality of girls and women as a driving priority in order to address the root causes of human trafficking and other social ills. She stressed urgency of action and ensuring that the 4 "P"s become a reality on the ground. This can only be achieved through political will, increased funding for proven programs, such as the ones carried out by grassroots organizations working in the field, and thorough collaboration among all parties involved.

Panel 1: Enhancing multilateral cooperation to prevent trafficking in persons

5. The panel on multilateral cooperation to prevent trafficking in persons was moderated by **Mr. Antonio Maria Costa**, Executive Director of UNODC, and comprised the following panellists: **Ms. Kyung-wha Kang**, Deputy High Commissioner for Human Rights of the Office of the High Commissioner for Human Rights; **Ambassador Mark Lagon**, Director of the United States Department's Office to Monitor and Combat Trafficking in Persons; **Mr. Roger Plant**, Head of the Special Action Programme to Combat Forced Labour of ILO; **Ms. Marilyn Carlson Nelson**, Chairman and CEO from the Carlson Companies; **Mr. Tom Ehr**, Executive Director of the MTV Europe Foundation. The following are some of the views that were expressed:
6. Panellists addressed the first "P" prevention of the Trafficking Protocol and underscored the importance of **raising awareness** about the severity of the issue among all sectors of society. This is key for prevention from the supply and demand sides of human trafficking. Awareness raising campaigns can help prevent potential victims from falling pray to traffickers, empower young people, and educate consumers about the conditions under which products are manufactured so that they make more informed decisions. Despite existing efforts, the low level of awareness is still a contributing factor to human trafficking. The role of the media in maximizing public knowledge and awareness was emphasized as crucial in these efforts.

7. **Knowledge and research** about the human trafficking challenge must be improved in order to ensure that prevention efforts are well targeted and policy is evidence-based. Human trafficking can only be prevented with a better understanding of its nature, the underlying conditions, the profiles of victims and traffickers, the transit routes and the trends. Research and analysis of the demand side is equally important, including the examination of the ways in which the demand for products and services derived from human trafficking can be reduced. It is thus paramount to build a systematic body of knowledge with comparable data and to strengthen national capacity for the analysis of data, which are the cornerstones of sound policy-making against trafficking in persons.
8. A **human rights-based approach** must be at the forefront of policy to combat human trafficking. Human trafficking is a human rights violation and it is a breach of human dignity. The fundamental basic human rights, such as the right to life, to equality, to health, to freedom of movement, to freedom from violence and abuse, to freedom from want, and the right to be recognized as a person before the law must all be protected. The focus must be on ensuring the rights of the victims of trafficking; formulating comprehensive approaches to prevention that address gender-based discrimination and other human rights violations; and ensuring accountability that includes protection of victims in the criminal justice response, as well as effective prosecution of traffickers with serious penalties commensurate with the crime. Victims of trafficking must also be protected against re-victimization, which in itself a prevention mechanism against cases of re-trafficking.
9. As important as addressing the root causes that make people vulnerable to trafficking is tackling the **demand for all forms of exploitation**, including sex and labour trafficking. The problem of trafficking is not just a concern of countries of origin but inextricably linked to the demand in countries of destination. It was acknowledged that deficiencies in labour markets and recruitment systems can cause millions of vulnerable and ill-informed workers to end in situations of forced labour and debt bondage in places of destination. According to the ILO, there are over 12 million persons in forced labour around the world who generate profits of almost USD 32 billion annually for the organizers of trafficking. Beyond the moral imperative, there is recognition that forced labour and trafficking bring serious issues of risk management for industries with complex supply chains, operating in high risk sectors or making extensive use of migrant and seasonal workers.
10. The **private sector** has a critical role in prevention measures. Corporations that adhere to ethical principles and establish policies against trafficking in persons are viewed as being more compliant with the law than companies that fail to have a policy against it. The private sector can also support efforts to alleviate the root causes of trafficking by providing options of employment, and support training and other education opportunities. By cooperating with governments, the business community can increase the likelihood of shutting down unethical “job brokers” and put illegal practices out of business. Other measures cited to help curb human trafficking include using sophisticated and harmonized rating indices involving credible entities to enforce transparency and to educate consumers, and bringing industries together so that they can share the burden of driving change and reduce the short-term financial benefits of inaction.

Panel 2: Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons

11. The panel on protection and prosecution was moderated by **Ms. Maud de Boer-Buquicchio**, Deputy Secretary-General of the Council of Europe, and comprised the following panellists; **H.E. Mr. Fernando Bustamante**, Minister of Government for Internal Issues of the Republic of Ecuador; **H.E. Ms. Natalia Petkevich**, Deputy Head of the Administration of the President of the Republic of Belarus; **Ms. Ndioro Ndiaye**, Deputy Director General of the International Organization for Migration; **Ms. Ruchira Gupta**, Executive Director of Apne Aap Women Worldwide. The following are some of the views that were expressed:
12. The **protection of victims** is at the core of international and regional instruments to combat trafficking in persons. The Council of Europe Convention, for example, complements the Palermo Protocol as it provides clear measures concerning the protection of victims, such as the physical, psychological and social recovery of victims which are compulsory for Member States to the Convention. It also provides for a reflection period of at least thirty days for the victim to recover and escape from the influence of traffickers, regardless of their willingness to cooperate with the authorities in prosecution. The Council of Europe Convention also criminalizes the use of services provided by victims of trafficking.
13. In order to ensure adequate protection of victims the **broader issue of exploitation** must be addressed. There was a call for countries to challenge existing “trafficking-like practices” that are often described as traditional, such as forced marriage, and variations of bonded and forced labour. Countries should also challenge the selective application of labour laws to certain sectors, which have developed from an exploited work force - whether slavery, exploitative or bonded labour arrangements or the overworked and underpaid labour provided by irregular migrants. Labour laws must be strictly enforced, the capacity of labour inspectorates strengthened and all forms of exploitation must be recognized as a crime.
14. Measures to combat human trafficking must place the rights of victims at the centre. Trafficked persons, as victims of human rights violations, have **the right to adequate protection**, including being exempt from prosecution for any offenses that have occurred as a result of being trafficked. Governments should take strong precautions to ensure the physical safety of trafficked persons and victims should have the opportunity to seek remedies and redress human rights violations. To protect victims, the migration of women and men should not be prevented but rather they must have adequate information about their rights and how to protect them. Another important element to protect victims is that while human trafficking can be a transnational crime, there are victims of trafficking that do not cross borders, thus they often need protection in their own local communities.

15. There must be a closer collaboration between non-governmental organizations and law enforcement agencies in the identification and protection of victims. More cross-border cooperation is also needed between law enforcement authorities to investigate, arrest and prosecute traffickers. Countries must criminalize all forms of trafficking in persons through adequate anti-trafficking legislation and impose appropriate penalties on traffickers so that the costs of operations of human trafficking become untenable and the business models of traffickers disrupted. Thus **the protection of the victims and cooperation for the prosecution of traffickers** are two intrinsically linked elements of an anti-trafficking policy.
16. In addition to the topics already outlined above, the additional key messages emerging from the discussions were the following:
17. The United Nations has provided the **international normative framework** to combat human trafficking with the adoption in 2000, of the United Nations Convention against Transnational Organized Crime (UNTOC) and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other related instruments. These are complemented by regional instruments underscoring the importance of international and regional cooperation in efforts to combat human trafficking. Within the framework of the Convention against Transnational Organized Crime and its Protocols, there was a recommendation for the establishment of a regular review mechanism to monitor its implementation. This would enable the assessment of whether progress in anti-human trafficking efforts are being made and hold Member States and the United Nations system accountable.
18. Several speakers called for the development of a **United Nations strategy or global plan of action** to combat human trafficking, facilitated by the General Assembly, in order to provide a balanced, coherent, comprehensive and results-oriented framework. It was argued that this would ensure an effective international regime against trafficking in persons for the implementation of common commitments and coordination of partnerships among the different stakeholders. It was further recommended that discussions should continue, involving government and non-governmental stakeholders, with a view to adopt the strategy at a special session of the United Nations General Assembly.
19. Other Member States stressed that before the development of a United Nations strategy, it is important to look into all aspects, requirements and added value the strategy would provide to existing mechanisms and instruments. Other countries referred to the Palermo Protocol as “the UN strategy” and emphasized that priority should be given to improve its implementation and widen its adherence. There was a proposal to establish a working group to formulate the key elements of the proposed strategy and elaborate it further at the 4th Session of the Conference of the States Parties to the UNTOC.

20. Trafficking in persons calls for a global response, strong synergies among actors, and effective **international cooperation and coordination**. These are pre-requisites for successful anti-human trafficking responses and require the widest possible collaboration among Member States, relevant international organizations, civil society and the private sector. Despite existing efforts to improve international cooperation and coordination, it was recognized that additional efforts to promote cross-border cooperation and strengthen coordination structures were still needed in order to ensure a comprehensive response. Multilateral organizations were recognized as integral to facilitate cooperation and assist governments and civil society to meet international standards. They were encouraged to focus on their core competencies while ensuring that they create synergies with each other and with local efforts.

21. Member States also highlighted the importance of strengthening the work of the **Inter-Agency Cooperation Group (ICAT)**. There was a proposal that the work of ICAT be taken to the next level from information exchange to development of a coordinated approach among the member agencies with due regard to the Conference of the States Parties to the United Nations Convention against Transnational Organized Crime. It was also stressed that inter-agency cooperation has a certain cost which has to be incorporated into States' budget expenditures.



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

19 March 2008

Excellency,

Following the initiative by Member States (document A/62/640), I will be convening an informal General Assembly thematic debate on human trafficking on 3 June 2008 at United Nations Headquarters, New York.

The General Assembly thematic debate will address ways forward in the global fight against trafficking. It will build upon the results of the Vienna Forum held from 13 to 15 February 2008, and of other initiatives and best practices worldwide on preventing and prosecuting trafficking, and protecting its victims. It will make proposals to improve cooperation and coordination of actions on combating trafficking in persons.

The United Nations Secretary-General Ban Ki-moon and myself will address the event. The debate will consist of two informal interactive panel discussions. The morning panel will focus on "*Enhancing multilateral cooperation to prevent trafficking in persons*" and the afternoon panel on "*Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons.*" A President's summary will be prepared as the outcome document of the thematic debate.

The panels will bring together Member States and representatives from the private sector, civil society, law enforcement, the media, United Nations system and other international organizations to promote partnerships and to consider the approach the UN system might take to most effectively address human trafficking.

Delegations are encouraged to engage in an open and interactive discussion with panelists, special guests, as well as representatives of civil society and non-governmental organizations. There will be no established list of speakers and interventions will be limited to a maximum of 3 minutes. For your information, please find attached a background paper which should serve as a substantive input to this thematic debate. A detailed program of the event will follow in due time.

I look forward to your cooperation and personal participation.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Srgjan Kerim', written over a light blue circular stamp.

Srgjan Kerim

*All Permanent Representatives and
Permanent Observers to the United Nations
New York*



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

19 May 2008

Excellency,

With regards to the informal thematic debate of the General Assembly on human trafficking, to be held on 3 June 2008 in the Trusteeship Council Chamber, please find enclosed the draft programme.

I would like to inform you that the Deputy Secretary-General, H.E. Ms. Asha-Rose Migiro, will address the meeting and that H.E. Dr. Anwar Gargash, Minister of State for Foreign Affairs of United Arab Emirates, and Ms. Ashley Judd, actress and philanthropist, will be the keynote speakers.

As previously announced, the thematic debate will comprise two panel discussions, one in the morning and one in the afternoon. Following the panel presentations, Member States as well as representatives from the private sector, civil society, NGOs and the United Nations system will have the opportunity to exchange views on how to most effectively address human trafficking.

Given the informal character of the debate there will be no established list of speakers and interventions will be limited to a maximum of 3 minutes.

I very much look forward to your participation in this important event.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Srgjan Kerim', written in a cursive style.

Srgjan Kerim

All Permanent Representatives and
Permanent Observers to the United Nations
New York

3 June 2008

**Statement of H.E. Mr. Srgjan Kerim,
President of the 62nd Session of the General Assembly,
at the Thematic Debate on Human Trafficking**

Deputy Secretary-General,
Excellencies,
Ladies and Gentlemen,

Human trafficking is a crime against humanity - the modern form of slavery!

Two hundred years after the end of the trans-Atlantic slave trade, and as we celebrate the 60th anniversary of the Universal Declaration on Human Rights, it remains a flagrant breach of human dignity.

We can only fight it successfully if we work in partnership, across borders and across all parts of society.

I would therefore like to commend the initiative and valuable support of Member States for raising the profile of this issue in the General Assembly.

Today's debate provides the first opportunity for the General Assembly and its non-governmental partners to comprehensively discuss how best we can strengthen cooperation and raise greater awareness on how to combat and prevent human trafficking; to protect the victims and prosecute the perpetrators.

Expanding the outreach of the General Assembly has been a key component of strengthening the significance and relevance of the United Nation during the 62nd session.

I would therefore like to welcome the participation of the many non-governmental representatives here today from regional organizations, the private sector, media, and civil society.

In particular, allow me to give a special welcome to our keynote speakers.

Firstly, I would like to thank the Minister of State for Foreign Affairs of the United Arab Emirates, His Excellency Anwar Gargash for his government's firm opposition against the exploitation of human beings for any purpose and against the coercive, illegal and inhumane treatment of any individual. The UAE's contribution to the organization of this debate is a mark of their continued commitment to stamp out all forms of human trafficking.

I would also like to recognize the important contribution of our second keynote speaker, the actress and philanthropist Ashley Judd, who has campaigned tirelessly in many countries against this inhumane practice. Ms. Judd provided an important piece of guidance for all of us here

today, that work on this issue and other forms of human injustice demands both, a rational as well as an emotional commitment. She summed it up by saying; “the longest journey I have ever taken is from my head to my heart.”

Ladies and Gentlemen,

The General Assembly has had a special role in setting an effective global normative framework and establishing institutional mechanisms for combating trafficking in persons. And also, through raising awareness of human trafficking and promoting multi-faceted cooperation between Member States, the UN system and civil society actors at large.

Trafficking in persons was first denounced as incompatible with the dignity and worth of the human being by the 1949 UN Convention for the Suppression of the Trafficking in Persons and Exploitation of the Prostitution of Others.

In 2000, the milestone UN Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and Children , was adopted and laid down the first comprehensive international definition of trafficking.

The Assembly followed-up in 2006 by adopting resolutions against trafficking in women and girls.

And in 2007, the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was launched to coordinate actions among all stakeholders to strengthen implementation of existing laws.

Regional organizations have also played an important role.

In 2004, ASEAN adopted the Declaration against Trafficking in Persons Particularly Women and Children; in 2005, the Council of Europe adopted the Convention on Action Against Trafficking in Human Beings; in 2006, the African Union’s set out an action plan to Combat Trafficking in Human Beings, Especially Women and Children.

These are but a few of the many valuable contributions that have been made internationally.

Ladies and Gentlemen,
Excellencies,

We therefore must ask ourselves, “why with all these laws and international agreements in place, why is the problem getting worse?”

I would argue that our increasing interdependence has provided new avenues for criminal networks to operate on a global scale. Human trafficking now affects all societies and all regions of the world, no matter whether developed or developing.

Trafficking thrives because it takes place against the backdrop of the increased demand for cheap labour and service - particularly from the sex industry – and the easy means of global communication and transport. There are numerous countries of origin, transit and destinations that are exploited by vast international criminal networks.

A recent global report on forced labour by the International Labour Organization suggested that the annual illicit profits realized from trafficked labourers amounts now to 32 billion US dollars.

While it is clear that we have worked hard to put in place a normative framework to fight human trafficking, there remains a vast gulf between the letter of the law and the situation on the ground.

Given the nature of the problem it is imperative that each and every country stands firm against trafficking. Our ability to tackle the issues is only as strong as the weakest link in the chain that can be exploited by criminals.

I therefore call upon Member States to put their commitments into practice; to ensure there are proper mechanisms in place to provide protection and assistance to the trafficked; for the prosecution of traffickers, as well as, actions to strengthen prevention.

I also call upon those Member States who are not yet party to the relevant treaties, to adopt the normative frameworks as soon as possible.

Furthermore, I would like to emphasize that in order to speed up the implementation of the Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, it is of crucial importance to put in place a regular review mechanism to hold Member States and the UN system to account.

Ladies and gentlemen,

We can make a start today by squarely addressing the three Ps as defined in the Protocol;

Protection of the vulnerable,
 Prosecution of criminals,
 and, Prevention of trafficking.

For prevention to be effective, it is crucial that we address the demand for trafficked persons, and the social and economic conditions that make people vulnerable to trafficking.

The private sector in partnership with others has a crucial role to play here. We need a clear and transparent self-regulating code for the private sector, which sets out concrete measures and tools to prevent forced labour and trafficking. Such policies should apply to all enterprises involved in a company's supply chains.

To break through the barrier of ignorance that persists about the dangers of trafficking, we must work on raising global awareness of this phenomenon, in particular, by educating potential victims, especially young people.

The media can do a lot to avert gullible victims from falling prey to traffickers. A number of films have been made recently that have raised awareness. Let me just mention one of them, "Trade", which was shown at the UN and depicts the flight of a 13 year old girl trapped in a criminal underworld. It left an enduring impression on me.

The media can raise consumer awareness about the conditions under which products are manufactured so that we can make more informed decisions.

To catch and prosecute the traffickers we need closer cross-border cooperation. Effective prosecution also requires providing the appropriate protection and assistance to victims, especially by promoting understanding between victim's service providers and law enforcement.

But let me reiterate that effective prosecution of human traffickers, and solutions that address its causes and protect its victims can only be achieved with closer cooperation between all stakeholders: the government, the international institutions, the private sector, the NGOs and the media.

Excellencies,
Ladies and gentlemen,

Human trafficking is an inherent and grave threat to our human security, as discussed in this Assembly during the recent thematic debate on human security. The need for comprehensive, integrated and people-centered solutions at the crossroads between security, development and human rights must be at the forefront of policy in order to tackle this global challenge.

Our approach to dealing with this issue must be comprehensive.

That means we must deal with the underlying conditions that feed human trafficking- both on the demand, as well as, the supply side.

It is my hope that this debate will raise greater public awareness about the severity of the problem, and generate fresh momentum among Member States and other stakeholders to strengthen cooperation and fully implement existing international agreements.

We have the tools. We must use them more effectively to stamp out human trafficking forever.

In this regard, I would like this debate to make a decisive and lasting contribution.

May I thank you for your attention.

3 June 2008

**Statement of H.E. Mr. Srgjan Kerim,
President of the 62nd Session of the General Assembly,
at the Closing of the Thematic Debate on Human Trafficking**

Excellencies, Ladies and Gentlemen,

Allow me to thank at the outset Member States and civil society and all those who took the floor to make the debate lively, comprehensive and productive.

I would also like to thank our keynote speakers, H.E. Anwar Gargash and Ms. Ashley Judd for their valuable contributions.

Dr. Gargash presented a comprehensive overview of actions that the U.A.E. has taken and the progress it has achieved in dealing with the great challenge of human trafficking.

We also heard a moving testimony by Ms. Ashley Judd who challenged our hearts and minds to step up our efforts to put an end to this most degrading form of exploitation.

May I also thank the moderators, UNODC Executive Director Mr. Antonio Costa and Deputy Secretary-General of the Council of Europe Ms. Maud de Boer Buquicchio, and, all the panellists for their excellent contributions that ensured this debate was dynamic and insightful.

Excellencies,
Ladies and Gentlemen,

It is clear from our deliberations that effective policy needs to be put into practice as a matter of urgency to fight sexual and labour exploitation. It needs to be comprehensive, and include preventive and protective measures, as well as, stronger measures to end the trafficker's impunity.

Most of all the need for closer partnership was highlighted by many. At the local, national and international level, there is a need for more effective partnership among all stakeholders, including governments, parliamentarians, civil society, the private sector, the media and NGOs.

Factors that make people vulnerable to human trafficking were identified, and need for preventive measures stressed. This morning's panel examined in detail examples of good practices to prevent trafficking.

We also heard a comprehensive overview of cross—sectoral governmental actions, as well as, concrete examples how the private sector is combating this crime – especially by making

business partners aware of the deplorable phenomenon, but also through providing training programmes for all kinds of stakeholders. This kind of grass-root approach is crucial to successfully fight human trafficking, and should thus be further developed and supported.

However, there is still considerable ignorance about human trafficking, and we must do more to raise awareness. The role of the media, entertainers, civil society and government is crucial in this regard. There was a video presentation describing an effective awareness-raising campaign catering to the young people that are particularly susceptible to the perils of human trafficking.

A consensus emerged that we should combat the problem at its source by making it more difficult to trade in humans and by reducing demand for products and services of exploited people. We need to increase the risks and lower the rewards of human trafficking.

We also heard about concrete approaches to strengthen cross-border cooperation and prosecute traffickers in persons. In this regard, the role of regional networks and initiatives was emphasized.

Effective prosecution also requires appropriate protection and assistance to victims, especially with a view to reconciling interests and promoting understanding between victim service providers and law enforcement.

Excellencies,
Ladies and Gentlemen

Today's debate has shown that we share a common commitment and goals. That we stand ready and willing to join forces to overcome the scourge of human trafficking.

To this end, several speakers suggested that we need to develop a global action plan, a comprehensive mechanism to counter-act human trafficking. This mechanism should provide us with a vehicle to put anti-trafficking treaties into practice. We heard another concrete proposal to establish a regular review mechanism to monitor the implementation of the Convention against Transnational Organized Crime and its Protocols, in order to hold Member States, the UN system and its partner to account.

It is clear from today's thematic debate that there is significant interest in the General Assembly and among our partners to continue our work to combat Human Trafficking.

Given this interest I am convinced that we can say that today's debate helped to generate fresh impetus among Member States and other stakeholders to strengthen cooperation and fully implement existing international agreements.

Thus, allow me to call on all of you to use this momentum to take our common fight a step further towards obliterating the heinous crime of human trafficking from the surface of the planet.

We can achieve this only by promoting a system of international relations that puts human rights and the empowerment of the individual at its centre.

Thank you.

**UNITED ARAB EMIRATES
National Committee to Combat
Human Trafficking**



United Arab Emirates

دولة الإمارات العربية المتحدة
اللجنة الوطنية
لمكافحة الاتجار بالبشر

**Speech of HE Dr. Anwar Mohammed Gargash
Minister of State for Foreign Affairs
and
Chairman of the
National Committee to Combat Human Trafficking**

at

**The United Nations General Assembly
Thematic Debate on Human Trafficking**

3 June 2008

New York

Mr. President, Your Excellencies, Ladies and Gentlemen,

I am honored to be here today and delighted to represent the United Arab Emirates in addressing this gathering. We all share a common objective – to eradicate the global crime of human trafficking. This debate is one of the many important steps towards that objective.

I would like to thank the organisers of this event for making this discussion possible, creating a unique opportunity for a multilateral vision to eradicate this heinous crime.

We are particularly glad that this discussion is taking place less than four months after the historic Vienna Forum which took place in February this year, following the launch of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). The UAE has been a committed partner in this initiative from the outset, through the initial donation of His Highness Sheikh Mohammed bin Zayed al Nahyan, the Crown Prince of Abu Dhabi, towards the creation of the UN.GIFT. The UAE has contributed actively to this initiative and pledges continued support based on our belief in working together under a single banner to eliminate human trafficking. This philosophy is a driving force of our strategy.

In my capacity as Chairman of the National Committee to Combat Human Trafficking, a federal committee mandated to address this issue in the UAE, I take this opportunity to outline my country's efforts to combat trafficking as well as the obstacles that we have encountered along the way.

Until a few years ago the UAE did not even imagine that trafficking was a problem we would ever face. But like many successful and rapidly growing societies, the UAE does suffer its share of this global phenomenon. There is no shame in admitting that this crime afflicts our society as we are committed to tackling human trafficking on every level.

The UAE's anti-human trafficking measures fully share in the UN's priorities of raising awareness, promoting international partnerships and collectively addressing this phenomenon. We intend to do more in partnership with the member states gathered here today, non-government organizations and like-minded individuals who are with us in this fight.

My delegation and I look forward to learning from the countries participating here today and sharing our experiences, initiating partnerships and capacity-

building processes as well as shoring up further commitment towards our common goals.

The UAE has demonstrated its commitment to the prevention and elimination of trafficking through the ratification of international human rights treaties, focusing on the rights of women and children in general, as well as trafficking. It has also taken a number of national legislative and policy measures to prevent and combat human trafficking. We have had our ups and downs in this fight yet our commitment is resolute.

Our counter-trafficking strategy has resulted in a comprehensive four-pillared action plan that includes: legislation; enforcement; victim support; as well as bilateral agreements and international partnerships. This strategy supports the UN's three-pronged approach of **Prevention, Protection and Prosecution**.

Firstly in the field of *legislation*, the UAE has passed a strong anti-human trafficking law, the first of its kind in the region. The Vienna forum reinforced the fact that legislation is a key component in any anti-trafficking measure. Parliamentarians and legislators must understand fully the dynamics of trafficking in order to effectively legislate against it. Our 16-article Federal Law 51 of November 2006 classifies human trafficking as an element of organised crime and covers all its manifestations – not just overt enslavement, but also sexual exploitation, child labour, and commerce in human organs. The law mandates the support and protection of victims and contains powerful and compelling penalties for those convicted, including fines of up to a quarter million US dollars and life imprisonment.

The committee is focusing on a results-oriented strategy based on the belief that each single case of trafficking is one case too many. Our Cabinet established the National Committee for Combating Human Trafficking in April 2007 with the aim of centralizing our efforts and creating a coordinating mechanism to combat this crime. The committee has a dual mandate – firstly, to coordinate between federal ministries and departments; and secondly, to promote the strict enforcement of the law and its provisions.

A year on since its establishment, the committee has recently published the UAE's first annual report on human trafficking. Data collection and analysis is a key part of our process – the more informed we are about the victims, the source countries, transit routes and methodologies of traffickers the more we can do to prevent them. We are aiming to create our own centralized database, in collaboration with law enforcement agencies, international organizations and

victim support centers in order to promote transparency and also effectively hone our counter-trafficking strategies based on real information rather than extrapolated figures and estimates.

Secondly, the UAE strategy focuses on *enforcement*. At least ¹⁵~~10~~ human trafficking cases were registered between November 2006 and the end of 2007. There have already been convictions in at least five cases, with the convicted receiving jail terms ranging from 3 to 10 years.

To ensure better implementation of the new measures, the federal government is continually training our law enforcement officers. A training series has been launched on the security risks related to human trafficking, human rights issues, prevention and control, as well as investigation methodology.

Companies that have been profiled as possible offenders, such as night clubs and tour operators, are being kept under strict police surveillance. The licenses of companies caught carrying out illegal activities are being cancelled. At least two night clubs involved in exploiting women were shut down during 2007.

The UAE is also concerned with prosecuting and preventing any exploitation of the labour workforce and has introduced a series of measures that are beginning to positively impact the country's labour climate. We are strengthening our mechanisms to ensure that enforcement of our laws constantly improves.

Thirdly, our strategy understands the importance of a comprehensive *victim support* structure. Legislation and enforcement is not enough and the UAE's holistic approach includes initiatives that determine how victims are treated by law enforcement officials, as well as improving the support programs available to them.

The government firmly believes that those who are exploited must be treated as victims, protected and supported through counseling and rehabilitation programs. At the same time, traffickers will be punished according to UAE law. The government has a healthy track record of providing assistance and protection to victims of sexual abuse. Police departments and non-government organisations provide shelter and support for these victims until they are able to acquire the right documentation. Many victims are then repatriated at the government's expense under the Crime Victim Assistance Program.

Aside from government-headed initiatives, charitable and social networks are also active in the UAE. Earlier this year, the government supported the UAE Red Crescent Authority initiative to establish shelters across the country for victims of human trafficking. These shelters will provide comprehensive social care programs that include medical treatment, psychological care and counselling, access to legal services, temporary accommodation, basic education and training, as well as safe repatriation with the help of a partner women's shelter in the victim's home country.

These efforts are in addition to other shelters such as the Dubai Women's and Children's Foundation, established in Dubai in July 2007, the Human Rights Care Department in Dubai as well as the Social Support Center in Abu Dhabi.

Fourthly, the UAE intends to pursue and build on *bilateral agreements and international cooperation*. Since trafficking begins at a victim's departure point from their home country, with a working network available at the point of arrival, the UAE has signed agreements with at least eight labour-exporting countries during the last two years to regulate the flow of workforce and prevent trafficking at its source.

In May 2007, the UAE ratified the United Nations Convention Against Transnational Organised Crime which includes provisions for international cooperation in anti-human trafficking efforts. Furthermore, the Cabinet has approved the ratification of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

The UAE's most high-profile effort to address human trafficking occurred a few years ago in response to recruitment practices taking place in the traditional sport of camel racing. Unfortunately, this sport became associated with child exploitation. Once aware, the UAE government immediately stepped in to regulate the sport and requested technical expertise from UNICEF to help protect and rehabilitate child victims. Between May 2005 and September 2006, all 1,077 child camel jockeys were successfully and safely returned to their homes in Asia and Africa. The repatriation and rehabilitation program included establishment of transit centers providing medical assistance to affected children, a family tracing system, social care, educational campaigns and establishment of community care committees.

In April 2007, the UAE and UNICEF opened a second phase of activity, which will continue until May 2009, to directly safeguard repatriated children from further exploitation in hazardous or exploitative labour. As part of this

mechanism, a joint team started visiting several countries last month to establish claims facilities to provide compensation to former jockeys, in addition to the previous assistance.

The UAE has therefore comprehensively and decisively put an end to this chapter in the history of this sport and continues to support and rehabilitate those who were victimized in the process.

Closing statement

Human trafficking is fostered by social and economic disparities and transcends national borders and can be viewed within a broad migration framework. While deterrence, legal punishment and international cooperation are important elements, addressing the underlying conditions which drive both supply and demand are also necessary.

Trafficking involves countries of origin, transit and final destination and no country or region acting alone can stop it. The UAE will continue to cooperate with all appropriate regional and international law enforcement officials to apprehend, prosecute and punish those violating the UAE's human trafficking law and those attempting to use the country to violate the anti-trafficking laws of other countries.

The UAE has achieved much in a short span of time, but realises that much more needs to be done. The government is committed to serving as an active member of the international community to tackle this phenomenon. We will continue to acknowledge our shortcomings and demonstrate resolve by vigorously improving our four-pillared action plan.

The UAE also intends to take a lead role in the creation and support of strong new international initiatives such as the one that has brought us together in New York.

Let me assure you that we will continue to welcome direct discussion and collaboration with other sovereign governments, public and private sector groups and international organisations – that will help stem the tide of human trafficking and strongly punishes those who would seek to profit from human suffering.

Thank you.

Your Excellencies and Distinguished Guests,

Good Morning. I am most delighted, honored, and scared witless to be here.

I am Ashley Judd and amongst other things, I am an actor. I have appeared in scores of films and on Broadway. I would understand if you might if might be wondering right now, How dare she imagine she has something to contribute to the urgent, charged debate about the scourge of modern slavery, of human trafficking?"

Actually, I believe wholeheartedly the real question is, "How dare I not?" How dare I not stand before you with all the earnestness at my command and witness to you what I have seen? In my capacity as a board member for Population Services International, and Global Ambassador YouthAIDs, our HIV/AIDS prevention programs and our child survival programs, Five and Alive, I have traveled to 12 developing countries and experienced viscerally the insidious connection between poverty, illness, and gender inequality, and how that triad sets up the exquisite pain and degradation that is sex and labor slavery. I have seen the poor and the vulnerable, the disempowered and the exploited. And when orphans in Mumbai slums begged me to take them back home to America with me, when I sat in mediation with monks in Thailand surrounded by the cremated remains of HIV victims, remains which were rejected by their families due to stigma, when I, a rich, white woman of the Global North walked scott free out of brothels in Kenya, Madagascar, El Salvador, Guatemala,

Cambodia, and the Dem Republic of Congo, when I have danced at youth drop in centers world wide with beautiful, vulnerable children, knowing the funding for these life saving yet simple facilities was inadequate, putting those children but a few precarious steps away from sex and labor slavery. I have made one keening vow: I will never forget you, and I will tell your stories. I will tell your stories. I will tell your stories.

To quote the effervescent light that is Marianne Williamson,

Our greatest fear is not that we are inadequate, but that we are powerful beyond measure.

Ms Williamson adds, **“We are, all of us, not just some of us, children of God, and our playing small does not serve the world.”**

So I am here at the United Nations because when it comes to human dignity and rights, I refuse to play small and I am going to tell you those stories. How dare I not.

I believe with all my soul that the art of compassionate witnessing is at the core of global change and peace building. When we listen attentively and caringly, our simple empathy is extended and transformed into a fiery, responsible compassion which demands that we respond urgently to the plight of others. Therefore, the narratives of the unloved, the disposed, the hidden, the silenced, are keys

to peace. The more we hear them, the more motivated we are to heal them and the social systems that victimized them in the first place.

When I go to see P.S.I.'s health work in a slum, a brothel, a ruined public hospital or an overburdened, inadequately supplied rural health clinic, I long to connect with individuals. I seek out the personal, the private. I am always humbled and awed at the trust these magnificent strangers have in me, their utter willingness to share their most intimate stories and pain with me. As I listen, I hear the truth of woundedness. I listen to life stories in which the blood of history does not dry. And I know this organic process of being heard helps them. I know my keen listening helps me. Today my ardent hope and prayer is that my bringing you into this sacred circle of sharing helps you help them.

Your help should be manifested, as you in your own words say, as Prevention, Protection, and Prosecution, and the three "P's" must become the norm in national legislations and policies world wide. They can only be achieved with a balanced, holistic approach: a willing and thorough collaboration between governments, institutions, foundations, non governmental organizations, faith based organizations, and very importantly, grassroots organizations, which have such intimacy and effectiveness in the field. Political will must accelerate. Funding for proven programs must increase. And "normal" citizens must be sensitized to care and to act.

What does this help, prevention, protection, and prosecution look like on the ground, in Kigali or Laos or Managua? It is nothing short of the legal, economic, educational, and social equality of girls and women. Gender equality must absolutely be made a driving priority at all levels, for it is the contaminated root of human trafficking and all social ills will be vastly ameliorated with gender equality. If we were we not sexually objectified, the demand side of trafficking would reduce, and there would be no money in it. Had we education and employment, we would not out of lethal innocence be tricked and lured by pimps and traffickers. Were we not relentlessly, desperately poor, a poverty so often exacerbated by preventable illnesses for which we do not have access to treatment, like malaria, TB, HIV, diarrheal disease, we would not succumb to transactional, cross generational sex, or full blown sex work, out of the primal urge to stay alive and feed our babies. If we earned a fair wage for fair work, work we were trained to do, we would not be labor slaves. If we had land rights, we wouldn't be turned out of our homes and left starve when our husbands die. And if courts and societies gave a damn, our traffickers would be deterred by effective laws and sentencing.

I know a little girl in Cambodia. Her family, very poor, sold her to a nice enough seeming stranger who said he'd give the girl work in Phnom Penh and send the destitute parents home a share regularly. When the parents accidentally discovered their child was actually being sold for sex, and that her new "Uncle" was earning a lot more

than he had said he would be, they sued him for a higher share of their baby girl's earnings.

I know an HIV+ man in Svay Pak. I sat with him while he burrowed his crazily scared face in my lap and wept. He is a sex slave, and he got those scars when his first rapist raped him while having a dog maul his face.

I know a women whose friend told her she could procure her decent paying work at a garment factory. Instead, her equally desperate friend sold her to a man who kept her in a hotel room for a week and raped her twice daily. At the end of this unbearable ordeal, her rapist sold her to a brothel were she was ordered to have sex to repay what he had spent on her virginity. Then, the Madame detained her to earn back her expenses. If this economics doesn't make any sense to you, it shouldn't. It is indentured servitude and it is astonishingly common.

I know a woman in Pattaya, Thailand. We sat in a bar brothel with her co workers, holding hands, huddled close. My friend and protector Papa Jack filled the door, keeping men seeking prostituted sex out so we could talk. The Madame circled us nosily, snoopervising what the women shared with me. My Farm Friend, as I lovingly call her, had left her young son alone at home with 10 days worth of food. She came to this beach town, having heard she might find work as a cleaning lady in the tourist motels. She found none. Counting down, one harrowing day after another, her son's meager supply of food, she ended up in this hellhole having paid sex to feed him and herself. After

10 days when she could no longer stand it, she went home to her son with a little bit of money in her pocket. But that money soon ran out, and this cycle repeated itself. The night I sat with her was her first night back in this brothel. When I let go of her hand momentarily, she held on to the seam of pants. She still smelled like grass and something clean. She wasn't dead inside yet. Yet.

I know a woman in a brothel in Madagascar, who, when I asked her how she ended up here, like this, gently closed her eyes and dismissively waved her hand. "Same ole, same ole," she said. Abandoned by her husband, considered used goods by society, illiterate, trying to feed 6 children. Same ole, same ole. When the pimp came, what other choice did she have, really?

I know a young teen named Nasreen. She lives in an indescribable, dark rabbit warren of a slum. I sat with her HIV+ mother and her in their hovel, admiring the housekeeping they had done to welcome me: they had lined their decrepit, rickety walls with newspaper. This tender, precious little girl sat in my lap. I told her: you are beautiful, you are smart, you are special, you are worthy, the world is a better place because you are in it. Your body is sacred and you have the right to be autonomous with the God of your understanding. I cried like a child myself when I left her, haunted not so much by her past, but by the prospect of her future. Nasreen is exactly the type of child who gets trafficked. Perhaps it will be a poor neighbor trying to raise a dowry for a marriageable daughter who snatches her to sell her to a trolling pimp. Perhaps it will

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be traffickers who stake out the rail stations who abduct her. In fact, when I worked with Anubhav in Dehli, they said they have never once in their history rescued a girl from the rail stations in India. They have only been able to help boys, as the traffickers beat them to the girls, every time. Perhaps a prostituted sex worker who has moved into a madame position will through the elaborate systems of contacts between buyers and sellers lure her into a brothel on Faulkand Road.

I know a Nepalese woman who had a few drinks one night with some intriguing new friends. When she woke up, she was *Karza* in India, a trapped, level one sex worker, kept in a small, squalid room behind a chained door for 3 years. Her only movement outside the room was to use the rudimentary latrine at the end of the hall.

I know children born in that brothel, whom I watched as they burrowed in unimaginably cramped places, hiding under beds where their mothers are subjected to the most degraded life. I saw them play on the dangerous rooftop of a building that in the U.S. would be a condemned site, briefly escaping the horror and sounds of brothel life. Some wrote their names on pieces of paper for me. I smiled widely, I hugged them each dearly, I played with them as best we could under the circumstances, and then I rushed to my hotel and one by one laid those piece of paper out on the floor, sobbing. Children are the collateral damage of human trafficking.

I know a man in Dharavi who came there from his distant rural village, looking for a life of improvement. Instead, he found Asia's largest slum. He lives with 3 other men in a 20 by 20 room where they embroider fabric in a slave labor galley. Squatting, he showed me his work with great gentleness. In a survival adaption that was heartbreaking to me, he takes great pride in his work. "I like to think about sending something beautiful out into the world," he said. He showed me how they do their living in the small space, where they lie on the floor to sleep, where they cook with a kerosene fire, where they look in sliver of jagged mirror to shave with water they carry in from far away. In front of the mirror, my eye caught his. I was standing behind him. I put my hands on his shoulders and said, "You know what, Mohammad? When I see you, I see a precious child of God. "So do I," he said.

And that, in fact, is what each of these people are, what each of us in this room is: beings of infinite value and worth. I do not wish at this stage to lose your interest or respect on the basis of religion, for that is not what I am talking about. I am talking about universal spiritual principles, applicable to all, whatever their personal creed. Because it is my experience that this work in human trafficking and poverty reduction cannot be sustained without a faith that works under all conditions, it is simply too painful. It is too shattering. So to stay engaged, to stay motivated, to maintain that compassionate urgency, we must believe with all our might that every human life is of inestimable worth and that when we save one of these, we

save the whole world. If you don't believe me, go read the U.N. Declaration of Human Rights.

Through but a miniscule sampling of personal stories, I have presented you a brief outline of the problem. And, I have been taught it is abusive to highlight a problem without also highlighting the solution. I have hinted at the spiritual solution and at the panels this morning and afternoon, you will hear from empowered experts about their experience, strength and hope in the field. I urge you from the bottom of my heart to listen and to listen well. Listen, for example, to the indomitable Ruchira Gupta. A woman who managed the exceedingly difficult undertaking of escaping a brothel found Ms Gupta and her anti trafficking ngo, Apne Aap: This woman needed help getting out her 9 year old daughter, born in the brothel and already put to work in sex. Ms Gupta pulled off a successful raid, only to have a judge put the little girl in a truant home, deem the mother unfit due to her life as victim of human trafficking, and declare the pimp the girl's father. Ms Gupta used all her smarts and resources to reverse this abomination. Mother and child are reunited and safe, thanks to Apne Aap's dedication and brilliance. Hear the success stories, study how they succeeded, and share best practices, and measurably reverse human trafficking of all types. How dare you not.

Thank you so very much for the providing me this extraordinary opportunity to continue to manifest my ongoing sacred promise to the people I have met via Population Services International: I will never forget you,

and I will tell your story. I will reach people of influence, people who really can help change the world. For reasons I cannot begin to fathom, my brothers and sisters in developing countries were disproportionately given no voice, although they are many, yet I was given a large one, although I am but one. Today I use my voice to bring you their muted ones with the urgency of a life or death errand; and may we ache for the poor who have never had a visitor such as I, who suffer and die in loneliness, unheard, unloved by a world otherwise teeming with abundance and excess.

May we use our abundance for the good of all beings everywhere. You are the United Nations....How dare you not.

Thank you for the honor of being here. May there be peace.

Ashley Judd



Slovensko predsedstvo EU 2008
Slovenian Presidency of the EU 2008
La Présidence slovène de l'UE 2008

Speech no. 7

EU Q&A

Enhancing multilateral cooperation to prevent trafficking in persons

Mr. Chairperson,

I have the honor to address this session on behalf of the European Union.

Human trafficking, particularly in women and children, for sexual or other forms of exploitation is an offence to the dignity and integrity of human beings, which has severe consequences for the enjoyment of human rights.

In order to fight trafficking we must ensure a coordinated response globally, across all regions and different actors such as international organizations, governments, private sector, NGOs and media.

A crucial step towards a better coordinated response can be made by exchanging information and best practices between countries. Another important aspect of an effective prevention of trafficking lays in better understanding of its nature, underlying conditions and the profiles of traffickers and victims. Moreover, root causes of trafficking must continue to be at the forefront of the long-term efforts to fight human trafficking effectively. Also critical is research and analysis of the demand side of trafficking and an examination of methods by which the demand for products and services brought about through exploitation can be effectively reduced. Here, the private sector has a vital role to play in ensuring that global supply chains that lead to the production of cheap goods conform to international labour standards. Media too play a significant role in maximizing public knowledge and awareness of trafficking.

Mr. Chairperson,

Combating trafficking in human beings and protecting its victims is a priority for the EU. In its efforts to counter trafficking, the EU adopted the Council Framework decision of 2002 specifying minimum standards for EU member States' responses to trafficking. The adoption of the Brussels Declaration and setting of an Expert Group on Trafficking in Human Beings was another important milestone for the EU.

The EU fully supports efforts for a coordinated fight against human trafficking. This particularly applies to the implementation of "The EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings", adopted in 2005. On the occasion of the first EU Anti-Trafficking Day on 18 October 2007 Recommendations on victims' assistance and protection were issued. In addition the European Union has also set up several programmes to combat trafficking, such as AGIS, ISEC and DAPHNE Programme.

Trafficking in women and children is also addressed through the EU external assistance policies and their instruments with collective donor efforts by the EU Member States. The EU believes that ratification and implementation of international instruments such as the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children is the key for achieving a swift and sustainable reduction of trafficking in human beings. The Council of Europe Convention on Action against Trafficking in Human Beings, which entered into force on 1st of February 2008, also marks an important milestone.

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The EU would like to further note that before initiating any new UN strategy, we must have a clear understanding of existing strategies and instruments. The UN already has a strategy that is the protocol. Our first task should be to improve its implementation and widen its adherence. We should aim to avoid duplication and focus on strengthening existing instruments and fill in any gaps between them.

In this regard today's thematic debate is therefore an opportunity to take a step forward.

Thank you for your attention.

Questions:

- More attention needs to be paid to the demand side of the human trafficking since the root causes are strongly connected to the question of supply and demand. What measures could be taken to curb demand for sexual services resulting from exploitation and for cheap labour and cheap goods brought about through exploitation? Which approaches are the ones that have a real positive effect (avoiding that behavior of the customers and consumers would create an adverse effect/impact on the situation of victims and at-risk groups).
- 80 % of victims are women and children. They suffer most from this modern form of exploitation and abuse. What would be innovative ways to combat human trafficking?



Slovensko predsedstvo EU 2008
Slovenian Presidency of the EU 2008
La Présidence slovène de l'UE 2008

Speech No. 2

EU Q&A

Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons

Mr. Chairperson,

I have the honor to address this session on behalf of the European Union.

The European Union is strongly committed to the global prevention and fight against trafficking, which is an offence to the dignity and integrity of human beings and has severe consequences for the enjoyment of human rights. The trafficking in human beings has to be tackled globally in a multidisciplinary context in which all involved actors and stakeholders, including relevant civil society co-operate.

International law, rules and guidelines to prevent and combat trafficking created an important legal basis for cross-border cooperation, the most significant global responses to date being the UN Convention against Transnational Organized Crime together with its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Council of Europe Convention on Action against Trafficking in Human Beings, which entered into force on 1st of February 2008, also marks an important milestone.

While trafficking in human beings is a global phenomenon, it is the responsibility of individual states to adopt and effectively implement anti-trafficking legislation; however, regional cooperation to supplement these efforts is equally important. Effective action at national and regional levels in order to achieve global goals need to be combined in order to prevent trafficking in human beings, to protect and assist those in need and to ensure the safe return and the effective, and secure reintegration of victims.

In its efforts to combat trafficking, the EU adopted the Council Framework decision in 2002 specifying minimum standards for EU member States' responses to trafficking. A further turning point was the adoption of the Brussels Declaration and a setting of an Expert Group on Trafficking in Human Beings. The Council Directive on the residence permit issued to third country nationals, victims of trafficking in human beings, who cooperate with the competent authorities, further acknowledged the need to protect the victims of trafficking. The adoption of the EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (2005) and the Porto Declaration (2007) additionally demonstrates our commitment to fight the scourge of trafficking. Moreover, the EU marked its first EU Anti Trafficking Day on 18th October 2007 and will now observe this day on a yearly basis. Funding projects and programmes tackling trafficking in human beings within the EU external assistance policies and its instruments are also a manifestation of our strong commitment.

To achieve a better coordinated response exchange of information and best practices between countries is crucial. This will offer an additional route for expanding capacity, strengthening institutions, harmonizing policies, and building a more effective system for preventing trafficking and addressing the situation of the victims in a human-rights, child and gender sensitive manner. Dialogue between communities of origin and destination on key policy issues is also an essential element of good preventive work. Moreover, working-level dialogue among countries of origin, transit and destination, especially among police, prosecutors and social authorities provide useful opportunities to develop and agree on procedures, recommendations and non-binding codes that can complement formal obligations under ratified conventions.

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A joint approach through regional cooperation is the key to addressing cross-border trafficking in an efficient way. No state can win this fight phenomenon alone. The only viable option is to pool our resources and to form robust alliances against trafficking. This is the only way to achieve the ambitious goal of eradicating trafficking in human beings in the foreseeable future.

Thank you for your attention.

Questions:

- Weak protection for victims of trafficking and witnesses constitutes one of the major impediments to the prosecution of offenders. Where do you see the main areas for improvement?

COLOMBIA



COLOMBIAN MISSION TO THE UNITED NATIONS

140 EAST 57TH STREET, NEW YORK, N.Y. 10022

Statement

H.E. Mrs. MARIA ISABEL NIETO

Vice - Minister of Interior
Ministry of Interior and Justice

General Assembly

Thematic Debate on Human Trafficking

62nd Session of the United Nations General Assembly
New York, June 3rd, 2008

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International and Multilateral Cooperation to prevent Human Trafficking

Mr. President,

Colombia is a leader in the fight against Human Trafficking, not only in Latin America, but also in the Western Hemisphere.

Colombia undertook its fight against this crime from the earlier 90s. These efforts were enhanced in 2003, with the ratification of the Palermo Convention and its Protocol on Trafficking in Persons. In 2005, Congress enacted the Law 985 which includes measures to fight against human trafficking, the revitalization of the Inter-institutional Committee against Trafficking in Persons, and the mandate to establish a national strategy. The Strategy was discussed and agreed with 14 public agencies and received the support of the United Nations Office on Drugs and Crime (UNODC). As a result, a five years road – map, from 2007 through 2012, was adopted.

The strategy contains four fundamental approaches: *human rights approach, gender perspective, integral protection to the victims and decentralization*. In addition, four strategic lines were set out:

- Prevention
- Protection and assistance to victims and witnesses
- International Cooperation
- Investigation and prosecution

The International Organization for Migration (IOM) and UNODC have offered continuous support for its implementation. From this alliance we can mention some results:

- Permanent training for public servants on legislation, human rights protection instruments, identification of likely victims, national and transnational organized crime *modus operandi* and,

investigation and prosecution tools. In 2007 more than 100 public officials were trained. The goal for 2008 is to instruct 250 officials.

- Enhancement of the national toll-free hotline. During the first trimester of 2008, 3480 calls were received. Most of them were related with foreigners' marriage offers via Internet, and employment offers overseas. In many of these cases victims were prevented from being trafficked.
- As a part of the decentralization policy, regional committees in the highest occurrence areas were created. The goal, as for December 2008, is a nation-wide attendance.
- Design and start-off of the preventive and informative campaign "*Fight against Trafficking in Persons, you can be the next victim*".
- The Anti-Trafficking Operative Center (COAT) was designed with the aim of ensuring a fast and coordinated State response. This National Inter-institutional Committee and UNODC joint project will be launched next June 27th. This unique center is set to be an example of inter-agency coordination to be followed by other countries.

The COAT is a location where all agencies responsible for crime prevention, investigation and prosecution have permanent seat. The Center will facilitate articulation of efforts and tackling crime in a comprehensive manner. We are sure that under this scheme crime incidence will be significantly reduced, and effectiveness of teamwork will be revealed.

Mr. President,

Colombia is willing to fight Human Trafficking. However, the efforts of a single State are not enough to face this multi-dimensional and transnational crime. Colombia has been labeled as a country of origin, and in order to provide the assistance and protection required by victims, commitment and international cooperation are essential. Although social and economic factors such as poverty, inequity and discrimination in all its forms are contributing factors to turn some populations vulnerable, we cannot forget that demand is the crime's driving force.

Human Trafficking is a tragedy that equally affects countries of origin, transit and destination. In the last ones, commonly developed countries, victims face a double condition of vulnerability: the traffickers' harassment plus the propensity to mistakenly assimilate victims with illegal migrants. Destination countries should adopt policies of assistance and protection to victims and should punish traffickers in accordance with the severity of the crime.

We must acknowledge that, in spite of the efforts, to date the international response to Human Trafficking has proved partial and insufficient. Thus, adoption of concrete actions to prevent the crime, to protect victims and to prosecute criminals must be in accordance with *the principle of shared responsibility*. The application of this principle implies the recognition that combating Human Trafficking requires the widest possible cooperation and coordination among States, relevant international organizations and civil society. A global problem requires a global response.

I thank you, Mr. President.



Statement by Ambassador Claude Heller, Permanent Representative of Mexico to the United Nations at the General Assembly Thematic Debate on Human Trafficking

New York, 3 June 2008

It is a matter of great concern to Mexico that despite the profound human, social and economic impact of human trafficking the international community has not been able to establish an international regime of universal scope to fight effectively against this scourge.

Nearly five years after the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, which supplements the Palermo Convention against trans-national organized crime, almost a third of U.N. member states have not yet ratified it and many other countries still face important delays regarding its implementation.

The Vienna Forum to fight human trafficking of the UN Global Initiative to Fight Human Trafficking was very successful in terms of raising awareness and elevating the profile of this subject at the international level.

Now, the time has come to move from denouncing to taking action. This is why the Government of Mexico supports the initiative of a U.N. Global Strategy against human trafficking.

Just as it was the case with international fight against drug trafficking, it is a priority that we adopt an integral approach that, in Mexico's view, should contain the following elements:

Firstly, work simultaneously to fight the supply and demand factors underlying human trafficking in order to eradicate this crime. It is as important today to confront poverty, discrimination, lack of opportunities, as it is to deter and penalize demand for all products and services derived from human trafficking.

Secondly, campaigns to raise social awareness aimed at achieving a "zero tolerance" response towards this heinous crime as well as towards all expressions of discrimination and exploitation against human beings.

Thirdly, extensive and comprehensive programs to protect victims and their families that include: measures to damage reparation, mechanisms to facilitate their social reintegration, due protection to victims and witnesses during the trial procedures, and public policies oriented to prevent re-victimisation and/or their criminalization through an adequate coordination between social assistance agencies and law enforcement authorities.

Fourthly, harsher penalties to traffickers along with further actions against corruption and impunity. We also want to reinforce the fight against organised crime gangs by improving our ability to detect, freeze and seize assets and resources that are the product of human trafficking; and

Finally, cooperation and coordination among the numerous international agencies and organizations in order to avoid excessive fragmentation, duplication of efforts, discrepancy between projects and inefficient use of resources in combating human trafficking.

Mexico's Government is committed to implement all necessary measures both, at the domestic and at the international level to contribute to achieve our common objective to eradicate this modern form of slavery as soon as possible, based on the principle of co-responsibility.

Given the importance of this issue, that constitutes a serious threat to human security, my delegation congratulates itself for having sponsored the initiative to celebrate this thematic debate.



ECUADOR

Misión Permanente ante las Naciones Unidas

DEBATE TEMÁTICO DE LA ASAMBLEA GENERAL CONTRA LA TRATA DE PERSONAS

Nueva York, 3 de junio de 2008

Segundo Panel:

**“PROTECCIÓN DE LAS VÍCTIMAS DE LA TRATA Y LA
COOPERACIÓN ENTRE FRONTERAS PARA LA SANCIÓN DE
LOS TRAFICANTES DE PERSONAS”**

Fernando Bustamante

Ministro de Gobierno de Ecuador

**ELEMENTOS INTERVENCIÓN MINISTRO BUSTAMANTE
PANEL CONTRA LA TRATA DE PERSONAS**

Martes 3 de junio de 2008, Salón del Trustee.

**“PROTECCIÓN DE LAS VÍCTIMAS DE LA TRATA Y LA COOPERACIÓN
ENTRE FRONTERAS PARA LA SANCIÓN DE LOS TRAFICANTES DE
PERSONAS”**

Señora Moderadora,

Deseo expresar, en mi primer lugar, el agradecimiento de mi Gobierno, por la positiva acogida del señor Presidente de la Asamblea General de convocar, por primera vez, a un Debate Temático de Alto Nivel sobre la trata de personas, conforme fue solicitado por varios países, entre ellos el Ecuador, mediante Nota No. A/62/640, de 9 de enero de 2008.

Como se ha expresado en esta mañana, la trata de personas continúa siendo uno de los mayores desafíos para la Comunidad Internacional en el Siglo XXI y solamente puede ser enfrentado de manera colectiva y global, entre regiones y entre los diferentes sectores sociales de nuestros países.

Según algunas corrientes, la trata de personas constituye una forma contemporánea de esclavitud y, a mi modo de ver, por sus nefastas consecuencias y la alta vulnerabilidad de las víctimas, un crimen de lesa humanidad. No podemos olvidar tampoco que una de las causas que facilita el surgimiento y el crecimiento de la incidencia de este crimen, es la pobreza y el subdesarrollo en los que se encuentran muchos países del orbe. De allí que la mayor parte de las víctimas provengan de países en desarrollo.

Sin embargo, no es sólo la pobreza la que promueve este fenómeno, sino también condiciones sociales, económicas y culturales en los países “consumidores” de este flagelo, como por ejemplo, las dinámicas que estimulan la creciente mercantilización y utilización del ser humano, de su cuerpo y de sus capacidades, convirtiéndolos en meros objetos mercantiles y consumibles, hecho especialmente visible, en el cada vez más creciente tráfico de órganos.

Señora Moderadora,

Por las razones antes señaladas, Ecuador apoya los esfuerzos de las Naciones Unidas para erradicar este flagelo de la humanidad. Así, es Estado Parte del Protocolo para Prevenir, Suprimir y Sancionar la trata de personas, especialmente de mujeres y niños, adoptado en el año 2000 y que entró en vigor el 25 de diciembre de 2003 y del Protocolo a la Convención de los Derechos del Niño sobre la venta de niños, prostitución infantil y pornografía infantil, que constituyen la base legal para la cooperación entre fronteras, dirigida a combatir la trata de personas.

Sin embargo, Ecuador considera importante extender la protección y el énfasis en la represión de estos delitos para otros grupos estigmatizados, como son los miembros de grupos de orientación sexual diferente y de grupos étnicos y culturales vulnerables.

Ecuador también es copatrocinador de la Resolución 61/180 de la Asamblea General, adoptada en diciembre de 2006 y promovida por Belarus, mediante la cual se creó el grupo de coordinación interagencial de Naciones Unidas sobre trata de personas, que constituye un avance práctico para enfrentar el problema de la fragmentación y la descoordinación de las Agencias de las Naciones Unidas para combatir la trata de personas y de la Resolución 61/144 sobre la trata de mujeres y niñas, promovida por Filipinas.

En ese sentido, y en cumplimiento a la primera Resolución, que fue adoptada por consenso por la Asamblea General, Ecuador estima que es prioritario que la Asamblea considere la adopción de una Estrategia Global de las Naciones Unidas contra la Trata de Personas, a través de un Plan de Acción u otro mecanismo similar, que brinde un marco coherente, balanceado e integral para la efectiva aplicación de la mayoría de los instrumentos internacionales adoptados por la ONU sobre esta materia, así como para la coordinación de las alianzas que se han creado, tanto a nivel universal como regional, entre Estados Miembros, organizaciones internacionales, organismos de tratados, sociedad civil y el sector privado.

Especial énfasis debe darse en contar con el activo apoyo de las organizaciones de la sociedad civil, así como en la incorporación de la temática en los programas destinados a fomentar una verdadera responsabilidad social empresarial, ya que son los actores del sector privado quienes, con mayor frecuencia, terminan siendo los usuarios directos o beneficiarios indirectos de estas actividades ilegales.

Señora Moderadora,

Ecuador, a través del Plan Nacional contra la Trata de Personas está firmemente comprometido en los tres aspectos fundamentales establecidos en el Protocolo contra la Trata, como son la prevención, la protección y la sanción, dirigidos a erradicar de manera definitiva este flagelo de la humanidad.

El Plan fue adoptado en agosto de 2006, mediante un ejercicio interdisciplinario entre instancias gubernamentales y de la Sociedad Civil. El Plan está dirigido a combatir la trata de personas, particularmente de mujeres, niños y adolescentes y otros grupos vulnerables como, por ejemplo, las personas transexuales, que también son víctimas de trata y hacia quienes hasta el momento no existe protección internacional alguna.

El Plan Nacional tiene cuatro ejes de acción, la prevención, la protección, la sanción y la reparación de las víctimas, desde un enfoque de integralidad e interdependencia. Para la ejecución del Plan Nacional se cuenta con una Comisión Interinstitucional, integrada por 14 organismos gubernamentales y se encuentra en proceso la formación de la Secretaría

Técnica Operativa y de un organismo asesor de apoyo, fortalecido por las redes de organizaciones de la sociedad civil.

El Plan se ejecuta tomando en cuenta la normativa internacional y nacional vigente.

Así, el 1 de junio de 2005, se aprobó la ley reformativa del Código Penal que tipifica los delitos de explotación sexual de los menores de edad, de los delitos relativos a la extracción y tráfico ilegal de órganos; de los delitos de explotación sexual y de las disposiciones comunes a los delitos sexuales y en la que se estableció el delito de la trata de personas. Las sanciones penales para el delito de la trata de personas han sido incrementadas y son sumamente graves cuando se trata de menores de edad.

Mediante Decreto Ejecutivo 528 de agosto del año 2007, se dictó el Reglamento Sustitutivo del Programa de Protección y Asistencia a las víctimas y testigos y demás participantes en un proceso penal, cuyo cometido es garantizar a los testigos su integridad personal. En este Reglamento se ha considerado especialmente a las personas víctimas y testigos de trata.

El nuevo Código de la niñez y adolescencia, adoptado en el año 2002, recogió la definición de abuso sexual y ha establecido la protección contra la explotación laboral, señalando como edad mínima para el trabajo la edad de quince años. En ese sentido, el Código señala la obligación del Estado y la sociedad de elaborar y ejecutar políticas, planes, programas y medidas de protección tendientes a erradicar el trabajo de los niños, niñas y adolescentes.

Para tutelar en forma efectiva los derechos de los niños y adolescentes existe la figura legal denominada medida de protección, que se dicta en forma abreviada, en menos de 24 horas, por el Juez de la Niñez.

Se ha suscrito un Convenio marco de Cooperación entre el Ministerio de Gobierno y Policía y el Ministerio de Justicia y Derechos Humanos para tomar acciones urgentes de protección, en cumplimiento a las medidas dictadas por la Comisión y la Corte Interamericana de Derechos Humanos y para investigar las denuncias presentadas por las víctimas.

En marzo de 2007, se creó la Secretaría del Migrante cuyo objetivo fundamental es la ejecución de las políticas migratorias encaminadas al desarrollo humano de los migrantes, particularmente para evitar que, en ciertas circunstancias, sean víctimas de trata. Se realizan campañas sobre este tema, en coordinación con el Ministerio de Gobierno. El objetivo del Gobierno del Ecuador es impulsar un proceso migratorio seguro y que contribuya al pleno desarrollo humano, tanto del migrante como de las sociedades receptoras y de origen.

Como se puede observar, toda esta normativa está íntimamente vinculada con el Plan Nacional contra la Trata de Personas y evidencia las acciones multidisciplinarias e integrales para combatir el fenómeno, integrando los enfoques victimológico,



BELARUS

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UNITED NATIONS

GENERAL ASSEMBLY

THEMATIC DEBATE ON HUMAN TRAFFICKING

Panel discussion: 'Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons'

3 June 2008

STATEMENT

BY HER EXCELLENCY NATALYA PETKEVICH

**DEPUTY HEAD,
ADMINISTRATION OF THE PRESIDENT
OF THE REPUBLIC OF BELARUS**

Indifference may be one of the worst human qualities. Indifference of an individual is frightful. But indifference of peoples and countries inevitably leads to a global disaster.

Much in the same way we, the whole of international community, used to connive at the fact that in the 20th and the 21st centuries, as well as hundreds of years ago, some human beings were becoming a commodity to be sold and bought.

If we consider this fact thoroughly, the absurdity of the situation is beyond our comprehension: in the modern civilisation, which has conquered nature and outer space, human trafficking is a business, and a highly profitable one.

This is why it is very important that we begin to speak out openly of human trafficking problem and develop measures to fight this evil. It is even more important that this issue is being discussed from the highest global rostrum – in the United Nations.

I want to express sincere gratitude to the Member States which together with Belarus initiated today's debate, and to the President of the United Nations General Assembly who supported this idea.

For a number of years Belarus has been promoting the initiatives aimed at fighting trafficking in persons and eliminating all forms of modern slavery.

The experience of Belarus in this sphere has been recognised as worthy of consideration.

As an example, I would like to mention that that we achieved significant progress in bringing human trafficking out of the category of latent crimes. Last year we stopped 103 channels of trafficking of Belarusian citizens into 13 countries, investigated 441 criminal offences connected with human trafficking and identified 418 victims of trafficking. Only in 2008 in close cooperation with foreign law-enforcement agencies we stopped the activity of 3 international criminal organisations.

This is why it was not by chance that the International Training Centre on Migration and Combating Trafficking in Human Beings was established in our country as a primary educational institution in this sphere for the CIS countries.

Fortunately, human trafficking in persons has not reached a menacing scale in Belarus. However, we understand that this phenomenon is a **dangerous social virus** which will be spreading all over the world unless a reliable antidote is developed.

Much has been done in this direction already. A number of international instruments have been adopted, special commissions and task forces were created.

Nevertheless, let us admit that a steady growth of the number of victims speaks of the inadequate effectiveness of efforts to fight human trafficking.

Why do criminals become more resourceful whereas law-enforcement agencies prove to be incapable of adequate counteraction? There are several interrelated reasons.

Firstly. It is impossible to cope with this evil alone, in a single country. The problem has become global. Efforts of the whole international community are needed to overcome it.

Secondly. Human trafficking is an evil with deep and divaricate roots. On the one hand, it is necessary to resist challenges that incite people to fall into the hands of slave-traders, namely, poverty, inequality, and lack of education. On the other hand, it is essential to eliminate factors that create demand for victims of human trafficking: corruption, impunity of consumers of services provided by the victims of human trafficking and others.

That is why counteractive policies must take into account the specific features of different forms of trafficking in persons as well as the peculiarities of its victims.

From these two factors stems the third reason. Success can be achieved only through such approach to the problem of human trafficking which **involves** in the fight against this evil **all partners**, including states, international organisations, non-governmental organisations, private sector and mass media.

The Interagency Coordination Group created in accordance with the decision of the General Assembly in 2006 and **UN.GIFT** partly contribute to solving the problem.

However, these mechanisms cannot significantly change the situation without broad political support and involvement in this process of all Member States.

This was precisely the reason for the Republic of Belarus to launch in 2006 the initiative to elaborate a **United Nations strategy against human trafficking**.

Neither the name nor the form of this document is an issue. The point is to create a well-coordinated and comprehensive mechanism which makes it possible not just to engage in the fight against human trafficking but to counteract trafficking in the most result-oriented manner.

I want to thank the European Union for the valuable substantive comments on our proposal to elaborate this strategy.

We believe that it is necessary to **continue an open discussion** engaging Member States, international organisations, all participants of the process of fighting human trafficking with a view to adopting this strategy **at a special session of the United Nations General Assembly** on Human Trafficking in the next couple of years.

I would welcome if the participants of the today's discussion could voice their opinions on the advisability of a global counter-trafficking strategy.

Our forum is dedicated to the problems of protection of human trafficking victims and punishment of human traders. These are two sides of the same coin.

I think everybody would agree that regardless of the reason why a person becomes a victim of human trafficking, whether due to one's irresponsible behavior or against one's will, **the state must**

protect a victim and render all necessary assistance. There are several hundreds of social centres in Belarus designated for that purpose.

There are 156 territorial social centres are functioning in Belarus. 143 social and pedagogical centres and social delinquency shelters provide rehabilitation for minors. There are 10 foster houses within the system of the Ministry of Health for rehabilitation of children up to three years old (although no cases of trafficking in children of this age have been revealed). Four specialised rehabilitation centres for victims of violence and human trafficking have been recently opened. 15 NGOs provide reintegration assistance to such victims.

At the same time we need to do everything **to ensure the inevitability of prosecution of the criminals.** In other words, it is important not only to stop unlawful activity but also to institute criminal proceedings against offenders. Regrettably, the latter does not necessarily proceed from the former.

In order to assure it we need to constantly perfect legislative base and improve professionalism of law-enforcement agencies. The state must not "beat at the tails" but "trap" the criminals in good time.

Let me give an example. According to the statistical information the volume of child pornography in Internet increased twenty-fold in the last decade while the total amount of web-sites offering this kind of product exceeds one hundred thousand. In this regard in May 2008 the President of the Republic of Belarus introduced in the Parliament the draft legislation on toughening of responsibility for crimes related to production and distribution of child pornography. The draft contemplates the maximum punishment of up to 13 years of imprisonment for this category of crime provided aggravating circumstances.

Views on the substance of particular actions may differ. It is evident, however, that **urgent actions are needed.** We can no longer ignore this 'inconvenient truth' and underestimate the necessity of decisive and well-coordinated actions to fight this evil.

The international community has no right for that since it bears responsibility for the future of the world, the future of our children. And it is the calling of today's generation to do its best to make it a happy future.



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**STATEMENT BY
H.E. AMBASSADOR BAKİ İLKİN
PERMANENT REPRESENTATIVE OF TURKEY
TO THE UNITED NATIONS**

**AT
THE THEMATIC DEBATE OF THE GENERAL ASSEMBLY
ON
HUMAN TRAFFICKING**

NEW YORK, 3 JUNE 2008



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Mr. President,
Distinguished Delegates,

At the outset, I would like to express our warmest thanks to H.E. Mr. Srgjan Kerim, the President of the General Assembly, for convening this thematic debate. This is indeed a very timely gathering on an extremely important topic.

I would also like to thank H.E. Ms. Asha-Rose Migiro, the Deputy Secretary-General of the United Nations, for her illuminating and thought-provoking address.

Of course, I would also like to express my deep appreciation to all the keynote speakers and panelists for their valuable contributions which enabled us to set the direction and tone of our debate.

Mr. President,
Distinguished Delegates,

Human trafficking constitutes a clear violation of human rights and a serious offence to the dignity and the integrity of human beings. As a cardinal rule, every individual must be protected against human trafficking and this scourge should be totally eradicated from the face of the world. Yet we are still far from reaching this high goal. Our efforts should aim at, both the prevention and punishment of the crime of human trafficking to the maximum extent and the protection of victims, with a special emphasis on the most vulnerable, that is women and children.

With this attitude of mind, Turkey is committed to combat human trafficking and to protect its victims. To this end, Turkey has ratified the United Nations Conventions against Transnational Organized Crime and the three Protocols supplementing the Convention. The crime of human trafficking in the Turkish Penal Law is codified in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

Further to this legislative efforts, a National Task Force for Combating Trafficking in Human Beings has been established under the coordination of the Ministry of Foreign Affairs in 2002. The Task Force convenes regularly with the participation of all relevant institutions to review the situation and devise necessary measures for the effective implementation of the legislation in force. For instance, an Action Plan to Combat Human Trafficking, which was prepared by The Task Force and approved by the Prime Ministry, has been quite effective in translating our commitments into practical deeds.

I would not take more of your time with a detailed account of our efforts. After all, 2006 Turkey Report on Combating Human Trafficking has been issued in both English and Turkish languages and it is distributed to all relevant international organizations. The 2007 Turkey Report on the other hand is under preparation.

Besides its national endeavors, Turkey also actively participates in the related activities of various international organizations such as the OSCE, the Council of Europe and NATO in the field of human trafficking. For instance, during its Chairmanship-in-Office of the Black Sea Economic Cooperation Organization (BSEC), Turkey organized a meeting on "Trafficking in Human Beings in the Black Sea Region", in cooperation with the Budapest Process, BSEC and UNODC on 9-10 October 2007 in Istanbul. It is also worth mentioning that Turkey joined the IOM as a full member in 2004.

In conclusion, Turkey is committed and determined to combat human trafficking and it will continue to intensify its efforts, in close cooperation with international organizations, NGO's and other representatives of civil society, to this end. Human trafficking is a blot on human conscience which needs to be erased once and for all.



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**STATEMENT BY THE DEPUTY PERMANENT REPRESENTATIVE OF CUBA,
AMBASSADOR MS. ILEANA NÚÑEZ MORDOCHE
THEMATIC DISCUSSION OF THE GENERAL ASSEMBLY
ON HUMAN TRAFICKING**

New York, 3 June 2008

Mr. President,

Human trafficking continues to increase as part of an international crime trend, despite being a contemporary and abhorrent form of slavery whereby the human being is utterly degraded, violating its most basic rights.

Provided this crime's transnational character and its rise, it is necessary that countries of origin, transit and destination join forces, cooperate among themselves and share the responsibility to prevent human trafficking, protect its victims and prosecute those responsible of such trafficking. Today, no country, whatever powerful it may be, is ready to tackle this complex phenomenon by itself.

Conservative estimates indicate that between 600 000 to 800 000 people are subject to international trafficking every year. An estimated 80% of those victims are women or girl children. It has been further estimated that this global crime industry generates yearly profits of between 7 and 10 billion dollars, with low risk, high profit rates and minimum investments. This crime is connected to others such as money laundering, drug trafficking and people smuggling.

Little is said about the real causes of this phenomenon, boosted by the existence of more than 2.1 billion people under extreme poverty who live basically in developing countries; more than 850 million hungry, whose number will grow from the crisis of food prices and more than 800 million adult illiterate, of which two-thirds are women.

The roots of human trafficking lie in underdevelopment and poverty. This dreadful reality brings about that many people, attempting to migrate to improve their working and living conditions, are deceived and enslaved by the traffickers.

From the opulent side of the world come factors that encourage and impose at the same time human trafficking. The industrialized countries are the main destination of this trafficking, because, due to banal and stereotyped consumption patterns, as well as their high and exaggerated income based on the neoliberal globalization that benefit them, they promote the sex industry and the increasing demand for women, girl children

and boy children for this purpose; the consumption of sex tourism and pornography, including child pornography, and the use of internet to facilitate all kinds of exploitation of this sort; the sale of children and their organs; and servitude.

Thus, in order to draw up a credible UN anti-trafficking in persons strategy, it is necessary to advance in the creation of a more just, equitable and supportive international economic order, which allows bringing the terrible international inequality to a halt.

Furthermore, a genuine international cooperation is required, which support the national efforts against trafficking and be based in strict respect for International Law and the purposes and principles of the UN Charter, particularly the sovereignty of States, non-interference in their internal affairs and respect for their territorial integrity.

It is also vital to implement instruments such as conventions on the eradication of discrimination against women and on the rights of the child, the protocol of the latter on the sale of children, prostitution and child pornography and the Convention against Transnational Organized Crime and its optional protocols. It is also necessary to meet the commitments against trafficking made at international conferences and summits, including the Beijing Declaration and Platform for Action.

Mr. President,

To make progress in a cooperation strategy, double-standard policies, hegemonic positions and unilateral evaluations of other countries must cease, for they are contrary to the principles of international cooperation. Unilateral actions are doomed to failure, since rather than helping, they hinder the fight against international crime linked to trafficking.

The US actions of determining, without right, who does well or bad in fighting trafficking in and smuggling of persons are at odds with a viable and effective strategy. Such behavior is hardly acceptable when reports of this country's authorities say that 50 000 women and children are annually trafficked across its borders to be cruelly exploited.

We cannot accept in silence that this country, where millions of undocumented people smuggled into the country survive on its streets, without any rights and carrying out the dirtiest jobs, accuses others of not working to prevent smuggling and illicit human trafficking.

For Cuba, this is all the more unacceptable when we there is the so-called Cuban Adjustment Act in force in the US. This act, one of its kind in the world, gives Cubans arriving in the US through illegal ways and without restriction, the right to residence and other privileges that no other person of any nationality receives. With this legislation, of clear destabilization aims and political motivations, illegal exits toward US territories are encouraged, through very insecure channels, which have claimed hundreds of human lives.

Faced with this situation and in order to help tackling people smuggling, most of the time associated to trafficking in persons, Cuba proposed several years ago a cooperation agreement to the US government. There were no conditions whatsoever, yet it was incomprehensively rejected.

Cuba has a long and honorable record in the promotion and protection of all human rights for all. The Constitution, the legislative, judicial administrative and other measures, adopted since 1959, protect women and children, as vulnerable sectors of the population.

The permanent work to create and provide equal opportunities and conditions for all, including the once discriminated against Cuban woman, is an important contribution against trafficking in persons. The Cuban Government, notwithstanding the US blockade against my country, has guaranteed a normal development for all its citizens, through a coherent and operative implementation of strategies, plans and programs, with a new social, cultural and political conception. Our advances in social prevention and attention are many.

The position that women have attained, their cultural, technical and professional level, their high rates of economic, social and political participation, the radical changes in their thought and life, as well as the recognition of their rights are important aspects of social progress that do not favor trafficking.

Finally, I can assure you Mr. President, that Cuba will continue to advocate for a wider international cooperation to fight the scourge of trafficking in persons and I reiterate to you our Government's political will to contribute to the world undertaking to eradicate this and other kinds of related crimes that affect humanity today.

Thank you.



PHILIPPINES

Intervention in Panel 1:
*Enhancing multilateral cooperation to
prevent trafficking in persons*

by
H.E. Hilario G. Davide, Jr.,
Permanent Representative of the Permanent Mission of the
Republic of the Philippines to the United Nations

**General Assembly
Thematic Debate on Human Trafficking**

3 June 2008
(morning session)

First of all, my delegation would like to thank the President of the General Assembly for convening a special thematic debate on the issue of trafficking in persons. I also want to thank the panelists for their expert views that, undoubtedly, have provoked deeper thought and wider perspective on how to cooperate more effectively to combat trafficking in persons.

**Trafficking may be a transnational crime, but it is foremost
a violation of human rights**

Although there has been much effort to address the various dimensions of the human trafficking problem, a great deal of the responses has largely focused on trafficking from a criminal or border security angle. It is respectfully submitted that this is a narrow approach which fails to consider that it could create more serious problems. This narrow approach could result, and has in fact resulted, in victims suffering doubly, if not even more, when they are detained, charged or prosecuted for being involved in crime; or more commonly, for illegally entering the countries of transit or destination.

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Increasingly, the response that many authorities employ is to deport the victim of trafficking. Because many trafficking victims fear being deported, either because of criminal stigma and possible shame in their home communities, or because of more dismal economic conditions at home, or worse, because they are afraid of the retribution they will suffer from traffickers and their local networks back home, many trafficked persons would rather remain silent and not report to the authorities their situation and the exploiters. This thereby pushes the crime of trafficking more deeply hidden than ever. Nothing could perhaps be more alarming than a situation wherein the victims' silence is unwittingly encouraged by flawed or inadequate government policies.

We have also learned that, in some areas, a permit to stay is granted to a victim only if the victim cooperates in the fight against trafficking. What is of particular concern in this case is that it makes a trafficked person's access to protection and assistance conditional on the agreement to testify against suspected traffickers. As earlier mentioned, many victims are too afraid to do so for reasons of shame, stigma and retribution against them or their families back home.

The lack of a significant human rights orientation in policy formulation and in the training and work of the law enforcers, border and judicial officials, can "add insult to injury" or "salt to the wound", exacerbating or aggravating the pernicious effects of trafficking. Not only does it not solve the problem and aggravate the exploitative situation in which the trafficked persons find themselves, but it can also dangerously undermine progress by laying the environment for re-trafficking and perpetuating the vicious cycle.

Finally, Mr. Chairman, we must highlight that a human rights orientation in the effort against trafficking must necessarily be gender- and child-sensitive. With the overwhelming majority of victims being women and girls, it cannot be denied that unequal gender and power relations play in the various aspects of the problem. Therefore, it is necessary to integrate gender and child concerns into all policies and mechanisms to address trafficking. However, we need to be careful that these measures do not reinforce inequalities experienced by women and children, for instance, in the case wherein women or children are banned or restricted from traveling or are placed under some control under the pretext or guise of protecting them.

Thank you.

PORTUGAL

General Assembly Thematic Debate on Human Trafficking
03.06.08

Panel 1: ENHANCING MULTILATERAL COOPERATION TO PREVENT TRAFFICKING IN PERSONS

My delegation would like to start by thanking the President of the General Assembly for convening this thematic debate on such an important issue, which merits our urgent consideration and engagement. We would also like to thank both Panels for their extremely interesting contributions to the debate.

These remarks were intended for the first Panel in the morning and as such address the theme "Enhancing multilateral cooperation to prevent trafficking in persons".

Madam Chair,

The discussion we are having, that enables us to exchange information and best practices, is already one example of how we can enhance multilateral cooperation in this field.

Portugal agrees with the intervention made this morning by Slovenia on behalf of the European Union and would like to stress the importance of first and foremost promote the adherence and implementation of the additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

Portugal has ratified this Protocol in 2004 and has approved last year its First National Plan against Trafficking in Human Beings. This Plan's key structuring element is the symbiosis between the repressive approach to combating human trafficking and the promotion of human rights through the adoption of strategies to prevent, support, raise awareness, empower and include victims.

We hope that other Member States will feel encouraged to adhere and implement this Protocol, as a first essential step to strengthen the multilateral action against this phenomenon.

I thank you Madam Chair.



(Please check against delivery)

**Statement by Ambassador Takahiro Shinyo
Deputy Permanent Representative of Japan to the United Nations
Enhancing multilateral cooperation
in preventing trafficking in persons
3 June 2008**

Mr. Chairman,

Japan continues to work to strengthen the controls it maintains on immigration and at the same time to enhance public awareness on this issue. It also is continuing its efforts to alert the people of Japan to the problems to which sexual exploitation is connected, especially trafficking in women and children.

If I may, I would like to say a word about two areas in which Japan is actively engaged in multilateral cooperation, namely, cooperation with sending countries and prevention of re-trafficking.

From our viewpoint, one of the causes of trafficking in persons is the serious economic situation of the victims. Japan therefore assists in the economic and social development of countries of origin, for example, through our Grant Assistance for Grass-Roots and Human Security program. We intend to continue to provide such assistance.

Japan also has promoted cooperation with sending countries through by dispatching an interministerial delegation to deal with this issue and by sharing information with governments, international organizations and NGOs in the countries concerned, in order to more effectively prevent, and ultimately end, trafficking in persons.

In 2003, the National Police Agency of Japan agreed to establish contact points in the foreign embassies, international organizations, and NGOs in Japan for the purpose of addressing the problem of trafficking. This system enables us to

communicate quickly with the relevant governments or organizations whenever necessary. In addition, we hold meetings of contact point persons every year and exchange views and information on specific cases.

As regards the efforts we are making to prevent re-trafficking, we provide victims with medical and psychological care, legal counseling, vocational training, and we assist them in pursuing an education. We believe these efforts will help victims avoid being re-trafficked.

Thank you.



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His Excellency Mr. Chirachai Punkrasin
Ambassador and Deputy Permanent Representative of Thailand
to the United Nations

General Assembly Thematic Debate on Human Trafficking
Panel 1: Enhancing multilateral cooperation to prevent trafficking in persons
New York, 3 June 2008

Mr. President

Thailand is a country of origin, transit and destination for human trafficking. Fully cognizant of this situation and that human trafficking is an issue that no government can tackle alone, successive Thai governments have placed the fight against human trafficking at the top of the Government's agenda and established a clear structure and cooperative framework to encourage relevant government agencies, international and national NGOs and civil society at large to join hands in the fight against this transnational crime.

Thailand believes that **multi-stakeholder partnerships** must be strengthened at the national, regional and international level in order for the effort to be **comprehensive and holistic**. A sense of **shared responsibility** is vital for the effort to combat human trafficking, taking into account the demand for trafficked persons, the provision for technical assistance in capacity building, and the social and economic conditions of those vulnerable to trafficking.

Thailand strives to promote multilateral cooperation to combat trafficking in persons. Existing mechanism to which Thailand is an active participant include the Helsinki Process, where Thailand is the Road Map facilitator on human trafficking, and has hosted the Friends of the Helsinki Process Workshop on Human Trafficking: Enhancing Multi-Stakeholder Partnerships an International Cooperation" in February of last year; and the Bali Process, which made remarkable progress in areas such as legislation, information sharing and public awareness campaigns in its Framework to combat against human trafficking.

In the framework of the Human Security Network (HSN), Thailand, as the lead country on cooperation on human trafficking, hosted the HSN Human Security Network Panel Discussion in cooperation with UNODC, at the sidelines of the second session of the Conference of the Parties to the UN Convention against Transnational Organized Crimes.

At the regional level, Thailand, together with 5 other countries, signed an MOU on Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), reaffirming political commitment to eradicate all forms of human trafficking in the Greater Mekong Sub-region. Member countries of COMMIT completed the 1st Sub-regional Plan of Action and are now on the 2nd Sub-regional Plan of Action, focusing on areas such as capacity building, national plans of action, legal frameworks, victim identification, preventive measures, and cooperation with the tourism sector.

Other international cooperation in the area of human trafficking include Thailand's cooperation with the Organization for Security and Cooperation in Europe (OSCE) to host a Conference on "Sharing of experiences in Combating Trafficking in Human Beings: Opportunities for Cooperation"; Thailand's cooperation with UNODC on a project to strengthen capacity of Border Liaison Officers; and, the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMEC), which addresses the social and economic conditions within the region that are root causes of human trafficking.

Mr. President,

International cooperation need a strong foundation to succeed: sound and effective national strategies must be in place to complement multilateral efforts. In this regard, Thailand has put in place various preventive measures at the national level, such as workshops, seminars and training programmes on **capacity building** for multidisciplinary teams including police officers, immigration officers and social workers, among others, with the aim to enhance understanding and skills for implementation and to instill appropriate attitudes and norms about the issue.

Information campaigns and campaigns to raise awareness are conducted via the mass media, to all related sectors, and with the aim of garnering public cooperation in combating trafficking in persons. Targets of the campaign also include an increased understanding and respect for human rights, children's and women's rights and gender equality. In addition, each community has mechanisms and watch groups to monitor and alleviate human rights violation, violence against women and children, and to eliminate human trafficking. Thailand also promotes the exchange of information and a database system on human trafficking in the country.

Other preventive measures at the local level include programmes that address root causes in the social and economic sphere, such as income-generating groups, vocational training, job placement and capital acquisition.

Thank you.

**Statement by H.E. Byrganym Aitimova,
Ambassador, Permanent Representative of the
Republic of Kazakhstan to the United Nations
At the informal thematic debate on human trafficking
(New York, 3 June 2008)**

Mr. President,

At the outset I would like to express deep appreciation of your initiative in organising this thematic debate on human trafficking.

Also, I would like to thank the Member States and international organizations for their tireless efforts to find a solution to the above-mentioned issue.

Kazakhstan fully commends the appeal of the Member States to the President of General Assembly that in the twenty-first century, trafficking in persons is recognized as a challenge and serious threat to human dignity and there is a unique opportunity to make a decisive declaration of political will to defeat the evil of modern slavery, which is a duty of every civilized society.

Mr. President,

As everywhere else, trafficking problem in Kazakhstan has female face. Lack of information and confidence pushes women to seek for better lives. Indeed, criminal groups under cover of tourist or employment businesses sexually exploiting women and girls destroying their future lives and hopes.

Since recently, Kazakhstan became very active in combating this detrimental phenomenon. The Republic is signatory to the fundamental United Nations Conventions and protocols, aimed at the protection of human beings from trafficking and smuggling. Recognising complex nature of trafficking, the Government of Kazakhstan created the Inter-agency Commission to Combat Illicit Traffic in Person and Human Trade. It also, approved the Action Plan for 2006-2008 for combating, averting and preventing crime related to the people's trafficking.

The legal base was strengthened thought changes and amendments to some enactments of the Republic of Kazakhstan on suppressing trafficking in persons and to the Law on tourist activities that sets forth a prohibition of tourism activities aimed at arranging an illicit departure of citizens of Kazakhstan to permanent residence or employment overseas, or import of foreign labour into the country, which falls out of compliance with existing quotas. In the Criminal Code the clauses related

to trafficking in persons were also amended by a broader definition of the trafficking and penal sanctions became more stringent.

Despite of the progress achieved in area of strengthening of legislation, we are far beyond such country as Sweden, where the law defines prostitution as type of man violence against woman and he is kept responsible for demanding sexual services, while a woman providing such services is not guilty at all. I think, this is an excellent example that demonstrates a sincere will of the government to eliminate this outrageous phenomenon.

Mr.President,

Taking into account the transnational nature of crimes it became essential to enlarge the international legal framework in given area. Such framework was fully developed and effective interaction between Kazakhstan, Turkey and Russia was established.

The draft Treaty between Kazakhstan and Israel and draft agreements between Kazakhstan and the United Arab Emirates on mutual legal assistance in criminal cases and on extradition were designed and forwarded to counterparts for approval. Similar draft agreements with France and Greece are under development.

Cross-border cooperation of migration and law enforcement organs is an effective measure for prevention of crime and prosecution of traffickers. However, given border transparency between most of the states in Central Asia it is difficult to monitor trafficking flow within the region. In this regards, we would request the UN agencies or EU, which has such experience to provide technical assistance in development of personal information database for border control organs to monitor cross-border migration.

In conclusion, my delegation expresses confidence that ratification and implementation of basic international trafficking related treaties, cooperation aimed at sharing of experience, knowledge and technical expertise are the main instruments in ending up this type of modern slavery.

I thank you all for attention.

**Remarks by H.E. Ambassador Yuriy Sergeyev,
Permanent Representative of Ukraine to the United Nations
at the thematic debate of the 62nd session of the General Assembly
on human trafficking
(3 June 2008, New York)**

Mr. President, first of all, allows me to thank you for convening this very timely debate. We also would like to thank Mr. Costa for his comprehensive presentation.

The topic of today's thematic debate bears particular importance. The developments of the past decade have clearly demonstrated that fighting against human trafficking is critical to international stability. Ukraine wishes to add their voice to the deep concern expressed earlier today about an increasing interconnection between the activities of criminal organizations at the international level, and the close interrelationship of human trafficking and drugs, organized crime and terrorism. The globalization has created an environment where these challenges can flow easily across borders. Thus, the worldwide proliferation of these phenomena demands continuous improvement of national, regional and international efforts and mechanisms for their effective countering.

At this juncture, we would like to stress the key role played by the UN Crime Prevention and Criminal Justice Programme and by the Commission on Crime Prevention and Criminal Justice and the UNODC in addressing the challenges of transnational human trafficking, organized crime, corruption and terrorism. In this regard, of particular importance is strengthening technical cooperation and enhancing UNODC's policy dialogue with main donors and financial stakeholders in order to broaden such cooperation.

We would also like to recall the importance of the international anti-human trafficking legislation and to urge all States to comply with and implement fully their respective obligations as well as to do all possible to realize effectively the existing UNODC strategies and policies. On our part, we will continue to fulfil our obligations under the multilateral treaty regimes.

I would like to reiterate the Ukraine's strong support for the Global Initiative to Fight Human Trafficking, as well as the relevant activities carried out within the framework of the Initiative and aimed at raising awareness and creating a conducive environment for sharing experience and information as well as for building an effective partnership to combat this crime. We welcome the success of the Vienna Forum which gave a strong impetus to further development of a unified global approach to addressing human trafficking. We hope that the launching of the Global Initiative will contribute to the creation of an effective mechanism, without a standing bureaucracy, for an unprecedented international cooperation in this important and sensitive area. Let me also note that a reliable long-term planning and predictable funding are essential for a successful implementation of the Initiative.

In conclusion, Mr. President, we hope that the results of this discussion will contribute to creating a conducive, cooperative atmosphere for combating and preventing human trafficking. Thank you.



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STATEMENT

BY

**PROFESSOR U. JOY OGWU,
AMBASSADOR/PERMANENT REPRESENTATIVE OF THE
FEDERAL REPUBLIC OF NIGERIA TO THE UNITED NATIONS**

AT THE

**INFORMAL THEMATIC DEBATE OF THE GENERAL
ASSEMBLY ON HUMAN TRAFFICKING**

NEW YORK, 3 JUNE, 2008

Mr. President,

Your Excellencies,

Distinguished Ladies and Gentlemen,

On behalf of the Nigerian delegation, I wish to commend you for bringing up this subject matter. Human Trafficking does not only constitute a devastating threat, denying victims of their fundamental human rights and human dignity, but is also a sad reminder of the untold hardships caused by slave trade which ended some 200 years ago.

2. Human Trafficking has been described as modern-day slavery, as millions of victims are annually trafficked across international borders. Indeed, after drug trafficking, human trafficking and arms dealing are considered the second largest criminal industry in the world. My delegation, therefore, supports all legal instruments, including the Transnational Organized Crime Convention and its Protocol, aimed at fighting this scourge, which continues to inflict its victims with grave human rights abuses. Organized crime is demand-driven which traffickers exploit. Incidences of trafficking also tend to increase during and after conflicts, through abductions, sexual enslavement, forced labour and forced recruitment as combatants, with the most vulnerable group being Women and Girls. The latter groups from West and Central Africa have been at the receiving end of this evil trade. As of today, Africa, for example, is reported to account for a large number of women trafficked into Italy. Also, in some parts of the world, anachronistic cultural practices still keep a large number of innocent people under needless bondage.

3. In the face of this challenge, the Government of Nigeria has taken a number of proactive measures, aimed at stemming the tide. In July, 2003, Nigeria domesticated the Transnational Organized Crime Convention and its Protocol with the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, (TIPLEA). The Law also set up an anti-Human Trafficking Agency called the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), with a view to addressing issues on the subject, especially from Enforcement through Prosecution to Rehabilitation and Reintegration. A Counseling and Rehabilitation Department was created specifically to provide counseling and protective services to victims.

4. So far, the National Agency (NAPTIP) has prosecuted and convicted twenty-seven (27) human traffickers, with over sixty (60) cases pending in various courts. Over 1,500 human trafficking victims have passed through the Agency's counseling services, while 45 persons have been rehabilitated and reintegrated into their communities. In collaboration with NGOs and Civil Society, NAPTIP has established temporary shelters for victims in the six (6) geo-political zones of the country and Abuja, the Federal Capital Territory. The National Agency, in partnership with the National Poverty Eradication Programme (NAPEP), International Partners, UNICEF, United Nations Office on Drugs and Crime (UNODC) and other countries has adopted a holistic approach to tackling the menace of human trafficking by targeting "vulnerable" communities with interventions in training programmes, including skill acquisition and micro-credit schemes. The United Nations Inter-Regional Crime and Justice Research Institute (UNICRI) and UNODC have set up a Joint Project in Edo State (Nigeria) aimed at addressing vulnerability factors, by empowering young vulnerable girls with skill acquisition/training, micro-credit facilities, rehabilitation measures and reintegration programmes for rescued victims.

5. Quite apart from its country Plan of Action which maps out activities within time frames, NAPTIP also collaborates with ECOWAS at the sub-regional level and with the Economic Community of Central African States (ECCAS) to address issues of human trafficking. In this connection, a bi-regional Plan of Action, signed in Abuja in 2006, aims at jointly fighting the exploitation of young girls across the borders of countries within the sub-regions. NAPTIP has also concluded bilateral agreements with the source, transit and destination countries. In this vein, it signed bilateral agreements with Benin Republic in 2005, aimed at addressing cross border trafficking of young girls. A similar agreement has been concluded with Italy, Spain and the United Kingdom. Switzerland is also providing some assistance to some local government areas in Cross River State (Nigeria). The Agency has entered into cooperation agreements with NGOs and Civil Society Organizations, including Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), Well being, Idia Renaissance and the American Bar Association.

6. NAPTIP continues with its sensitization and public enlightenment campaigns in such public places as villages, schools, public squares, markets and car parks. Bill boards are being continuously mounted in strategic locations, while jingles are played on National Television and Radios. NAPTIP has established a data base containing relevant information relating to victims and traffickers' backgrounds as well as relevant identification details.

Mr. President

7. The Nigerian Government is willing to enter into bilateral agreements with friendly countries to establish support services and reintegration programmes. This would, no doubt, help stem the tide of human trafficking and assist victims gain timely access to shelter, legal assistance, job training and health care. As poverty is the root cause of human trafficking, support from our development partners for and focus on poverty alleviation and wealth creation programmes would go a long way in stamping out this evil.

8. As was aptly put in September 2003 by a world leader, "We must show new energy in fighting back an old evil.... the trade in human beings, for any purpose, must not be allowed to thrive in our time" My delegation stands ready to partner with you to attain this goal.

9. Mr. President I thank you.

DEBATE OF THE GENERAL ASSEMBLY ON HUMAN TRAFFICKING
JUNE 3, 2008 – 10:00H – TRUSTEESHIP COUNCIL CHAMBER
TALKING POINTS

- Brazil's national policy against human trafficking is predicated on three key elements, namely, prevention, assistance to victims and repression. Those key elements can be found in the United Nations Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children. Brazil has been a pioneer in developing such national policy in Latin America. My Government, with the cooperation of UNODC, has mobilized public awareness to the problem of human trafficking, through the holding of a seminar. Its outcome, in turn, constituted our contribution to the preparation by UNODC of the Global Initiative Forum against Human Trafficking, which took place in Vienna, in February, 2008.

- Brazil understands that the combat against human trafficking must be accomplished not only through enforcement by police repression, but also by means of the adoption of policies aiming at prevention and, above all, at the protection of the victim. Following the elaboration of a National Policy to Fight Human Trafficking, in 2006, Brazil adopted, in 2008, a National Plan to Fight Human Trafficking, with the contribution of inputs from the civil society.

- Brazil has subscribed to the United Nations Convention against Organized Transnational Crime (Palermo Convention), which has an Additional Protocol only on human trafficking with a focus on prevention and protection to victims. That Convention also has another Additional Protocol on the subject of smuggling of migrants, which places emphasis on the repression of criminals that are involved in such crimes. Considering the convergence among Member States against human trafficking and the effort of some countries to impose more restrictive migration controls, the Brazilian Government supports initiatives aiming to combat human trafficking, be it for sexual exploitation, be it for forced labor, without prejudice to the citizen's right to seek better standards of living in other countries.

- Brazilian law and policies have also been inspired by other international instruments that are relevant to the protection of victims of human trafficking, such as those relating to human rights, racial discrimination, civil and political rights, economic, social and cultural rights, elimination of all forms of discrimination against women, torture and cruel punishment, child's rights, among others.

- In addressing the subject, the policy adopted by Brazil was elaborated in a cross-cutting manner and based upon National Plans that deal indirectly with issues related to human trafficking, such as those pertaining to Child and Adolescent Sexual Violence (2002), Eradication of Slave Work (2003), Policies for the Development of Women (2004),

Eradication of Child Work and Protection to the Adolescent Worker (2004) and on Family and Community Livelihood (2006).

- The Brazilian National Plan against Human Trafficking is also important as an instrument for the promotion of Millennium Development Goals, mainly for the achievement of the Third MDG, regarding gender equality and women empowerment.

- At the regional level, Brazil belongs to treaties and initiatives undertaken in MERCOSUL and in the Organization of American States. In 2005, the MERCOSUL countries and Associates signed the Montevideo Declaration against Human Trafficking, which provides for police cooperation as well as exchange of information, with a focus on human trafficking for prostitution. Such cooperation was intensified with the adoption in 2006 by MERCOSUL of the Plan of Action against Human Trafficking, which encourages and integrates informative campaigns, exchange of information, education of governmental and non-governmental actors, as well as assistance to victims.

- Finally, my delegation believes that Member States should give special attention to victims of human trafficking and cooperate in assisting them. We should also cooperate in the repression of those criminals that seek to exploit the vulnerable situation of those victims with the intent to make a profit. Brazil would be ready to share its experience with other Member States in tackling this problem and debate ways to enhance international cooperation on this important matter.

Talking Points
By Ambassador Magued A. Abdelaziz
General Assembly informal Thematic Debate on “**Human Trafficking**”
3 June 2008

Panel 1: Enhancing Multilateral Cooperation to prevent trafficking in persons:

* Congratulating **the President of the General Assembly** for choosing one of the most prominent issues and outstanding problems that the international community is facing nowadays, it is a timely discussion that we need to have to underline the aspects of the problem, the challenges that we are facing and the way forward to deal together, collectively with the problem in a comprehensive manner.

With the same token to command H.E. Dr Anwar Grgash, **Minister of State of Emirates**, Ms **Asha Rose Migiro** and Ms **Asley Judd** for their very insightful statements. And to thank also the Moderator **Mr. Antonio Maria Costa**, whose efforts are much appreciated by the Government of the Arab Republic of Egypt, and the previous speakers for their presentations.

* We are gathered here to **review and assess the way forward** yet another global challenge against humanity, trafficking in persons has grown to be the third largest growing criminal activity in the world, after arms and drug trade. A serious challenge, that needs our full attention, therefore our focus today should be to examine **how to mobilize a global action** to deal with such a challenge.

* **The 2005 World Summit Outcome document** is our starting point, as it clearly stated **that development, peace and security and human rights are the** the pillars of the United **three interlinked pillars, and the foundation that allow our** people to live in freedom and dignity, free from poverty and despair.

* Furthermore, In the 2005 Summit Outcome document, we committed ourselves to discuss and define the notion of **human Security** within the General Assembly, which we started several days ago in the informal debate initiated by the President of the General Assembly, we can not separate one theme from the other. **Human trafficking is a core issue of human security** and should be treated as such.

* My fervent conviction is that a **global vision** should be aligned against human trafficking with our long standing efforts and empower to meet our security needs and accordingly place **human security** at the center of all our development strategies, reducing poverty, addressing social injustices and promoting gender equality. Let me stress on this again, if we are talking on this organization on how to achieve Human Security, then let's deal collectively with one of its core challenge which is Human trafficking and commit ourselves to **protecting the Victims of Human trafficking and bringing the crime perpetrators to justice.**

* **A global Action Plan should be formulated to address the global phenomena from all sides and angles, through a process that can be facilitated within the GA. in a manner similar to the strategy we have adopted to counter terrorism, it should include:**

- I. Measures to address the **conditions** conducive to the spread of Human Trafficking
- II. Measures to **combat and prevent persons and victims from being trafficked.**
- III. Measures to **build States' capacity** to prevent and combat human trafficking and to strengthen the role of the United Nations system in this regard.
- IV. Measures to ensure respect for **human rights for all particularly** the right of all people to live in freedom and dignity, free from **poverty** and despair and the rule of law as the fundamental basis of the fight against human trafficking.
- V. Measures to help **raising public awareness**, providing credible, **disaggregated data**, ensuring **coordination amongst international and regional organizations** dealing with this issue, **and providing technical assistances for developing countries** to overcome causes for human trafficking. Here we should note the “**OUAGADOUGOU Action Plan** to combat trafficking in human beings especially women and children, which was adopted in Tripoli by the African States and the European Union, in November 2006, during the Ministerial conference on Migration and development. This can act as a good bases for South-North cooperation.

* There is a need to ensure a comprehensive and coordinated approach to fight human trafficking, through full **coordination amongst relevant mechanisms**, particularly:

- The General Assembly annual resolution on improving coordination of efforts against trafficking in persons,
- The resolution of the Commission on Crime Prevention and Criminal Justice on efforts in the fight against trafficking,
- The 2000 protocol to prevent, suppress and punish trafficking in persons especially women and children,
- The United Nations Convention on Transnational Organized Crime,
- The Palermo protocol,
- The ILO conventions on forced labor, instruments on combating trafficking in children as well as protection of human rights of traffic victims,
- The UN global initiative (UN-GIFT) which aims at tracing public awareness throughout the world as part of large strategy to fight human trafficking and forced labor and to combine respective efforts of private and public sectors towards this end.

All of those mechanisms should comprise a fertile ground towards achieving the suggested action plan.

* And in an attempt to ensure better **coordinated and coherent efforts across the UN system** to combat human trafficking, a Task Force within the UN System needs to come

together, to formulate a network amongst all relevant UN Agencies, funds and programs, particularly the UNODC, the ILO, IOM, UNICEF, OHCHR should combine efforts to assist Member States in implementing this global action plan..

* We should all commit to work together, seek solidarity amongst all countries and member states whether they are countries of **demand, supply** or **Passage** like “Egypt”, we should all work together with different stakeholders, international and regional organization, NGO’S, public and private sector, financial institution and others towards an elimination of one of the most aggravating forms of violation of human rights.

* **In Egypt**, we have committed ourselves towards ending this practice and combating this crime, we work closely with the **UNODC**, Our **regional partners**, and Neighbors, through several mechanisms and instruments, whether within our Arab Circles, or within our African Circles, and here I would like to bring to the attention of this August Body that the issue of coordinating to combat trafficking in Persons is one of the priority issues on the agenda of our next coming **African Summit**, which will soon take place in Sharm Elsheikh.

***Private Sector** has a pivotal role to play, here I would like to point to a success story that started in January 2006, a campaign was successfully launched in Athens in January 2006 with the business community to end human trafficking, **the First Lady of Egypt**, Mrs. Suzanne Mubarak, was a drive force behind this initiative with her International Suzanne Mubarak women’s Movement for Peace all behind is, she was one amongst other pioneering international figures helping in the success of the campaign, which was an awakening to among the International Business Community showing them how to take their responsibility in Ending the Crime, through:

- International awareness on both the national and international levels,
- finding innovative business solutions to end human trafficking and forced labor.
- creating opportunities among all multi-stake holders to join hands in ending human trafficking.
- Conducting research- analyzing laws- policies - identifying problems through business practices - holding conferences - auditing - and signing joint ethical codes of conduct towards ending the practice.

* **Egypt** has been one of the Countries that have benefited from the fruit Labor of this initiative, which committed so many prominent figures from the Business Community who are already taking ownership of the imitative

* **The First Lady of Egypt** didn’t stop at that, rather had joined hands with the UNODC, and other prominent figures of the International Community in addition to a congregation of experts and activists participating in a plenary session of the Vienna Forum to fight human trafficking, which took place in February 2008, pledging support, exchanging ideas and sharing experiences in the coordinated ways in how to fight human trafficking together.

Finally, we shouldn't let this opportunity slip from our hands, we should take stoke of our responsibility, build on what we have and move forward in a coordinated manner to end together trafficking in persons

Panel 2: Protecting victims and cross-border cooperation in prosecuting trafficking in persons

Egypt's efforts:

* Egypt is keenly aware of the increase in instances of trafficking in persons worldwide which is facilitated partly by globalization and exploited by groups and individuals targeting vulnerable sectors of our societies especially women and girls. And while in the past, our efforts in dealing with issues of trafficking tended to focus on dealing with incidents of transit through the Egyptian territory from parts of Europe to a neighboring country (Israel) we have now moved on to adjust in Egypt all aspects of the phenomena and to revamp our legislative, executive and awareness structures in order to deal with this scourge in a more comprehensive manner.

* In this regard, our standing point is to combat this inhuman practice which does not only violates the most basic legal norms but furthermore, counters our strongly held morale and religious convictions. Consequently, we in Egypt look forward to working constructively with an open mind with all partners towards strengthening cooperation in combating the most inhumane and degrading practice.

* Our efforts in this regard, were not limited to one or the other form of trafficking but include all its forms as enumerated in all the international instruments to which Egypt is party. We also believe that combating the practice is not only a trans-government but rather requires a consolidated effort amongst all stake holders including law makers, civil society, general public and media. This conviction is translated into national legislations including a comprehensive anti-trafficking legislation which was drafted by a national committee in February 2008 in accordance with the UN guidelines as well as international agreements which we are party to especially the supplementary protocol to prevent, suppress and punish trafficking in persons especially women and children and the indicative Arab law to combat trafficking in persons, and the "OUAGADOUGOU Action Plan to combat trafficking human beings especially women and children", which was adopted by the African Union Summit in Tripoli in November 2006. A separate draft legislation to control the transfer of human organs is also in the process of adoption during the current parliamentary session.

* In the addition to all the abovementioned, a national coordinating committee to combat and prevent in trafficking in persons have been established in Egypt in July 2007 to coordinate all the national efforts amongst national institutions, ministries, civil society, and private sector as well as the general prosecution, the National Council for Human Rights of Egypt, the National Council for Motherhood and Childhood, and the National Council for Women. With its specialized Secretariat, in the office of the Deputy Assistant Foreign Minister for Human Rights Social and Humanitarian Affairs, the mandate of the committee shall concentrate on drafting national action plans, preparing draft legislations, reviewing others that might need the reviewer to harmonize them with international agreement and to cooperate with the specialized offices of the United Nations especially UNODC and GPAT. The same committee which is considering feasibility study of a project that has been submitted by the UNODC regional office for the Middle East and North Africa on measures to prevent and combat trafficking human beings in Egypt. This is in addition to several programs and measures that has been taken by the National Council for Childhood and Motherhood concentrating on ending the practice against children in Egypt, further training programs for law enforcement, customs, and immigration officials as well as prosecutors, judges, and other officials who deals with potential victims particularly children. Generating empowerment of families is one of the aims of such project by providing micro-enterprise and micro-credits for poverty alleviation and combating phenomena like street children, child labor, early enforced marriage, establishing a data base and conducting national surveys is one of the outcomes too and enhancing regional and international cooperation in exchanging data on the criminal networks.

- **In brief, here follows what we need to protect victims and help cross-border cooperation in prosecuting trafficking in persons:**
 - We need sound international cooperation to help training programs for law enforcement, customs and immigration officials, judges, prosecutors, and other officials who deals with potential victims.
 - We need raising awareness campaigns including dissemination materials, through national, regional and international media outlets.
 - We need to empower families, socially, politically & financially.
 - We need to share information.
 - We need to raise punishment against traffickers, and to enforce those punishments though international collective cooperation aiming at bringing down those cross boarder criminal networks, as well as developing functional communication support systems developed for information sharing, information analysis.
 - We need to continue mobilizing business communities to prevent all forms of exploitation of labor.
 - And finally we need to close this circuit of crime by education and better law enforcement against traffickers and abusers of trafficked persons in the Countries of demand, to be balanced on the other hand by sharing in poverty alleviation, education and teaching prospect victim on self worth and rights in the Countries of supply.

If we do this we can really end the practice Mr. President,

I thank you.

AUSTRIA



PERMANENT MISSION OF AUSTRIA
TO THE UNITED NATIONS

Statement

by Ambassador Gerhard Pfanzelter
Permanent Representative of Austria to the United Nations

at the General Assembly Thematic Debate
on Human Trafficking

Panel 2: Cross-border cooperation in protecting victims of
trafficking in persons and prosecuting their traffickers

New York
3 June, 2008

Mr. Chairperson,

We thank you for convening today's thematic debate on human trafficking.

In our global efforts to fight human trafficking Austria is strongly committed to a human rights based approach and the integration of a human rights perspective in the further development and implementation of policies addressing human trafficking. For that reason, Austria was **one of the first countries to ratify the European Convention against Human Trafficking**.

In our project to fight human trafficking we are pursuing a **dual track approach**, taking initiatives both on the national and international level.

Austria has set up a National Action Plan against Human Trafficking and a **National Task Force** bringing together representatives from the Ministries of Interior, Justice and Foreign Affairs with NGOs working in the protection and assistance of trafficking victims. In the near future Austria will nominate a **“National Coordinator against Human Trafficking”**.

As regards the **international track**, we have taken concrete steps to support **regional cooperation particularly in the Western Balkans**:

- We are supporting regional women's networks both in their efforts to raise awareness among women at risk about the dangers of human trafficking and in their cooperation with local police, justice and social institutions;
- We help to train and sensitise police forces in the region in their fight against human trafficking;

In this regard I would also like to underline that Austria supports the **United Nations Office on Drugs and Crime** the main actor in the field of crime prevention, which assists states in the fight against organised crime and initiated the **UN Global Initiative to Fight Human Trafficking UN.GIFT in February 2008 in Vienna**.

As regards the fight against human trafficking, we particularly see the need for increased action in the following areas:

Identification of victims

In order to protect and assist trafficking victims, their identification is crucial. National authorities are often insufficiently aware of the problem of human trafficking and victims frequently have their passports or identity documents taken away from them or destroyed by the traffickers. In such cases they are treated as illegal immigrants, prostitutes or illegal workers and at risk of being punished or returned to their countries without receiving any help.

For that reason, Austria considers it of utmost importance to take further steps in order to raise the awareness for this crime among the relevant authorities and institutions. These measures should include the training of officials in the countries of origin, transit and destination on the local, national and international level.

The assistance to victims

Another related problem is the assistance offered to victims of trafficking. Victims breaking free of their traffickers' control generally find themselves in a position of great insecurity and vulnerability. **We should therefore develop more target-group-oriented concepts, especially when it comes to the assistance of children.** At the OSCE-Conference on child-trafficking which took place last week in Vienna it was highlighted that in most of the states child protection services need to be improved, in particular at the local level.

In Austria we have developed a successful system of providing assistance to the victims of human trafficking: this assistance is provided in cooperation with non-governmental organisations engaged in victim assistance. Assistance is not conditional upon a victim's agreement to cooperate with competent authorities in investigations and criminal proceedings.

The Austrian NGO LEFÖ-IBF "Intervention Centre for Victims of Trafficking in Women" in 2007 assisted 170 female migrant victims who came to Austria by means of trafficking and who are living there under conditions of gross exploitation.

In 2003 the city of Vienna realised the need to create a special shelter for children and for this purpose established "Die Drehscheibe" – a centre for victims of child trafficking and unaccompanied minor foreigners. The aim was not only to take care of these children but also to cooperate with their countries of origin such as Romania, Bulgaria, Slovakia, Hungary, Georgia and China to find long-term solutions. Social workers from Vienna hold training courses for the staff in the countries of origin, and Vienna also supports the construction of "crisis centres". These long-term measures of the "Drehscheibe" provide children with the possibility of a safe return to their home countries.

Reliable Data on human trafficking

We have to realize that human trafficking still remains underreported. This is mainly due to the lack of reliable data and information. This unreliability of data can to a certain extent justify inappropriate action on the side of state authorities and also harm better regional international and cross-border cooperation. **For that reason, it would be important that states increase their efforts in providing reliable data on human trafficking.**

Currently, Austria together with other EU-MS and IOM (International Organization for Migration) is running an international project aimed at developing guidelines for the collection of data on trafficking in human beings, including comparable indicators.

Finally, I would like to raise a question which seems to be important in this context.

Question: After a decade of efforts taken by all relevant actors to fight human trafficking, it is still the third largest source of profit for international organized crime, after drugs and arms trafficking, with revenues amounting to 32 Billion dollars a year. **Where do you see improvement in the area of evaluation and monitoring of human trafficking?**

Pakistan's Statement on Thematic Debate on Human Trafficking

Panel 1: Enhancing multilateral cooperation to prevent trafficking in persons

June 3rd, 2008

(as delivered).

Mr. President and Distinguished Delegates,

The problem of human trafficking is one of the pressing issues in the realm of transnational organized crime. In this globalized world, phenomena of international migration, increasing poverty, internal displacement and demographic transitions further aggravate the challenge of human trafficking.

Today's debate will provide an opportunity to look into the various dimensions of human trafficking. It will also lead to find better means of cooperation amongst and between governments involving the civil society and vulnerable populations.

The trafficked people are usually the most vulnerable and powerless people in any region. They often come from the poorer areas where opportunities are limited and competition is tough. Children are sold to human traffickers due to extreme poverty. Young men and women are lured into false traps in the hope of good jobs and better opportunities. Quite often such dreams end in most inhuman working conditions and also in commercial sexual exploitation.

Pakistan has been conscious to the challenge of human trafficking and its ^{terrible} negative implications for the victims and the vulnerable segments of society. The Government of Pakistan promulgated the Prevention & Control of Human Trafficking Ordinance (P&CHTO) in 2002 in order to meet the national and international requirements and obligations under this transnational crime.

The Ordinance addresses the problem of trafficking in persons in a comprehensive manner and designed to overcome the menace of trafficking in all its forms and manifestations. A National Action Plan against human trafficking is also under consideration by the Ministry of Interior in consultation with various stakeholders which will be soon finalized.

in South Asia context

↑ Pakistan is also a party to the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

Mr. President

The rapidly growing complexity of the issue demands a well coordinated, comprehensive and multilateral response besides national commitments. It requires the strengthening of existing instruments, involvement of all stake holders including the governments, UN system and civil society in a well coordinated way and leading to a comprehensive response. Therefore, before furthering any multilateral cooperation to devise a new global strategy to combat human trafficking, it is important to carefully look at all its aspects, requirements and added value it will provide to the existing mechanisms.

The efforts of United Nations Office of Drugs and Crimes (UNODC) and the Commission on Crime Prevention and Criminal Justice (CCPCJ) in collaboration with other UN agencies are commendable and aim to assist Member States in their efforts to combat trafficking in human beings. These ongoing efforts should be fully taken on board in order to avoid any duplication and lack of trust and ownership by the stakeholders involved in the process at UNODC and CCPCJ.

To evolve any comprehensive new mechanism, it should also encompass the root causes of human trafficking including measures to address economic and social inequalities and a shift from law and order paradigm to development and human rights paradigm.

We support the idea for establishing a working group on formulating key elements of the proposed strategy and elaborating it in details at the 4th session of the Conference of the States parties to the UN Convention against Transnational Organized Crimes as has been discussed by interested parties in Vienna.

We think a step by step approach would not only facilitate the process but also result in an effective, coordinated and on ground workable strategy enjoying the support from ^{the} wider UN membership.

I thank you Mr. President

الجمهورية الجزائرية الديمقراطية الشعبية

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TO THE UNITED NATIONS
NEW YORK



البعثة الجزائرية الدائمة لدى الأمم المتحدة
نيويورك

Statement of Ms Salima ABDELHAK, first secretary to
the informal thematic debate on “ Human Trafficking”

New York, June 3. 2008

Vérifier au prononcé

Monsieur le Président,

Permettez moi, en premier lieu, de vous remercier pour avoir organisé ce débat thématique informel sur la traite des personnes et de remercier les panélistes pour la pertinence des interventions qu'ils nous ont présentées. Ma délégation se réjouit, également, de la tenue à Vienne du Forum des Nations Unies sur la traite des personnes qui a offert une opportunité pour une plus grande sensibilisation de l'opinion publique sur le problème de la traite des personnes. Sensibilisation et débat bienvenus à la veille de la célébration du 60^{ème} anniversaire de la Déclaration des droits de l'homme qui attend de la communauté internationale de réaffirmer son attachement aux droits de l'homme et sa détermination politique à mettre fin à tous les fléaux qui les mettent en péril.

Qu'ils soient pays d'origine, de transit ou de destination, tous les pays dans toutes les régions sont touchés par la traite des personnes laquelle viole les droits de l'homme et porte atteinte à la dignité de la personne.

L'Algérie est, elle même, touchée par le phénomène de la traite des personnes en tant que pays de transit pour le trafic de drogue et pour l'immigration clandestine. Elle prend au sérieux la lutte contre la traite des personnes et son lien avec la criminalité transnationale organisée et le phénomène du terrorisme dont elle a subi les ravages barbares pendant plus d'une décennie.

Au plan interne, en plus des politiques sociales, d'éducation, de promotion de la femme conçues en tant que stratégie de prévention pour permettre à ses citoyens de vivre dans la dignité et d'avoir la possibilité de jouir de tous leurs droits et de développer pleinement leurs potentialités dans des conditions d'égalité, le Gouvernement algérien a décidé de s'attaquer aux sources de la traite des personnes que sont le trafic de drogue et l'immigration illégale.

Pour lutter contre le trafic de drogue, le Gouvernement algérien a choisi trois principales actions 1) la répression, en se dotant d'une loi dissuasive relative à la prévention et à la répression de l'usage et du trafic des stupéfiants et des substances psychotropes, 2) le traitement, en prenant en charge au plan social et sanitaire les toxicomanes à travers un plan sanitaire et enfin, 3) la prévention à travers des programmes de sensibilisation.

Quant à l'immigration illégale, le Gouvernement algérien a choisi de relever le défi qui s'est imposé à lui et de maîtriser la circulation des étrangers, notamment transfrontière, en se dotant d'une loi portant conditions d'entrée, de séjour et de déplacement des étrangers en Algérie. Cette loi tient compte à la fois des impératifs du développement de notre pays et du contrôle du mouvement des étrangers. Elle assure une juste protection des étrangers entrés régulièrement en Algérie ou ayant la qualité de résidents, dans le cadre du respect des lois du pays.

Par ailleurs, elle prévoit des centres d'accueil destinés à l'hébergement provisoire des ressortissants étrangers en situation irrégulière afin de les mettre à l'abri de toute exploitation des entrepreneurs et des passeurs qui ont longtemps profité du vide juridique en matière de séjours des étrangers en Algérie. La même loi souligne l'impératif du respect des droits de l'homme et de la dignité des personnes lors de la reconduite à la frontière ou le rapatriement des étrangers en situation irrégulières vers leur pays d'origine qui se fait en collaboration avec les autorités des pays concernés. La loi n'omet pas de souligner la nécessité de protéger certaines catégories vulnérables des étrangers contre une éventuelle mesure d'expulsion.

D'autres projets de loi font l'objet actuellement d'élaboration par les institutions compétentes portant lutte contre la traite des personnes, lutte contre l'implantation et le commerce des organes, lutte contre la criminalité cybernétique et lutte contre le kidnapping d'enfant. Ces dispositifs législatifs comptent traduire les dispositions des instruments internationaux dans ce domaine auxquels mon pays a adhéré, entre autres, le protocole contre la traite des personnes qui offre un dispositif législatif quasi exhaustif puisqu'en plus de définir la traite des personnes, prend en compte la prévention de ce phénomène, la protection des victimes et la poursuite des criminels.

A plan international, l'Algérie a ratifié la Convention des Nations Unies sur la criminalité transnationale, ses trois protocoles dont celui contre la traite des personnes. L'Algérie est, également, partie à toutes les Conventions en matière des droits de l'homme dont celle des droits de l'enfant dont les deux protocoles ont été ratifiés par mon pays dernièrement. Elle appuie les efforts et les activités de l'ONUDC dont elle salut les efforts en s'acquittant de ses obligations de rapport et de réponse à ses questionnaires.

Au plan régional, initiatrice du Nouveau Partenariat pour le Développement de l'Afrique (NEPAD), l'Algérie n'épargne aucun effort pour la promotion et la mise en œuvre des politiques sociales et économiques du NEPAD qui concourent au développement du continent africain et valorise ses ressources humaines en tant que stratégie de prévention des fléaux de criminalité transnationale qui menacent la sécurité des personnes. Par ailleurs, elle appuie et travaille, à l'instar des autres pays africain, au sein de l'Union africaine qui prend au sérieux toutes les menaces qui affectent la sécurité des citoyens africains dont la traite des personnes pour laquelle le plan d'Action de Ouagadougou portant lutte contre la traite des personnes, particulièrement les femmes et les enfants a été élaboré adopté en 2006 prenant en considération tous les aspects de la question.

Au plan bilatéral, l'Algérie exploite tous les canaux de collaboration et de coopération bilatérale avec ses pays voisins afin d'endiguer le phénomène de l'immigration clandestine et celui de la traite des personnes.

Pour conclure, l'Algérie émet le souhait de voir l'élan créé par le Forum des Nations Unies sur la traite des personnes et le débat d'aujourd'hui aboutir à des actions concrètes en faveur d'une part, de la ratification universelle la Convention des Nations Unies contre la criminalité transnationale organisée et ses trois protocoles additionnels et du renforcement et de la consolidation des travaux des Conférences des Etats Parties par l'apport de nouvelles expériences et de meilleures pratiques et de l'autre, de la promotion d'une coopération authentique afin de mettre un terme à ce phénomène et de garantir la sécurité des individus.

Je vous remercie.

General Assembly thematic debate on human trafficking, 3 June 2008

Panel 2: Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons

Remarks by H.E. Tiina Intelmann, Permanent Representative of Estonia to the UN

Estonia aligns itself with the remarks made earlier by Slovenia on behalf of the EU, and would like to add the following comments from our national perspective.

We strongly agree that trafficking needs to be tackled in a multidisciplinary context in which all actors and stakeholders co-operate, and that this implies complementary efforts at the national, regional and global levels.

From the national perspective, the provision of assistance and rehabilitation to victims of human trafficking and effective reaction to criminal offences related to human trafficking are among the priority objectives of Estonia's National Development Plan against Trafficking in Human Beings 2006-2009, which is the basis for actions to combat human trafficking.

Trafficking victims in Estonia have access to the Victim Support system, set up by the Victim Support Act, which entitles all persons who have fallen victim to negligence, mistreatment or physical, mental or sexual abuse, i.e. all those to whom suffering or injury have been caused, to victim support. Third-country nationals who are victims of trafficking and cooperate with the competent authorities are entitled to a temporary residence permit in Estonia.

However, the ground for effective action to prevent trafficking and to protect and reintegrate victims of trafficking in Estonia has to a significant extent been laid through cooperation in the Nordic-Baltic region.

Its driving force, the Nordic Baltic Taskforce against Trafficking in Human Beings, which became operational in 2002, was appointed by Nordic and Baltic ministers and consisted of politically high level members – which has been a necessary condition for effective co-ordination and securing political commitment.

The Taskforce initiated a pilot project to act as a starting point for a long-term change in the region with regard to victim support and durable solutions regarding rehabilitation and reintegration of victims, and to strengthen the gender perspective in policies, programmes and actions against trafficking. This regional project is being

carried out from 2005-2008, and has, among its main activities, helped build national networks of all stakeholders for the support and protection of victims of trafficking for sexual exploitation.

The national networks in the participating countries form the basis for the Regional Nordic-Baltic Network, which on the basis of the exchange between its members focuses on assessing existing practices, identifying good models, and developing new ones to better respond to the needs of the victims. The Nordic Baltic network has also developed shared resources aimed at setting standards for victim support in the region.

Another concrete outcome of the pilot project has been the establishment of help-lines and safe shelters in all Baltic States.

The concrete results and positive experience gained in the course of the project have now, at its conclusion, led to discussions how to carry on the established regional cooperation against trafficking in the future.

In addition to the Nordic Baltic cooperation, Estonia also participates in the EU cooperation project under the EQUAL programme for the integration of women involved in prostitution, including victims of human trafficking, into legal labour market. Estonia is also involved in the work of the Council of the Baltic Sea States Task Force against Trafficking in Human Beings with a focus on adults.

Finally, I am glad to note that Estonia is also making preparations to sign the Council of Europe Convention on Action against Trafficking in Human Beings in the course of 2008.

Thank you.



UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS



Address of Ms. Kyung-wha Kang,
Deputy High Commissioner for Human Rights,
to the UN General Assembly Special Thematic
Debate on Human Trafficking

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**A HUMAN RIGHTS-BASED APPROACH
TO PREVENTING TRAFFICKING IN PERSONS**

Tuesday, 3 June 2008

New York

Mr. President, Excellencies, ladies and gentlemen,

Let me begin by thanking you, Mr. President, for convening this important forum today and for inviting me to participate as a panellist. I would also like to congratulate the eleven governments that have initiated this special debate on human trafficking, which builds on the discussion generated by the Vienna Forum to Fight Trafficking, held in February this year. A special General Assembly meeting on this subject is long overdue.

Ladies and Gentlemen,

Sixty years ago, the General Assembly adopted the Universal Declaration of Human Rights as a common standard of dignity and rights that all human beings are entitled to. However, for the millions every year and in every corner of the world who become victims of trafficking, the high aspiration proclaimed in the Universal Declaration remains an empty hope.

It is necessary for us all to confront the uncomfortable fact that so far, we have not succeeded in eliminating this trade in people for profit. We have not even managed to stem the tide. More people are being trafficked than ever before. The pool of potential victims in every part of the world is growing rapidly due to widespread inequalities, insecurity of food and livelihoods, lack of employment opportunities, violence, conflict, discrimination, poverty, and uprooting of populations resulting in large-scale migrations.

Increasingly restrictive immigration policies and inadequate labour laws on the part of many wealthy countries force individuals desperate for work into the arms of unscrupulous traders. Profiteers in the sex trade use a multitude of deceptive and coercive techniques to prey on girls and women made particularly vulnerable by gender-based discrimination, which deprives them of access to education and employment. Traffickers are able to operate with impunity in the face of weak or ineffective law enforcement, which is compounded, in some cases, by official corruption and complicity.

Ladies and Gentlemen,

Human trafficking is a crime and an assault to our shared dignity as human beings. In developing our responses to trafficking, it is essential that we keep certain basic principles in mind – guiding principles that can provide us with a way to measure the success of our initiatives and avoid the harm that can fall upon the very ones we seek to protect. One principle must be the primacy of human rights.

Making human rights the centre of our work against trafficking means, first and foremost, seeing trafficking in and of itself as a clear violation of basic human rights. Trafficking involves prohibited practices, such as debt bondage, forced labor, sexual exploitation and slavery-like practices. It violates the most fundamental of rights we all hold dear: the right to life, to equality, dignity and security; the right to health; the right to freedom of movement, freedom from violence and abuse, the right to be recognized as a person before the law. These are rights to which every human being is entitled, without discrimination. Bought and sold as commodities, terrorized by violence and intimidation, victims of trafficking are denied this sense of entitlement and cowered into thinking themselves as less than deserving. They should be actively assisted in retrieving that sense of entitlement.

Second, prevention should be a priority. Governments bear a particular responsibility in this regard. Governments are responsible for protecting their citizens and others within their jurisdiction from both public and private wrongs. This responsibility implies a legal obligation to exercise due diligence to take all appropriate measures to prevent trafficking and related exploitation.

Third, all states and all parts of the international system should place the focus on the victims in their analysis of the problem and in their responses, as well as the perpetrators. Trafficking should not be reduced to a problem of population movements, public order or transnational crime. We must not be so callous and short-sighted as to think that trafficking can be dealt with solely as a problem of law

enforcement or organized crime, although clearly more effective law enforcement is needed.

A human rights approach is a holistic one: it provides a comprehensive framework within which law enforcement and victim-focused responses can be developed, implemented and evaluated. In seeking to flesh out that framework, OHCHR in 2002 developed the Recommended Principles and Guidelines on Human Rights and Human Trafficking, a document that has since been used by many intergovernmental organizations, governments and victim support agencies to guide their work and to measure their achievements.

A major focus of the Principles and Guidelines is prevention of trafficking. It is not enough for us to react. To truly make a difference we must work at prevention. We must identify and alleviate the factors that fuel human trafficking. This means addressing the many factors that increase vulnerability to trafficking: discrimination, in particular gender-based discrimination and violence against women, poverty, inequality of resources and opportunities within and between countries.

Preventing trafficking also means tackling the difficult issue of demand. It means addressing the clear link between demand and the huge financial gains that can be secured through the predatory exploitation of others. It means taking effective measures to lower the demand for the exploitation of prostitution and the exploitation of labor that are the main 'products' of this sordid trade. It means acknowledging that the problem of trafficking is not just a concern for countries of origin but is inextricably linked to distorted market forces in countries of destination.

Preventing trafficking also means addressing weaknesses in national, regional and international responses that allow traffickers and their accomplices to operate with impunity. Weak legal frameworks, public sector complicity, untrained and uncommitted public officials all contribute to an environment in which deterrence of traffickers is extremely difficult.

A human rights-based approach to prevention can be summed up along the following points:

- focusing on the rights of trafficking victims as well as the prosecution of traffickers;
- formulating comprehensive approaches to prevention that address gender-based discrimination and other human rights violations and that protect freedom of movement and other rights;
- ensuring accountability that includes protection of victims in the criminal justice response as well as effective prosecution of traffickers with serious penalties commensurate with the crime.

Ladies and Gentlemen,

One child trafficker, arrested by police in 2002, put it this way: “We get money, the parents get money, the children get money, immigration officials get money, when everybody gets money, why be sorry?”

How do we respond to such cynicism? I would suggest by going back to the fundamental core on which the idea and reality of human rights have developed and evolved. Simply put, human beings are not objects to be sold or bought. Dignity is trampled the moment a human being becomes a victim of trafficking. We owe it to the victims, to our shared dignity as human beings, to end this modern day slavery.

Thank you.

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INTERNATIONAL LABOUR ORGANIZATION

General Assembly Thematic Debate on Human Trafficking
Trusteeship Council Chamber, United Nations Headquarters
New York, 3 June 2008

Statement by:
Mr. Roger Plant
Head, Special Action Programme to Combat Forced Labour
International Labour Office
Geneva

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Mr. President, Your Excellencies, Distinguished Delegates and Participants,

It is a great honour to participate in this important and much needed debate, on behalf of the ILO. I regret that our Director General Juan Somavia cannot be with us today, as the session coincides with the annual ILO conference in Geneva. Mr. Somavia sends his best wishes for the success of the session, committing the ILO to play its own role in strengthening coordinated UN action for the prevention and eradication of human trafficking, for both labour and sexual exploitation. On his behalf I would like to share some key messages with participants today, as to the particular role that the ILO can play in global UN efforts against human trafficking.

Your excellencies, in my six years of engagement in the ILO's promotional work against forced labour and trafficking, I have witnessed some important changes in global approaches. At the outset the ILO was seen as a rather unusual voice at events of this kind, which were dominated by police, border control, interior and justice ministries, and others concerned mainly with the trafficking of women and children for sexual exploitation.

All of this has now changed. It is now common wisdom that forced labour exploitation is as serious a matter as sexual abuse in today's global economy, that men as well as women and children can be trafficked, and perhaps above all that deficiencies in labour markets and recruitment systems can cause millions of vulnerable and ill-informed migrant workers to end up in situations of forced labour and debt-bondage in places of destination.

In the few minutes available this morning, I shall, **first**, provide a very brief snapshot of the global picture, with particular regard to trafficking for labour exploitation: and **second**, explain our policy and programme response, together with our partners in the UN system and elsewhere.

Just three years ago the ILO produced the first ever global estimate by an international organization of forced labour and human trafficking, including the numbers affected and the profits generated by organized crime. The numbers themselves are telling, and will focus minds on the gravity of the challenges ahead. Over 12 million persons in forced labour around the world, 2.4 million as a result of trafficking for labour or sexual exploitation, more female than male victims, over 40 per cent of these being children, and profits of almost 32 billion USD dollars annually for the traffickers (some half of this realized in the industrial countries). The lion's share of all forced labour is in Asia, at over 9 million victims, followed by 1.3 million in Latin America, over 600,000 in sub-Saharan Africa, and no less than 360,000 in the industrialised countries.

Perhaps of more importance than the numbers themselves is the light that our global report has shed on the forms and mechanisms of forced labour and trafficking in today's global economy. Over 80 per cent of all forced labour is exacted by private agents. Of this, distinctions are needed between the longstanding forms of coercion – linked to backward agrarian systems, poverty, caste and other discrimination in the poorer developing countries – and the newer problems linked to the exploitation of mainly migrant workers in developed and developing countries alike. We sounded a warning bell, that one factor behind the exploitation of migrants was the proliferation of labour brokers and informal recruiters, sometimes working together with recognized recruitment agencies, over which there were inadequate state controls. Moreover, while labour brokers usually operate in the informal

economy, there were signs that even major companies were having more recourse to unregulated, or poorly regulated, subcontracting agencies.

Recruiters, legitimate or illegitimate or on the borderline between the two, can charge huge amounts of money because there is supply and demand for migrant workers, and because migrants and their families are willing to make these payments in the hope of a return on their investment. In the worst cases, the job seekers have to sell their homes to get on the migrant labour market. If they are deceived over wages, and saddled with large visa and travel and accommodation charges, they may come home out of pocket after several months of backbreaking work in a destination country. Many such cases have been documented in recent months, by Newsweek in the US, and by daily newspapers in the UK, among others.

When should such practices be considered *forced labour* or *trafficking*? And what can be done about them to clean up the world's labour markets and make migrant labour what it should be, a source of enrichment for the sender and destination countries alike?

Of the UN and other international organizations, the ILO has some particular strengths at its disposal. First, it grounds its technical cooperation on a rich mandate of enforceable international labour Conventions. These not only set out the broad principles of human and labour rights, such as the eradication of forced and child labour or discrimination, and the rights to freedom of association and collective bargaining for all workers. Many Conventions cover procedural mechanisms to safeguard these rights, such as the protection of wages, labour inspection, or the role of private employment agencies. Second, the ILO has a unique tripartite structure of governance, bringing employers' and workers' organizations together with governments.

For the first few years after the adoption in 2000, and entry into force in 2003, of the "Palermo Trafficking Protocol" to the UN Convention against Trans national Organized Crime, we saw our main task as awareness raising on the forced labour dimensions of human trafficking, for our own social partners and the international community more generally. This involved country research and surveys, guidance manuals for legislators and law enforcement, and broader analysis such as the 2005 Global Report I have already mentioned. We also had operational projects in different parts of the world, many focusing particularly on child trafficking, which aimed to bring labour actors together with other agencies in prevention as well as law enforcement. In many countries, these have done much to ensure that policies and action plans against human trafficking give due attention to the labour dimensions.

Our attention has now moved to more specific guidance and training, for those actors whom the ILO seeks to involve more intensively in its campaign to rid the world of all forced labour, including that which results from human trafficking, by 2015. Given that extreme poverty is a breeding ground for forced labour, and that vulnerable groups in Asia and elsewhere are deliberately kept in extreme poverty by those who exact bonded labour from them, this can be a vitally important contribution to the Millenium Development Goals. Our target groups include, in addition to our governmental partners, employers' and business organizations, trade unions, labour inspectors, and judges and prosecutors.

We shall hear more from business leaders in the course of today's debate. There is a clear recognition that, beyond the moral imperative, forced labour and trafficking can be serious issues of risk management for industries with complex supply chains, and operating in high risk sectors (such as garments and textiles, agriculture, construction, food processing,

transport, hotels and entertainment) which have complex supply chains or make extensive use of migrant and seasonal workers. Following some high profile events this year with business and employers (UN.GIFT in Vienna, with Coca Cola in Atlanta), we have identified the areas in which to work with business, identifying and solving the problems faced by different company actors in different economic and productive sectors. Also with trade unions we have been cooperating with the International Trade Union Confederation (ITUC) to build up a workers' alliance against forced labour and trafficking worldwide. Trade unions have a key role to lay in monitoring recruitment and working conditions, in advocacy against abusive practices, and particularly in monitoring recruitment practices between sender and destination countries for potentially trafficked workers.

The role of labour inspectors is often underestimated, and labour inspectors may not appreciate their own contribution when so much forced labour and trafficking is in the underground economy. But they have a hugely important role, if properly trained, to act as an early warning system on abusive practices. Some problems, they have the mechanisms to address themselves through labour justice. Others, they may have to pass on to criminal law enforcement. I am glad to say that next week in Geneva, at the Conference of the International Association Labour Inspectors, we shall be launching a new guidance manual identifying the particular role of labour inspectors against forced labour and trafficking.

A next target group is judges and prosecutors. New laws on trafficking for labour exploitation as a criminal offence are now being adopted thick and fast at the national level. But there has been almost no case law or precedent, and widespread impunity for offenders. So we have prepared a first compilation of case law, drawing on all forced labour cases we could find throughout the world. I anticipate strong demand for this toolkit, and we would be happy to translate it into the official UN languages if there is interest from member States.

Distinguished delegates, the main concern of this meeting is to promote improved cooperation and coordination between the various agencies and actors of the UN system, to advance our common goal of eradicating human trafficking. The ILO has been pleased to be part of the Steering Committee of UN.GIFT, a key forum in which we can discuss and develop practical ways to strengthen such cooperation. A strength of the ILO has been to draw on its standards and tripartite structure referred to above, to promote its "decent work" agenda, of which forced labour and human trafficking are the very antithesis. Forced labour and trafficking are criminal offences requiring adequate criminal penalties, as indeed recognized in the principal ILO Convention on Forced Labour. We therefore support the application of firm sanctions against traffickers.

In doing so, however, I again emphasise the need to tackle the underlying causes, the deficiencies in labour markets, or in credit and financial policies, that can create a breeding ground for the trafficking of vulnerable persons. The major contribution of the ILO is to bring its social partners to the table with other actors, to ensure that law enforcement and criminal justice responses take full account of the social and labour dimensions. For the foreseeable future very many workers from the poorer countries, knowing full well that there is a demand for the services in the wealthier countries, will continue at all costs to seek migration opportunities. A policy framework must be refined and developed, so that they do not incur excessive charges at the hands of unscrupulous recruiters, and do not end up in situations of modern debt bondage.

Thank you for your attention.

United Nations Thematic Debate on Human Trafficking

June 3, 2008, New York City, New York

Remarks by Marilyn Carlson Nelson, Chairman, Carlson

Good morning, Mr. President, Madame Deputy Secretary-General, Minister Gargash, Ms. Judd, fellow panelists and honored guests...

First, let me say thank you. Thank you for convening this thematic debate on human trafficking. Although I know it is only a customary title for this type of event, I am sure there is no debate about this topic ... By nature, debates require two opposing viewpoints. I do not believe anyone speaking today will express a position in support the horror of human trafficking.

I am so pleased that today the United Nations is again lending its strong voice to the cry against this inhuman practice.

The voice of my organization, Carlson, joined that chorus in early 2004 when we came to the offices of Unicef, just a few blocks from here, to help launch the ECPAT Code in the United States, becoming the first – and to date, only – large travel and hospitality company in the U.S. to sign the Code.

Present on that day as well as today is Carol Smolenski, director of ECPAT-USA...

Carol, will you please stand and be recognized.

ECPAT ... E-C-P-A-T... is usually well-known by anyone active in the fight against Human Trafficking, and especially trafficking in children...

As background, the code of conduct addresses the tourism industry's responsibility in combating the sexual exploitation of children.

ECPAT was founded in 1990 in Southeast Asia, when social workers from several countries came together to do something about the problem.

What began as an informational campaign evolved into today's international advocacy group, represented in more than 70 countries.

In 1996, ECPAT-Sweden organized the first World Congress against Sexual Exploitation of Children, held in Stockholm.

The Congress produced the "Agenda for Action" based on the U.N. Declaration of Human Rights and the U.N. Convention on the rights of the children, with special emphasis on Article 34 of that convention.

Two years later, ECPAT-Sweden, in collaboration with the World Travel and Tourism Council, articulated what is today known as the ECPAT Code of Conduct. The Code provided an anti-trafficking framework and set of business norms specifically intended for the tourism industry.

I urge you to learn more about ECPAT is doing around the world, which you can do by going to its website at www.ecpat.net

The ECPAT Code requires that signatories do the following:

1. Establish an ethical policy regarding commercial sexual exploitation of children.
2. Train the personnel in the country of origin and travel destinations.
3. Introduce a clause in contracts with suppliers, stating the common repudiation of commercial sexual exploitation of children.
4. Provide information to travelers by means of catalogues, brochures, in-flight films, ticket-slips, websites, etc.
5. Provide information to local "key persons" at the destinations.
6. Report on our activities annually.

We actively comply with the above elements of the code but have been proud to help ECPAT in other ways...

For example, promoting the issue to our industry's main trade publication, which resulted in this front-page story by a Pulitzer Prize-winning journalist.

Carlson has also developed what we call "training in a box" for our hotel general managers and staff. It teaches them what to look for and then what to do if they suspect such activity is going on at their property.

These efforts are important... but they only fight the symptom... not the disease. We also fight the root causes of sex tourism and trafficking through our involvement with World Childhood Foundation, whose patron is Her Majesty Queen Silvia of Sweden.

As a co-founder of World Childhood, we support local programs in countries around the world which give young mothers and street children options to reclaim their lives, teaching them skills and self-respect.

Those are examples of what we – and other corporations around the world - already do. I thought I should also talk about what companies cannot or have not been able to do, and why. This may further the discussion of how to enlist and accelerate the assistance of private industry to fight human trafficking.

First – We can be eyes and ears, but not enforcement arms. In Carlson's training materials, we teach our housekeepers, engineers, and other staff the signs of trafficking and sex tourism. And we teach them to bring their concern to the attention of our hotel general managers.

But we cannot ask them to question guests... detain them... or otherwise act in a way that exposes our employees to harm. We cannot engage them in direct questioning of our guests. And so, we must rely on the interest and support of local authorities.

If the community or nation does not enforce its laws, or if immigration and law enforcement personnel are corrupt, it is very unlikely that our people – who must live and operate in these communities and countries – will put themselves on the line more than once.

We can ask them to, but we must be realistic.

Second – We have found that in litigious societies... unfortunately, our U.S. society is the worst example of this... there is often hesitance to commit publicly to a code of conduct or make public statements of corporate policy against this issue.

There is often fear that, should something happen in one of the company's hotels somewhere in the world, legal action will be brought against the company precisely BECAUSE the company represented itself as fighting the issue.

Guests might believe that a company has taken inadequate action to prevent such activity – especially because the company has represented itself as being aware of the problem and committed to fighting it.

Our General Counsel sees this as an argument without merit...

First, he agrees that a policy against trafficking is a moral issue.

Secondly, he notes that since trafficking in children is illegal in most countries, a corporation with a policy against trafficking will be viewed as being more in compliance with the law than a corporation who FAILS to have a policy against it.

Thirdly – In the travel and hospitality industry, where we are keenly aware of differences in cultures, we are continually balancing what is commonplace in a host country's culture with the demands of our own company's culture.

Trafficking and sex tourism may be tacitly accepted or quietly ignored in a host country's culture... but it can never be acceptable in a company such as ours. That requires no discussion, and no thought.

But the situation becomes more complex when the discussion turns to age.

Of course, prostitution is illegal at any age... but cultures draw different lines between ages where the crime is simply undesirable versus where it is abhorrent.

This is where organizations such as the U.N. can lead the way by establishing and enforcing international standards... and begin to change perceptions.

Fourth – We believe that all of us must work against the root cause of this issue, which in most cases, is poverty.

We must create and support options for employment which take away the desperation felt by parents who sell children into slavery in order to provide for the rest of the family.

We must financially support opportunities and training for young men and women – fortunately, the travel and tourism industry provides natural entry points into good jobs with entry level positions in service jobs like housekeeping, restaurant service, and many others.

At Carlson we have a history of supporting academies and facilities around the world that offer education and training for those who could find a new life in our industry.



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

GENERAL ASSEMBLY THEMATIC DEBATE ON HUMAN TRAFFICKING

PROTECTING VICTIMS OF TRAFFICKING

STATEMENT

BY

MRS. NDIORO NDIAYE
DEPUTY DIRECTOR GENERAL OF THE
INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)

New York, 3 June 2008

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Madam Chair, Ladies and Gentlemen,

The International Organization for Migration is honoured by the opportunity to address this *panel on the protection of victims and prosecution of their traffickers*, and wishes to extend its thanks to the President of the General Assembly for convening this important event. Today I will confine my remarks to the issue of protection.

When IOM first began working in the area of counter-trafficking in South Eastern Europe in the mid-1990's, little was known about this modern-day form of slavery; there were few actors, and little action. It was an environment that asked us to suggest and often deliver a comprehensive set of activities, including victim protection. Fifteen years later, I can say that it has been an immense privilege to have been involved in this work, and I am especially proud to say that we have offered protection to more than 15,000 trafficked persons around the world. In the course of this experience, we have learned many lessons about victim protection in the trafficking context. While some of these are summarized in the *IOM Handbook on Direct Assistance to Victims of Trafficking*, others, we continue to refine, and it is some of these lessons which I would like to share with you today.

Lessons in Protection

As we are all aware, trafficking in persons is part of a much larger narrative, a narrative we read almost daily in the arrivals of people at Lampedusa, the Canary Islands, Beitbridge, the Rio Grande, or on the Yemeni coast; all of whom hope to make even a meager living away from home. Despite the well-publicized risks of mishap along the way, and the deaths of thousands, the boats and trucks keep coming. How many of these individuals are being smuggled? How many of them are being trafficked? These are questions we are often asked, but for which there is no easy answer. It is in the peculiar nature of trafficking, in which the exploitation outcome is the defining component, that the answer to the question is most often determined.

Lessons in Protection for IOM

The challenge of distinguishing trafficked persons from smuggled migrants, or from migrants who are exploited, is one that is faced daily by IOM's counter-trafficking staff. It has been the experience of this Organization that, from the migration perspective, the line that separates a trafficked person from an exploited migrant is blurred at best, and we routinely ask ourselves the same broad questions when attempting to determine a case of trafficking in persons:

- What are the critical differences between a trafficked person and an exploited migrant?
- Is movement an essential component of trafficking? If so, how far does someone need to have been moved? If not, how does one distinguish between a trafficked person and anyone who has been exploited?
- How relevant to a positive identification of trafficking is the involvement of an organized criminal group in the process?
- Is the test for exploitation an objective or subjective test?
- What degree of difference must exist between the nature and conditions of the work that was promised and the nature and conditions of the work that was performed?

My friends, in the field, the lines we draw between trafficked persons, exploited migrants, and smuggled migrants who may, or may not, be destined for exploitation, can be exceptionally fine. And so I would like to ask what may appear to be a naïve question: While

Lessons in Protection for Developed States

We have learned that developed countries are not yet fully developed when it comes to the fight against trafficking in persons. Yes, most of you have, by now, specific national legislation, which saves trafficked persons from summary deportation and offers conditional access to safe accommodation, psychosocial and medical support, and a range of other assistance opportunities, and yes, a number of you have poured millions of dollars into victim protection around the world, and for all of this leadership you deserve recognition, and our thanks. But as important as these initiatives are, they may someday seem only tentative first steps on a long and difficult road.

I have spoken briefly about the traditional practices of the developing world, but the developed world also has its 'traditional', and therefore supposedly untouchable, practices. The most obvious is perhaps the selective application of labour laws to certain sectors, such as agriculture. We hear too many stories about migrant workers who run a gauntlet in crossing borders to work in labour intensive sectors for wages well below the minimum required by law, often to be denied even these by unscrupulous employers who instead conspire to arrange their deportation when they are no longer needed. At the risk of being impolitic, let us not confuse the issue by calling it an immigration problem; this is primarily a problem of exploitation, and yet the victims of these scenarios are generally more likely to be penalised for their immigration violations than are the employers who profit from illegally cheap, or even free, labour. Why are labour laws not being strictly enforced? Why are labour inspectorates routinely under capacitated? Is it because some sectors have always flourished on the backs of an exploited work force – whether slavery, exploitative sharecropping or bonded labour arrangements, or the overworked and underpaid labour provided by irregular migrants? Are these the traditional practices that the developed world can not live without? How much would it cost – economically and politically – to enforce existing labour laws in sectors vulnerable to these kinds of practices? Is the price too high?

Let me conclude today by saying that the fight against trafficking in persons is far from over. We have already done a great deal of good work together, but if we are ever to be able to eliminate trafficking in persons, we will have to free victims from the fear of telling their stories. The only way we will be able to free victims from fear is to ensure that they are protected. And the only way we will be able to ensure they are protected is to begin addressing the broader issues of exploitation that we find in all of our societies.

Thank you.

Protecting Victims of Trafficking and cross-border cooperation in prosecuting traffickers of persons

Remarks by Ruchira Gupta, Founder President and Executive Director, Apne Aap Women Worldwide (www.apneaap.org), at the General Assembly Thematic Debate on human trafficking, 3 June, 2008

My name is Ruchira Gupta, and I am the Executive Director of Apne Aap Women Worldwide, an anti-trafficking organization based in India. It is a pleasure to be here today, and I appreciate the attention the General Assembly is devoting to the growing human rights problem of trafficking in persons.

I am here to speak on behalf of victims and survivors of human trafficking. My organization has a membership of over five thousand trafficked human beings. They are women and children trapped in prostitution. They were kidnapped, sold, coerced, tricked or forced into situations of exploitation. Some are as young as seven. They have been kept in small locked rooms and raped repeatedly. Most die by the time they are thirty or thirty five. They never had a past and they have no future. They live in absolute terror.

They increasingly ask that the problem be acknowledged. They want their exploitation to be recognized as a crime. They want states to admit that they are citizens of the state, whose human rights have been violated. They want protection. They want both their own state and the global community to provide them protection. Their first demand is visibility.

Their second demand is relief. They want immediate relief from the violence, trauma and sever exploitation that they were subjected to. They want both the process of human trafficking to be tackled as well as its outcomes, which include prostitution, domestic servitude, early marriage, child labour, bonded labour, organ trade, cheap labour, and pornography.

In this context they say that border management is not the answer to trafficking-but a range of comprehensive interventions from prevention, to protection to prosecution is an effective response to countering trafficking. They want measures that counter trafficking to put their human rights at the centre. In fact, they say that trafficking is not always about movement of

2

forced or deceived people across borders. It is also about those whose vulnerability is abused to trap them into situations of exploitation in brothels, sweatshops, and farms, sometimes in the very places where they were born. They want protection programmes in the very communities that they are born in.

Those targeted for commercial sexual exploitation and cheap labour share key characteristics: poverty, youth, minority status in the country of exploitation, histories of abuse, and little family support. They want comprehensive protection programmes that address their vulnerabilities. They want legal protection tied in with viable economic options and the notion of rehabilitation to extend to community empowerment as well as individual empowerment. They want protection packages that will expand their livelihood options.

Trafficked women may be freed from their employers in police raids, but they are given no access to services or redress and instead face further mistreatment at the hands of authorities. Even when confronted with clear evidence of trafficking, officials focus on violations of their immigration regulations and anti-prostitution laws, rather than on violations of the trafficking victims' human rights. Thus those women who are trafficked across borders are targeted as undocumented migrants and/or prostitutes, and the traffickers either escape entirely, or else face minor penalties. By making the victims of trafficking the target of law enforcement efforts, governments only exacerbate victims' vulnerability to abuse and deter them from turning to law enforcement officials for assistance. By allowing traffickers to engage in slavery-like practices without penalty, governments allow the abuses to continue with impunity.

That is why the third demand of victims and survivors of trafficking is accountability. They want those responsible for trafficking to be punished and stopped. They want interventions to focus on the responsibility of those who buy trafficked people such as buyers of prostituted sex and those "entrepreneurs" (traffickers, procurers, pimps, brothel owners, and managers, owners of plantations and factories and money lenders) who make a profit off trading in women and girls, boys and men.

So far a large number of trafficking interventions have focused on the victim through rescue and post rescue care. While this has provided much-needed relief to victims and survivors, it has not made a dent in the trafficking industry. According to a study by the National Human

Rights Commission of India, most traffickers state that they identify the demand areas before indulging in trafficking to ensure 'prompt delivery.

Demand for trafficked people –from end-users to those who make a profit of the trade has become the most immediate cause for the expansion of the trafficking industry. Providing services and instituting preventive mechanisms among those at risk to trafficking has provided protection to pockets of vulnerable people but not detracted the traffickers. According to the same National Human Rights Commission Study 82.5% of traffickers stated that they supply women/ children to brothels on demand- from underage girls to fair-skinned women. When increased vigilance and new laws prevented traffickers from sourcing women and children from Nepal to Mumbai and Kolkata, they simply shifted their area of operations to Bihar, West Bengal, the hill states of the northeast and Jharkhand in India because a demand for trafficked women and children continued to exist.

An increase in convictions against traffickers and buyers will serve to make this trade untenable. Countries have to strengthen their law-enforcement response to trafficking and work across borders to tackle the organized nature of the crime bringing traffickers to book, confiscating the illegal assets created out of trafficking, making the traffickers compensate for the damages and penalizing them. All act as a deterrent to traffickers and buyers and restores a sense of justice to the survivor. Very often traffickers commit the crime in one country and jump across the border and have a bank account or residential status in another country.

Countries and UN agencies can work together to investigate and prosecute these traffickers across countries. The UN protocol has already laid out guidelines for this. While there is increased cooperation for the repatriation of victims of trafficking, we need more cooperating and collaboration between law-enforcement agencies to investigate, arrest and prosecute traffickers and those who buy trafficked people. If the numbers of convictions go up, the costs of operations of human trafficking will become untenable and the business models of traffickers will be disrupted. This will be the best way of countering trafficking.

Addressing the demand for human trafficking, use of the law and its full implementation can only be done by states individually and in collaboration bi-laterally and multilaterally. It is urgent that the UN and its members take the leadership on this. Article 9, paragraph 5, of the

UN protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children states that: "State Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures to including through bilateral or multi-lateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking." We urge governments to enact domestic legislation that incorporates the standards outlined above.

An example is the Swedish government legislation passed and implemented in 1999 that stepped up measures against prostitution not only by directing strong penalties against pimps, brothel owners, and other sex industry entrepreneurs but by also directing criminal sanctions against customers. (The law also eliminated penalties against prostitutes, such as the penalty for soliciting.) After the passage of the new law, Sweden spearheaded a public education campaign warning sex industry customers that patronizing prostitutes was criminal behavior. The result was unexpected. Sex trafficking to Sweden has declined. The danger of prosecution coupled with a diminished demand made Sweden an unpromising market for global sex traffickers. Based on the success of the Swedish model, country after country is following Sweden's example-Norway, Korea, Lithuania, New York state. My own country India, is a signatory to the protocol and is in the process of amending its anti-trafficking law to penalize buyers of trafficked people and severely punish traffickers.

I will end my remarks with recommendations:

1. Actively investigating, prosecuting, and punishing those involved in the trafficking of persons in countries of origin and destination, and imposing penalties appropriate for the grave nature of the abuses they have committed. Particular attention should be paid to evidence of collaboration by government officials in the facilitation of trafficking abuses.
2. Exempting trafficking victims from prosecution for any immigration violations or other offenses that have occurred as a result of their being trafficked.
3. Not preventing the migration of women but ensuring they have enough information about how to protect their rights overseas or destination they migrate to. Over-regulatory policies for women migrant workers, however well-intended, trades

one human rights problem for another by discriminating against women seeking to travel and limiting their freedom of movement. It also makes women who want to migrate even more dependent on the services of trafficking agents, because it is difficult for women to obtain travel documents by themselves.

4. Ensuring that trafficking victims have the opportunity to seek remedies and redress for the human rights violations they have suffered, including compensation for damages, unpaid wages, and restitution. This requires guaranteeing victims' access to legal assistance, interpretation services, and information regarding their rights, and allowing all trafficked persons to remain in the country during the duration of any proceedings related to legal claims they have filed.
5. Taking strong precautions to ensure the physical safety of trafficked persons. This includes witness protection measures for those who cooperate with law enforcement efforts and asylum opportunities for those who fear retaliation in their countries of origin. Countries of origin, transit, and destination must also cooperate to ensure the safe repatriation of trafficked persons, working together with non-governmental organizations to facilitate their return home.
6. Protecting women's and girls' rights and addressing the inequality in status and opportunity that makes women vulnerable to trafficking and other abuses. States should support policies and programs that promote equal access to education and employment for women and girls.
7. Not treat human trafficking for prostitution simply as a health management or AIDS prevention programme. These programmes end up creating a vested industry around the manufacture and distribution of condoms without dismantling the process of the trafficking or making a dent to the brothel systems which serve as a magnet for traffickers and buyers of trafficked people. Protection includes preventing prostitution, not simply mitigating its impact.

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www.hp.com

June 3, 2008
Page 1

In order to stay competitive, business has to engage in multiple markets and participate in the quest to increase sales and reduce costs. Through design and sourcing innovations, the information and computing sector has been notably successful in driving the cost of its products down, with the result that they are increasingly widely used throughout the world. At HP we have additionally always prioritized corporate citizenship, high standards of ethics and the importance of treating people with dignity and respect, and formalized these values in what we call the "HP Way". Today we find ourselves doing business with suppliers in emerging economies where laws, standards and regulations may exist, but compliance is inconsistent or even unusual. Among the commonly cited reasons are rapid growth and development; the migration of people and the lack of capacity building. This situation puts us in the unique position of outsourcing our values as well as our product manufacturing, a responsibility we willingly embrace.

That said, what can and should we all do to address this? In their most basic form these mechanisms already exist and should be emphasized and strengthened.

1. Regulatory Framework governed and enforced by local nation-states
2. Clear investigative and enforcement mechanisms and a system of penalties
3. Incentives and capability-building for local governments, NGOs and civil society groups and workers

For companies like HP, that conduct light manufacturing or employ jobs requiring significant education, the way our supply base employs vulnerable populations takes many shapes and forms, and the issues are generally much subtler than the egregious violations of human rights that are frequently reported in conflict and weak governance zones. It can often be difficult to detect because it rarely involves threats of violence. Social Accountability International defines human trafficking as the recruitment, transfer, harboring or receipt of person by means of the use of threat, force, other forms of coercion, or deception for the purpose of exploitation. In production of consumer products, the way forced labor often shows itself is as:

- Broken agreements about jobs promised or conditions of work and living, largely for the migrant workforce – defined as people living outside their homeland
- Recruitment fees from labor agents and agencies, sometimes spanning over months and in rare circumstances one or two years
- Mandatory or forced and excessive overtime
- Withholding documentation and thereby prohibiting freedom of movement, often in collusion with the local Government entities

How do we practically address this as one of the key stakeholders, keeping in mind that the ideal model takes into account the other stakeholders that have to share in this responsibility if real change is going to occur?

1. Brand Company Responsibility (including looking at entire value chain and implications -- something which is much easier said than done when the company selling the finished product is many steps and suppliers removed from the raw materials



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June 3, 2008
Page 2

2. Supplier Responsibility (taking in to account that they in fact know the best way to implement in their own cultures, company, country, etc.)
3. Government Responsibility (Being careful and respectful of each nation state's laws and governance structure and recognizing the pressures of fast and dramatic growth)
4. Worker Responsibility (enabled by providing access, information and education including life skills training to workers that can be provided by skillful NGOs, academic institutions and local civil society groups)

I would like to share HP's experience in managing our ~\$50B product materials and manufacturing expenditures – in particular how we control and manage our ethical sourcing engagement and implementation program and the lessons we have learned over nearly a decade of work.

It is Important to State Clear Intent

Hallmarks of such a program include

1. Clear commitment represented by a policy backed up by dedication of resources and funding and clear decision making and governance structure
2. Contractual mechanisms, code of conduct and standards
3. Sourcing community and buyers involved and measured on supplier conformance

Due Diligence and Clear Assurance Mechanisms are Critical

Examples include:

1. Country and Factory risk assessments and criteria
2. Comprehensive and strategic auditing program with system of penalties and rewards for suppliers and their labor agents
3. Training Programs to educate all stakeholders and genuine NGO and worker engagement
4. Transparency and mandatory reporting with concrete and specific results

At HP, we consistently put our attention, resources and purchasing power behind our ethical sourcing program and because we are willing to have the tough dialogue with our supply base, we see enormous and positive change. From operating in numerous emerging economies and conducting hundreds of audits and several training programs, HP has identified some strategic and innovative steps we believe are critical to the long-term success of ethical sourcing programs including:

1. Industry Initiatives increase the burden for brands and suppliers to act by sharing the burden of driving change and reducing short-term financial benefits of inaction. No one wins when human rights abuses are present – they highlight a failed system, not necessarily a failed company or country. Additionally, it helps reduce confusion, cost inefficiencies and overwhelm for our common supply base.
2. There is a serious need for Government, NGO & Civil Society capacity, capability building and real engagement in audits, worker grievance management, corrective action plans and trainings.



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Supply Chain Social &
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www.hp.com

June 3, 2008
Page 3

3. Sophisticated and harmonized rating indices that force transparency and involve highly credible entities endorsed at highest levels would educate consumers and ultimately benefit all parties, particularly one that is clearly tied to financial indices and credible entities like Dun & Bradstreet or Standard & Poors.
4. It is necessary for the private sector to draw a correlation between turnover, productivity, quality, health, safety, hiring and training costs, etc. and to have access to real business case and best practice analyses for Corporate Social Responsibility (CSR) and eradication of these issues.
5. Together all parties need to support life skills trainings and provide access for workers to empower themselves. Educated and informed workers with access can raise and address their own concerns. The more that government and business support local Non-governmental organizations on the ground, the more they can help build the bridge for workers on topics as diverse as women's healthcare, financial skills and basic management skills.

In summary we hope that others will join us in identifying ways to bring some of our ideas and programs to scale that can raise standards in a lasting way. In this complex world of interdependencies today there are few things that we can control. How we treat one another as human beings is one of those things that we can control everyday and in every moment.

FOKUS is a network of women's organisations in Norway.

A correct identification of victims of trafficking is a prerequisite for securing the necessary protection of victims as well as develop adequate measures to combat trafficking in persons. We are therefore greatly concerned with the fact that there is a gap between the number of victims identified by the NGOs and the official records, as reported to us by different women's organisations. It is alarming if victims are unable to access help due to flaws in the process of identification.

With respect to Norway, anyone can in principle identify a victim, not only the police. This has made it possible to establish a low threshold for accessing help for the victims of trafficking in women. The fact that access to services is not tied to a condition of cooperation with the police is crucial for reaching the victims with adequate help.

At a national level, there must be a close collaboration between NGOs, the police and different ministries. However, at the same time the division of labour between the different actors must be clarified. The victims of trafficking are in a very vulnerable position, and it's understandable that many don't trust the police. The NGOs have therefore an important role to play in the identification and protection of the victims. Good and predictable funding is necessary to enable the organisations to give the best possible support and the follow up of victims. It must be the national governments responsibility to secure such funding.

Several governments have launched national action plans on combating trafficking. However, women's organisations have drawn the attention to the fact that the adoption of the action plans is not necessarily followed by funding. An action plan is of no use if the measures detailed in the plan are far from implemented due to the lack of funding. The national governments must take responsibility and earmark funding for the implementation of the action plans.

Finally, it isn't possible to discuss protection of victims without addressing demand as a driving force behind trafficking. The national governments policies are of vital importance, for promoting change, and a lot of women's organisations celebrate the criminalisation of buyers in Norway. However, the nature of the problem calls for measures at a global level,

and how to address demand should form part of any discussion to how multilateral cooperation can prevent trafficking in persons.

Mildrid Mikkelsen, FOKUS- Forum for Women and Development, Norway



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Social and human rights questions: human rights

Recommended Principles and Guidelines on Human Rights and Human Trafficking

Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council**

Addendum

Contents

	<i>Paragraphs</i>	<i>Page</i>
Recommended Principles on Human Rights and Human Trafficking	1-17	3
The primacy of human rights	1-3	3
Preventing trafficking	4-6	3
Protection and assistance	7-11	3
Criminalization, punishment and redress	12-17	4
Recommended Guidelines on Human Rights and Human Trafficking		5
Guideline 1: Promotion and protection of human rights		5
Guideline 2: Identification of trafficked persons and traffickers		6
Guideline 3: Research, analysis, evaluation and dissemination		7
Guideline 4: Ensuring an adequate legal framework		8
Guideline 5: Ensuring an adequate law enforcement response		9

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Guideline 6: Protection and support for trafficked persons	10
Guideline 7: Preventing trafficking	11
Guideline 8: Special measures for the protection and support of child victims of trafficking . .	12
Guideline 9: Access to remedies	13
Guideline 10: Obligations of peacekeepers, civilian police and humanitarian and diplomatic personnel	14
Guideline 11: Cooperation and coordination between States and regions	15

Recommended Principles on Human Rights and Human Trafficking¹

The primacy of human rights

1. The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.
2. States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.
3. Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers.

Preventing trafficking

4. Strategies aimed at preventing trafficking shall address demand as a root cause of trafficking.
5. States and intergovernmental organizations shall ensure that their interventions address the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination.
6. States shall exercise due diligence in identifying and eradicating public-sector involvement or complicity in trafficking. All public officials suspected of being implicated in trafficking shall be investigated, tried and, if convicted, appropriately punished.

Protection and assistance

7. Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.
8. States shall ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care. Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings.
9. Legal and other assistance shall be provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers. States

¹ The term “trafficking”, as used in the present Principles and Guidelines, refers to the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Source: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (article 3 (a)).

shall provide protection and temporary residence permits to victims and witnesses during legal proceedings.

10. Children who are victims of trafficking shall be identified as such. Their best interests shall be considered paramount at all times. Child victims of trafficking shall be provided with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs.

11. Safe (and, to the extent possible, voluntary) return shall be guaranteed to trafficked persons by both the receiving State and the State of origin. Trafficked persons shall be offered legal alternatives to repatriation in cases where it is reasonable to conclude that such repatriation would pose a serious risk to their safety and/or to the safety of their families.

Criminalization, punishment and redress

12. States shall adopt appropriate legislative and other measures necessary to establish, as criminal offences, trafficking, its component acts² and related conduct.³

13. States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors.

14. States shall ensure that trafficking, its component acts and related offences constitute extraditable offences under national law and extradition treaties. States shall cooperate to ensure that the appropriate extradition procedures are followed in accordance with international law.

15. Effective and proportionate sanctions shall be applied to individuals and legal persons found guilty of trafficking or of its component or related offences.

16. States shall, in appropriate cases, freeze and confiscate the assets of individuals and legal persons involved in trafficking. To the extent possible, confiscated assets shall be used to support and compensate victims of trafficking.

17. States shall ensure that trafficked persons are given access to effective and appropriate legal remedies.

² For the purposes of the present Principles and Guidelines, the “component acts” and “component offences” of trafficking are understood to include the recruitment, transportation, transfer, harbouring or receipt of persons over eighteen years of age by means of threat, force, coercion or deception for the purpose of exploitation. The recruitment, transportation, transfer, harbouring or receipt of a person under eighteen years of age constitute component acts and component offences of trafficking in children. Source: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, articles 3 (a) and 3 (c).

³ For the purposes of the present Principles and Guidelines, conduct and offences “related to” trafficking are understood to include: exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery and servitude. Source: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 3 (a).

Recommended Guidelines on Human Rights and Human Trafficking

Guideline 1: Promotion and protection of human rights

Violations of human rights are both a cause and a consequence of trafficking in persons. Accordingly, it is essential to place the protection of all human rights at the centre of any measures taken to prevent and end trafficking. Anti-trafficking measures should not adversely affect the human rights and dignity of persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum-seekers.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

1. Taking steps to ensure that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including those who have been trafficked.
2. Consulting with judicial and legislative bodies, national human rights institutions and relevant sectors of civil society in the development, adoption, implementation and review of anti-trafficking legislation, policies and programmes.
3. Developing national plans of action to end trafficking. This process should be used to build links and partnerships between governmental institutions involved in combating trafficking and/or assisting trafficked persons and relevant sectors of civil society.
4. Taking particular care to ensure that the issue of gender-based discrimination is addressed systematically when anti-trafficking measures are proposed with a view to ensuring that such measures are not applied in a discriminatory manner.
5. Protecting the right of all persons to freedom of movement and ensuring that anti-trafficking measures do not infringe upon this right.
6. Ensuring that anti-trafficking laws, policies, programmes and interventions do not affect the right of all persons, including trafficked persons, to seek and enjoy asylum from persecution in accordance with international refugee law, in particular through the effective application of the principle of non-refoulement.
7. Establishing mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions. Consideration should be given to assigning this role to independent national human rights institutions where such bodies exist. Non-governmental organizations working with trafficked persons should be encouraged to participate in monitoring and evaluating the human rights impact of anti-trafficking measures.
8. Presenting detailed information concerning the measures that they have taken to prevent and combat trafficking in their periodic reports to the United Nations human rights treaty-monitoring bodies.⁴

⁴ The human rights treaty-monitoring bodies include the Human Rights Committee; the Committee on Economic, Social and Cultural Rights; the Committee on the Elimination of Discrimination against Women; the Committee on the Elimination of Racial Discrimination; the Committee against Torture; and the Committee on the Rights of the Child.

9. Ensuring that bilateral, regional and international cooperation agreements and other laws and policies concerning trafficking in persons do not affect the rights, obligations or responsibilities of States under international law, including human rights law, humanitarian law and refugee law.

10. Offering technical and financial assistance to States and relevant sectors of civil society for the purpose of developing and implementing human rights-based anti-trafficking strategies.

Guideline 2: Identification of trafficked persons and traffickers

Trafficking means much more than the organized movement of persons for profit. The critical additional factor that distinguishes trafficking from migrant smuggling is the presence of force, coercion and/or deception throughout or at some stage in the process — such deception, force or coercion being used for the purpose of exploitation. While the additional elements that distinguish trafficking from migrant smuggling may sometimes be obvious, in many cases they are difficult to prove without active investigation. A failure to identify a trafficked person correctly is likely to result in a further denial of that person’s rights. States are therefore under an obligation to ensure that such identification can and does take place.

States are also obliged to exercise due diligence in identifying traffickers,⁵ including those who are involved in controlling and exploiting trafficked persons.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

1. Developing guidelines and procedures for relevant State authorities and officials such as police, border guards, immigration officials and others involved in the detection, detention, reception and processing of irregular migrants, to permit the rapid and accurate identification of trafficked persons.
2. Providing appropriate training to relevant State authorities and officials in the identification of trafficked persons and correct application of the guidelines and procedures referred to above.
3. Ensuring cooperation between relevant authorities, officials and non-governmental organizations to facilitate the identification and provision of assistance to trafficked persons. The organization and implementation of such cooperation should be formalized in order to maximize its effectiveness.
4. Identifying appropriate points of intervention to ensure that migrants and potential migrants are warned about possible dangers and consequences of trafficking and receive information that enables them to seek assistance if required.

⁵ The term “traffickers”, where it appears in the present Principles and Guidelines, is used to refer to: recruiters; transporters; those who exercise control over trafficked persons; those who transfer and/or maintain trafficked persons in exploitative situations; those involved in related crimes; and those who profit either directly or indirectly from trafficking, its component acts and related offences.

5. Ensuring that trafficked persons are not prosecuted for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked persons.
6. Ensuring that trafficked persons are not, in any circumstances, held in immigration detention or other forms of custody.
7. Ensuring that procedures and processes are in place for receipt and consideration of asylum claims from both trafficked persons and smuggled asylum seekers and that the principle of non-refoulement is respected and upheld at all times.

Guideline 3: Research, analysis, evaluation and dissemination

Effective and realistic anti-trafficking strategies must be based on accurate and current information, experience and analysis. It is essential that all parties involved in developing and implementing these strategies have and maintain a clear understanding of the issues.

The media has an important role to play in increasing public understanding of the trafficking phenomenon by providing accurate information in accordance with professional ethical standards.

States and, where appropriate, intergovernmental and non-governmental organizations, should consider:

1. Adopting and consistently using the internationally agreed definition of trafficking contained in the Palermo Protocol.⁶
2. Standardizing the collection of statistical information on trafficking and related movements (such as migrant smuggling) that may include a trafficking element.
3. Ensuring that data concerning individuals who are trafficked is disaggregated on the basis of age, gender, ethnicity and other relevant characteristics.
4. Undertaking, supporting and bringing together research into trafficking. Such research should be firmly grounded in ethical principles, including an understanding of the need not to re-traumatize trafficked persons. Research methodologies and interpretative techniques should be of the highest quality.
5. Monitoring and evaluating the relationship between the intention of anti-trafficking laws, policies and interventions, and their real impact. In particular,

⁶ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, defines trafficking in persons as: "... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (article 3 (a)). The Protocol further states that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth above (article 3 (c)).

ensuring that distinctions are made between measures which actually reduce trafficking and measures which may have the effect of transferring the problem from one place or group to another.

6. Recognizing the important contribution that survivors of trafficking can, on a strictly voluntary basis, make to developing and implementing anti-trafficking interventions and evaluating their impact.

7. Recognizing the central role that non-governmental organizations can play in improving the law enforcement response to trafficking by providing relevant authorities with information on trafficking incidents and patterns taking into account the need to preserve the privacy of trafficked persons.

Guideline 4: Ensuring an adequate legal framework

The lack of specific and/or adequate legislation on trafficking at the national level has been identified as one of the major obstacles in the fight against trafficking. There is an urgent need to harmonize legal definitions, procedures and cooperation at the national and regional levels in accordance with international standards. The development of an appropriate legal framework that is consistent with relevant international instruments and standards will also play an important role in the prevention of trafficking and related exploitation.

States should consider:

1. Amending or adopting national legislation in accordance with international standards so that the crime of trafficking is precisely defined in national law and detailed guidance is provided as to its various punishable elements. All practices covered by the definition of trafficking such as debt bondage, forced labour and enforced prostitution should also be criminalized.

2. Enacting legislation to provide for the administrative, civil and, where appropriate, criminal liability of legal persons for trafficking offences in addition to the liability of natural persons. Reviewing current laws, administrative controls and conditions relating to the licensing and operation of businesses that may serve as cover for trafficking such as marriage bureaux, employment agencies, travel agencies, hotels and escort services.

3. Making legislative provision for effective and proportional criminal penalties (including custodial penalties giving rise to extradition in the case of individuals). Where appropriate, legislation should provide for additional penalties to be applied to persons found guilty of trafficking in aggravating circumstances, including offences involving trafficking in children or offences committed or involving complicity by State officials.

4. Making legislative provision for confiscation of the instruments and proceeds of trafficking and related offences. Where possible, the legislation should specify that the confiscated proceeds of trafficking will be used for the benefit of victims of trafficking. Consideration should be given to the establishment of a compensation fund for victims of trafficking and the use of confiscated assets to finance such a fund.

5. Ensuring that legislation prevents trafficked persons from being prosecuted, detained or punished for the illegality of their entry or residence or for the activities they are involved in as a direct consequence of their situation as trafficked persons.
6. Ensuring that the protection of trafficked persons is built into anti-trafficking legislation, including protection from summary deportation or return where there are reasonable grounds to conclude that such deportation or return would represent a significant security risk to the trafficked person and/or her/his family.
7. Providing legislative protection for trafficked persons who voluntarily agree to cooperate with law enforcement authorities, including protection of their right to remain lawfully within the country of destination for the duration of any legal proceedings.
8. Making effective provision for trafficked persons to be given legal information and assistance in a language they understand as well as appropriate social support sufficient to meet their immediate needs. States should ensure that entitlement to such information, assistance and immediate support is not discretionary but is available as a right for all persons who have been identified as trafficked.
9. Ensuring that the right of trafficking victims to pursue civil claims against alleged traffickers is enshrined in law.
10. Guaranteeing that protections for witnesses are provided for in law.
11. Making legislative provision for the punishment of public sector involvement or complicity in trafficking and related exploitation.

Guideline 5: Ensuring an adequate law enforcement response

Although there is evidence to suggest that trafficking in persons is increasing in all regions of the world, few traffickers have been apprehended. More effective law enforcement will create a disincentive for traffickers and will therefore have a direct impact upon demand.

An adequate law enforcement response to trafficking is dependent on the cooperation of trafficked persons and other witnesses. In many cases, individuals are reluctant or unable to report traffickers or to serve as witnesses because they lack confidence in the police and the judicial system and/or because of the absence of any effective protection mechanisms. These problems are compounded when law enforcement officials are involved or complicit in trafficking. Strong measures need to be taken to ensure that such involvement is investigated, prosecuted and punished. Law enforcement officials must also be sensitized to the paramount requirement of ensuring the safety of trafficked persons. This responsibility lies with the investigator and cannot be abrogated.

States and, where applicable, intergovernmental and non-governmental organizations should consider:

1. Sensitizing law enforcement authorities and officials to their primary responsibility to ensure the safety and immediate well-being of trafficked persons.
2. Ensuring that law enforcement personnel are provided with adequate training in the investigation and prosecution of cases of trafficking. This training should be sensitive to the needs of trafficked persons, particularly those of women and

children, and should acknowledge the practical value of providing incentives for trafficked persons and others to come forward to report traffickers. The involvement of relevant non-governmental organizations in such training should be considered as a means of increasing its relevance and effectiveness.

3. Providing law enforcement authorities with adequate investigative powers and techniques to enable effective investigation and prosecution of suspected traffickers. States should encourage and support the development of proactive investigatory procedures that avoid over-reliance on victim testimony.

4. Establishing specialist anti-trafficking units (comprising both women and men) in order to promote competence and professionalism.

5. Guaranteeing that traffickers are and will remain the focus of anti-trafficking strategies and that law enforcement efforts do not place trafficked persons at risk of being punished for offences committed as a consequence of their situation.

6. Implementing measures to ensure that “rescue” operations do not further harm the rights and dignity of trafficked persons. Such operations should only take place once appropriate and adequate procedures for responding to the needs of trafficked persons released in this way have been put in place.

7. Sensitizing police, prosecutors, border, immigration and judicial authorities, and social and public health workers to the problem of trafficking and ensuring the provision of specialized training in identifying trafficking cases, combating trafficking and protecting the rights of victims.

8. Making appropriate efforts to protect individual trafficked persons during the investigation and trial process and any subsequent period when the safety of the trafficked person so requires. Appropriate protection programmes may include some or all of the following elements: identification of a safe place in the country of destination; access to independent legal counsel; protection of identity during legal proceedings; identification of options for continued stay, resettlement or repatriation.

9. Encouraging law enforcement authorities to work in partnership with non-governmental agencies in order to ensure that trafficked persons receive necessary support and assistance.

Guideline 6: Protection and support for trafficked persons

The trafficking cycle cannot be broken without attention to the rights and needs of those who have been trafficked. Appropriate protection and support should be extended to all trafficked persons without discrimination.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

1. Ensuring, in cooperation with non-governmental organizations, that safe and adequate shelter that meets the needs of trafficked persons is made available. The provision of such shelter should not be made contingent on the willingness of the victims to give evidence in criminal proceedings. Trafficked persons should not be held in immigration detention centres, other detention facilities or vagrant houses.

2. Ensuring, in partnership with non-governmental organizations, that trafficked persons are given access to primary health care and counselling. Trafficked persons should not be required to accept any such support and assistance and they should not be subject to mandatory testing for diseases, including HIV/AIDS.
3. Ensuring that trafficked persons are informed of their right of access to diplomatic and consular representatives from their State of nationality. Staff working in embassies and consulates should be provided with appropriate training in responding to requests for information and assistance from trafficked persons. These provisions would not apply to trafficked asylum-seekers.
4. Ensuring that legal proceedings in which trafficked persons are involved are not prejudicial to their rights, dignity or physical or psychological well-being.
5. Providing trafficked persons with legal and other assistance in relation to any criminal, civil or other actions against traffickers/exploiters. Victims should be provided with information in a language that they understand.
6. Ensuring that trafficked persons are effectively protected from harm, threats or intimidation by traffickers and associated persons. To this end, there should be no public disclosure of the identity of trafficking victims and their privacy should be respected and protected to the extent possible, while taking into account the right of any accused person to a fair trial. Trafficked persons should be given full warning, in advance, of the difficulties inherent in protecting identities and should not be given false or unrealistic expectations regarding the capacities of law enforcement agencies in this regard.
7. Ensuring the safe and, where possible, voluntary return of trafficked persons and exploring the option of residency in the country of destination or third-country resettlement in specific circumstances (e.g. to prevent reprisals or in cases where re-trafficking is considered likely).
8. In partnership with non-governmental organizations, ensuring that trafficked persons who do return to their country of origin are provided with the assistance and support necessary to ensure their well-being, facilitate their social integration and prevent re-trafficking. Measures should be taken to ensure the provision of appropriate physical and psychological health care, housing and educational and employment services for returned trafficking victims.

Guideline 7: Preventing trafficking

Strategies aimed at preventing trafficking should take into account demand as a root cause. States and intergovernmental organizations should also take into account the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination and prejudice. Effective prevention strategies should be based on existing experience and accurate information.

States, in partnership with intergovernmental and non-governmental organizations and where appropriate, using development cooperation policies and programmes, should consider:

1. Analysing the factors that generate demand for exploitative commercial sexual services and exploitative labour and taking strong legislative, policy and other measures to address these issues.
2. Developing programmes that offer livelihood options, including basic education, skills training and literacy, especially for women and other traditionally disadvantaged groups.
3. Improving children's access to educational opportunities and increasing the level of school attendance, in particular by girl children.
4. Ensuring that potential migrants, especially women, are properly informed about the risks of migration (e.g. exploitation, debt bondage and health and security issues, including exposure to HIV/AIDS) as well as avenues available for legal, non-exploitative migration.
5. Developing information campaigns for the general public aimed at promoting awareness of the dangers associated with trafficking. Such campaigns should be informed by an understanding of the complexities surrounding trafficking and of the reasons why individuals may make potentially dangerous migration decisions.
6. Reviewing and modifying policies that may compel people to resort to irregular and vulnerable labour migration. This process should include examining the effect on women of repressive and/or discriminatory nationality, property, immigration, emigration and migrant labour laws.
7. Examining ways of increasing opportunities for legal, gainful and non-exploitative labour migration. The promotion of labour migration by the State should be dependent on the existence of regulatory and supervisory mechanisms to protect the rights of migrant workers.
8. Strengthening the capacity of law enforcement agencies to arrest and prosecute those involved in trafficking as a preventive measure. This includes ensuring that law enforcement agencies comply with their legal obligations.
9. Adopting measures to reduce vulnerability by ensuring that appropriate legal documentation for birth, citizenship and marriage is provided and made available to all persons.

Guideline 8: Special measures for the protection and support of child victims of trafficking

The particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation require that they be dealt with separately from adult trafficked persons in terms of laws, policies, programmes and interventions. The best interests of the child must be a primary consideration in all actions concerning trafficked children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. Child victims of trafficking should be provided with appropriate assistance and protection and full account should be taken of their special rights and needs.

States and, where applicable, intergovernmental and non-governmental organizations, should consider, in addition to the measures outlined under Guideline 6:

1. Ensuring that definitions of trafficking in children in both law and policy reflect their need for special safeguards and care, including appropriate legal protection. In particular, and in accordance with the Palermo Protocol, evidence of deception, force, coercion, etc. should not form part of the definition of trafficking where the person involved is a child.
2. Ensuring that procedures are in place for the rapid identification of child victims of trafficking.
3. Ensuring that children who are victims of trafficking are not subjected to criminal procedures or sanctions for offences related to their situation as trafficked persons.
4. In cases where children are not accompanied by relatives or guardians, taking steps to identify and locate family members. Following a risk assessment and consultation with the child, measures should be taken to facilitate the reunion of trafficked children with their families where this is deemed to be in their best interest.
5. In situations where the safe return of the child to his or her family is not possible, or where such return would not be in the child's best interests, establishing adequate care arrangements that respect the rights and dignity of the trafficked child.
6. In both the situations referred to in the two paragraphs above, ensuring that a child who is capable of forming his or her own views enjoys the right to express those views freely in all matters affecting him or her, in particular concerning decisions about his or her possible return to the family, the views of the child being given due weight in accordance with his or her age and maturity.
7. Adopting specialized policies and programmes to protect and support children who have been victims of trafficking. Children should be provided with appropriate physical, psychosocial, legal, educational, housing and health-care assistance.
8. Adopting measures necessary to protect the rights and interests of trafficked children at all stages of criminal proceedings against alleged offenders and during procedures for obtaining compensation.
9. Protecting, as appropriate, the privacy and identity of child victims and taking measures to avoid the dissemination of information that could lead to their identification.
10. Taking measures to ensure adequate and appropriate training, in particular legal and psychological training, for persons working with child victims of trafficking.

Guideline 9: Access to remedies

Trafficked persons, as victims of human rights violations, have an international legal right to adequate and appropriate remedies. This right is often not effectively available to trafficked persons as they frequently lack information on the possibilities and processes for obtaining remedies, including

compensation, for trafficking and related exploitation. In order to overcome this problem, legal and other material assistance should be provided to trafficked persons to enable them to realize their right to adequate and appropriate remedies.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

1. Ensuring that victims of trafficking have an enforceable right to fair and adequate remedies, including the means for as full a rehabilitation as possible. These remedies may be criminal, civil or administrative in nature.
2. Providing information as well as legal and other assistance to enable trafficked persons to access remedies. The procedures for obtaining remedies should be clearly explained in a language that the trafficked person understands.
3. Making arrangements to enable trafficked persons to remain safely in the country in which the remedy is being sought for the duration of any criminal, civil or administrative proceedings.

Guideline 10: Obligations of peacekeepers, civilian police and humanitarian and diplomatic personnel

The direct or indirect involvement of peacekeeping, peace-building, civilian policing, humanitarian and diplomatic personnel in trafficking raises special concerns. States, intergovernmental and non-governmental organizations are responsible for the actions of those working under their authority and are therefore under an obligation to take effective measures to prevent their nationals and employees from engaging in trafficking and related exploitation. They are also required to investigate thoroughly all allegations of trafficking and related exploitation and to provide for and apply appropriate sanctions to personnel found to have been involved in trafficking.

States and, where appropriate, intergovernmental and non-governmental organizations, should consider:

1. Ensuring that pre- and post-deployment training programmes for all peacekeeping, peace-building, civilian policing, humanitarian and diplomatic staff adequately address the issue of trafficking and clearly set out the expected standard of behaviour. This training should be developed within a human rights framework and delivered by appropriately experienced trainers.
2. Ensuring that recruitment, placement and transfer procedures (including those of private contractors and sub-contractors) are rigorous and transparent.
3. Ensuring that staff employed in the context of peacekeeping, peace-building, civilian policing, humanitarian and diplomatic missions do not engage in trafficking and related exploitation or use the services of persons in relation to which there are reasonable grounds to suspect they may have been trafficked. This obligation also covers complicity in trafficking through corruption or affiliation with any person or group of persons who could reasonably be suspected of engaging in trafficking and related exploitation.

4. Developing and adopting specific regulations and codes of conduct setting out expected standards of behaviour and the consequences of failure to adhere to these standards.
5. Requiring all personnel employed in the context of peacekeeping, peace-building, civilian policing, humanitarian and diplomatic missions to report on any instances of trafficking and related exploitation that come to their attention.
6. Establishing mechanisms for the systematic investigation of all allegations of trafficking and related exploitation involving personnel employed in the context of peacekeeping, peace-building, civilian policing, humanitarian and diplomatic missions.
7. Consistently applying appropriate criminal, civil and administrative sanctions to personnel shown to have engaged in or been complicit in trafficking and related exploitation. Intergovernmental and non-governmental organizations should, in appropriate cases, apply disciplinary sanctions to staff members found to be involved in trafficking and related exploitation in addition to and independently of any criminal or other sanctions decided on by the State concerned. Privileges and immunities attached to the status of an employee should not be invoked in order to shield that person from sanctions for serious crimes such as trafficking and related offences.

Guideline 11: Cooperation and coordination between States and regions

Trafficking is a regional and global phenomenon that cannot always be dealt with effectively at the national level: a strengthened national response can often result in the operations of traffickers moving elsewhere. International, multilateral and bilateral cooperation can play an important role in combating trafficking activities. Such cooperation is particularly critical between countries involved in different stages of the trafficking cycle.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

1. Adopting bilateral agreements aimed at preventing trafficking, protecting the rights and dignity of trafficked persons and promoting their welfare.
2. Offering, either on a bilateral basis or through multilateral organizations, technical and financial assistance to States and relevant sectors of civil society for the purpose of promoting the development and implementation of human rights-based anti-trafficking strategies.
3. Elaborating regional and subregional treaties on trafficking, using the Palermo Protocol and relevant international human rights standards as a baseline and framework.
4. Adopting labour migration agreements, which may include provision for minimum work standards, model contracts, modes of repatriation, etc., in accordance with existing international standards. States are encouraged effectively to enforce all such agreements in order to help eliminate trafficking and related exploitation.

5. Developing cooperation arrangements to facilitate the rapid identification of trafficked persons including the sharing and exchange of information in relation to their nationality and right of residence.
6. Establishing mechanisms to facilitate the exchange of information concerning traffickers and their methods of operation.
7. Developing procedures and protocols for the conduct of proactive joint investigations by law enforcement authorities of different concerned States. In recognition of the value of direct contacts, provision should be made for direct transmission of requests for assistance between locally competent authorities in order to ensure that such requests are rapidly dealt with and to foster the development of cooperative relations at the working level.
8. Ensuring judicial cooperation between States in investigations and judicial processes relating to trafficking and related offences, in particular through common prosecution methodologies and joint investigations. This cooperation should include assistance in: identifying and interviewing witnesses with due regard for their safety; identifying, obtaining and preserving evidence; producing and serving the legal documents necessary to secure evidence and witnesses; and the enforcement of judgements.
9. Ensuring that requests for extradition for offences related to trafficking are dealt with by the authorities of the requested State without undue delay.
10. Establishing cooperative mechanisms for the confiscation of the proceeds of trafficking. This cooperation should include the provision of assistance in identifying, tracing, freezing and confiscating assets connected to trafficking and related exploitation.
11. Exchanging information and experience relating to the implementation of assistance, return and integration programmes with a view to maximizing impact and effectiveness.
12. Encouraging and facilitating cooperation between non-governmental organizations and other civil society organizations in countries of origin, transit and destination. This is particularly important to ensure support and assistance to trafficked persons who are repatriated.

UN.GIFT

Global Initiative to Fight Human Trafficking



 **HUMAN TRAFFICKING**  **A CRIME THAT SHAMES US ALL**

THE VIENNA FORUM REPORT:

a way forward to combat
human trafficking

**The United Nations Global Initiative
to Fight Human Trafficking
(UN.GIFT)**

**The Vienna Forum report:
a way forward to combat
human trafficking**



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Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-2	1
II. Situation analysis	3-9	1
A. Human trafficking worldwide	3-5	1
B. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	6	2
C. The United Nations Global Initiative to Fight Human Trafficking: mission statement	7-9	2
III. Objectives of the Vienna Forum to Fight Human Trafficking	10-25	3
A. Vienna Forum	10-11	3
B. Attendance	12	3
C. Plenary sessions	13-25	3
1. The response of Governments	14	3
2. Opening session	15-18	4
3. Closing session	19-25	5
IV. Themes: vulnerability, impact and action	26-300	6
A. Vulnerability	26-78	6
1. Demand for forced labour and sexual exploitation: how and why it fuels human trafficking	28-35	7
2. Communities in crisis	36-48	8
3. Corruption and human trafficking: the grease that facilitates the crime	49-58	10
4. Trafficking in persons for removal of organs and body parts	59-68	12
5. Profiling the traffickers	69-78	14
B. Impact	79-128	16
1. Quantifying human trafficking, its impact and the response to it	81-90	17
2. Health and human trafficking	91-101	18
3. The consequences of sexual exploitation, especially for women and children	102-110	20
4. The role of the media in building images	111-119	22
5. Transnational organized crime and human trafficking	120-128	25
C. Action	129-216	27
1. From protection to prosecution	130-137	27

	<i>Paragraphs</i>	<i>Page</i>
2. The effectiveness of legal frameworks and anti-trafficking legislation	138-146	29
3. The roles of employers' organizations, businesses and trade unions in combating trafficking for labour exploitation ...	147-152	31
4. National and regional responses: action plans, coordinating structures and national monitoring mechanisms	153-160	32
5. Repatriation and reintegration of victims of human trafficking	161-170	34
6. Criminal justice responses to human trafficking	171-182	36
7. Technology and human trafficking	183-190	39
8. Supply chain management: eliminating the risks of forced labour and trafficking	191-200	41
9. Proactive prevention; what works: reducing the risks and providing protection	201-209	43
10. Building bridges: civil society organizations and law enforcement cooperation	210-216	45
D. Special sessions	217-285	47
1. International cooperation: identifying and overcoming obstacles	217-227	47
2. The role of parliamentarians: Parliamentary Forum	228-237	48
3. The role of the private sector	238-258	50
4. The role of women leaders: Women Leaders' Council to fight human trafficking	259-261	54
5. The role of the arts	262-273	55
6. The role of youth in the fight against human trafficking ..	274-280	57
7. Side event. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime ..	281-285	58
E. Conclusion	286-300	59
1. Awareness-raising	287-288	59
2. Forging new partnerships and facilitating cooperation ...	289-290	59
3. Future action and recommendations	291-300	60

Annexes

I. Summary of the Chairperson	63
II. Closing remarks by the Executive Director of the United Nations Office on Drugs and Crime	67
III. Decisions adopted by the Commission on Crime Prevention and Criminal Justice	71

I. Introduction

1. The present report describes the discussions, activities and accomplishments of the Vienna Forum to Fight Human Trafficking, held in Vienna from 13 to 15 February 2008. Twenty-eight panels, workshops, special sessions and side events were held as part of the Forum with a view to exploring the themes of vulnerability, impact and action and to offering an opportunity for dialogue on preventing and combating trafficking in persons. Additional special exhibits held throughout the City of Vienna as part of the Forum increased the visibility of the issue of human trafficking among the public.

2. This report summarizes the discussions, findings and proposed recommendations of each of those sessions and events.

II. Situation analysis

A. Human trafficking worldwide

3. The adoption 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 and other related United Nations instruments precipitated intense activity around the world to stop human trafficking. The Trafficking Protocol, along with individual country programmes and laws, is the basis on which future actions to fight human trafficking must be built, with the human rights of the trafficked persons at the centre of anti-trafficking efforts.

4. However, despite increasing global attention and significant national responses, human trafficking is still a tragic reality. While the majority of Member States have ratified the Protocol and other international instruments, human trafficking remains a crime with low risks and high profits.

5. Improved knowledge of the nature of human trafficking, its underlying conditions and the profiles of traffickers and victims is necessary in order to take the right steps to combat

¹United Nations, *Treaty Series*, vol. 2225, No. 39574.

trafficking in persons. Some basic patterns and trends are apparent. Human trafficking is a process characterized by people being abducted or recruited in the country of origin, transferred through transit regions and exploited in the country of destination, which highlights the need for a holistic anti-trafficking approach that emphasizes both international cooperation and innovative partnerships.

B. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

6. The Trafficking Protocol provided the first internationally accepted definition of the term “trafficking in persons” and remains the primary international legal instrument addressing human trafficking as a crime. The Protocol emphasizes the need to balance criminal justice concerns with a human rights approach to the protection and assistance of victims. Cooperation among States to meet these objectives is also promoted in the Protocol. As at March 2008, 118 countries had ratified the Protocol.

C. The United Nations Global Initiative to Fight Human Trafficking: mission statement

7. The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) aims to mobilize state and non-state actors to eradicate human trafficking by: (a) reducing both the vulnerability of potential victims and the demand for exploitation in all its forms; (b) ensuring adequate protection and support to those who fall victim; and (c) supporting the efficient prosecution of the criminals involved while respecting the fundamental human rights of all persons.

8. In carrying out its mission, UN.GIFT increases knowledge and awareness of human trafficking; promotes effective rights-based responses; builds the capacity of state and non-state actors; and fosters partnerships for joint action against human trafficking.

9. The Steering Committee for UN.GIFT is composed of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC), the United Nations Children’s Fund, the International Labour Organization (ILO), the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE).

III. Objectives of the Vienna Forum to Fight Human Trafficking

A. Vienna Forum

10. The framework of UN.GIFT provided for a global conference, the Vienna Forum to Fight Human Trafficking, held in Vienna from 13 to 15 February 2008 (see annex III for the enabling decisions of the Commission on Crime Prevention and Criminal Justice). The Forum offered a unique opportunity to bring together representatives of Member States, United Nations entities, non-governmental and international organizations, the business community, academia and civil society.

11. The Vienna Forum was a step towards generating consolidated support and political will behind the goals of UN.GIFT. Its aims were to raise awareness of all forms of trafficking, to facilitate cooperation and partnerships among participants, to take stock of progress and to set the directions for follow-up measures to prevent and counter human trafficking. The Forum also provided an opportunity to assess lessons learned regarding the dimensions of the issue and current actions being taken in response to trafficking in persons.

B. Attendance

12. Over 1,500 senior government officials, delegates of Member States, business leaders, representatives of non-governmental organizations (NGOs) and of the United Nations and international and regional organizations, academics, activists and victims of trafficking from over 116 countries participated in the Vienna Forum, which provided a platform for a new campaign of coordinated action to tackle trafficking in persons. Additionally, 150 journalists were accredited to the meeting.

C. Plenary sessions

13. The issue of human trafficking was addressed in the plenary sessions. Within the three themes of vulnerability, impact and action, Governments contextualized the various dimensions of human trafficking and its relation to security, development and human rights.

1. The response of Governments

14. The Vienna Forum represented a new approach, combining experts in the field, the general public and other new partners. Governments made presentations concerning their

efforts to combat human trafficking, highlighting the progress made in their countries. Forty-seven delegates made statements; one was made at the presidential level and six at the ministerial level.

2. Opening session

15. The Executive Director of UNODC opened the Vienna Forum to Fight Human Trafficking. He thanked the Crown Prince of Abu Dhabi for his generous support for UN.GIFT. He also recognized the efforts of Governments in general, but called on Member States to be more aggressive in honouring their commitments and implementing the Trafficking Protocol, noting the role of UN.GIFT in that process. He emphasized several outcomes that should result from the Forum, including additional research to allow action on the guiding framework of the three Ps (prevention, prosecution and protection) based on solid information. He spoke of the role of all partners and segments of society in combating human trafficking and pointed out that the Vienna Forum needed to be a platform to launch innovative, practical anti-trafficking measures, such as codes of conduct to curb sex tourism and controls over supply chain management. He also mentioned the importance of the decision by the General Assembly to hold a thematic debate on human trafficking in 2008.

16. In her address, Ursula Plassnik, the Federal Minister for International and European Affairs of Austria, referred to the Vienna Forum as a new form of multilateral diplomacy that would set in motion a global and sustained process to end human trafficking. She spoke of the need to raise awareness and generate political will, and highlighted Austria's efforts to combat human trafficking at the national and international levels. Suzanne Mubarak, wife of the President of the Arab Republic of Egypt, emphasized the responsibility of countries to eliminate the root causes of trafficking, noting Egypt's special attention to potential victims, such as marginalized children and vulnerable women. She also pointed to the instrumental roles of women, youth and the private sector in eradicating human trafficking.

17. Actress Emma Thompson, speaking as Chair of the Helen Bamber Foundation, gave a detailed account of the life of a woman trafficked for sexual exploitation, which Ms. Thompson had helped turn into the internationally viewed art installation, "The Journey against Sex Trafficking", featured as part of the Forum. Entertainer Ricky Martin closed the speeches of the opening plenary session by describing the anti-trafficking activities of the Ricky Martin Foundation, with its special emphasis on children. The opening session was followed by the acceptance by the Executive Director of a declaration with 1.5 million signatures, presented by Stop the Traffik (a global coalition of more than 1,000 anti-trafficking organizations), requesting that Governments and the United Nations work together to stop human trafficking.

18. All speakers called for the Vienna Forum to be the basis from which to launch new partnerships and aggressive action against trafficking in persons.

3. Closing session

(a) *Outlook and innovative initiatives*

19. The closing session was used to showcase good practices in the fight against human trafficking.

20. The representative of the International Centre for Missing and Exploited Children (ICMEC) outlined the Centre's technology-based initiatives to stem trafficking, child pornography and child sexual exploitation. A technology coalition of five major online companies was being used to develop and deploy technology solutions that disrupted the ability of predators to use the Internet. Additionally, ICMEC had joined with the National Center for Missing and Exploited Children of the United States of America, 29 financial institutions and Internet industry leaders to form the Financial Coalition against Child Pornography. The Financial Coalition, covering 90 per cent of the credit card industry, aimed to eradicate child pornography by following the flow of funds and shutting down the payment accounts being used by those illegal enterprises. ICMEC had also developed a CyberTipline, which had helped in establishing a clearinghouse for information-sharing between the Coalition and law enforcement. The goal of ICMEC and its partners has to stop such crimes by making them too expensive and too risky.

21. The head of Drehscheibe Augarten in Vienna presented the model used by that crisis management centre to help identify trafficked children and repatriate them to their home countries. The centre established a close working relationship with the countries of origin so as to ensure standard agreements for repatriation and that victims had a secure place to return to upon repatriation. Centres based on that model had been established in Bulgaria and Romania. The working methodology between centres included a six-month monitoring period with social workers and the submission of regular progress reports. The Vienna centre had also undertaken site visits to the countries of origin to confirm and monitor the working arrangements.

22. The former head of the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons presented a counter-trafficking profiling and software system developed by the Clearinghouse for arms smuggling and discussed its potential for adaptation to detecting and disrupting human trafficking. He pointed out that trafficking in arms and people were both forms of transnational organized crime and both involved licit companies fronted by businesses licensed to engage in activities that facilitated the movement of goods and people. He also pointed out that traffickers left traces wherever they operated, which could be used to help create generic profile indicators. Such profile indicators, combined with risk assessments and ratings systems, could then be used to develop easy-to-use software. Adapting such software required information from front-line experts on trafficking networks and their models.

(b) *Closing of the Vienna Forum*

23. In her closing remarks, Helga Konrad, an international consultant on combating trafficking in persons, emphasized that dialogue was important but not enough. Political

will to implement relevant laws and commitments was necessary along with cooperation. Everything, however, must lead to expedient action if it were to produce meaningful results. Better research must lead to better monitoring and evaluation to improve responses to human trafficking. Ms. Konrad contended that law enforcement should adopt a victim-centred approach, because the primary reason to fight human trafficking was the harm it caused people.

24. The Chairperson of the Vienna Forum, Renuka Chowdhury, Minister of Women and Child Development of India, presented the Chairperson's summary, in which she stressed the need to aggressively address all forms of exploitation, including forced labour, and underscored the critical role of UN.GIFT in continuing to build and expand alliances. She stated that the Vienna Forum had met its immediate objectives, but that meaningful action must follow useful dialogue. She also reiterated some of the salient findings of the panels and workshops, such as the need for more monitoring and research, the important role of Governments in combating trafficking and the value of innovative partnerships. (The full text of the Chairperson's summary appears in annex I.)

25. In his closing remarks, the Executive Director of UNODC noted the successful completion of the Vienna Forum and called for greater impact in fighting human trafficking. He acknowledged that the Forum had raised awareness, but pointed to the critical lack of a mechanism for reviewing implementation of the Trafficking Protocol and other related international instruments, calling for expediting implementation by States parties to the Protocol. He stressed that the ideas discussed at the Forum must be put into practice, building on initiatives such as those presented at the closing session on tracking the finances of trafficking, disrupting trafficking routes and better protection for victims. He cited a number of enabling conditions needed in order to move forward, such as increased resources, an improved knowledge base and strengthened alliances. He urged participants to tackle the issues of supply and demand, gender-based exploitation and forced labour. The Executive Director emphasized that the Vienna Forum was just the beginning of the process and that it was urgent to build on the momentum and energy generated by it. (The full text of the Executive Director's closing remarks appears in annex II.)

IV. Themes: vulnerability, impact and action

A. Vulnerability

26. Issues such as disempowerment, social exclusion and economic vulnerability are the result of policies and practices that marginalize entire groups of people and make them vulnerable to being trafficked. Individuals are vulnerable to trafficking not only because of conditions in their countries of origin. The allure of opportunity, the relentless demand

for inexpensive goods and services and the expectation of reliable income drive people into potentially dangerous situations where they are at risk of being exploited.

27. The Vienna Forum examined definitions of and practices related to the prevention of trafficking and focused on decreasing vulnerability to broaden the strategic impact of existing prevention efforts.

1. Demand for forced labour and sexual exploitation: how and why it fuels human trafficking

28. Human trafficking is in large part about the exploitation of vulnerable workers—women, children and men. It is an issue of labour rights and labour protection, as well as of human rights and criminal justice. Whether the trafficking is for sexual exploitation or for other forms of economic exploitation, labour actors must be drawn into global efforts to prevent and combat human trafficking.

Objectives

29. The purpose of this panel was to examine the issue of demand for all forms of forced labour and sexual exploitation, how demand drives the crime and what can be done to reduce it.

Summary of discussions and key findings

30. During the panel, the case was made for reducing human trafficking by addressing factors that fuelled demand for vulnerable and exploitable workers as well as for commercial sexual services.

31. According to the panellist from the United States Department of State, this meant, among other things, sensitizing men to the effects of prostitution and the idea that prostitution was not a victimless activity but a crime. Other methods to reduce demand for sexual exploitation included stronger penalties and aggressive prosecution for child sex tourism. To clean up supply chains, the United States Department of Labor was drawing up a list of products that might be tainted by forced labour, with plans to publish that list in 2009. The companies and products concerned would not be embargoed, but high-lighting offenders was intended to influence business practices by influencing consumer behaviour.

32. Another panellist mentioned the need to understand how the current form of globalization influenced supply and demand for human trafficking. The competitive nature of globalization put pressure on wages, increasing employers' demands for a flexible workforce that could be retained or easily disposed of. As a result of those conditions, human trafficking could occur within the migration process, so both legitimate and illegitimate migration must be examined. All potential victims should be protected, regardless of their immigration status.

33. It should be noted that there was a strong divergence of opinion among participants on appropriate responses to the sex industry. Some panellists believed in abolition, while others asserted that regulation and recognition of collectives of sex workers was inevitable.

34. Demand and supply were interconnected. Systemic deregulation of labour markets created regulation gaps that allowed exploitative and coercive labour practices to flourish, and some sectors, such as domestic and sex workers, were largely unregulated, making them especially susceptible to trafficking.

Proposals for future action and recommendations

35. The following proposals were made:

(a) Trafficking must be placed within the context of the ways in which the globalized economy generates supply and demand for all forms of trafficking;

(b) Emphasis should be placed on the value of a rights-based approach. Forced labour must be contextualized within human and labour rights, especially in relation to the need for collective bargaining to allow vulnerable workers to assert their rights;

(c) National approaches must be used to tackle employer-driven demands for exploitative labour through rigorous inspection, the naming of specific companies and broad-based business coalitions;

(d) Much more consensus is needed on whether and how awareness-raising activities should target users of the sex industry to inform them about the violence and exploitation faced by many prostitutes as a strategy to reduce or eliminate demand.

2. Communities in crisis

36. Natural disasters and conflicts place people in situations of vulnerability, weakening or destroying family support structures, community bonds and self-protection mechanisms that might otherwise serve as a buffer to the risk of human trafficking. Affected communities often face difficulties accessing education and livelihoods, making them particularly vulnerable to traffickers offering life-saving employment opportunities.

37. Although more research needs to be undertaken, experience indicates that during the early stages of a crisis, while the focus is on immediate relief, the risk of trafficking is low. That risk increases as the affected population realizes the impact on their lives and their means of livelihood.

Objectives

38. This panel was intended to demonstrate the vulnerabilities to human trafficking specific to communities in crisis and the ways such vulnerabilities could be addressed. It was also hoped that it would elicit broad agreement among humanitarian actors that human trafficking concerns were a core part of crisis response.

Summary of discussions and key findings

39. Participants did not compile joint recommendations. Individual panellists presented their own practical experiences and related recommendations. The three key issues discussed during the panel were the causes of vulnerability created by crisis situations; approaches to reducing trafficking risks; and channels to reduce vulnerability.

40. During the discussion, it became clear that no standard solution to the problem existed. However, participants mentioned several factors that should be considered in designing effective measures to reduce the risk of falling victim to trafficking. Questions were also raised about the willingness of trafficked people to participate in rehabilitation, as well as on good practices for working with native communities in ways that built trust and showed proper cultural respect.

Presentations and recommendations

Colombia

41. The panellist from IOM Colombia focused on research addressing the factors that contributed to vulnerability and how to identify indicators of increased vulnerability, especially among adolescents and young women.

42. Recommendations from this panellist included:

- (a) Affected populations should participate in policy development and implementation;
- (b) Knowledge about available services should be increased within communities, emphasizing specific measures to increase the self-esteem of children and adolescents and to support their recognition within the community;
- (c) More research should be undertaken regarding exploitative labour situations that are not readily perceived as such by workers and are on the borderline of the definition of human trafficking.

Indonesia

43. The situation in Indonesia in the aftermath of both economic crisis and natural disasters had increased vulnerability to trafficking in persons. Trafficking for transnational marriage was also committed under the guise of religion.

44. The panellist from Fatayat Nahdlatul Ulama, a Muslim women's association in Indonesia, presented a number of recommendations specific to the Indonesian situation:

- (a) A cross-religious, cross-sectoral and cross-border advocacy network should be developed to prevent and eliminate trafficking;
- (b) The Government should be supported in providing alternative job opportunities, especially for women;
- (c) Awareness-raising about the dangers of human trafficking is necessary within communities for prevention and to allow them to monitor and control the implementation of the law;

(d) Capacity-building efforts should be undertaken for faith-based institutions and organizations.

Uganda

45. The presentation by the panellist from the Uganda Youth Development Link focused on the conflict situation in the northern part of that country, which had resulted in significant abduction of children for “recruitment” as soldiers and for sexual services. Anti-trafficking measures were hindered because there was no related legislation in Uganda and the rehabilitation of trafficked people was left entirely to civil society.

46. Given the Ugandan situation, the panellist emphasized the need for good governance, including legislation and national action plans; the need for creation of employment opportunities, education and other social and welfare services; and overall better coordination of anti-trafficking efforts.

Office of the United Nations High Commissioner for Refugees

47. The representative of the Office of the United Nations High Commissioner for Refugees gave a presentation on the efforts of the Office to prevent certain groups, such as refugees, asylum-seekers, returnees and stateless people, from becoming victims of human trafficking by addressing the factors that contributed to their vulnerability.

48. The panellist recommended that gender equality be made a cross-cutting aim of all prevention activities and stated that a human rights-based approach was necessary in dealing with victims of human trafficking.

3. Corruption and human trafficking: the grease that facilitates the crime

49. Corruption is a root cause and a facilitating tool in carrying out and sustaining trafficking in persons, and it needs to be taken into account when dealing with that illicit trade. Most human trafficking would have little chance of success if it were not for the complicity of public- and sometimes private-sector officials. Corruption ranges from active involvement to passive negligence, and it is often the lubricant that allows victims to be selected, transported and held against their will.

50. The international community has adopted legal frameworks to deal with such issues, but it has not examined how the two major international agreements can complement each other. Both the United Nations Convention against Corruption² and the Trafficking Protocol deal with these issues in isolation. The panel took a closer look at how the two instruments could be used together to respond.

²Ibid., General Assembly resolution 58/4, annex.

Objectives

51. The panel examined the connection between corruption and human trafficking and the impact of that connection on trafficking in persons, as well as measures to tackle corruptive practices.

Summary of discussion and key findings

52. One panellist proposed a holistic approach to confronting the problem. Domestic law needed to be enacted to cover most aspects of human trafficking; Governments should invest in education; research should be encouraged on human trafficking and corruption; the basic rights of victims must be respected; and corruption should be integrated into anti-trafficking plans.

53. Another presentation focused on how corruption could occur at any stage of human trafficking and include anyone involved in the process. It also emphasized the similarity in responses to the two crimes and underlined the need to find ways so that anti-corruption and anti-human trafficking strategies could be mutually beneficial.

54. Case studies were also presented by a third panellist, demonstrating practices and methods of combating corruption by establishing relevant and independent institutions, terms and conditions for hiring personnel and a code of conduct, and by involving civil society.

55. The representative of UNODC pointed out that the tools to address corruption, including in the context of human trafficking, already existed and that focus should be placed on those practical tools that made action against corruption and human trafficking more effective.

56. The discussion focused on the fact that corruption happened all along the trafficking chain—in countries of origin, transit and destination. Corruption was not always linked to a lack of economic development, but also occurred in so-called developed countries.

57. Panellists agreed that an anti-corruption environment was essential for effective anti-trafficking work. A key to fighting corruption, which also had an impact on human trafficking, was establishing independent institutions and enhancing the cooperation of law enforcement in countries of origin, transit and destination. There was also agreement that corruption greatly affected trafficking in persons and the question was raised as to whether human trafficking would be possible without corruption.

Proposals for future action and recommendations

58. There was broad consensus on several proposed recommendations as starting points in the combined fight against human trafficking and corruption:

(a) Collaboration is necessary, not just for legal prosecution and penalties, but also to maximize limited resources for research, especially for hard data on corruption in the context of human trafficking and to take awareness of human trafficking to a broader

community audience. Anti-corruption and anti-trafficking units along the trafficking chain need to work together and to share information and intelligence. International cooperation between origin, transit and destination countries is crucial;

(b) Comprehensive domestic law must cover most aspects of human trafficking, specifying severe punishment for traffickers and corrupt criminal justice and governmental officials. Victims must be rehabilitated, with their basic rights respected, and law enforcement officers must be given adequate investigative tools and training;

(c) Strategies to prevent corruption need to be put in place, such as awareness-raising, transparency of work and operations, and initiatives to prevent people from becoming victims. Governments should invest in education and provide alternative economic opportunities for children and youth to help reduce their vulnerability to trafficking;

(d) The independence of relevant institutions and the involvement of civil society are important to prevent corruption and ensure independent coverage by the media.

4. Trafficking in persons for removal of organs and body parts

59. Trafficking in persons for the purpose of organ removal is addressed by the Trafficking Protocol. The inclusion of that form of exploitation is intended to cover situations where a person is exploited for the purposes of obtaining profit in the “organ market” and for the removal of organs and/or body parts for purposes of witchcraft and traditional medicine.

60. Only a few States explicitly define and criminalize trafficking in human organs. The lack of adequate laws creates many opportunities for such illegal trade and poses a threat to human security. There are clear indications that organ trafficking is on the rise, fuelled by a growing demand and unscrupulous traffickers and “brokers”.

61. Organized criminal groups are often involved, luring people abroad and convincing or forcing them to sell their organs. One of the distinguishing marks of such trafficking is that the traffickers and organ “brokers” come from atypical sectors and include doctors and other health-care practitioners, ambulance drivers and mortuary workers.

Objectives

62. The objective of the workshop was to discuss problems of detection, investigation and prosecution of the crime. Also addressed was how trafficking in persons for organ removal could be distinguished from “transplant tourism” and how to develop strategies to combat such trafficking.

Summary of discussions and key findings

63. Panellists noted that the increasing need for organs still remained unmet globally. Payment for cells, tissues and organs took advantage of the most vulnerable groups. The

majority of identified donors were in their mid-thirties, male and under- or unemployed; their educational levels were low and many did not have the language skills necessary to understand what they were told in the host countries where the removal and transplantation were carried out.

64. Many of those who had sold their organs to traffickers were subsequently unable to work for reasons of bad health resulting from the removal operations and thus faced unemployment, social and psychological consequences, and the stigma attached to them by their families and communities. Trafficking in persons for organ removal was a medical human rights abuse and paid donations were also inherently exploitative.

65. Panellists agreed that trafficking for organ removal was a complex issue that included controversial technical, ethical, legal and medical considerations. Such trafficking also involved a unique range of actors, including surgeons and hospital staff, who collaborated with criminal networks, brokers and middlemen who recruited donors from among the most vulnerable groups of society.

66. The detection and investigation of cases related to trafficking for organ removal constituted significant challenges to law enforcement, especially in the identification of those involved, the distinction between innocent parties and those who were willingly involved, and the admissibility of evidence in court. In most countries, there was no national body responsible for collecting data from institutions and hospitals. Attempts to conduct research had been disappointing because of incomplete donor registries and, in most cases, a lack of procedures to establish accurate donor information.

67. Key initiatives to combat trafficking in persons for organ removal and the illegal trade in organs included the Trafficking Protocol; the Guiding Principles on Human Organ Transplantation of the World Health Organization (WHO); and statements calling for state accountability made by the World Medical Association and the Transplantation Society, the Consensus Statement of the Amsterdam Forum on the Care of the Live Kidney Donor and the Islamic Charter of Medical and Health Ethics.

Proposals for future action and recommendations

68. Participants in the workshop agreed on several recommendations regarding trafficking in persons for organ removal and the effective protection of vulnerable donors:

(a) Relevant international legal instruments, including the Trafficking Protocol, need to be signed and ratified. Country-specific legal structures should also be established prohibiting trafficking in persons and the commercial organ trade and promoting alternative supply sources for national self-sufficiency in transplantation;

(b) Awareness-raising and information campaigns on organ, tissue and cell donation should be promoted at the regional and national levels;

(c) Investigative law enforcement capacity should be strengthened, including intelligence- and information-sharing about possible cases, and cooperation should be enhanced among law enforcement, financial institutions and health officials;

(d) The risk for criminal syndicates and all other actors involved should be increased. More proactive investigations should be encouraged, especially related to the identification of recruiters and the profiling of suspects;

(e) Health-care-related businesses need to exercise corporate responsibility in their involvement in transplantation;

(f) Protection and support must be extended to victims and civil society involvement should be promoted to protect the vulnerable;

(g) Countries should give urgent attention to ensuring effective oversight of organ transplantation. Countries also should establish effective regulatory control and surveillance and comply with the WHO guiding principles on human organ transplantation;

(h) Follow-up meetings with relevant agencies and non-governmental organizations should be held to discuss a global strategy for action to combat trafficking in persons for the purpose of organ removal.

5. Profiling the traffickers

69. For a universally condemned and globally prominent issue, surprisingly little is known about the perpetrators of human trafficking. Data and information about how people come to commit trafficking crimes, their respective roles in trafficking networks, their relationships to other criminals and to victims, and a strong understanding of trafficking modus operandi are necessary to establish effective means to identify, stop and prosecute traffickers, as well as to prevent potential traffickers from becoming so.

70. Increasing effort is being made in the anti-trafficking community to target traffickers active at the point of exploitation, but this represents only part of a complex and multi-faceted crime. Available information suggests that the majority of traffickers may never come into contact with the criminal justice system at all.

Objectives

71. The objectives of the workshop were to identify and highlight what was known about human traffickers; to emphasize the need to deepen and broaden knowledge about traffickers; and to recommend practical action to criminal justice actors and Member States.

72. Specifically, the workshop addressed shortcomings in current knowledge on the profile of human traffickers, focusing on:

(a) Contributing factors to becoming a trafficker, especially where former victims themselves became traffickers;

(b) The characteristics of traffickers;

(c) Differentiating between traffickers and their various roles;

(d) Female traffickers.

Summary of discussions and key findings

73. All the panellists emphasized that more effective action against human traffickers could only be undertaken in the context of adequate national legislation, institutions and frameworks for coordination. One panellist spoke about the importance of coordinated, multisectoral responses linking agencies in places of origin, transit and destination. Given that it was difficult to distinguish clearly between the different roles of traffickers, it was noted that a broad definition of “trafficking” could be more effective against individuals at all levels of the trafficking hierarchy in deterring trafficking activities.

74. Countries needed to engage in more research, intelligence-gathering and information-sharing, as well as data collection on the profile, networks and modus operandi of traffickers. Developing research at the national level was key to addressing the current shortcomings in knowledge on traffickers. The report entitled *Another Delivery from Tashkent: Profile of the Israeli Trafficker*, presented by the panellist from the Hotline for Migrant Workers in Israel, was an excellent example of the kind of research Governments could develop on the profile of traffickers in their own countries. That information should also extend to sharing information and cross-border cooperation.

75. A number of panellists pointed out that it was often not the master traffickers who were arrested, prosecuted and convicted, but rather low-level traffickers. Law enforcement and criminal justice practitioners needed to have an understanding of trafficking chains and their hierarchies to take effective action in dismantling trafficking rings and to bring the chief perpetrators to justice.

76. Raising awareness among law enforcement agencies, criminal justice practitioners, stakeholders and the public was crucial in order to identify and effectively punish human traffickers. This was especially the case concerning those who might not fit the common stereotype of a trafficker, such as women. Women were often given visible functions within a trafficking ring, such as the recruitment of victims, so as to lower the possibility of detection, since traffickers were most commonly expected to be men.

77. Former victims were particularly vulnerable to becoming traffickers as a result of pressure from their own traffickers, and because they saw it as an opportunity, for example, to pay back debts, as an end to the humiliation suffered as a victim and as a way to escape the negative stigma associated with being a victim of trafficking. It was argued that using former victims as traffickers reflected the ability of trafficking rings to adapt in an effort to remain undetected.

Proposals for future action and recommendations

78. The discussion and findings of the workshop were the basis for a series of recommendations aimed at more adequately profiling potential and active traffickers:

(a) Adequate national legislation, institutions and frameworks for coordination are prerequisites for increased and effective action against human traffickers;

(b) National Governments should gather and share research, information and intelligence on the profile, networks and modus operandi of traffickers to support enforcement actions, country-specific response mechanisms and knowledge of transnational trends in order to help develop early warning and prevention systems;

(c) Because former trafficking victims are vulnerable to becoming traffickers, Governments should consider whether their criminal justice systems have the capacity to address issues of prevention, culpability, further victimization and recidivism. Governments should also consider developing rehabilitation measures for traffickers as a strategy to counter recidivism;

(d) Governments must undertake targeted and appropriate awareness-raising activities for law enforcement agencies, other criminal justice practitioners, key stakeholders and the public;

(e) Law enforcement authorities should consider developing intelligence checklists to facilitate the profiling of human traffickers. Law enforcement intelligence must be shared across borders and may be supported by the implementation of operational procedures and protocols for communication and information exchange;

(f) Criminal justice systems should provide for case management, coordination and monitoring from the investigation of a human trafficker through to sentencing;

(g) Criminal justice systems must reject preconceived stereotypes that treat some traffickers as marginal actors or having committed a lesser offence, and greater enforcement action must be taken against “master” traffickers. The judiciary should scrutinize defence strategies, taking into consideration aggravating and mitigating circumstances, such as the level of culpability, when sentencing traffickers. The rights of any person suspected or accused of trafficking offences—including the right to a fair trial—should be upheld in all criminal justice proceedings;

(h) In developing policies responding to trafficking in persons, Governments should acknowledge that conditions such as poverty, gender inequality and economic disparities can create vulnerabilities that make individuals susceptible to being trafficked as well as, on occasion, to engaging in trafficking crimes.

B. Impact

79. From the physical abuse and psychological trauma to the economic and political implications of unabated crime, the impact of trafficking in persons on individuals and society is destructive and unacceptable.

80. Participants in the Vienna Forum shared experiences and focused on the consequences of human trafficking on victims, including the violence they experience, adverse health effects, social stigmatization and the risk of re-victimization.

1. Quantifying human trafficking, its impact and the response to it

81. There is a lack of quantitative information and understanding regarding the scope and development of the crime of human trafficking around the world. Even basic criminal justice data on trafficking in persons offences are not publicly available for many countries and regions, making the compilation of accurate statistics on human trafficking elusive and unreliable.

82. A more credible information base is necessary in order to design adequate policies. To date, there has been very little measurement of the impact of many human trafficking initiatives and consequently, without solid monitoring tools, there is no guidance on where resources can best be invested.

Objectives

83. This panel was designed to provide an opportunity to debate the gaps, challenges and opportunities concerning the research to quantify human trafficking, its impact and effective responses.

Summary of discussions and key findings

84. The first panel session focused on identifying existing sources so as to enhance data collection on human trafficking. Discussion centred on best practices for regularly collecting representative data on trafficking in persons.

85. The second session dealt with the identification of new research approaches and the issue of whether it was possible to draw a baseline against which human trafficking trends could be measured at the local and global levels.

86. There was currently a lack of reliable data on the quantitative aspects of human trafficking, in particular data related to the criminal justice response. The reasons for this were manifold, but in many countries the problem was the lack of specific legislation and a corresponding lack of a central database on the criminal justice response to trafficking in persons. In addition, data on trafficking victims were frequently incomplete because of the hidden nature of the problem and the high degree of underreporting.

87. Panellists presented examples of efforts to collect data on victims and perpetrators:

(a) Peru had developed a database system for use by the national police in the recording and management of trafficking cases that could also be used for the generation of statistical reports and qualitative intelligence information to enhance investigative capacity;

(b) A programme to assist 10 States to build and maintain a systematic, harmonized and continuous data collection system was currently in operation in South-Eastern Europe;

(c) A regional programme to set up an efficient data collection system for policy development, monitoring, data-sharing and cooperation had been set up in West Africa with the support of UNODC and the Economic Community of West African States.

88. The panel learned about several new and innovative approaches taken by researchers and international organizations to estimate the extent of human trafficking, including the “dark numbers” of victims who never came to the attention of the authorities. One such research methodology aimed to establish the number and geographical distribution of trafficking victims by focusing on the economic enterprise aspects of perpetrators who trafficked women for sexual exploitation. Another approach was to embed relevant questions indicating the existence of forced labour and trafficking in persons in national household surveys or periodic labour force surveys.

89. Research on trafficking in persons informed policymakers and an interested public about how to allocate scarce resources and improve national responses to human trafficking.

Proposals for future action and recommendations

90. The panel discussion led to a number of proposals to support better data collection:

(a) Research is needed for monitoring the effectiveness of legislation and for evaluating existing and proposed counter-trafficking initiatives. More effective coordination of efforts and a pooling of capacity can contribute to enhancing the quality of research and to developing a new agenda for research on human trafficking;

(b) Although data on trafficking victims are frequently incomplete, available figures must be interpreted with caution because of the effect of the differing degrees of resources countries devote to the criminal justice response. To enhance the criminal justice response to human trafficking and to provide more targeted assistance to victims, a concerted effort of data collection is required;

(c) The good practice examples illustrated by the panellists should be further promoted within research efforts on trafficking in persons.

2. Health and human trafficking

91. Trafficked persons, in particular women, children and adolescents, regardless of whether they are trafficked for purposes of forced labour or sexual or other forms of exploitation, are exposed to a range of health hazards. Throughout the trafficking cycle, they are likely to experience physical, sexual and/or psychological abuse while having limited or no access to health and social services.

92. Many aspects of health and human trafficking are not understood, are under-researched or are not addressed at all. Not much attention has been given and not much evidence is available to document the serious health problems that arise from human trafficking.

Objectives

93. The objective of this panel was to increase understanding and awareness of the health consequences of human trafficking, and to examine how to provide better and more accessible health-care services for trafficked persons.

Summary of discussions and key findings

94. Health hazards and outcomes were usually related to the type of exploitative situation in which a trafficked person found him/herself. Each trafficking cycle presented a range of health risks, but also provided opportunities for intervention and health care.

95. The first presentation described the methodology and findings of a multi-country study on the health of women and adolescents trafficked in Europe. The study identified the most common physical and mental health symptoms and suggested how access to treatment affected some medical conditions. The study also emphasized the importance of providing continued protection and adequate access to health care for the duration of the reintegration process.

96. The second presentation outlined the different models of care that should be used in treating trafficking victims, such as trauma-informed and patient-centred care. Adequate treatment of the trafficked person must be the foremost concern, and this could be achieved through a systematic approach using available screening and treatment modalities.

97. Another panellist addressed the psychological issues affecting trafficking victims, noting that gender role expectations shaped the ways in which trauma was experienced and how recovery proceeded. Trafficked adolescents, for instance, merited special attention. Assistance and healing processes for adolescent and adult trafficking survivors involved restoring their sense of identity and their ability to form relationships, and helping them gain meaning in their lives.

98. The collaborative and proactive health-care efforts of Ghana were highlighted. Increased health access was facilitated by the implementation of national health insurance schemes and mobile/community-based health planning services. The positive experience of Ghana encouraged a reorientation of national health systems to reach trafficked persons and other vulnerable communities. A significant health system presence that provided for routine data collection and analysis and the dissemination of health information in communities could enhance the health status of trafficking victims.

99. The final panellist discussed how adequate health responses to trafficked persons must vary depending on where the person was assisted during the trafficking process—in the country of origin, transit or destination or during return and reintegration. Rights-based principles in the management of health consequences must acknowledge that assistance was given in the best interest of the victim and that it was voluntary, confidential and done in accordance with ethical standards of professional conduct. It was also important to establish minimum standards for health care based on comprehensive research and best practices.

Proposals for future action and recommendations

100. The presentations and discussions during this panel were intended to contribute to the development of a comprehensive manual that would serve as a tool to achieve

improved understanding of the health-related aspects of trafficking, better health-care services and improved access to care for trafficked populations. The manual would form the basis for future training of trainers to reach a wide network of care providers and managers in different disciplines. Translation of the manual into other languages was recommended to ensure wide usage and to maximize its benefits and impact.

101. Combined efforts at the national, regional and international levels must continue to facilitate and provide comprehensive health services and prevention and protection assistance for all trafficked persons, their families and host communities. The ability to provide improved health access and services would have a long-term positive impact on the broader public health situation.

3. The consequences of sexual exploitation, especially for women and children

102. Sexual exploitation and trafficking in human beings are two distinct phenomena, but they are sometimes related or coinciding. While sexual exploitation is not always linked to trafficking, trafficking in human beings can involve a range of exploitative purposes, including labour exploitation. Sexual exploitation and trafficking may have the same underlying root causes and a comparable impact on victims. Synergies and parallels therefore exist between strategies to address and prevent sexual exploitation and those targeted at trafficking for sexual exploitation in addressing vulnerability factors and demand, identification of victims and victim assistance.

Objectives

103. The key objective of the panel was to demonstrate the core elements of a comprehensive rights-based approach to prevent and respond to the exploitation of children, and to contribute to conceptual clarity around sexual exploitation, trafficking and other forms of child exploitation. The panel was further intended to create a forum where children's voices could be heard and child participation promoted.

Summary of discussions and key findings

104. Sexual exploitation was a crime and a violation of human rights with serious consequences for the victim, communities and societies. It had serious physical, psychological and social effects on the individual that were often lifelong and could even be life-threatening.

105. Many initiatives, programmes and activities to address trafficking focused on sexual exploitation and the adult population. However, addressing trafficking in human beings in general would not automatically protect children. It was important to note that women and children were particularly vulnerable to sexual exploitation, but the reasons for their vulnerability differed and anti-exploitation strategies must be targeted, recognizing their different rights, needs and capacities. Effective initiatives also needed to acknowledge that sexual exploitation of children was often linked to other forms of violence against

children. Such exploitation and violence must be addressed in a comprehensive way, such as through multiple stakeholder cooperation and coordination.

106. The main responsibility to safeguard children from any form of exploitation and abuse should lie with national child protection systems or with equivalent authorities where such systems were not in place. National and local child protection authorities should be able to provide children with information and access to a wide range of services, including where to report risky or threatening situations and where to turn for assistance. Governments should monitor and assure the quality of their interventions.

107. It was often the lack of realistic alternatives that drove children into high-risk situations. A critical element of prevention work was the empowerment of children, including at-risk groups, through livelihood opportunities, access to quality services, life skills, and opportunities for children to have their views heard and taken into account by decision makers.

108. In responding to cases of child exploitation, including trafficking, criminal justice systems needed to acknowledge children as victims of crime and protect them from secondary victimization by law enforcement and the criminal justice system. Prevention, protection and empowerment were the basic dimensions of successful anti-trafficking initiatives.

Proposals for future action and recommendations

109. Proposals included the following:

(a) All anti-trafficking initiatives need to ensure that specific provisions are incorporated and effectively implemented to safeguard the human rights of children;

(b) Child trafficking cannot be addressed and prevented in isolation from other child protection issues. A comprehensive approach is required to address child trafficking. It is essential to strengthen national and community-based child protection systems that prevent and respond to violence, exploitation and abuse, and that empower children and young people. This approach considers the human rights of children as a central concern and promotes child participation at every stage with a view to more effectively preventing all forms of exploitation and abuse of children;

(c) Prevention measures and strategies must address root causes such as social, economic and structural factors that contribute to the vulnerability of children;

(d) A uniform system is needed to identify children who have been the subject of violence, exploitation or abuse, whether as a result of trafficking or otherwise. The issue of identification needs to be addressed in a coordinated way by all the actors involved, including government authorities and civil society organizations working with children;

(e) Children have to be provided the opportunity to share their experiences and influence social policies and measures to address trafficking. Children's actions to prevent trafficking need to be supported;

(f) By providing, among other things, sustainable livelihoods, safe and regulated working conditions, empowerment through employment, income generation and career

development, private sector actors can support the rights of working children and young people in line with international standards and national law. The private sector can also make an important contribution to creating a protective environment for children by promoting and monitoring corporate social responsibility. The role of the private sector needs to be supported by national legal and policy frameworks that safeguard the rights of the child;

(g) Preventing and addressing child trafficking will be better realized through effective implementation of the Convention on the Rights of the Child³ and other relevant international instruments. The Convention provides specific guidance through its general measures of implementation, including law reform; national independent institutions for the protection of children's rights; national coordination mechanisms; cooperation with civil society; the allocation of resources for children; data collection and analysis; training and capacity-building; monitoring implementation of the Convention; and international cooperation.

110. Children had raised their voices at national and international forums on children's rights. In the context of the United Nations study on violence against children,⁴ children had made the following recommendations to Governments:

(a) National laws should be passed to protect children from all forms of violence at home and in schools, communities and institutions—and these laws must be put into practice;

(b) Initiatives are needed to teach people about human rights and children's rights. Human and children's rights and the Convention on the Rights of the Child need to be taught in schools;

(c) Child-friendly information about violence, abuse, exploitation and trafficking should be produced in local languages;

(d) The media should not give out names, pictures or other information that identify children who are abused;

(e) Children should be informed about where they can report violence and where they can take shelter when they report;

(f) Information should be printed and spread about raising children without violence. Measures should be taken to make sure that children who are victims of violence are not rejected by society.

(g) Children should be consulted when planning programmes to end violence, abuse, exploitation and trafficking.

4. The role of the media in building images

111. The media is a powerful tool in influencing public opinion and raising awareness. With that power, comes the responsibility of providing accurate information to the public

³United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁴A/62/209.

while ensuring the protection of individual sources from harm resulting from information disclosure.

112. Sensationalism, stereotypes and assumptions about the profile of victims of human trafficking and the circumstances of their exploitation often prevail over in-depth investigative journalism. In many instances, journalists and editors cannot tell the difference between illegal migration, prostitution and trafficking in women, and often are not sufficiently concerned about or aware of accurate definitions. The linkages between issues such as globalization, migration policies, marginalization and discrimination, as well as economic inequality and exploitation, are rarely explored.

Objectives

113. The aim of the workshop was to examine the representation of human trafficking and its victims in the media so as to generate a deeper understanding of the factors that influenced journalists' decisions when covering the topic. It was also intended to highlight the importance of fair and balanced media coverage, in particular in relation to the victims of human trafficking, so as to avoid re-victimization and undue hardship as a result of media interventions.

Summary of discussions and key findings

114. The workshop addressed three general themes:

(a) Uncovering human trafficking stories. This included discussions about the practical constraints faced by journalists when investigating human trafficking stories and about upholding ethical standards;

(b) Balanced and fair representation of the issue. Questions were raised about what could be done to help generate a full understanding and fair reporting of the issue in the media. Panellists discussed why clichés and stereotypical representations of victims were often used and how they could best be avoided;

(c) Sensitivity and responsibility when interviewing victims. Discussions centred on what could be done to ensure that victims were protected from harm when they decided to speak to the media about their ordeals.

115. Journalists with experience in reporting on human trafficking gave presentations and participated in question-and-answer sessions. The representative of an NGO in Serbia that specialized in victim support also discussed problems in media reporting, suggesting good practices and practical guidelines in interviewing victims and protecting and respecting their rights.

116. One of the journalists discussed the potential political impact of stories and stressed the importance of finding different sources of information, such as police and hospital staff, who were often key in tipping off journalists and ensuring comprehensive and accurate coverage. A BBC journalist on the panel described the difficulties she had faced during her investigation of a Bulgarian human trafficking ring, including the practicalities

of reaching out to illicit networks, making strict editorial choices and complying with the BBC's ethical standards, as well as the reactions to her piece from the media and local authorities.

117. A photojournalist on the panel spoke about the need to make stories personal to viewers to create empathy, which was critical in generating true understanding of the issue and in motivating the public to act. Victims should be the owners of their stories. He cautioned, however, about the danger of "cultural anaesthesia", which occurred when the horror of stories and images became too much for the audience, counter-productively creating a distance between the audience and the topic.

118. The workshop discussions and question-and-answer sessions exposed the need for broader awareness of victim-centred guidelines for journalists. The session also demonstrated good practices in carrying out investigative journalism on human trafficking and highlighted the importance of avoiding sensationalism. The media should be promoted as a useful vehicle to spread awareness and understanding of human trafficking, while emphasis should also be placed on socially responsible journalism. Journalists should be educated comprehensively about the nature and complexity of human trafficking before investigating and reporting a story so as to avoid oversimplification of the issue. The many facets of this crime—both causes and effects—must be understood and reflected in media coverage.

Proposals for future action and recommendations

119. During the workshop, a number of recommendations were made to help ensure that the media became a positive and powerful ally in fighting human trafficking:

(a) Authorities and civil society engaged in fighting trafficking in persons need to maintain regular contact with the media in order to improve coverage of the issues and increase the reporting of fresh angles. Emphasis was placed on the usefulness of NGOs as partners in ensuring fair and balanced reporting;

(b) Training and awareness-raising among journalists, in particular in countries where the media are still at a nascent stage of development, are important in generating deeper understanding of the issue and in ensuring that victims are not further harmed as a result of inappropriate reporting;

(c) A broader awareness of existing guidelines for journalists when dealing with human trafficking is necessary. Panellists suggested that a comprehensive international code of conduct could be useful;

(d) Monitoring of the media could help identify gaps in comprehensive coverage and help devise strategies to fill those gaps;

(e) Follow-up stories are important to provide a full picture of human trafficking;

(f) UN.GIFT should continue to promote dialogue and foster cooperation among stakeholders in order to ensure that the media report on the issue comprehensively and fairly, while at the same time safeguarding victims and those who provide victim assistance.

5. Transnational organized crime and human trafficking

120. Analysis of the link between transnational organized criminal groups and human trafficking activities can be considered from many perspectives. For years, that link has been assumed without sufficient evidence and research on the topic.

Objectives

121. The workshop was intended to establish the link between different organized criminal groups and human trafficking with the objective of verifying that link for some groups. Participants analysed the nature of transnational criminal groups and the characteristics of those involved in human trafficking. The structure of groups was considered in relation to the various trafficking activities they carried out, and the modus operandi of groups was examined, with particular attention being paid to the means by which groups operated and cooperated transnationally.

Summary of discussions and key findings

122. Participants acknowledged that trafficking groups could be conceptualized not only as criminal enterprises, but also as business models, agreeing that viewing such groups in the business model context could offer insight into their modus operandi.

123. Panellists also acknowledged that while transnational organized criminal groups were indeed involved in human trafficking, it was also carried out by actors who were not part of transnational or even non-transnational organized criminal groups. Entities involved in human trafficking could be:

- (a) International criminal syndicates with diverse activities;
- (b) Family operations with extended family across country borders;
- (c) Independently owned businesses with contractors/agents;
- (d) Loosely based acquaintances/organizations;
- (e) Individuals.

124. Speakers showed that the way groups were organizationally structured could influence how they pursued their activities. Devolved hierarchies were often made up of core groups that allowed traffickers to act individually. Groups that were rigidly hierarchical usually comprised various levels of responsibility, from the authority at the top level down to those who carried out day-to-day activities at the lower levels.

125. Many organized criminal groups adapted their criminal activities to profit-making opportunities and were often involved in a range of criminal activities, human trafficking among them. Other smaller groups or family-run operations were highly specialized, aligning their criminal activities, including human trafficking, with their areas of criminal expertise.

126. Some organized criminal groups aimed to exercise political influence in the territories in which they operated by such means as corruption of political officials through

bribery, violence or threats; election (or placement) of particular political entities to protect the interests of the criminal group; and the occupation of positions of political power by members of the criminal group themselves.

127. The transnational cooperation of criminal groups for human trafficking was achieved by various means, including providing services or expertise to other organized criminal groups; by a single criminal entity having a presence in multiple countries; through cooperative relationships between criminal groups across borders; by maintaining ethnic or family ties across borders; and by a combination of cross-border strategies.

Proposals for future action and recommendations

128. Proposals included the following:

(a) The increasing exchange of expertise and intelligence on suspects should include conducting joint operations to render investigations and prosecutions more effective in dismantling all branches of the groups involved. The workshop highlighted the need for law enforcers to cooperate in the context of a global policy against human trafficking with shared responsibility between countries of origin, transit and destination;

(b) Transnational criminal groups involved in human trafficking should not be seen only in the context of criminal models, but also as business models, as this offers insight into their modus operandi. For that reason, the expertise of non-law enforcement professionals should be called upon to strengthen the law enforcement response;

(c) Economic enforcement, such as asset freezing and seizure and taxation to penalize traffickers, is vital in the fight against human trafficking;

(d) Emphasis should be placed on disabling groups and mechanisms rather than on targeting individuals. Bringing down the individual at the top of the hierarchy is essential for dismantling mechanisms;

(e) The Internet is being increasingly used to advertise “young models”. While such images are not always considered pornographic, evidence suggests that many are pictures of trafficking victims. Law enforcement responses should be in a position to respond to the “grey zone” of this form of exploitation;

(f) Links between human trafficking and other crimes must be further understood for the benefit of law enforcement response and prevention. For instance, one panellist asserted that links had been established between human trafficking and terrorism, with victims trafficked for use in terrorist activities. Another panellist raised the issue of victim identification in the context of “mules” (people forced to swallow drug-filled condoms as part of the drug trafficking process), while acknowledging that it was often difficult to differentiate between a drug trafficker and a victim of human trafficking;

(g) The collaboration between different criminal groups calls for multifaceted, cross-cultural experts who understand local, regional and international crime. Interventions against human trafficking should prevent the commission of the crime and prevent criminal groups from recruiting individuals; prevent those individuals from organizing into groups; and prevent those groups from cooperating with each other between and across borders;

(b) The support and assistance of victims/witnesses should be prioritized as both an ethical obligation and a strategy to better target transnational organized criminal groups. Meaningful witness protection measures need to be harmonized with law enforcement responses;

(i) The vulnerabilities of potential victims should be considered and understood in developing strategies to prevent their recruitment.

C. Action

129. The Trafficking Protocol provides a comprehensive strategic approach to combating trafficking in human beings. A lack of clarity related to basic terms and definitions, national political concerns and uncertainty regarding what measures work and what do not have contributed to a lack of systematic and consistent implementation and sustainable action. The Vienna Forum provided an opportunity for participants to review major anti-trafficking strategies and national responses, describing their own experiences and identifying elements that constituted best practices.

1. From protection to prosecution

130. Human trafficking is a criminal offence in many States, although criminal investigations often do not result in conviction or, if a conviction is reached, it is usually lenient and does not reflect the severity of the crime. Successful prosecutions with maximum enforcement of the law can act to prevent and deter human trafficking.

131. Responding to human trafficking requires a balanced approach based on enforcing the law against traffickers while protecting the human rights of victims. Adequate national laws should be in place to punish traffickers, and victim protection and support measures should be implemented to respond to the exploitation suffered by trafficked victims.

Objectives

132. The panel was intended to raise awareness of the need for adopting criminal justice strategies to prevent and combat human trafficking that yielded sustainable results in reducing the number of victims and increasing the number of convicted perpetrators. For that purpose, participants identified the elements that should be part of a comprehensive and effective criminal justice response, and highlighted the different approaches in developing and implementing such responses.

Summary of discussions and key findings

133. The session included a panel of experts who presented good practices as regards victim-centred, multi-agency approaches to human trafficking prevention. They also highlighted the importance of cooperation between civil society, law enforcement and other relevant agencies in working to identify trafficked victims and to provide them access to protection and support services. Such cooperation could be achieved by means of an

institutionalized framework such as that used by the United Kingdom Human Trafficking Centre and the National Agency for the Prohibition of Traffic in Persons and Other Related Matters of Nigeria.

134. To create a safe and secure environment for victims to participate in criminal investigations, panellists agreed on the need for a victim-centred approach, especially with a view to reconciling interests and promoting understanding between victim service providers and law enforcement.

135. Too often the crime of human trafficking remained undetected. Panellists emphasized the crucial need to raise awareness among identified key audiences, including all law enforcement actors, and strongly agreed that responding to human trafficking must be raised to a daily core objective of law enforcement business. Law enforcement agencies should provide training on good practice responses to human trafficking, in particular for front-line staff.

136. Human trafficking was a crime that could occur anywhere, not only in the sex industry, but in other industries and businesses such as agriculture, hotels and restaurants. Everybody could contribute to the fight against trafficking. To harness that potential, a safe environment needed to be created in which people who witnessed trafficking could anonymously report their suspicions without fear of retaliation from traffickers. A representative of Crime Stoppers in the Netherlands presented the organization as a good practice for gathering anonymous tips from the public that also could be applied to reporting cases of human trafficking.

Proposals for future action and recommendations

137. Proposals were as follows:

(a) The guiding framework of the three Ps (prevention, protection and prosecution) should be extended to a fourth P, “partnership”;

(b) Effectively cracking down on perpetrators is too often still hampered by a lack of multi-agency cooperation. Working relationships among criminal justice actors need to be fed into an institutionalized framework so as to ensure lasting cooperation with a view to investigating and prosecuting traffickers more effectively;

(c) The working relationship between state authorities and civil society organizations needs to be institutionalized, that is, clearly regulated and guided. Such a relationship should be based on the promotion of a victim-centred and human rights approach to dealing with human trafficking;

(d) Emphasis should be placed on large-scale awareness-raising and training of law enforcement authorities, especially front-line staff;

(e) Responding to human trafficking should be at the core of daily law enforcement business;

(f) Practical and safe means of gathering anonymous information from the general public should be devised in order to initiate and assist trafficking investigations.

2. The effectiveness of legal frameworks and anti-trafficking legislation

138. Human trafficking is a complex phenomenon that requires States to arm themselves with legislation to confront it as a serious crime, committed by criminals and perpetrated against victims. Several United Nations conventions and international instruments, with the Trafficking Protocol at the fore, require the implementation of laws that can properly respond to trafficking in a nuanced and effective way to meet the complex nature of the crime. The Trafficking Protocol created mandatory minimum standards upon which States can build responses to the challenges of their domestic contexts. The successful prosecution of traffickers and the compensation of victims can only be brought about by laws and regulations that effectively criminalize all elements of trafficking in persons in accordance with article 5 of the Trafficking Protocol. Additionally, anti-trafficking legislation must recognize trafficked persons as victims who are entitled to basic human rights and that trafficking is a transnational offence that requires transnational law enforcement cooperation.

Objectives

139. The aim of the legal frameworks panel was to raise some of the issues and complexities that States must grapple with in combating trafficking in their domestic contexts; to give participants insight into alternative legislative approaches using comparative models and the experiences of different countries; and to raise awareness of potential gaps in those legislative frameworks. The panel also highlighted the importance of a comprehensive and coordinated approach in dealing effectively with human trafficking.

Summary of discussions and key findings

140. The presentations of the panel were related to four cross-cutting issues: criminalization of all forms of trafficking; identification of victims; the immigration status of victims; and support and protection measures for victims.

141. The panel stressed that the Trafficking Protocol marked a milestone as the first global legally binding instrument with an agreed definition of the offence of trafficking in persons. The Protocol was also important as it required States parties to criminalize trafficking and consider measures to protect and support victims of trafficking, including the possibility of compensation, and as it recognized trafficking as an offence requiring transnational judicial and law enforcement cooperation.

142. The panel deemed it crucial that States incorporate all the provisions of the Trafficking Protocol into their national legislative frameworks. The need for States to consider legislation on additional issues, such as the non-punishment of victims of trafficking for acts stemming directly from their situation as victims and the definition of the “exploitation of the prostitution of others” and “sexual exploitation”, was also discussed.

143. One panellist asserted that the Council of Europe Convention on Action against Trafficking in Human Beings⁵ was the most comprehensive instrument as regards setting legal obligations for States parties, especially related to victim protection and support, for instance by making assistance measures binding; criminalizing the use of services of a victim of trafficking; stipulating that a minimum 30-day period of reflection and recovery must be granted by domestic law; explicitly addressing national trafficking; and providing a strong monitoring mechanism.

144. Several speakers emphasized that comprehensive anti-trafficking laws were crucial. One speaker referred to Italian legislation on trafficking and pointed to provisions on special investigative techniques as important. It was also noted that legislators should take into account national challenges and specificities in order to ensure that laws were adapted to the realities of their countries. Furthermore, existing laws should be reviewed, harmonized and updated in order to address all types of trafficking. The panel concluded that, when drafting national legislation on human trafficking, a best practice would be to enact a combination of primary law, delegated legislation and administrative guidelines.

145. One panellist stressed that although legal frameworks could be tools for changing attitudes, disseminating information, awareness-raising and deterrence, legislation alone was not sufficient to change attitudes and should be accompanied by active law enforcement and public awareness campaigns. The issue of criminalizing the purchase of sexual services was discussed as an example and some speakers argued that criminalization could affect demand.

Proposals for future action and recommendations

146. Based on the discussions, panellists concluded that certain actions could assist in comprehensively addressing the complex issue of human trafficking and emphasized the following:

(a) Relevant anti-trafficking laws must be implemented and national laws adapted to international anti-trafficking standards. Laws should be comprehensive, criminalizing all forms of trafficking and addressing all aspects of the complex trafficking issue;

(b) National legal frameworks should provide tools for the identification of victims;

(c) National laws should regulate the immigration status of trafficked victims. Additionally, the principle of non-punishment is considered a best practice and appropriate protection measures should be adopted for a trafficked person to be meaningfully recognized as a victim;

(d) Victims' rights should not be compromised by considerations of the investigation of the crime or prosecution of the offender. Victims should in no case be subjected to coercion or pressured to cooperate with law enforcement. Furthermore, assistance to victims should not be made conditional upon their cooperation;

⁵Council of Europe, *Treaty Series*, No. 197.

(e) National laws must recognize the often transnational nature of the crime and provide for provisions facilitating judicial cooperation, including draft laws on extradition and mutual legal assistance;

(f) National laws must criminalize national and transnational trafficking in persons, regardless of organized criminal involvement. Countries should establish national monitoring and reporting mechanisms in addition to the existing international reporting mechanisms.

3. The roles of employers' organizations, businesses and trade unions in combating trafficking for labour exploitation

147. Forced labour needs to be addressed through alliances. Working with labour market stakeholders is a logical step when discussing trafficking for labour exploitation and identifying possible points of synergy between the organizations representing labour and business, their past experiences and future plans.

Objectives

148. The panel discussion was intended to allow participants to explore opportunities for cooperation and alliances. It also offered an overview of policy positions and the experiences of employers' and workers' organizations in fighting trafficking and forced labour.

Summary of discussions and key findings

149. Panellists representing trade unions pointed out that trafficking for forced labour called for the active involvement of labour market actors. Trade unions approached creating decent work opportunities by supporting workers' rights to organize and by pushing for effective labour legislation. It was also asserted that where independent trade unions existed and people had the right to organize and bargain collectively there was limited or no forced labour.

150. Emphasis was placed on the need for policy coherence within the United Nations, the need for Governments to support the creation of decent work and the need for trade unions to organize vulnerable groups of people to lobby for appropriate labour laws and rehabilitation services. International framework agreements between global companies and trade union federations were an effective instrument to monitor supply chains. Governments should also speed up their ratification and implementation of relevant ILO conventions.

151. Representatives of employers' groups discussed the need for and capacity of Governments and businesses to develop comprehensive victim services and preparation and training for reinsertion of victims into the legitimate labour market. Human trafficking occurred mostly in the informal economy and employers' organizations should support government efforts to formalize the informal economy and to prevent people from

looking for work there. Employers' organizations had a role to play in supporting government efforts to safeguard the workforce and create legitimate jobs with decent remuneration.

Proposals for future action and recommendations

152. As a result of the panel discussions, several recommendations for confronting forced labour emerged from one or more of the presentations:

(a) Effective social dialogue and the involvement of social partners (such as NGOs) are needed to tackle labour market issues, especially to ensure that the efforts of trade unions and employers' organizations complement each other. The only sustainable way to eradicate labour exploitation is the creation of decent work to prevent people from being forced to migrate in search of a livelihood;

(b) Policy coherence is necessary between labour market regulations, migration policies and criminal legislation in the United Nations as well as at the national level. Additionally, labour law has to cover all workers, including in the informal sector and migrant and domestic workers;

(c) Trade unions should organize groups among populations and industries where forced labour occurs;

(d) More services for victims and mechanisms for their reinsertion into the labour market are necessary. Employers' organizations can be partners in the prevention of trafficking and the reintegration of victims into the labour market;

(e) Training and education about forced labour is needed for trade unionists, businesses and employers' organizations.

4. National and regional responses: action plans, coordinating structures and national monitoring mechanisms

153. There is no shortage of international legal frameworks targeting trafficking in persons as a form of organized crime, but the challenge of implementing them at the national and local levels still has to be met by countries of origin, transit and destination. Preventing trafficking is even more challenging and calls for changes in economic, social and migration policies to address the structural factors at the root of the exploitation.

Objectives

154. The aim of the panel was to work towards comprehensive, cross-dimensional, human rights-based and gender-sensitive responses to human trafficking.

Summary of discussions and key findings

155. The panel moderator used the OSCE Action Plan to Combat Trafficking in Human Beings as an example of a tool to overcome the challenges of implementing legal frameworks and addressing the root causes of human trafficking. The OSCE Action Plan was designed to assist the Organization's 56 participating States in complying with their

anti-trafficking commitments and obligations. The panellists presented their own experiences in building efficient regional and national responses to human trafficking.

156. The panel emphasized the role of multidisciplinary machineries, such as national coordinators and action plans, in preventing and combating human trafficking in a coherent and coordinated way. Anti-trafficking commissions or similar inter-ministerial bodies set up to coordinate activities among state agencies and NGOs represented an important pillar of a coordinated national approach to combat human trafficking. National and regional action plans also belonged to a set of useful tools that enabled States to set strategic priorities and outline specific actions, allocate resources and set realistic benchmarks to ensure visible results for their efforts.

157. Participants were also given examples of the crucial pillar of national reporting and monitoring mechanisms by panellists from Nepal and the Netherlands. Those instruments helped assess the scope of trafficking in persons in a country; identify policy gaps; reveal new patterns and trends in human trafficking; and draw up adequate recommendations using evidence-based data collection and research.

158. Most participants agreed that, while there was a sufficient number of international obligations under the United Nations conventions and other international anti-trafficking instruments, their implementation at the subregional, national and local levels was lagging. Participants and panellists highlighted the monitoring mechanism established within the Council of Europe Convention on Action against Trafficking in Human Beings as a good example of an approach to enhancing the implementation of an international treaty.

159. Panellists reiterated that national legislation was still not being adopted and synchronized with international commitments in a timely fashion and even when legislation was adopted, the key actors at the local levels (judges, prosecutors and police) still lacked the training necessary to accurately detect human trafficking and implement relevant criminal legislation. To overcome difficulties in the implementation of international obligations and commitments, countries not only needed political will, but must also ensure adequate funding to fight organized crime and trafficking networks.

Proposals for future action and recommendations

160. The following proposals were made:

(a) The adaptation of national laws to international anti-trafficking standards needs to be accelerated and anti-trafficking activities must be supported with sufficient political will, budgetary resources and state-level planning. Research should also be promoted on all aspects of human trafficking, including the impact of measures to counter it. These aims can be better achieved if relevant coordinating bodies are established; if national action plans ensure a systemic approach and synergy of efforts; and if national monitoring and reporting mechanisms help authorities meet the challenge of trafficking in persons;

(b) Awareness-raising concerning trafficking-related crimes must be carried out among all sections of the population, but in particular among those working in law

enforcement, prosecution and the judiciary, migration and social services, educational institutions, the media, employers' associations and trade unions;

(c) NGOs should be included in the development of anti-trafficking policies and cooperation between state structures and civil society organizations that provide assistance to victims should be strengthened and formalized for a better division of responsibility and to establish mutual trust;

(d) Anti-trafficking measures should not adversely affect the human rights and dignity of trafficked persons and other vulnerable groups, in particular women and children, migrants, internally displaced persons, refugees and asylum-seekers.

5. Repatriation and reintegration of victims of human trafficking

161. The return of trafficked persons to their countries of origin is often the main feature of assistance strategies. While many trafficked persons do wish to return to their home countries, there are many factors that need to be taken into consideration when assessing whether return and reintegration is a safe, feasible and sustainable option. Some victims may face a heightened risk of becoming re-trafficked, reprisals from traffickers or stigma from their community. Without adequate support upon arrival, the victim may return to the same environment that contributed to his/her trafficking to begin with.

Objectives

162. The panel's aim was to contribute to the dialogue on rights-based approaches to finding sustainable solutions for victims of trafficking. Part of that dialogue was designed to address the importance of empowerment and participation of the victim in the decision-making process and the need to understand the risks a victim might face upon return. The panel also explored alternatives to return in cases where it was not a viable option because of security concerns or because sustainable reintegration was unlikely.

Summary of discussions and key findings

163. A rights-based approach should be taken in decisions relating to the victim and the individual should have an active role throughout identification, return, recovery and reintegration. Proper identification of a trafficking victim began with presumptive identification followed by access to reintegration; definitive identification was carried out at a later stage. All efforts to minimize risks to the victim's health and security must be taken during the return and following arrival into the home country or other chosen environment. Return, an extremely complex process, should not be viewed independently from the entire mechanism of protection. State efforts to prosecute traffickers could be enhanced while maintaining the best interest of the victim by striking a balance between fulfilling law enforcement needs and maintaining the legal interest and rights of the victim.

164. Overall, there was a general lack of awareness about the crime even on the part of those in a position to identify trafficking. Thus, responsible authorities might remain largely unaware of the indicators of the crime and a victim might not be properly identified

and be deported with no protection. This could lead to a gap between estimates of the number of trafficked persons and the number of victims actually identified.

165. Trafficking victims might face significant threats upon return. The range of risks that must be addressed was broad, but it was crucial to provide the victim and other stakeholders with the necessary information to make the decision about return. Risk and needs assessments should be performed before and following return to ensure safe and successful reintegration.

166. The key concept behind relevant international instruments was that return should not be considered if risks to the victim remained. The cornerstone of all of such documents was the concept of non-refoulement: victims should not be returned or repatriated to their countries of origin if their lives or freedoms could be threatened. In reality, however, States often mandated visa requirements that did not address humanitarian needs, stipulations were impossibly stringent or placed undue obligations on the victim.

167. Alternatives should be available for victims who were not able or willing to return home, including the right to asylum and to residence permits. Victims should be able to participate fully in the decision and plans for return as they were in the best position to judge the safety and viability of a successful re-entry into their home environment.

168. Reintegration was crucial for providing victims with protection to allow them to maintain socio-economic sustenance and to avoid re-trafficking. Civil society often provided direct care and support for victims, such as medical recovery and safe shelter. The role of Governments was directly connected to the sustainability of reintegration programmes as well to the funding and coordination of the involved agencies.

169. The victim must take ownership for reintegration for it to be successful. The question of when successful reintegration was achieved could be answered by determining when the victim was self-reliant and was not in danger of being re-trafficked or further exploited. Reintegration should be specific to the context and the individual.

Proposals for future action and recommendations

170. Proposals included the following:

(a) Human rights should be integrated into state policies and day-to-day implementation of identification, return, recovery and reintegration practices. Those practices should involve a multi-stakeholder effort including government, civil society and the private sector;

(b) Host countries should offer accessible asylum and visa options for victims of trafficking who are not able or willing to return home;

(c) Stakeholders involved with reintegration should commit to a long-term process involving ongoing assessment and monitoring of victims' reintegration;

(d) Governments should be encouraged to end actions to stop migration as a tactic to fight trafficking. Alternatively, actions must be focused on ending exploitation rather than on migration;

(e) It was suggested that victims should be allowed a minimum of one month as a reflection period, though some experts believed three months were necessary. Those estimates were based on medical needs following physical and psychological exploitation as well as law enforcement demands. During the reflection period, accommodation, legal advice, medical recovery and access to employment should be granted. Overall, the victim should be an agent for his/her own recovery during the process;

(f) As a result of a “culture of disbelief”, it may be difficult for a victim to prove that he/she meets the stipulations for gaining asylum under existing international mechanisms. As much corroborative information as possible should be provided regarding the victim’s statements, medical reports, previous persecution, country information reports, possible threats upon return and actions taken by the country of origin to protect people under its jurisdiction from being trafficked.

6. Criminal justice responses to human trafficking

171. The format of the workshop was an interactive role-play and mock trial conducted by UNODC in partnership with criminal justice practitioners from all over the world. Practitioners performed various “bad practice” scenarios. Based on the feedback provided by the audience, good practice scenarios were then performed.

Objectives

172. The objectives of the workshop were to demonstrate examples of good practice in the identification and interviewing of victims; the use of interpreters; victim/witness assistance and protection within the criminal justice system, especially related to the trauma and health of victims; and the sensitivity of responders and rights-based procedures. The overall objective of the workshop was to illustrate that keeping the best interests of the victim in the forefront of criminal justice responses not only supported the victim’s human rights but also served the interests of the criminal justice system in achieving prosecutions.

Overview of the role-play

173. The role-play scenario featured the story of Sema, who was described as a 24-year-old woman struggling to provide for her children after the death of her husband. She was sold into trafficking by a neighbour who promised her that she could make money as a domestic labourer. After crossing a border, Sema was taken to a brothel and her papers were confiscated. She was forced to provide sexual services, including intercourse without a condom, every night. After a year, Sema was taken for a blood test and then set free without explanation. She was told not to tell her story to anyone or something would happen to her children. Sema was picked up by police, but she had no papers and was afraid for herself and her children.

Summary of discussions and key findings

174. Comments made by participants showed that different systems of victim support and assistance applied in different countries and that different victims and scenarios might

require different responses. A key point arising from the discussion about the cooperation between NGOs and police within and across borders was that, while the nature of the relationship between them might differ from jurisdiction to jurisdiction, the need for them to cooperate was essential in preventing and combating trafficking. Similarly, the role of multiple stakeholders (Governments, civil society, private sector, media) was emphasized in the process of rehabilitation and reintegration of the victim.

175. The interactive role-play led to conclusions related to the specific themes of the workshop.

(a) *Identification of victims*

176. Identification of victims was essential for their appropriate access to support and assistance services, which in turn strengthened law enforcement and criminal justice responses to trafficking. The four stages of victim identification could be broken down into:

- (a) Initial identification to assess if one or more indicators of human trafficking were present;
- (b) Enquiries to corroborate those indicators;
- (c) Further action, which might include offering victims access to recovery and support services and evidential interviews;
- (d) Review of the actions taken to establish that the indicators were corroborated or to assess if further indicators of trafficking were present.

(b) *Interviewing of victims*

177. Employing good practice interview techniques increased the likelihood of successful prosecution. The “PEACE” interview model had been developed as a good practice tool for interviewing trafficked victims. PEACE stood for:

- Plan and prepare
- Engage and explain
- Account
- Closure
- Evaluate

(c) *Use of interpreters*

178. The following main points were made:

- (a) The role of the interpreter was to facilitate communication between the victim and the investigating officers. Interpreters should understand their role, not deviate from it and have adequate preparation time;
- (b) Interpreters’ credentials and any relationship with the victim must be known by investigators. They must also be psychologically, emotionally, culturally, ethnically and religiously suitable to work with the victim;

(c) The interests of interpreters should be considered; they should be protected from intimidation by traffickers and have access to psychological support;

(d) Interpreters should not be left alone with the victim.

(d) *Victim/witness assistance and protection within the criminal justice system*

179. Salient points were as follows:

(a) The terms “victim” and “witness” could have different meanings in different jurisdictions. As soon as the victim was identified as such, protection and support should be made available;

(b) Planning for the safety and security of victim/witnesses was a necessary component of court proceedings and investigators, prosecutors and judges each had a role to play;

(c) Victims of trafficking might face actual or implied threats of harm to themselves or their families by traffickers if they cooperated with authorities. Victims should be told to immediately report any threats or acts of intimidation to authorities and law enforcement should be sensitive and prepared to conduct the necessary risk/threat assessments;

(d) The trauma that a victim experienced must be borne in mind during all interactions so as to avoid their re-traumatization;

(e) Investigating officers should adopt sensitive and timely interview strategies, noting that victims of trafficking were affected in different ways;

(f) Where the best interests of a victim/witness were served, so too was the criminal justice process. It was important for victims to have access to professional and timely psychological support as a matter of priority.

(e) *Sensitivity of responders and rights-oriented procedures*

180. The following points were made in this connection:

(a) The sensitivity and human rights orientation of the responders in the process of justice delivery and law enforcement was a sine qua non in responding to human trafficking;

(b) Lawmakers and responders must develop and implement practices and procedures that were in the best interest of the trafficking victim.

Proposals for future action and recommendations

181. Keeping the best interests of the victim in the forefront of law enforcement and criminal justice responses not only supported the human rights of the trafficked victim (and reduced the risk of his/her re-victimization), but also served the interests of the criminal justice system in achieving prosecutions. Based on that conclusion, the key recommendation was that law enforcement and criminal justice systems of all jurisdictions should incorporate protection and assistance measures for victim/witnesses. Protocols and procedures must be developed and implemented and responders must be adequately sensitized so that the best interests of victims were ensured.

182. The workshop was filmed in order to create a multimedia training tool for wide distribution. This, and other training tools, should be used to build the capacity of law enforcement, prosecutors and judges with respect to anti-trafficking. The value of this was borne out by the interest expressed for the role-play to be performed elsewhere.

7. Technology and human trafficking

183. The technology and human trafficking workshop described and demonstrated the ways in which technology was used in human trafficking situations. This included addressing practices that facilitated human trafficking crimes as well as simple and innovative technological methods used to assist victims and to investigate, interrupt and prosecute trafficking activities.

Objectives

184. The objectives here were to discuss good practices in the use of technology; to identify the possibilities created by new technology to investigate and interrupt trafficking crimes; to support victims of human trafficking; and to strengthen partnerships between NGOs, law enforcement and the private sector.

Summary of discussions and key findings

185. Technology provided new opportunities for traffickers to lure and exploit victims, but authorities were also using technology to come up with ways to prevent trafficking and ensnare traffickers. Presentations focused on best practices in identifying and interrupting potential trafficking cases using the Internet and on immediate interventions in victim support. Additionally, a computer-based training model was introduced along with other innovative technological tools for investigating human trafficking crimes.

186. The presentation by the representative of Microsoft demonstrated tools that had been developed to prevent trafficking and protect victims. Microsoft provided training for law enforcement, taught skills to rehabilitate victims so that they could enter the legitimate labour market and offered improved parental and police controls to track Internet users.

187. ICMEC presented its efforts to combat the multi-billion-dollar child pornography industry. The Centre advocated solutions to fight and prevent child pornography, including appropriate legislation, training of law enforcement and the involvement of the private sector. The Financial Coalition against Child Pornography, led by ICMEC, was an example of an alliance involving private banks, NGOs and Governments. The Coalition tracked the electronic financial flows derived from child pornography, which were the main means of purchase.

188. Churches Alert to Sex Trafficking Across Europe (CHASTE), which was involved in protecting victims of trafficking in persons, presented its cooperative effort with law enforcement in the United Kingdom of Great Britain and Northern Ireland and with Apple to assist in victim protection through the development of a translation tool. The tool

transmitted a message recorded in the victim's language via an Apple iPod so as to give the victim reassurance and basic information about his/her situation. These messages could be easily downloaded from the Internet in any language and made immediately available to law enforcement and service providers for use with victims.

189. The presentation by UNODC featured the use of technology for training purposes and to raise public awareness by developing and broadly disseminating public service announcements. UNODC had designed a computer-based module for law enforcement training. The module was interactive and adapted to the reality of the country where the training was taking place, using different forms of the trafficking process to guide users through the typical difficulties faced by law enforcement agents when dealing with trafficking cases. The module was constantly updated to reflect new forms and patterns of trafficking.

Proposals for future action and recommendations

190. Participants emphasized that the balance must be tipped in fighting human trafficking to make technology more a part of the solution than part of the problem. Technology had great potential to help in the fight against trafficking and accelerating advances in technology should translate into advances against trafficking, with the private sector acting as a key partner in achieving creative responses. The following proposals were formulated:

(a) More research needs to be conducted on the modus operandi of traffickers using technology and on how the Internet and other technology are used by vulnerable persons, especially children. Such research should be participatory;

(b) Actual and virtual cooperation is necessary to achieve a global law enforcement presence, taking advantage of the "borderless" electronic environment to enhance cooperation, as called for in article 27, paragraph 3, of the United Nations Convention against Transnational Organized Crime.⁶ Governments should make use of the capacity of technology to facilitate cooperation, for instance, through information exchange networks and mutual legal assistance request tools;

(c) The private sector should be encouraged to participate as a partner in exploring creative ways of using technology to combat trafficking;

(d) The potential of technology to empower people against trafficking should be enhanced. While information on the Internet can be used to recruit potential victims into trafficking, it can also be used to raise awareness to prevent Internet users from falling prey to traffickers;

(e) Article 12 of the Trafficking Protocol (concerning the security and control of documents) should be implemented with the strength of technological advances;

(f) Technology should be used to develop training tools and computer-based law enforcement training tools that already exist should be translated and distributed widely;

⁶United Nations, *Treaty Series*, vol. 2237, No. 39574.

(g) Opportunities provided by technology to protect victims should be further explored. Depending on available resources, this can include victim/witness re-identification and remote testifying, and more simple measures such as providing mobile phones to victims to call emergency numbers.

8. Supply chain management: eliminating the risks of forced labour and trafficking

191. In the context of global supply chains and the trend towards ever more complex labour recruitment systems, there is an increasing tendency for global companies to look beyond traditional methods of supply chain management and auditing. Corporate social responsibility programmes—including codes of conduct and related implementation systems such as social auditing—have been developed to address the immense risk posed to brand image by poor and abusive working conditions in supply chains. This is particularly true when an industry is reliant on consumer products and where stakeholders perceive that a company has considerable influence over its trading relationships. While many individual companies and business associations have addressed forced labour in their codes of conduct, they face a myriad of challenges in translating them into practice.

Objectives

192. The workshop was designed to build on innovative initiatives in corporate social responsibility that had emerged in the private sector in recent years. The overall objective was to demonstrate the role that businesses could play at different levels of their management and operations in identifying, combating and preventing forced labour.

Summary of discussions and key findings

193. Speakers highlighted the risk of forced labour and trafficking in global supply chains, strategies of risk management and the challenges that lay ahead. The workshop included presentations from representatives of employers' organizations, businesses and trade unions, and the results would feed into an ILO-led expert group on supply chain management organized under UN.GIFT.

194. The panellist representing an employers' organization pointed out the challenges of speaking to national associations of employers in a way that made human trafficking a real issue for them and to address companies who felt that they were not touched by that crime.

195. Another panellist, from an industry trade union organization, called forced labour "the underbelly of globalization" and outlined a number of actions that were needed to combat forced labour, such as effective labour inspectorates, clear employment contracts between workers and employers and the right to freedom of association and collective bargaining.

196. The panellist from Manpower emphasized the need for regulation and enforcement by Governments to combat forced labour and trafficking in recruitment systems. He also talked about the need for industry bodies to “police” their own industries, for instance by setting common principles that must be adhered to by all member companies.

197. Anti-Slavery International used the example of its partnership with Manpower to illustrate how businesses and NGOs could engage constructively through synergies of expertise, and also emphasized the potential for such coalitions to result from UN.GIFT. The Gap, Inc., highlighted its membership in the Ethical Trading Initiative, which worked on purchasing practices and addressed supply chain working conditions. The Gap representative noted, however, that while such efforts were making small dents in the formal economy, the informal sector needed to be examined as well.

198. The limits of the traditional social audit approach were pointed out, including the dangers of making policy decisions at the highest levels of management, which risked driving questionable practices underground, out of sight of auditors.

199. The importance of the role of ILO was emphasized in identifying best practices to protect workers in host countries and to develop standards for the private sector, such as providing guidance on recruitment fees, among other issues. There was agreement on the need for strong government policies, including making links to trade policy and bilateral trade agreements to address the issue of migrant workers. There was also general agreement that, while the public had a role, boycotts and consumer action could have a detrimental effect because of the negative impact on the economies of developing countries. However, at least one panellist contended that boycotts could be useful if consumers were properly informed.

Proposals for future action and recommendations

200. The following proposals were made:

(a) There is a need for clear legislation and stronger regulation and enforcement, for example through strong labour inspection systems;

(b) Partnerships and cooperation must be used to tackle trafficking through businesses, employers’ and workers’ organizations and civil society working together;

(c) The complexity of managing the risks of forced labour in global supply chains must be recognized, in particular in view of the conditions in the informal economy. Specific guidance and tools addressed to businesses must be developed;

(d) There is a need for immediate action and impact on the issues of forced labour and trafficking within the context of a broader, longer-term and sustainable approach;

(e) ILO needs to encourage Governments to sign, ratify and implement relevant conventions. It also has an important role to play in educating and raising awareness among its constituents and business actors.

9. Proactive prevention; what works: reducing the risks and providing protection

201. Prevention attempts to address the roots of a problem. In the context of human trafficking, those root causes are usually said to be poverty, economic deprivation, lack of opportunities, gender discrimination, and the like—all of which are seen to be characteristics of countries from which trafficked persons come. Some observers have noted that a disproportionate share of prevention efforts and resources have supported initiatives in source countries that aim to reduce the supply of potential victims. An alternative suggestion is for a greater proportion of resources to focus on eliminating the demand for trafficked labour and services in destination countries.

Objectives

202. This workshop was designed to further the dialogue among key stakeholders on preventing demand for human trafficking, measuring the success of prevention initiatives and examining the themes of appropriate messages and innovative media.

Summary of discussions and key findings

203. The IOM moderator provided an interpretation of globalization trends. While falling trade barriers had facilitated more free movement of goods, services and capital-creating employment opportunities, migration policies had generally become more restrictive and rigid. Tension between the intense demand for labour and services, coupled with too few legal migration channels, created opportunities for intermediaries, including traffickers. Preventing human trafficking entailed addressing the broader issue of vulnerability of migrants.

204. The OHCHR panellist emphasized that human rights must be at the core of all efforts to prevent and combat trafficking in persons. She suggested that States had largely failed to recognize trafficking as a human rights violation and that Governments needed to take more action. The panellist asserted that the central policy theme in some countries had been the detection of illegal migrants, but that States must recognize the demand for labour, including in the unskilled sectors of economies, and establish policies to address it.

205. The panellist from the United States Department of State stated that policies must deal with all aspects of prevention, including curbing the demand that turned people into commodities; supporting the rule of law and combating criminal networks; and confronting the poverty that left people desperate to escape current circumstances. The United States addressed demand in many ways, such as with high penalties for trafficking crimes and prosecuting child sex tourism offences committed abroad. While Governments could take short-term preventive actions, such as supporting an assistance hotline or releasing public service announcements, those efforts needed to be complemented with longer-term investment that fostered the rule of law and fought corruption. The panellist also contended that, when normalized, tolerated or regulated, prostitution still led to exploitation and arguably increased demand and vulnerability to trafficking.

206. The president of the Visayan Forum Foundation provided an overview of the Philippines from the viewpoint of a leading source country for migrant workers. The Foundation and the Philippine Ports Authority had joined forces to establish halfway homes in seaports across the country to provide services to victims of trafficking identified during transit.

207. Another panellist offered lessons learned from proactive prevention programmes:

(a) Prevention needed to be based on evidence and research had to be carried out, for example, to identify the characteristics that made some people disproportionately more likely to be trafficked than others;

(b) Research could also be used to identify gaps in existing protection systems;

(c) Prevention initiatives required monitoring to measure their impact and to check that they were not having an unexpected or counterproductive effect;

(d) If initiatives to prevent trafficking were given a positive objective rather than purely to “stop trafficking”, there would be a greater chance of achieving desired results.

208. An analysis of awareness-raising campaigns contended that although those focusing on demand dominated, they were not necessarily the most productive. Anti-trafficking measures and messages tackling demand must be consistent with broader sets of policies that demonstrated intolerance of exploitation, racism and discrimination. Arguably, the most effective type of campaign focused on human rights.

Proposals for future action and recommendations

209. There was consensus on the need for the issue of prevention to remain at the forefront of the human trafficking agenda:

(a) Prevention activities that aim to protect potential trafficked individuals’ rights need to be designed in such a way that other human rights are not violated;

(b) Prevention projects need to focus on specific and achievable aims that contribute to the overall prevention of trafficking and avoid reaching for ambitious and unattainable goals such as “stopping trafficking”;

(c) Careful and creative consideration should be given to the selection of stakeholders involved in a project; there is not just one approach to confronting trafficking and new partnerships are needed;

(d) While it may not be possible to reach consensus on what “demand” means in the context of trafficking or how the issue should be addressed, there needs to be a more regular, systematic and constructive debate on the issue between stakeholders with differing views. Such a constructive debate should also extend to the issue of legalized prostitution and the degree to which it may create an enabling environment for sex trafficking;

(e) There is increasing awareness that poverty is not the root cause of trafficking. The focus should be on what triggers a trafficking scenario, including criminality, corruption and demand;

(f) The relationship between trafficking and social and economic development needs further analysis. How underdevelopment contributes to trafficking must be examined as well as how trafficking may inhibit development;

(g) While human trafficking represents an acute form of exploitation of victims, care must be taken to avoid falling into the trap of establishing a hierarchy of suffering or reducing migrants to a definition and an administrative category. With the increasing difficulty in determining whether an individual is a victim of trafficking, it becomes essential to ensure that all migrants benefit from actions intended to prevent their exploitation and the violation of their rights.

10. Building bridges: civil society organizations and law enforcement cooperation

210. Cooperation between Governments and civil society organizations is crucial to effectively protecting and supporting victims of trafficking, especially because victims assisted by civil society are more likely to provide evidence to law enforcement. One of the aims of the Vienna Forum was to highlight the existing practices of stakeholders and to discuss best practice models on how to cooperatively fight trafficking in human beings in an effort to create a holistic approach.

Objectives

211. This session was designed to address factors that compromised and challenged cooperation between stakeholders with different roles in the overall fight against human trafficking. These factors could include competition, lack of confidence and understanding, and roles often seen as “conflicting” between law enforcement institutions and civil society organizations. The panel also examined good practices in civil society/law enforcement cooperation and addressed the importance of quality standards, transparency and mutual recognition of tasks and responsibilities.

Summary of discussions and key findings

212. Discussions centred on keeping victim rights at the core of all legal action. Challenges to cooperation were also pointed out, including finding agreed indicators of victim identification and distinguishing between trafficking and smuggling.

213. One panellist presented a series of challenges to effective structural cooperation:

- (a) A common definition of the purpose of cooperation was necessary;
- (b) Cooperation should not be limited to law enforcement but should also incorporate the provision of other services, such as education;
- (c) Cooperation needed to be formalized and structured through cooperation agreements to adequately protect human rights;

(d) Information-sharing and data management needed to form part of the cooperation agreement;

(e) Regular assessment was necessary and any agreement should include an evaluation mechanism.

214. Another panellist stressed the importance of a holistic, multidisciplinary approach to developing cooperation frameworks, using examples from the Greater Mekong sub-region (Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam). That experience showed that, while cooperation agreements were important, the actors involved should not get overly caught up in the structures of cooperation, because a structured cooperation agreement often did not take the individual into account. Human trafficking was a diverse crime—victims of forced labour needed different assistance from victims of sexual exploitation—and the response and support must be equally diverse. It was important to find a balance between the goals of the different actors. Such a partnership was the key to victim identification and support.

215. Another panellist asserted that the common goal of all stakeholders should be to improve the situation of the victim. An essential aspect of cooperation meant having a specialist representing all involved parties to build trust and enhance communication. Part of building trust was managing the expectations of the victim when he/she agreed to become a witness (e.g. for a residence permit).

Proposals for future action and recommendations

216. The following proposals were made:

(a) Structured cooperation needs to be formalized. A multi-agency partnership group or national referral mechanism with a representative membership should be established and regulated by a memorandum of understanding or other framework agreement. The agreement should define the purpose of the cooperation, the methodology and the responsibilities of each actor. The multi-agency partnership group should develop a memorandum of understanding on the issue of information-sharing between all relevant stakeholders;

(b) The common goal of all group members should be to identify, protect and rescue victims, with clear delineations and understanding of responsibilities. Criminal justice actors must adopt a victim-friendly approach and establish a process of providing accurate information to victims about their rights and the risks they run so as to avoid false expectations. For the group to function effectively, trust must be established between the different stakeholders, emphasizing transparency while avoiding bureaucracy;

(c) Social reintegration and real job opportunities are central to combating re-victimization;

(d) Human trafficking in countries with economies in transition and increased domestic trafficking as a result of the enlargement of the European Union constitute new challenges that will need to be addressed.

D. Special sessions

1. International cooperation: identifying and overcoming obstacles

217. The United Nations Convention against Transnational Organized Crime and its Trafficking Protocol include a number of crucial provisions on law enforcement cooperation; the exchange of information; joint investigations; extradition; mutual legal assistance; international cooperation for purposes of confiscation; transfer of criminal proceedings; and transfer of sentenced persons. Implementation of those provisions is essential to fulfil the fundamental purpose of the international instruments.

218. The investigation and prosecution of organized criminal groups involved in trafficking in persons is complex and difficult. Facilitating information exchange between law enforcement authorities and developing effective international judicial cooperation and responses is crucial.

Objectives

219. The workshop examined a variety of approaches to law enforcement and judicial international cooperation based on experience gained from specific cases in order to identify problem areas and appropriate responses that could make cooperation for investigation and prosecution more effective. In addressing issues of interest to investigators, prosecutors and judges, the session was intended to promote mutual understanding beyond the “blame culture”.

Summary of discussions and key findings

220. Action by Governments to promote a holistic approach to bringing key stakeholders together in a more strategic way was an important step that could lead to a more focused response to prevent and counter human trafficking. Operation Pentameter, an initiative of the European Union’s Group of Six—France, Germany, Italy, Poland, Spain and the United Kingdom—offered an example of such an international multi-agency model.

221. The use by law enforcement of existing organizations facilitated effective operational law enforcement information-sharing, intelligence development, coordination and action. International law enforcement liaison officer networks could also arrange swift and practical assistance in transnational investigations. Early contact and liaison with international foreign law enforcement agencies that had a specific role in coordinating and supporting cross-border investigations should be utilized.

222. Specific and adequate legislation in line with the Trafficking Protocol, mechanisms to ensure national inter-agency cooperation and effective law enforcement and judicial cooperation at the international level were all crucial to investigating and prosecuting human trafficking cases. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its Trafficking Protocol might consider

introducing a more operational dimension with the establishment of a law enforcement working group/task force against organized crime.

223. It was essential for States to overcome ignorance or misperceptions about multi-lateral treaties and to make full use of United Nations instruments, in particular the Organized Crime Convention, as a basis for international judicial cooperation. International judicial cooperation relied on mechanisms such as extradition and mutual legal assistance and had to take into account differences in the legal systems of States that sought mutual cooperation.

224. The Organized Crime Convention required States to provide contact details of their competent authorities. It was essential for States to provide and update such information, as it allowed international cooperation practitioners to know whom to contact when preparing requests for extradition and mutual legal assistance.

225. Appropriate training for the judiciary needed to be provided to ensure that courts and judges at all levels were aware of modern international cooperation requirements. The training of international cooperation practitioners, the building of networks and partnerships, the establishment of channels of communication and the enhancement of trust and mutual understanding were essential to international cooperation. UNODC, in its role as a facilitator of international cooperation, should provide technical assistance in these areas. Adequate resources needed to be made available for training in developing countries.

226. A major challenge in implementing the Organized Crime Convention was assisting developing countries in institution-building and developing capacity/capability. The provision of the necessary resources for technical assistance activities was of paramount importance.

Proposals for future action and recommendations

227. The key findings of this workshop should be submitted for further consideration and action to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its session in October 2008.

2. The role of parliamentarians: Parliamentary Forum

228. Parliamentarians have an important role to play in fighting trafficking in persons because they can create the political and legislative environment necessary for the successful development and implementation of anti-trafficking initiatives. As the legislative authority, parliaments are entrusted with the ratification of the Trafficking Protocol and any other international instruments related to trafficking in persons.

229. To respond to the problem of human trafficking, various legislative reforms are required to bring national legislation into compliance with international standards and to ensure that the offence of trafficking is created in domestic criminal law.

230. Parliamentarians also play a role in other prevention, protection and prosecution efforts, such as raising awareness, ensuring the appropriate allocation of funds to anti-human trafficking programmes and promoting inter-agency and international cooperation.

Objectives

231. The Parliamentary Forum on the occasion of the Vienna Forum to Fight Human Trafficking provided an opportunity for parliamentarians to discuss and share good practices in anti-human trafficking legislative review and to elucidate the critical role parliamentarians and parliaments had to play in national and international efforts to combat human trafficking.

Summary of discussions and key findings

232. Parliamentarians could motivate their Governments to develop, implement and enforce anti-human trafficking legislation. States needed to ratify the pertinent international and regional legal instruments, but ratification of those instruments was not the end of the process. Implementation was more important in preventing human trafficking, protecting trafficked victims and prosecuting traffickers.

233. Parliamentarians must understand the distinction between human trafficking and people smuggling, so that victims were recognized and treated as victims of crime and not as illegal immigrants. An understanding of that distinction was also necessary in order to develop effective policies and responses to human trafficking.

234. Many parliamentarians agreed that it was important to involve civil society as partners in the development and implementation of trafficking prevention policies. This included funding NGOs to act as service providers for trafficked victims.

235. Parliamentarians also agreed that further discussions on policy developments and good practice to prevent human trafficking should be held annually to allow the sharing of progress and knowledge in the fight against human trafficking.

236. Parliamentarians considered calling for a day of national reflection on human trafficking with such a day going beyond parliamentary boundaries to reach out to the public as a means of raising national awareness on the issue of human trafficking. They also highlighted the importance of the media as an awareness-raising vehicle.

Proposals for future action and recommendations

237. Parliamentarians discussed the need for action in a number of areas, focusing especially on enhancing national legislative environments for combating trafficking in persons, in many cases reiterating the key findings of the Forum discussion:

(a) All Member States should develop, implement and enforce national legislation to criminalize human trafficking. Parliamentarians were called upon to support the signature and ratification of the Organized Crime Convention, the Trafficking Protocol and all

related international instruments on human trafficking and to bringing national legislation into compliance with international standards;

(b) Parliamentarians need to address the three Ps (prevention, protection, prosecution) when developing policy and legislation on human trafficking;

(c) Parliamentarians need to understand the distinction between human trafficking and the smuggling of migrants and reflect that distinction in national legislation;

(d) The root causes of human trafficking, including poverty, gender inequalities, vulnerabilities in societies and conflicts need to be addressed;

(e) An annual inter-parliamentary meeting should take place to discuss the progress of the anti-human trafficking policies of Member States;

(f) The European Commission has designated 18 October European Union Anti-Trafficking Day. Parliamentarians around the world should call for a day of national reflection on human trafficking to overcome apathy;

(g) The *Handbook for Parliamentarians* developed for this Forum will be updated for the next Statutory Assembly of the Inter-Parliamentary Union, to be held in Cape Town, South Africa, from 13 to 18 April 2008, to share knowledge and best practices of countries in combating trafficking. The *Handbook* will be finalized following the Cape Town meeting;

(h) Parliamentarians should support the role of the media as a tool for raising public awareness on the issue of human trafficking.

3. The role of the private sector

238. The business community can play a crucial role in combating human trafficking by ensuring that commercial activities comply with national laws and international instruments that criminalize trafficking in persons. Businesses can also address and reduce the factors that allow trafficking to be a profitable crime and that create the demand for goods and services produced by trafficked persons.

239. The Vienna Forum provided opportunities to identify and promote positive action through specially convened sessions for the private sector and by involving the business community in the broader discussion and development of partnerships to fight human trafficking.

(a) *Private sector panel I. Engaging the private sector in actively fighting human trafficking: opportunities and challenges*

240. Human trafficking is a cross-cutting developmental problem with wide-ranging social, economic and legal implications affecting all segments of society. Employers in many industries are increasingly aware that their supply chain is vulnerable to unlawful practices, including human trafficking and forced labour.

241. Some companies seek to protect their supply chains by adopting codes of conduct to eliminate trafficking in persons for the purposes of forced labour and/or sexual exploitation. While such self-focused measures are important and legally mandatory in many

countries, some corporations are going beyond mitigation and awareness-raising efforts. Yet few businesses are actively involved in the front lines of the fight against human trafficking, compared with their involvement in other issues.

Objectives

242. This session explored the challenges in engaging more in-depth involvement of the private sector and examined how to increase the dialogue between the private sector, Governments and NGOs.

Summary of discussions and key findings

243. The panel reached the following key findings:

(a) Companies needed to have a sense that NGOs and programmes against human trafficking were sustainable and designed using successful models;

(b) There needed to be a focal point for anti-human trafficking activities. UN.GIFT could serve as such a focal point to coordinate and bring together all segments of society.

244. The agenda of corporate social responsibility was crowded and businesses chose to engage in issues that they knew could have an effective impact. Human trafficking was an issue where too little was known and too few facts were available, leaving it a vague and difficult area to address.

245. While there were private sector companies actively engaged in anti-human trafficking efforts, there was a lack of knowledge and awareness of the issue in much of the business community and those companies that were active received little positive recognition for their efforts. Indications were that few businesses were involved in anti-human trafficking efforts and there was a need to increase the involvement of more companies. The current dearth of knowledge and activity created the impression that the private sector was stuck in the nascent stages of the fight against human trafficking.

246. A business case needed to be made for private sector engagement that would give corporations an idea of the extent of the problem, efforts already under way and the gap that must be bridged between the problem and effective action. Industries needed to develop, agree upon, implement and monitor a code of conduct that went beyond legal mandates and applied ethical standards.

247. Businesses were ready to engage and contribute resources to fighting human trafficking, but they needed some assurance that their partners in non-governmental and international organizations could make a positive impact both efficiently and in a sustainable manner.

248. Private sector participants were also concerned that, in many countries where human trafficking was rife, only 20 per cent of businesses constituted the formal sector, while 80 per cent operated in the informal sector. That circumstance called for greater regulation and monitoring efforts by governmental institutions to fight trafficking in the informal sector.

249. Panellists agreed that significantly more resources must be mobilized than were currently available through UN.GIFT for anti-trafficking efforts to bear substantial results.

Proposals for future action and recommendations

250. The following proposals were made:

(a) The private sector panel agreed that UN.GIFT needed to become an effective focal point for businesses and other segments of society. In that role, UN.GIFT should convene more multilateral meetings with the aim of disseminating information on best practices and ongoing initiatives in the private sector, accurate statistical data and other relevant information. UN.GIFT needed to use the knowledge available to help develop business cases for private sector engagement in the fight against trafficking in persons;

(b) Panellists agreed that UN.GIFT needed to be a repository of information and a common platform for multilateral solutions to prevent and fight human trafficking;

(c) Despite much effort by various actors, business representatives believed that the public was still relatively unaware of the widespread nature of human trafficking and that massive awareness-raising campaigns were necessary;

(d) Another step that industries could take was developing, adopting, implementing and monitoring a code of conduct related to ethical business practices.

(b) *Private sector panel II. Resource mobilization and gathering information: the role of foundations and private companies in anti-human trafficking*

251. Employers and private sector companies must comply with legal regulations and adhere to ethical considerations related to trafficking in persons. However, it is not uncommon to find that companies do not know how to address the issue because of a lack of knowledge and data on human trafficking and how it may affect commercial activities and the individuals and communities associated with those activities. At the same time, a lack of corporate focus and resources tied to anti-human trafficking activities contributes to the information void.

Objectives

252. The second private sector panel was intended to discuss the relevant companies in the collection and analysis of data, as well as the role of financial capital organizations and foundations in resource mobilization to fight human trafficking.

Summary of discussions and key findings

253. Participants agreed that the issue of human trafficking had not caught the attention of the private sector compared with other development issues because of a lack of information, knowledge and compelling facts on the crime and its effects on society at large, including the business sector.

254. The criticism was voiced that while businesses suffered the constant fear of being shamed publicly for failures in their processes that might relate to trafficking in persons, there were no incentives for the private sector to engage in anti-trafficking efforts.

255. Among other reasons participants gave for not mobilizing resources to fight human trafficking was the sentiment that there was too little knowledge and coordination among the private sector on the issue. More awareness and research-based information was needed to understand issues such as which sectors were more susceptible to trafficking and what measures must be put in place by private companies to prevent and help fight it.

256. The resources that private sector companies could contribute to fighting human trafficking were people, expertise, skills training and creative partnerships for real change and not just short-term financial contributions. Marketing research associations could work as partners with UN.GIFT to help provide research to address the supply and demand side of this crime and to develop communication and branding for UN.GIFT to maximize the impact of private sector engagement. The private sector needed to pool its resources and have access to and share information on the issue with all multilateral partners.

Proposals for future action and recommendations

257. The following proposals were put forward:

(a) Private sector participants requested that UN.GIFT serve as a multi-stakeholder coalition to facilitate private sector engagement in fighting human trafficking;

(b) The case must be made for private sector engagement through facts and research-based information on how the current scenario will affect the future of businesses;

(c) Regulations need to be developed and enforced to put companies engaging in human trafficking out of business. Governing bodies need to provide incentives, such as positive recognition, for those companies that are working actively to prevent and fight trafficking in persons;

(d) Information on trafficking in persons needs to be made easily accessible and aggressively communicated to the private sector to increase awareness and understanding of the issues, challenges and opportunities for successful impact;

(e) Participants also agreed that the issue needed aggressive media engagement to better inform the private sector and the public and to promote greater attention and resources to the issue of trafficking in persons;

(f) Another important incentive to get businesses involved is to measure the effectiveness of anti-human trafficking programmes so that resources can be directed towards successful initiatives with proven impact.

(g) Private corporations must play a critical role in sustainable livelihood programmes for victims and other vulnerable people to help prevent this crime.

258. A variety of initiatives were announced and partnerships offered to UN.GIFT, including:

(a) The European Society for Opinion and Marketing Research had agreed to become the “knowledge partner” of UN.GIFT, bringing the resources of its members to

the United Nations, and to provide a scientific approach in building a business model for a human trafficking-free brand;

(b) A draft code for safe and honourable tourism in India had been developed to begin the process of establishing a new set of standards and incentives for the Indian tourism industry in conjunction with WelcomHeritage Hotels and UNODC;

(c) Twidox, an online library resource, was launching a specialist human trafficking platform for individuals and organizations to upload, share and find documents on human trafficking and to act as a unique repository of market and opinion information;

(d) The Gap, Inc., was a member of the Ethical Trading Initiative, which worked on purchasing practices and addressed supply chain working conditions, especially related to child exploitation in India and South Asia.

4. The role of women leaders: Women Leaders' Council to fight human trafficking

259. The Vienna Forum established a Women Leaders' Council in recognition of women who had taken the lead in drawing the attention of their Governments and civil society to the threat of trafficking in persons and its impact on human development and security. UN.GIFT emphasized the essential role of women in combating human trafficking by bringing together women with significant experience and leadership in their respective fields who were well-positioned to effect positive change in their nations and regions.

260. The Women Leaders' Council will assist in informing UN.GIFT about emerging global and national challenges, in particular in relation to the strategic and interrelated areas on human trafficking to which women and children are most vulnerable.

261. The deliberations of the Council at the Vienna Forum were a rich exchange of ideas and experiences and the basis for a vibrant network, community of practices and individual commitments of action to combating trafficking. Members of the Council agreed to a set of priority action points and to convene in no less than a year to discuss progress and follow-up. UNODC would serve as the secretariat for the Council, whose programme of action would include:

(a) *Events and campaigns*

- (i) A list of global and regional events, such as sporting events, that present a high probability for human trafficking will be developed, and awareness-raising campaigns will be organized around those events. The first such event will be the 2008 European Football Championship (Euro2008) in Austria and Switzerland;
- (ii) A list of conferences and meetings pertinent to raising awareness on human trafficking (such as meetings of the World Economic Forum) will be identified for participation by members of the Council;
- (iii) The Council will develop an alert and response system for crisis situations, such as natural disasters and conflicts, which increase the vulnerability of affected populations to human trafficking;

(b) *Public service announcements and DVD compilations.* A catalogue of public service announcements, DVDs and other awareness-raising materials on human trafficking will be compiled and made available, where possible, in different languages. Films made for the Vienna Forum will also be included;

(c) *Website.* A website for the Women Leaders' Council will be established;

(d) *Creation of a decalogue.* A brochure will be developed containing the 10 basic things to know for potential victims to avoid human trafficking. The brochure will be translated and widely disseminated, especially in remote areas and through relevant media;

(e) *Public outreach.* A public outreach campaign will be developed using the UN.GIFT theme "Not for Sale" and similar initiatives to build general public awareness and increase understanding of the crime, primarily targeting youth. The campaign messages should be translated into different languages and used for Council events. Posters and public service announcements will also be developed;

(f) *Compilation of guidelines.* Minimum standards for the treatment of victims of human trafficking will be compiled and strengthened. UNODC will provide any relevant recommendations from United Nations guidelines and treaty bodies;

(g) *Strengthening legislation, ratification of international instruments*

(i) Members of the Women Leaders' Council will call on countries to sign and ratify the Trafficking Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings, which provides for victim protection. The Women Leaders' Council will also work with parliaments to strengthen legislative provisions to assist and protect victims;

(ii) The Council will strengthen collaboration with international and regional organizations, civil society and decision-making authorities, including parliamentarians.

5. The role of the arts

262. The arts can have a reach that extends far beyond many more traditional means of communication and can speak to people of all ages in a way that laws, government documents and even the media cannot. The Vienna Forum brought together a number of different art forms to creatively present human trafficking to the public in ways that have the potential to explain the issue through means that allow viewers to take the message with them.

(a) *Art exhibition: "The Journey against Sex Trafficking"*

263. "The Journey against Sex Trafficking" is a unique art installation that maps the journey of victims of human trafficking using seven transport containers to illustrate the brutal and harrowing experiences of women sold into the sex trade. The interactive exhibit is based on the real-life stories of young women who left their home countries in search of a better life but were deceived or coerced by traffickers and forced to work in the sex industry.

264. Each container shows a different stage of the trafficking process, starting with “Hope”, which reflects the aspirations of young women planning to leave their homes. The containers “Uniform”, “Bedroom” and “Customer” offer graphic and disturbing insights into the daily ordeal of women forced into the sex industry.

265. The driving force behind the exhibition was actress Emma Thompson and fellow activist Sam Roddick, who teamed up to raise awareness of trafficking and the plight of trafficked women.

266. The Vienna Forum brought the exhibition to Vienna for viewing by the public. The installation received extensive media attention internationally. Approximately 5,000 visitors viewed the exhibit, at an average of about 1,500 a day, near maximum capacity since no more than 70 people can enter the exhibit at a time.

(b) *Film forum: “Let us not close our eyes”*

267. Using a narrative form of storytelling, film is a medium that is well-suited to showing the complex aspects and forms of exploitation experienced by those who are victims of human trafficking. These stories can make the public aware of the existence of this crime, which affects every country.

268. In conjunction with the Vienna Forum, the City of Vienna hosted a film forum on human trafficking, “Let us not close our eyes”. Nineteen films by renowned international film makers were selected and compiled by UN.GIFT for screening. These films were selected to give faces to the anonymous numbers presented in human trafficking reports.

269. The film forum was well attended. Several screenings were at capacity, with people sitting in the aisles.

(c) *Photography exhibition: “Human trafficking: images of vulnerability”*

270. A photography exhibit was presented as part of the Vienna Forum to provide snapshots of human trafficking around the world. The exhibition, which was also shown in New York in October 2007, featured the photography of Howard G. Buffett (president of the Howard G. Buffett Foundation), Academy Award-nominated director Robert Bilheimer and international photojournalist Kay Chernush. Photos from the October 2006 and February 2007 *New York Times* cover story about child trafficking on Lake Volta, Ghana, taken by João Silva and Olivier Asselin also were shown.

(d) *Cartoon competition*

271. UN.GIFT joined with Stop the Traffik, a global movement of activists to combat human trafficking, to launch a worldwide cartoon competition. Young people from across the globe contributed to the fight against human trafficking through the creation of cartoons sending out messages about the crime.

272. The best entries were displayed at the Vienna Forum and the winning cartoons will be used in future UN.GIFT publications to raise awareness among young people.

(e) *Virtual forum to fight human trafficking*

273. A password-secured virtual network was created prior to the Vienna Forum to give participants an opportunity to meet virtually and discuss project ideas and technical assistance needs prior to coming to Vienna. The virtual forum provides meeting space to further develop concept/project proposals and discuss potential partnerships and will continue to operate after the Forum is over.

6. The role of youth in the fight against human trafficking

274. The Youth Forum focused on the critical place of young people in the fight against human trafficking and highlighted, by means of personal testimony and presentations—a grassroots movement that is moving the focus to youth as a result of their creative awareness-raising activities. The session showed the potential of young people to contribute to ending a crime that ensnares millions of children and young people around the world.

Objectives

275. The objectives of the session were to encourage young people to be advocates on behalf of those who had been trafficked or were in danger of being trafficked; to provide youth an opportunity to give voice and substance to their passion; to stress the urgent need to involve young people and enable them to form a movement for action and change; to connect participants with the story of a real person who had been trafficked; and to allow young people to show how they could become advocates for prevention.

Summary of discussions and key findings

276. The session was opened by the representative of Stop the Traffik, a global coalition of over 1,000 organizations in 52 countries working together in areas of advocacy, education and fund-raising to end human trafficking. Innovative tools were presented, including youth-led film productions, role-plays and music montages, to raise awareness about trafficking in persons.

277. A short film and presentation showcased the experiences of a young woman working in a project called “Nightlight” in Bangkok, which provides alternative employment and support services for female victims of trafficking. Another film featured the efforts of a youth employed by Oasis India who worked with law enforcement to identify possible trafficking victims at the Mumbai transport centres. Drama students from Redmoor High School, Hinckley, Leicester (United Kingdom) showed how they used drama to produce a short film and role-plays to raise awareness of human trafficking in their communities.

278. Overall, the session aimed to show youth as part of the solution and not just as potential victims in need of rescue.

Proposals for future action and recommendations

279. Participants in the session concluded that youth engaged in the fight against trafficking in persons should join together with other networks to build greater momentum in a global youth movement.

280. It was concluded that young people had a role to play in using innovative tools to raise awareness about trafficking in persons among peers, teachers, parents and in their communities. It was also decided that the contribution of youth to fighting trafficking in persons should be showcased more often and integrated into anti-trafficking strategies.

7. Side event. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime

281. The Governments of Australia and Indonesia, in their capacity as co-chairs of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crimes, hosted a side event during the Vienna Forum.

Objectives

282. The event disseminated information on the Bali Process and its activities.

Summary of discussions and key findings

283. Presentations and discussions demonstrated the utility of the Bali Process as a model for regional cooperation in the fight against human trafficking. The Bali Process had made—and continued to make—a valuable contribution to combating human trafficking in the Asia-Pacific region and beyond by strengthening and facilitating non-binding and informal cooperation among policymakers and practitioners from over 50 countries, as well as with key international and regional organizations.

284. The panel concluded that regional consultative processes remained the most effective way for States to cooperatively combat human trafficking and were integral components of the global effort to fight the crime. Regional consultative processes such as the Bali Process were able to respond to the complexities of human trafficking, including changes in patterns and increased volumes, thanks to their strong operational networks and their ability to facilitate direct contact between policymakers and practitioners. The high-level political impetus that drove regional consultative processes enabled the development and strengthening of practical cooperation at the operational level. Regional consultative processes were also particularly effective at providing technical assistance to small and developing States and helping build their capacity to tackle human trafficking.

Proposals for future action and recommendations

285. Participants formulated the following proposals:

(a) The work of regional consultative processes should be enhanced through continued exchange of experience and best practices at interregional meetings. Participants

saw scope for this occurring under UN.GIFT and other relevant initiatives undertaken by the international community;

(b) Effective regional cooperation at the operational level is imperative in the fight against human trafficking. In particular, regional consultative processes should work to develop best practices in law enforcement cooperation and victim protection and to facilitate the development of anti-trafficking legislation;

(c) Given that human trafficking represents an exploitative fraction of international migration, collective efforts towards better governance of international migration could contribute significantly to countering human trafficking;

(d) Effective action to prevent and combat trafficking in persons requires a comprehensive international approach in the countries of origin, transit and destination based on shared responsibilities, in particular for victim repatriation, by protecting the internationally recognized human rights of victims. For that reason, Governments and other stakeholders should work collectively to identify sources of funding for victim repatriation and support.

E. Conclusion

286. The objectives of the Vienna Forum were to raise awareness about human trafficking, forge new partnerships and facilitate cooperation. UN.GIFT designed the Forum within that framework so as to take stock of actions already under way and to share those experiences with the broadest range of stakeholders, generating discussion and highlighting innovative approaches to combating human trafficking.

1. Awareness-raising

287. Broad-based participation in the Vienna Forum and high-profile media attention raised the visibility of the issue of trafficking in persons. Panel sessions, workshops, side events and special exhibits were often filled to capacity with attendees from United Nations organizations, Governments, NGOs, academia, the private sector and international and regional organizations. The general public flooded special events such as Emma Thompson's "The Journey against Sex Trafficking", film screenings and photo exhibits.

288. Over 150 journalists were accredited for the Forum and over 6,000 articles resulted, many carried by leading international and national news organizations, including the BBC, *The Washington Post*, *The Times of India* and the *International Herald Tribune*.

2. Forging new partnerships and facilitating cooperation

289. One of the aims of UN.GIFT is to expand its alliances. The Vienna Forum proved that this could be done creatively with a variety of partners, such as the private sector, the media and trade unions. In fact, a key recommendation from one of the panels was to extend the three Ps of prevention, protection and prosecution to the fourth P of "partnership".

290. The Forum produced tangible manifestations of alliance-building. The Women Leaders' Council was launched. The make-up of the Council is a microcosm of the partnerships encouraged by UN.GIFT, with a membership that includes political figures, diplomats, business leaders, entertainers and others. The private sector and the media also came forward as active partners. Private sector participants suggested establishing an advisory board under the UN.GIFT umbrella and members of the media panel offered to support UN.GIFT in drawing up a code of conduct for media and in training journalists to enable them to become more informed partners in the fight against trafficking.

3. Future action and recommendations

291. The Vienna Forum set the path for future anti-trafficking efforts. The Chairperson's summary emphasized the need to aggressively address all forms of exploitation, including forced labour, and underscored the critical role of UN.GIFT in continuing to build and expand alliances.

292. As stated by the Chairperson, the Vienna Forum met its immediate objectives, but action must follow through technical assistance and international cooperation—essential for national capacity-building for the implementation of the United Nations Convention against Transnational Organized Crime and its Trafficking Protocol. Every panel and workshop produced a number of recommendations and proposals for future action, many identifying common themes for action across topic areas.

293. Emphasis was placed on the need for adequate national legislation to cover all aspects of trafficking, including ratifying and implementing the Trafficking Protocol and other relevant international instruments. Within that context, virtually all panels and workshops focused on the need for a victim-centred, human rights approach to preventing and combating trafficking in persons, with an understanding that supporting victims could also have a positive impact on criminal justice actions.

294. Increased research was generally agreed to be the cornerstone of more effective action against trafficking in persons. More knowledge was necessary to fill in the crucial information gaps, which would allow the design of adequate anti-trafficking policies.

295. Participants highlighted the need for increased cooperation between relevant agencies, civil society and the private sector both within countries and at the international level. UN.GIFT was seen as an important facilitator for expanding cooperative alliances.

296. There was a call for greater efforts to confront all aspects of trafficking, including sexual exploitation and forced labour. Labour market stakeholders—employers' organizations, trade unions, businesses and others—needed to become more active partners in ensuring labour rights and labour protections to prevent forced labour and address it where it already existed.

297. Awareness-raising was a cross-cutting activity for all aspects of combating trafficking in persons. Participants in virtually every panel and workshop saw value in awareness-raising

activities, whether for front-line law enforcement to aid in victim identification, to enlighten private sector businesses or to alert potential victims and the general public.

298. Finally, as expressed by many panellists and speakers, several critical issues were identified that remained to be addressed. Research needed to lead to achievement indicators that could be used as a baseline against which appropriate evaluation and monitoring mechanisms could be developed and implemented. The question of the nature of appropriate monitoring mechanisms also needed to be more thoroughly addressed.

299. There was widespread agreement that the root causes of human trafficking must be confronted using a balanced approach, but that increased attention needed to be placed on how to reduce demand for trafficked persons in destination countries.

300. The Chairperson expressed the sentiment of participants in her summary by pointing out that to follow up on the momentum generated by the Vienna Forum, there was an obligation to convert dialogue into action to eradicate human trafficking.

Annex I. Summary by the Chairperson*

Colleagues, delegates, ladies and gentlemen, good afternoon.

It has not been an easy three days, ladies and gentlemen, delegates. We have all met here collectively, and it evolved into a fabulous human resource pool. We have had some fabulous suggestions, amazing inputs, some excellent good practices and some valuable ways forward.

Now to summarize all of that and put it into black and white letters was indeed very, very difficult, and we have had a lot of help from a lot of people who helped draft this and did not get much sleep. And all of us who have had sleepless nights wondering what to do with human trafficking, we are going to be going back this afternoon assured that we have found a way forward.

Now these are the closing moments of the Vienna Forum, and do not panic if you have gotten a text circulated earlier, there are going to be some small slight differences, which have been made with the consent of all the people here together. It is going to be pretty much what we had drafted earlier, but with some changes. A final text copy will be circulated later for those who want to take it home just to remember.

I want to highlight the discussion held over the last three days, particularly focusing on some of the innovative ideas, in the hope that the momentum that we have generated collectively here this afternoon and throughout the course of this Forum will continue to build until we eradicate this hideous crime of human trafficking. I think that is something that we all agree on.

The adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other related United Nations conventions and instruments precipitated intense activity around the world to stop trafficking in persons. The Protocol, along with individual country programmes and laws, are the basis from which future actions to fight human trafficking must be derived, with the human rights of trafficked persons, particularly women and children, at the centre of all of our collective efforts.

Much work has been undertaken at all levels to address this crime. The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT, as we call it conveniently), is a response to collectively address human trafficking in a multifaceted manner by bringing together partners from within and outside the United Nations. The justification for the Initiative is simple, is it not? Human trafficking is a crime of such magnitude that no one, acting alone, can halt it. Collectively we can fight it.

The objectives of the Vienna Forum were to raise awareness, facilitate cooperation and forge partnerships among the various stakeholders. UN.GIFT designed the Forum within this framework to take stock of what has been done already and to share these experiences with the broadest range of stakeholders, thus generating dynamic discussions and highlighting innovative approaches to combating human trafficking.

I can say with a fair share of confidence that the Vienna Forum successfully accomplished this task and met its objectives. One of UN.GIFT's aims is to expand its alliances, and the Forum

*The summary by the Chairperson is reproduced here in full as delivered.

proved that not only can this be done, but it can be done creatively with new and existing partners, such as the private sector, the media, trade unions and, most important of all, women leaders.

The Forum was organized around three themes, which reflect the key issues that need to be addressed in a comprehensive anti-trafficking strategy: vulnerability, impact and action. I want to focus on the final theme as the way to point us forward at the closing of this Forum.

The Governments

Many States that have signed or ratified the Trafficking Protocol have adopted new laws or amended existing laws and legislation to translate the Protocol into action. The Parliamentary Forum recognized the importance of these actions and the need for more countries to take similar measures. The critical role of national Governments was recognized in combating human trafficking. I do believe it is a vital threshold from which we can take things forward.

Private sector and international employers' organizations

Private sector and international employers' organizations and their representatives expressed the need for ensuring anti-trafficking provisions within their supply-chain purchasing practices, as we just heard the Gap [Dan Henkle, Vice-President for Social Responsibility, Gap, Inc.] talking eloquently—I am calling you the Gap because that is your brand equity.

They called for proactive measures to address the ways in which the globalized economy generates supply and demand for trafficking. The representatives also asked for practical tools to keep supply chains in line with national and international standards and for increased efforts to raise awareness of employers and employees, while remaining sensitive to regional value systems and practices. We really must not go flatfooted, trampling over regional sensitivities.

Overall, the private sector recognized the need for UN.GIFT to act as a facilitator in the fight against human trafficking and offered its services in an advisory capacity.

Civil society

Civil society organizations emphasized their role in providing support to victims and engaging in capacity-building and advocacy efforts on the ground, where the problems lie. New alliances between all civil society and other partners were recognized as very powerful tools. Panellists also highlighted the importance of institutionalizing the working relationship between state authorities and civil society organizations.

Media

Media—which I do believe is the key to opening up mindsets—media reporting on human trafficking is extensive, begging the question: is all publicity good publicity? Do we really need it that way? Discussion centred on how to ensure that media has a positive effect in the fight against trafficking. The exchange of experiences in this session illustrated the value of this type of dialogue by exposing the need for broader awareness of existing victim-centred guidelines for journalists.

Youth

Now the world is getting younger in many ways. We see younger people coming into the mainstream, younger achievers across the world, and youth should be seen as part of the solution and not just as those who are vulnerable or in need of rescue alone. It was suggested that youth can provide innovative tools to raise awareness about trafficking among their peers, teachers, parents and in their communities. Innovative tools presented included youth-led film productions, role-plays and music montages to raise awareness on trafficking in persons. And I do believe youth can really do that very, very effectively.

Comprehensive approach to the issue

During the Forum, we also heard about the need to address all forms of human trafficking. We must understand that. While attention is often given to trafficking for the purpose of sexual exploitation, much more needs to be done to address other forms of exploitation. In many cases, global standards exist but broad compliance remains a problem.

We heard repeatedly in the Forum about addressing the root causes of human trafficking and the need for abolishing the demand that fuels human trafficking. We do not need rocket technology for us to understand that demand raises the bar for supply, and we need to address that and contain it.

The need for a victim-centred approach was stressed, especially with a view to reconciling interests and promoting understanding between victim service providers and law enforcement.

Technical assistance and international cooperation are essential for national capacity-building for the implementation of the United Nations Convention against Transnational Organized Crime and the Trafficking Protocol.

Monitoring and research

We heard repeatedly in this Forum about the need to deepen the global understanding of human trafficking based on solid research. Gathering accurate information is necessary to understand where the major information gaps are to provide officials a sound basis for national responses to trafficking in persons. Participants also highlighted the importance of monitoring the progress in the implementation of the Trafficking Protocol by their respective Governments.

What works

In all panels, we have seen what works. We have learned about useful tools as well as good and innovative practices. They are not uniformly applicable, of course, to all countries nor can they be uniformly scaled up, but there are many practical examples that reduce vulnerability, address impacts and lay the groundwork for action. And, more importantly, will show us what it is to be politically correct and help set direction in that way.

Cooperation must be sustained, otherwise it would be failing, recognizing shared goals and differentiated responsibilities, extending the guiding framework of the three Ps (prevention, protection and prosecution) to a final fourth P—which is “partnerships”. So we have the four Ps that we need to look at and put into action.

Finally, of course, we have heard a great deal over the last week about the importance of moving beyond talk into taking action. Sessions in this Forum have been full, often spilling over into the hallways, and you have proven that a good dialogue can happen and that it is so vitally necessary.

UN.GIFT is moving forward. The alliances are growing. Now we have an obligation to take action and gather speed on the path to eradicating human trafficking.

Ladies and gentlemen, I am not going to say farewell or goodbye, because I believe it is only an interlude for all of us before we meet the next time with achievements, with better understanding, holding hands in both partnerships and friendships where we will gather again to share this knowledge. So, I will wish you all most strength to your elbow in this fight against this biggest obscenity on supposedly a civilized society, that of human trafficking.

I know, I know that some of us are going back with a burning passion and anger that we have even allowed this to happen. We are going to go back with innovative ways to see how we can influence our respective nations and Governments. We are going to go back because we have to move forward, and we will move forward into a society that is strong enough to protect the children, right enough to bestow the gift of childhood onto these children and that we are brave enough to speak the inconvenient truths.

I wish you all strength and my prayer that our paths will cross again. Good luck, god speed and see you again.

Annex II. Closing remarks by the Executive Director of the United Nations Office on Drugs and Crime*

This meeting has been a success, from an organizational, conceptual, institutional and a mediatic point of view. That means that the UN.GIFT intuition we developed about one year ago proved quite novel, and risky—but it worked.

My thanks to all those who contributed to the success—first and foremost to you, the participants. Also my sincere gratitude to the dedicated members of the UN.GIFT team. And again I thank the Crown Prince of Abu Dhabi for his generous support.

Was it also a success in terms of substance, namely on the impact we expect this Initiative to have on fighting human trafficking?

The UN.GIFT mission statement contains two parts: first, improving knowledge and awareness of this tragedy, and second, implementation of the “3 Ps” (as per the Protocol). How did we score?

Awareness has been raised

Media attention was significant: human trafficking is now more visible to both the public and policymakers. Overnight, the UN.GIFT brand—its logo, acronym, and what it stands for—have become recognized worldwide. Of course, brands wither away rapidly, unless nurtured: the challenge is to see how we can strengthen this brand.

This journey, which we should undertake together, is symbolized by Emma Thompson’s installation, called “The Journey”, that we hope to reproduce in different parts of the world and to represent other forms of human slavery.

The Film Forum also contributed to greater awareness. I urge you all to make use of this resource. I am told that some of the films touched national sensitivities. But this is an issue that transcends borders and we have to be honest about it. Nobody is singled out for criticism because we are all guilty. Films were chosen to raise constructive awareness, not to criticize. My thanks to the Suzanne Mubarak Foundation whose support will enable the Film Forum to be shown in other cities.

I urge you all—especially the artists, entertainers, celebrities, the media and NGOs who reach a wide audience—to continue your high-profile work that brings attention to this tragedy. In the coming months, we hope to trigger large manifestations—such as concerts and exhibits—to mobilize especially the young.

*The closing remarks by the Executive Director of the United Nations Office on Drugs and Crime are reproduced here in full as delivered.

“3 Ps” and implementation of the Protocol

Long ago we decided not to have any official conclusions for this Forum. The road ahead is already mapped in the Trafficking Protocol.

What is lacking is a mechanism for reviewing implementation of the United Nations Convention against Transnational Organized Crime, and its Protocols. I hope this will be realized at the Conference of the Parties later this year. The greater the role of Member States in the monitoring, the greater the sense of ownership, and the greater the impact.

Roughly one third of United Nations Member States (76 countries) have not ratified the Protocol. Some major countries have not even signed. It is time to move.

For the 116 States parties to this strong legal instrument, it is time to speed up implementation: to prevent this crime, to criminalize it, and to protect and assist victims. Indeed, a recent study by my Office, soon to be released, shows that implementation of the Protocol is characterized by gaps and omissions.

If these gaps and omissions are the result of neglect, you are now motivated to do something about it. If they are due to lack of capacity, UNODC can help through the provision of technical assistance.

Technical assistance

Fighting human trafficking is not just a legal issue, it is a capacity issue—train your law enforcement officials, judges and social workers to be sensitive to dealing with human trafficking cases, drawing on good practices that have been highlighted here (for example in the mock trial). UNODC, and other organizations in this hall, can assist.

Technical assistance is resource-intensive. Additional UN.GIFT resources are needed to fund capacity-building in Member States.

We also need better tools. This week I was pleased to launch the Witness Protection Manual. It will enable victims to be assisted, and to collaborate so that justice can be done.

Operational outcomes are becoming concrete

A number of specific initiatives have been examined this week. Some of them apply to national conditions, others to industries. Some require public-private partnership.

We need to turn these into concrete projects that will have an impact on the ground:

- Tracking and blocking credit card payments for Internet human trafficking transactions
- Technology to identify, monitor and disrupt human trafficking routes
- Codes of conduct to curb sex tourism
- Helplines to report suspected child prostitution or sex slavery
- Social services to stop street begging by exploited children
- Better supply chain management and corporate self-certification to keep slave-made products off the shelves
- Targeting human trafficking clusters: regions where this crime is especially acute.

During this week, the gruesome issue of the forced removal and trade of human organs received considerable attention. I am looking forward to guidance from Member States on what to do about this problem.

Enabling factors

To move ahead, we need suitable conditions—what we call enabling factors.

We need further resources to enter a more operational phase focused on the implementation of projects and research. The United Nations Foundation provides a useful tax-free vehicle.

We also need to improve our knowledge base—build up information and data, and our understanding of what goes on with the double purpose of: first, making policy evidence-based and second, identifying the best way of delivering technical assistance.

Throughout the meeting I was asked by the media and government, “How big is the problem?” “Is it growing?” My social scientist training prevents me from passing judgement because the evidence is so shaky. We see the tip of the iceberg, but how deep is this problem below the surface? I appreciate the offers of support from research institutes. UN.GIFT can be a hub for pooling information. Our next report on human trafficking will be released later this year.

A less tangible, but equally important, enabling factor is partnership to strengthen our ability to work together. Therefore the importance of strengthening alliances. I was impressed by the high-powered Women’s Leadership Council. You are influential leaders and mentors who can drive forward our common agenda, and promote the abolitionist cause among women around the world. I am impressed by the list of specific actions that you have identified this week, and by the fact that the Council is becoming institutionalized. I especially congratulate Baroness Mary Goudie for being elected Chairperson of the Council. UN.GIFT is proud to support you.

I have also been impressed by:

- The manifestation of corporate responsibility that has been made by the business coalition to make products “slave-free”.
- The work of so many NGOs taking action at the grass roots (to mobilize 1.5 million signatures is amazing).
- The initiative of members of the media who volunteered to set up an advisory panel to promote films on human trafficking.
- Parliamentarians have deepened their commitment to, and knowledge of, the cause. At the Parliamentary Forum I was pleased to share the *Handbook for Parliamentarians* that should assist in putting the Protocol into action.
- We all appreciated the work of faith-based organizations: they inspire ordinary citizens as much as leaders. Above all they can assist those who are vulnerable, preventing their fall, or assisting their recovery.

Attacking the problem at both ends, reducing supply and demand

We must reduce the severity of the problem by attacking it from both ends: reducing supply and demand.

Concerning trafficking for the purpose of sexual exploitation, at both ends of the spectrum there is a problem of mindset—societal and cultural attitudes towards women.

In terms of supply, trafficking is too often the result of gender discrimination. Yes, poverty is a factor, but it is an insult to poor people everywhere to suggest that economic hardship alone would cause them to sell their children. It is a sad truth that in societies where children are sold into slavery, it is usually the girls who are victims. I appeal to parents in such dire straits: love and cherish your daughters as much as your sons.

If supply is very much an issue of developing countries, demand—at least for sexual exploitation—is largely the problem of the developed world. So let us not be too quick to pass judgement on sexual discrimination in poor countries. Sexist attitudes, lifestyles that insult the dignity of women, and expensive media and advertising campaigns that exploit their bodies create a market for gender-based exploitation.

Then there is the issue of labour exploitation—we must understand its complexity. We have yet to resolve the eternal dilemma between the constant quest for low wages, on one hand, and the impact of poverty, on the other, that dictates that a low wage is better than no wage. The vulnerable are trapped in the middle.

A lot has been said this week about children in conflict situations—boys with their guns, girls with their vulnerability. We know the role of organized crime in perpetuating these conflicts. I urge you to use the Organized Crime Convention as an instrument of peace.

We also focused on the mindset of trafficking victims. The psychological scars that they carry are as deep as the physical ones—yet we do not know enough about the healing process, if it takes place at all. Many survivors, even when they are free, can not escape the mental enslavement.

UN.GIFT will therefore pay more attention to the mental health of trafficking victims, for example reducing vulnerability to post-traumatic stress disorder, so that these survivors can return to society and rebuild their lives with dignity. We need to engage specialists in this field to make it possible.

We must also better understand the grey areas between human trafficking and illegal migration, forced labour, paedophilia, child exploitation, civil conflicts, and coerced prostitution. Progress in one area can have a positive impact in others.

A tipping point

Ladies and Gentlemen, I hope that we have reached a tipping point in the fight against human trafficking.

For that to be true, we must build on the momentum and energy that has been generated this week.

As I stressed in my opening remarks, this Forum should be the beginning of a process, not the end.

I urge the UN.GIFT team to provide the background for the upcoming General Assembly thematic debate on human trafficking, and help the Assembly prepare its own comprehensive strategy for the following year.

Ladies and Gentlemen, this Forum has brought out some of the best qualities of humanity to fight against some of its most evil.

Let us say once and for all, we are not for sale.

Annex III. Decisions adopted by the Commission on Crime Prevention and Criminal Justice at its sixteenth session

Decision 16/1

Global initiative to fight human trafficking

The Commission on Crime Prevention and Criminal Justice, stressing the utmost importance of international cooperation against trafficking in persons and welcoming the efforts of the United Nations Office on Drugs and Crime in fighting that form of crime, welcoming in this regard the Global Initiative to Fight Human Trafficking, and expressing its appreciation for the financial contribution of the United Arab Emirates, welcoming also the participation of relevant regional and international organizations and private sector and civil society entities in the Global Initiative to Fight Human Trafficking, stressing the importance of the full involvement of Member States in the Global Initiative to Fight Human Trafficking, and stressing also the role of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in improving the capacity of States parties to combat transnational organized crime and in promoting and reviewing implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime:⁴

(a) Decides that the Global Initiative to Fight Human Trafficking should be guided by Member States;

(b) Decides also that the Commission on Crime Prevention and Criminal Justice shall take a decision on the political aspects of the proposed November 2007 event on the Global Initiative to Fight Human Trafficking, with particular emphasis on its preparatory process, form and possible outcome;

(c) Requests its Chairman to hold informal open-ended intergovernmental consultations and to report to it at one of its intersessional meetings before July 2007 on the outcome of the consultations, in order for it to take the decision referred to in paragraph (b) above;

(d) Requests the Executive Director of the United Nations Office on Drugs and Crime to report to it at its seventeenth session and to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fourth session, on the implementation of the present decision.

⁴United Nations, *Treaty Series*, vols. 2225 and 2237, No. 39574.

Decision 16/2

Global Initiative to Fight Human Trafficking

The Commission on Crime Prevention and Criminal Justice, recalling its decision 16/1, especially paragraphs (b) and (c), in which it decided to take a decision on the political aspects of the proposed event on the Global Initiative to Fight Human Trafficking, with particular emphasis on its preparatory process, form and possible outcome, and requested its Chairman to hold informal open-ended intergovernmental consultations and to report to it at one of its intersessional meetings on the outcome of the consultations in order for it to take the decision:

(a) Notes with appreciation the intersessional work of the Commission in this regard under the guidance of its Chairman;

(b) Also notes the efforts of the Secretariat to inform and engage Member States in related consultations;

(c) Endorses the decision on the Global Initiative to Fight Human Trafficking, contained in the annex to the present decision, approved at its intersessional meeting held on 1 August 2007.

Annex

United Nations Global Initiative to Fight Human Trafficking

The Commission on Crime Prevention and Criminal Justice, at its intersessional meeting held on 1 August 2007,

Welcoming the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT),

Recalling decision 16/1 of the sixteenth session of the Commission, in which it was decided that the Global Initiative to Fight Human Trafficking should be guided by Member States,

Also recalling that in the same decision the Commission decided to take a decision on the political aspects of the proposed November 2007 event on UN.GIFT, with particular emphasis on its preparatory process, form and possible outcome,

Stressing the role of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in improving the capacity of and cooperation among Parties to combat transnational organized crime by implementing the United Nations Convention against Transnational Organized Crime and the Protocols thereto, including in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,^b

Also stressing that the Vienna Forum should reflect the universality of the crime of and the fight against human trafficking through a balanced and equitable approach,

1. *Decides* to hold, instead of the proposed November 2007 event, a forum on the United Nations Global Initiative to Fight Human Trafficking, hereinafter referred to as the Vienna Forum, in Vienna from 13 to 15 February 2008;

^bUnited Nations, *Treaty Series*, vols. 2225 and 2237, No. 39574.

2. *Decides* that the objectives of the Vienna Forum should be to raise awareness, facilitate cooperation and partnerships among the various stakeholders, and avoid duplication of efforts in the fight against human trafficking, with due regard to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

3. *Decides* that the United Nations Office on Drugs and Crime will present an inventory of existing initiatives, instruments and related information at the Vienna Forum, under the auspices of UN.GIFT, with the aim of further exchange of such information among participants;

4. *Decides* that the Vienna Forum will bring together representatives of Member States, United Nations agencies and other international and regional organizations, and will be open to relevant non-governmental organizations, in accordance with the rules and procedures of the Economic and Social Council, business entities, academia, media representatives and individual experts. The list of invitees should be prepared in consultation with the Member States;

5. *Decides* that the provisional programme be considered and endorsed by Member States by the end of September 2007;

6. *Stresses* the importance of conducting UN.GIFT in full compliance with the mandate and decisions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;

7. *Requests* the United Nations Office on Drugs and Crime to consult with Member States in the event of a proposal to create a trust fund for UN.GIFT;

8. *Requests* the United Nations Office on Drugs and Crime to be vigilant and assume responsibility for the contents of the information and the material on the basis of established practice. In this context, the Office will also provide access to its website for use by Member States to review all relevant Vienna Forum materials as they are developed;

9. *Also requests* the United Nations Office on Drugs and Crime to hold regular consultations with Member States during the process of preparations for and at the Vienna Forum;

10. *Requests* the United Nations Office on Drugs and Crime to provide Member States, the Commission on Crime Prevention and Criminal Justice and the Conference of the Parties to the United Nations Convention against Transnational Organized Crime with all information on the proceedings of the Vienna Forum as well as on progress and future planning of UN.GIFT, including by providing reports on the meetings of the steering group and reports of regional and expert group meetings.

UN.GIFT

Global Initiative to Fight Human Trafficking

www.ungift.org

 **HUMAN TRAFFICKING**  **A CRIME THAT SHAMES US ALL**

30 March 2008

Original: English

Commission on Crime Prevention and Criminal Justice

Seventeenth session

Vienna, 14-18 April 2008

Item 4 (a) of the provisional agenda*

Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime

Report on the Vienna Forum to Fight Human Trafficking**

Hosted in Vienna, Austria, and organized by the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT)

Vienna, Austria, 13-15 February 2008

Contents

	<i>Page</i>
I. Background and preparation for the Vienna Forum	3
a. The Commission on Crime Prevention and Criminal Justice decisions 16/1 and 16/2 on the United Nations Global Initiative to Fight Human Trafficking and the Vienna Forum to Fight Human Trafficking	3
b. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	
c. Preparations for the Vienna Forum	3
d. Organization of the Vienna Forum	3
e. Themes of the Vienna Forum	4
II. The Vienna Forum	4

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** This conference room paper has not been edited.



a.	Attendance	4
b.	Opening of the Vienna Forum	4
b.1	First plenary session	5
c.	Panels, workshops, special sessions, side events and special exhibits	5
c.1	Vulnerability	5
	Summary of discussions and findings	5
	Recommendations	6
c.2	Impact	7
	Summary of discussions and findings	7
	Recommendations	8
c.3	Action	9
	Summary of discussions and findings	9
	Recommendations	10
c.4	Special sessions	11
	Summary of discussions and findings	11
	Recommendations	12
III.	Closing session of the Vienna Forum	13
a.	Outlook and innovative initiatives	13
b.	Closing of the Vienna Forum	14
IV.	Conclusion	14
a.	Awareness-raising	14
b.	Forging new partnerships and facilitating cooperation	15
c.	Future actions and recommendations	15
Annexes		
I.	Vienna Forum: Agenda	17
II.	Summary of the Chairperson	20

I. Background and preparation for the Vienna Forum

a. The Commission on Crime Prevention and Criminal Justice decisions 16/1 and 16/2 on the United Nations Global Initiative to Fight Human Trafficking and the Vienna Forum to Fight Human Trafficking

1. The Vienna Forum to Fight Human Trafficking was convened by the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) pursuant to Commission on Crime Prevention and Criminal Justice (CCPCJ) decision 16/1 of 27 April, which was further reinforced by decision 16/2 of 29 November 2007, whereby the United Nations Office on Drugs and Crime (UNODC) was requested to report on the proceedings of the Vienna Forum as well as on the progress and future planning of UN.GIFT.¹ The decisions were part of efforts by the Commission to stress the importance of international cooperation against trafficking in persons.

2. CCPCJ decision 16/2 also decided that the objectives of the Vienna Forum should be to raise awareness, facilitate cooperation and partnerships among stakeholders, and avoid duplication of efforts in the fight against human trafficking, with due regard to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

b. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

3. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC), provided the first internationally accepted definition of trafficking in persons and remains the primary international legal instrument addressing human trafficking as a crime. The Trafficking Protocol emphasizes the need to balance criminal justice concerns with a human rights approach to the protection and assistance of victims. Cooperation among States to meet these objectives is also promoted in the Protocol. As of March 2008, 118 countries had ratified the Trafficking Protocol.

c. Preparations for the Vienna Forum

4. The provisional programme for the Forum was considered and endorsed by Member States on 5 October 2007. Also per decision 16/2, UNODC, through UN.GIFT, provided access for Member States to all relevant Vienna Forum materials as they were developed. UN.GIFT held regular consultations with Member States during the preparation process for the Forum.

d. Organization of the Vienna Forum

5. The Vienna Forum to Fight Human Trafficking (UN.GIFT) was held from 13 to 15 February 2008. The summary agenda of the Forum is attached as Annex 1.

¹ CCPCJ decision 16/1 of 27 April 2007, CCPCJ decision 16/2 of 29 November 2007.

e. Themes of the Vienna Forum

6. The Vienna Forum was organized around three central themes reflecting the key issues that need to be addressed in an anti-human trafficking strategy: vulnerability, impact and action.

II. The Vienna Forum

a. Attendance

7. Over 1,600 senior government officials, delegates from Member States, business leaders, representatives from non-governmental organizations (NGOs), academics, United Nations and international and regional organizations, activists, and trafficking victims from over 116 countries participated in the Vienna Forum, which provided a platform for a new campaign of coordinated action to tackle trafficking in persons. Additionally, 150 journalists were accredited for the Forum.

b. Opening of the Vienna Forum

Opening session

8. Mr. Antonio Maria Costa, Executive Director of UNODC, gave the welcome speech at the opening session of the Vienna Forum. Mr. Costa thanked the Crown Prince of Abu Dhabi for his generous support for UN.GIFT. He also recognized the efforts of governments in general but called on Member States to be more aggressive in honouring their commitments and implementing the Trafficking Protocol, and he noted the role of UN.GIFT in this process. Mr. Costa emphasized several elements that should result from the Forum, including additional research to allow action on the guiding framework of the three Ps (prevention, prosecution and protection) based on solid information. Mr. Costa spoke of the role that all partners and parts of society have in combating human trafficking and that the Vienna Forum needs to be a platform to launch innovative, practical anti-trafficking measures, like codes of conduct to curb sex tourism and controls on supply chain management. He also mentioned the importance of the decision by the General Assembly to hold a thematic debate on human trafficking in 2008.

9. Mr. Costa's opening was followed by a speech by Ms. Ursula Plassnik, the Austrian Federal Minister for International and European Affairs. Ms. Plassnik referred to the Vienna Forum as a new form of multilateral diplomacy that will set in motion a global and sustained process to end human trafficking. She spoke of the need to raise awareness and generate political will and highlighted Austria's anti-human trafficking efforts on the national and international levels. H.E. Suzanne Mubarak, the First Lady of Egypt, emphasized the responsibility of countries to eliminate the root causes of trafficking, noting Egypt's special attention on potential victims, such as marginalized children and vulnerable women. She also pointed out the instrumental roles of women, youth and the private sector in eradicating human trafficking.

10. Actress Emma Thompson, speaking as the Chair of the Helen Bamber Foundation, gave a detailed account of the life of a woman trafficked for sexual exploitation, which Ms. Thompson helped turn into the internationally-viewed art installation, "The Journey Against Sex Trafficking" featured as part of the Forum.

Entertainer Ricky Martin closed the speeches of the opening plenary session by describing the anti-trafficking activities of the Ricky Martin Foundation, with its special emphasis on children. The opening session followed with Mr. Costa's acceptance of a declaration of one and a half million signatures, presented by Stop the Traffic (a global coalition of more than 1,000 anti-trafficking organizations), calling on governments and the United Nations to work together to stop human trafficking.

11. All speakers called for the Forum to be a launching point for new partnerships and aggressive action against trafficking in persons.

b.1 First plenary session

12. The Vienna Forum represented a new approach, combining experts in the field, the general public and existing and new partners. Governments made presentations on anti-human trafficking efforts, highlighting the progress made within their countries. Forty-seven delegations gave statements, [one was given at the presidential level and six were at the ministerial level.]

13. Within the three themes, vulnerability, impact and action, governments contextualized the various dimensions of human trafficking in relation to security, development and human rights.

c. Panels, workshops, special sessions, side events and special exhibits

14. Twenty-eight panels, workshops, special sessions and side events explored the themes of the Vienna Forum and offered an opportunity for dialogue between participants. Special exhibits held throughout the City of Vienna, including "The Journey" (which received over 5,000 visitors during its five-day stay), a photo exhibit, cartoon competition and film forum, raised the visibility of the issue of trafficking in persons among the public.

c.1 Vulnerability

15. Issues such as disempowerment, social exclusion and economic vulnerability are the result of policies and practices that marginalize entire groups of people and make them vulnerable to being trafficked. Individuals are vulnerable to trafficking not only because of conditions in their countries of origin. The allure of opportunity, the relentless demand for inexpensive goods and services and the expectation of reliable income drive people into potentially dangerous situations where they are at risk of being exploited.

16. The Vienna Forum examined definitions of and practices related to the prevention of trafficking and focused on decreasing vulnerability to broaden the strategic impact of existing prevention efforts.

Summary of discussions and findings

17. Several panels and workshops were conducted on the theme of vulnerability. The presentations were diverse and addressed different aspects of the issue of vulnerability, but there were many commonalities in the discussions with cross-cutting findings and recommendations.

18. Panel discussions focused on the root causes of vulnerability and why certain sectors of the population, like women, children and migrants, are particularly susceptible to economic and sexual exploitation. Panellists considered how the current form of globalization, with its emphasis on competition, influences the supply and demand that spurs human trafficking. These conditions also contribute to the possibility of human trafficking taking place within the migration process, meaning that regular and irregular migration must be examined. Systemic deregulation of labour markets creates gaps that allow exploitative and coercive labour practices to flourish, and some sectors are unregulated, making them especially susceptible to trafficking. The interconnection between supply and demand was examined to understand how demand drives trafficking in persons so that appropriate methods can be developed to reduce it.

19. Another area of focus was the susceptibility to human trafficking of communities that have experienced natural disasters, conflicts or other crises that result in a lack of basic opportunities, such as employment and education. However, panel and workshop discussions emphasized that vulnerabilities are not just a problem of countries of origin. Demand, corruption, and a lack of adequate legal structures create vulnerabilities all along the trafficking chain in countries of origin, transit and destination. Panellists concluded, for instance, that corruption is a facilitating tool that is essential to the success of most human trafficking. One panel considered how legal frameworks, like those provided for in the United Nations Convention against Corruption (UNCAC), the UNTOC and the Trafficking Protocol, can be used in combination to develop mutually beneficial anti-corruption and anti-human trafficking strategies.

20. A common theme of all the panels and workshops was the crucial role a lack of adequate legislation plays in creating an environment where people are increasingly vulnerable to being trafficked. This is especially illustrated by the thriving trade in trafficking for the removal of organs, which is addressed by the Trafficking Protocol but is only explicitly defined and criminalized by a few States. Additionally, the panels and workshops pointed out that gaps in knowledge, whether related to who is really vulnerable, or the profile of perpetrators of trafficking and their modus operandi, is a serious hindrance to developing effective policies to prevent and combat human trafficking.

21. An additional important point was that vulnerability does not just include those susceptible to being trafficked, but also those who are at risk of becoming traffickers, such as former victims.

Recommendations

22. Panels and workshops consistently emphasized the necessity of adequate national legislation that comprehensively addresses trafficking in persons, starting with the ratification and implementation of the Trafficking Protocol and other relevant international instruments. Virtually all participants agreed that the critical role of governments also extended to other areas to alleviate vulnerability, such as providing economic opportunities, education and other social services, with a special consideration for gender equality and an attention to children and youth.

23. Awareness-raising activities were another crosscutting recommendation but with varying targets, such as the general public, including those who potentially

create demand for human trafficking, members of communities at-risk, and law enforcement and other front-line organizations that work in preventing trafficking in persons and in victim identification.

24. The need for cooperation of relevant stakeholders within a country as well as transnationally was another area of common consensus. Coordinated, multisectoral approaches were advocated for linking stakeholders in countries of origin, transit and destination, particularly law enforcement. Creative partnerships between State authorities, civil society and the private sector were deemed as important for maximizing resources, pooling data, and information and intelligence sharing.

25. At the core of all recommendations was the need for a human rights-based approach that puts the victim – or potential victim – at the centre of all anti-human trafficking efforts.

c.2 Impact

26. From the physical abuse and psychological trauma of victims to the economic and political implications of unabated crime, the impact of trafficking in persons on individuals and society was seen destructive and unacceptable.

27. Vienna Forum participants shared experiences and focused on the consequences of human trafficking on victims, including the violence they experience, adverse health effects, social stigmatization and the risk of re-victimization.

Summary of discussions and findings

28. Panels and workshops covered a broad range of impacts of human trafficking on societies and individuals. One of the critical issues addressed was the dearth of quantitative information on the scope of trafficking in persons and the fact that little measurement exists of the impacts of anti-human trafficking initiatives. One panel examined how data collection could be enhanced through innovative research approaches, such as following the economic enterprise aspects of perpetrators who traffic women for sexual exploitation. The possibility also was debated of drawing a baseline against which human trafficking trends could be assessed and the impact of anti-trafficking initiatives measured. It was noted that a lack of legislation in some countries hampered improving data collection. Panellists concluded that research on trafficking in persons informs policy-makers and the public on how to allocate resources and how to improve national responses to the crime.

29. The need for more research also has implications for understanding and managing the health consequences of human trafficking. Victims may experience physical, sexual and/or psychological abuse at any point in the trafficking cycle, usually related to the type of exploitation they experience. Panellists agreed that knowing more about the health consequences would allow for better, more accessible services targeted to the specific needs of the victim.

30. Discussions also addressed the particular vulnerability of women and children to trafficking for sexual exploitation. Just as with acknowledging the individual nature of the health consequences of human trafficking, there needs to be an understanding that adults and children are vulnerable for different reasons and anti-human trafficking strategies must be targeted, recognizing their different rights,

needs and capacities. Panellists concluded that prevention, protection and empowerment within a human rights context were the basic dimensions of successful anti-human trafficking initiatives.

31. Another panel examined the links between transnational organized crime and human trafficking. It was concluded that more research could confirm these links and that using a business model approach to analysing transnational organized crime groups could shed light on modus operandi, hierarchical structures, how the groups choose to pursue profit-making criminal activities, and how they operate efficiently, including through transnational cooperation.

Recommendations

32. All panels and workshops made recommendations for improved research and for concerted efforts at data collection in order to promote the pooling of capacities to improve criminal justice responses; to better understand the operations of transnational organized crime groups; to better target health care; maximize the use of media; and find better ways to prevent sexual exploitation and trafficking, especially of children. Adequate legislation at the national level was also deemed as essential in enabling improved research.

33. Collaboration with traditional (i.e., law enforcement) and creative partners (i.e., the media) was also recommended as a way to improve research; aid to law enforcement in countries of origin, transit and destination; provide improved health-care interventions and fight transnational organized crime groups. The media, for instance, can become a powerful tool to spread awareness and understanding of human trafficking. Media panellists recommended training for journalists to enable them to be more informed partners and offered their support to UN.GIFT to elaborate a journalists' code of conduct.

34. Private sector partnerships were proposed as a means to empower children and young people through the provision of sustainable livelihoods and ensuring safe and regulated working conditions, income generation and career development opportunities, among other things. There was agreement that non-law enforcement professionals also could play a key role in assisting law enforcement in analysing the operations of transnational organized crime groups through the business model context.

35. Panellists also made recommendations specific to the issue of child trafficking for sexual exploitation. A comprehensive approach to preventing child trafficking was advocated that included strengthening national and community-based child protection systems that prevent and respond to violence, exploitation and abuse and that empower children and young people. It was suggested that including children in developing social policies and anti-human trafficking measures should be part of the process.

36. All of the sessions on impact emphasized the need to put anti-human trafficking activities within a human rights context. It was concluded that prevention measures must address the root causes of vulnerability, such as social, economic and structural factors.

c.3 Action

37. The Trafficking Protocol provides a comprehensive strategic approach to combating trafficking in human beings. A lack of clarity related to basic terms and definitions, national political concerns and uncertainty regarding what measures work and what do not, have contributed to a lack of systematic and consistent implementation and sustainable action.

38. The Vienna Forum gave participants the opportunity to review major regional anti-trafficking strategies and national responses, sharing from their own experiences and identifying elements that constitute best practices.

Summary of discussions and findings

39. Action against human trafficking covers a broad range of subjects, which were reflected in the variety of panels and workshops held under the action theme. The discussions yielded many common elements and panellists consistently referred to the need for a balanced approach that enforces the law while protecting the human rights of victims.

40. The concept of victim-centred, multi-agency and multi-partner cooperation was emphasized by virtually every panel and workshop as necessary for coherent and coordinated anti-human trafficking strategies. For example, alliances between business and labour organizations and governments can support victim services, create employment opportunities, safeguard the workforce and address supply chain management issues. Multiple stakeholder efforts can also facilitate the rehabilitation and reintegration process of victims and encourage cooperation with relevant parties within and across borders. Technology can enhance efforts by allowing law enforcement to take advantage of the “borderless” electronic environment to encourage the sharing of information. Panellists also recognized the challenges to collaborative efforts, discussing the value of a holistic, multi-disciplinary approach to developing cooperative frameworks, taking victims and their rights into account along with criminal justice needs. The partnership concept also extended to the public with the idea that there was a way for everyone to contribute to anti-human trafficking efforts.

41. Another consistent theme of panel and workshop discussions was the need for adequate legislation criminalizing all forms of trafficking in persons, as called for in the Trafficking Protocol. It was recognized that the Protocol marked a significant milestone in international efforts to combat trafficking in persons, as it was the first global legally binding instrument with an agreed definition of the offence of human trafficking. It was deemed crucial that States translate all provisions of the Trafficking Protocol into their national legislative framework. The need for States to also consider addressing in national legislation additional issues, such as the non-punishment of victims of trafficking for acts stemming directly from their situation as victims or the definition of the “exploitation of prostitution of others” and “sexual exploitation”, was also discussed. One panel concluded that while there were sufficient international legal instruments dealing with human trafficking, their implementation was lagging. Adequate labour laws were also necessary, and there was some agreement that governments should speed up ratification and implementation of relevant International Labour Organization (ILO) conventions. It was stressed that implementation takes political will and funding.

42. Several panels and workshops emphasized that national reporting and monitoring mechanisms were crucial in assessing the scope of a country's human trafficking problem and in identifying policy gaps, reveal new trends and elaborate adequate recommendations. It was also contended that monitoring mechanisms could enhance national implementation of conventions and international instruments.

43. A number of other important points were made, including the opportunity to use technology to come up with creative ways to prevent human trafficking and ensnare traffickers; identify and interrupt potential cases of trafficking; track electronic financial flows for purchasing child pornography; and computer-based training for criminal justice practitioners. Additionally, the concept of shifting prevention efforts from predominately focusing on supply in countries of origin to demand in destination countries was discussed. It was argued, though, that advocacy campaigns focusing on human rights issues have been more successful than the more common campaigns addressing demand. As with the panels and workshops conducted under the themes of vulnerability and impact, research was again emphasized as critical. The discussions about research related to the action theme focused on data collection to identify those likely to become victims and to find gaps in protection systems.

44. Within the framework of every panel and workshop discussion was the need to place the human rights of victims at the centre of all efforts, especially to create a safe and secure environment for victims when participating in criminal investigations.

Recommendations

45. An overriding emphasis was placed on the concept that keeping the best interests of victims in mind supports human rights and serves the interests of the criminal justice system in achieving prosecutions. All actions must be put into the context of human rights and gender sensitivity.

46. Partnerships and alliances were deemed essential in preventing and fighting human trafficking. One panel proposed the extension of the guiding framework of the three Ps (prevention, protection and prosecution) to a fourth P of "partnership". It was recognized that building alliances served many purposes in the fight against trafficking in persons and that such alliances should be pursued more actively by all stakeholders. Multi-agency cooperation on prevention and identification of victims, and coordination between State authorities and civil society organizations for the return and reintegration process was necessary and should be institutionalized with representative memberships and clearly delineated roles and responsibilities.

47. Social dialogue between employers' organizations, governments and civil society was seen as another important partnership mechanism to prevent trafficking in persons and reintegrate victims into the labour market. Such partnerships were proposed, as ways to help create employment opportunities, which panellists concluded were essential for eradicating forced labour. Another recommendation was to pursue partnerships with the private sector to find dynamic ways to take advantage of the opportunities technology can offer in developing training tools, raising awareness, protecting victims and conducting research. Panellists proposed UN.GIFT as a facilitator for alliances.

48. Emphasis was also placed on the need to implement relevant anti-trafficking laws and adapt national laws to international anti-trafficking standards. Laws must be comprehensive, criminalizing all forms of trafficking in persons, taking into account national contexts. Relevant ILO conventions must be signed, ratified and implemented. Labour laws need to include strong labour inspection systems and must cover all workers in the formal and informal economies.

49. Panellists also concluded that national monitoring and reporting mechanisms must be established in addition to international reporting mechanisms.

c.4 Special sessions

Summary of discussions and findings

50. A series of special sessions were held to discuss additional challenges to preventing and combating human trafficking, and to highlight innovative tools and partnerships.

51. In the panel on “obstacles to international cooperation in fighting trafficking in persons”, a key point of discussion was the necessity of implementing the provisions of the UNTOC and its supplementary Trafficking Protocol, particularly related to international judicial cooperation and information exchange. The need for a holistic approach to promote coordination among stakeholders was stressed as a facilitator to achieve a more focused response to preventing and countering human trafficking. International cooperative efforts, such as extradition and mutual legal assistance, should take into account differences in the legal systems of States seeking mutual cooperation.

52. A side event on the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process) focused on what regional consultative processes (RCPs) like the Bali Process could do to support States’ cross-border cooperation efforts.

53. Parliamentarians, who met in a Parliamentary Forum prior to the opening of the Vienna Forum, reinforced the need for putting in place adequate legislation in line with the Trafficking Protocol, and in ratifying and implementing relevant international and regional legal instruments. They acknowledged their role in supporting the development, implementation and enforcement of comprehensive anti-trafficking legislation. Examining the role that parliamentarians can play in the fight against human trafficking, participants agreed that they should make greater use of their traditional functions of law making, oversight, representation and resource allocation. In so doing, they should be guided by the three “Ps”: prevention, prosecution and protection. The concept of expanding partnerships was discussed further as part of two panel sessions on engaging and mobilizing increased private sector involvement in anti-human trafficking efforts. It was concluded that the business community has a special role to play in addressing and reducing the factors that make trafficking in persons profitable and that create the demand for goods and services produced by trafficked persons. While many businesses have shown a willingness to get involved, more awareness and research was needed to understand issues, such as which sectors were susceptible to human trafficking and what measures must be put in place by private companies to prevent and help fight the crime.

54. The establishment of the Women Leaders' Council (WLC) at the Vienna Forum was a further illustration of the types of innovative partnerships encouraged by UN.GIFT. The WLC focused on a specific action agenda to raise awareness on human trafficking through events, public information materials and outreach, and to influence government anti-human trafficking policies and strengthen collaborative efforts.

55. Several events highlighted the role that artists can play in bringing the issue of human trafficking to the public. A number of interactive exhibits were part of the Forum, featuring Emma Thompson's art installation, "The Journey Against Sex Trafficking", a film forum, photo exhibition, cartoon competition and virtual forum. Youth were seen as other potential partners, and discussions focused on developing the potential of young people to build on the creative work they are already undertaking to raise awareness. Young people involved in the Vienna Forum expressed their desire to be seen as part of the solution to eradicating human trafficking and not just as potential victims.

Recommendations

56. Although the subject matter of the special sessions was singular in nature, there were several crosscutting recommendations.

57. The sessions on international cooperation and the Bali Process called for States to develop and implement coordinated means of preventing and combating human trafficking. There was support for the appropriate training of the judiciary and other international cooperation practitioners; the building of networks and partnerships; and the provision of adequate resources for training and technical assistance in developing countries, among other initiatives. Regional consultative processes (RCPs) were identified as a means to support international cooperation and enhance the development of anti-trafficking legislation.

58. Participants in the session on international cooperation and the Parliamentary Forum agreed on the need for States to develop, implement and enforce national legislation to criminalize human trafficking. Parliamentarians also made a specific recommendation to update and finalize the Handbook for Parliamentarians developed for the Vienna Forum, following the Inter-Parliamentary Union Statutory Assembly in Cape Town, South Africa, from 13 to 18 April 2008, to share knowledge and best practices of countries in combating trafficking in persons.

59. Parliamentarians also joined panellists from a number of other sessions in stressing the need to raise public awareness of human trafficking. The WLC committed to a specific agenda of action to target the public and governments through public outreach campaigns and other initiatives. It was recommended that young people build networks to maximize their efforts and continue to develop creative and far-reaching awareness-raising tools.

60. In addition to emphasizing the value of partners such as civil society, women leaders, youth and artists, the private sector was seen as an essential element of anti-human trafficking alliances. It was concluded that concerted efforts to better engage private sector actors were necessary. Additionally, it was proposed that industries should consider developing, adopting, implementing and monitoring a code of conduct related to labour practices. The private sector panel requested that UN.GIFT serve as a coalition of multi-stakeholders that could assist to regulate

businesses and disseminate information on best practices and on-going initiatives in the private sector.

III. Closing session of the Vienna Forum

a. Outlook and innovative initiatives

61. This session was used to showcase good practices in the fight against human trafficking.

62. A representative of the International Centre for Missing and Exploited Children (ICMEC) outlined the organization's technology-based initiatives to stem trafficking, child pornography and child sexual exploitation. A technology coalition of five major online companies was used to develop and deploy technology solutions that disrupted the ability of predators to use the Internet. Additionally, the ICMEC partnered with the National Centre for Missing and Exploited Children and 29 financial institutions and Internet industry leaders to form the Financial Coalition against Child Pornography. The Financial Coalition, covering 90 per cent of the credit card industry, aims to eradicate child pornography by following the flow of funds and shutting down the payment accounts being used by these illegal enterprises. The ICMEC has also established a cyber-tipline that helps establish a clearinghouse for information sharing among the coalition and law enforcement. The goal of the ICMEC and its partners is to stop these crimes by making them too expensive and too risky.

63. The head of Drehschiebe Augarten in Vienna, Austria, presented the model used by this crisis management centre to help identify and repatriate trafficked children to their home countries. The centre establishes a close working relationship with the countries of origin to ensure standard agreements for repatriation and that victims have a secure place to return to upon repatriation. Centres based on this model have been established in Romania and Bulgaria. The working methodology between centres included a six-month monitoring period with social workers and the submission of regular progress reports. The Vienna centre has also undertaken site visits to the countries of origin to confirm and verify the working arrangements.

64. The former head of the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) presented a counter-trafficking profiling and software system developed by SEESAC for arms smuggling and its potential for adaptation to detect and disrupt human trafficking. He pointed out that arms and people trafficking were both forms of transnational organized crime and they both involved licit companies fronted by businesses licensed to engage in activities that facilitate the movement of goods and people. It was further pointed out that wherever traffickers operated, they would leave traces, which could be used to help create generic profile indicators. These profile indicators, combined with risk assessments and ratings systems could again be used to develop easy-to-use software. Adapting this type of software required information from front-line experts on trafficking networks and their models.

b. Closing of the Vienna Forum

65. Dr. Helga Konrad, an international consultant on combating trafficking in persons, led the closing remarks. She emphasized that dialogue is important but not enough. Political will to implement relevant laws and commitments is necessary, along with cooperation. Everything, however, must lead to expedient action to produce meaningful results. Better research must lead to better monitoring and evaluation to improve responses to human trafficking. Dr. Konrad contended that law enforcement should ensure a victim-centred approach because the primary reason to fight human trafficking is the harm it causes people.

66. The Chairperson of the Vienna Forum, H.E. Ms. Renuka Chowdhury, Minister of Women and Child Development of India, presented the Chairperson's summary. Minister Chowdhury stressed the need to aggressively address all forms of exploitation, including forced labour, and underscored UN.GIFT's critical role in continuing to build and expand alliances. She stated that the Vienna Forum met its immediate objectives but that meaningful actions must follow useful dialogue. She also reiterated some of the salient findings of the panels and workshops, such as the need for more monitoring and research, the important role of governments in combating trafficking and the value of innovative partnerships.

67. In his closing remarks the Executive Director of UNODC noted the successful completion of the Vienna Forum and called for greater impact in fighting human trafficking. He acknowledged that the Forum had raised awareness, pointed out the critical lack of a mechanism for reviewing implementation of the Trafficking Protocol and other related international instruments, and he also called for expediting implementation by State Parties to the Protocol. He stressed that the ideas discussed at the Forum must become concrete, building on initiatives like those presented at the closing session, on how to track the finances of trafficking and disrupt trafficking routes and better protect the victims. He cited a number of enabling factors necessary to move forward, such as more resources, an improved knowledge base and strengthening alliances. He urged participants to tackle the issues of supply and demand, gender-based exploitation and forced labour. The Executive Director emphasized that the Vienna Forum was just the beginning of the process and that it was urgent to build on the momentum and energy generated by the Forum.

IV. Conclusion

68. The objectives of the Vienna Forum were to raise awareness about human trafficking, forge new partnerships and facilitate cooperation. UN.GIFT designed the Forum within this framework to take stock of actions already underway and to share these experiences with the broadest range of stakeholders, generating discussion and highlighting innovative approaches to combating human trafficking.

a. Awareness-raising

69. Broad-based participation in the Vienna Forum and high profile media attention raised the visibility of the issue of trafficking in persons. Over 4,500 media articles resulted, many carried by leading international and national news organizations. Panel sessions, workshops and side events were often filled to

capacity, and the general public flooded special exhibits like Emma Thompson's "The Journey Against Sex Trafficking", film screenings and photo exhibits.

b. Forging new partnerships and facilitating cooperation

70. One of UN.GIFT's aims is to expand alliances. The Forum proved that this can be done creatively with a variety of partners, such as the private sector, the media and trade unions. In fact, a key recommendation from one of the panels was to extend the three Ps of prevention, protection and prosecution to the fourth P of "partnership".

71. The Forum produced tangible manifestations of alliance building. The Women Leaders' Council (WLC) was launched. Its make-up is a microcosm of the partnerships encouraged by UN.GIFT, with a membership that includes political figures, diplomats, business leaders, entertainers and others. The private sector and the media also stepped up as active partners. Private sector participants suggested establishing an advisory board under the UN.GIFT umbrella, and members of the media panel offered to support UN.GIFT in elaborating a code of conduct for media and in training journalists to enable them to become more informed partners in the fight against trafficking.

c. Future actions and recommendations

72. The Vienna Forum set the path for future anti-trafficking efforts. The Chairperson's summary emphasized the need to aggressively address all forms of exploitation, including forced labour, and underscored UN.GIFT's critical role in continuing to build and expand alliances.

73. As stated by the Chairperson, the Vienna Forum met its immediate objectives but action must follow through technical assistance and international cooperation – essential for national capacity building for the implementation of the UNTOC and the Trafficking Protocol. Every panel and workshop produced a number of recommendations and proposals for future actions, many expressing common themes for action across topic areas.

74. Emphasis was placed on the need for adequate national legislation to cover all aspects of trafficking; this included ratifying and implementing the Trafficking Protocol and other relevant international instruments. Within this context, virtually all panels and workshops focused on the need for a victim-centred, human rights approach to preventing and combating trafficking in persons with an understanding that supporting victims can also positively impact criminal justice actions.

75. Increased research was generally agreed on as the cornerstone of more effective action against trafficking in persons. More knowledge is necessary to fill in the crucial information gaps that will allow the design of adequate anti-trafficking policies.

76. Participants highlighted the need for increased cooperation between relevant agencies, civil society and the private sector within countries and on an international level. UN.GIFT was seen as an important facilitator for expanding cooperative and innovative alliances.

77. There was a call for a greater effort to confront all aspects of trafficking, including sexual exploitation and forced labour. Labour market stakeholders –

employers' organizations, trade unions, businesses and others – need to become more active partners in ensuring labour rights and labour protections to prevent forced labour and address it where it already exists.

78. Awareness-raising was a cross-cutting activity for all aspects of combating trafficking in persons. Participants in virtually every panel and workshop saw value in awareness-raising activities, whether for front-line law enforcement to aid in victim identification, to enlighten private sector businesses or to alert potential victims and the general public.

79. Finally, as expressed by many panellists and speakers, several critical issues were identified that remain to be addressed. Research needs to lead to achievement indicators that can be used as a baseline against which appropriate monitoring and evaluation mechanisms can be developed and implemented. Also, the question of the nature of appropriate monitoring mechanisms needs to be more thoroughly addressed.

80. There was widespread agreement that the root causes of human trafficking must be confronted using a balanced approach, but increased attention needs to be placed on how to reduce demand for trafficked persons in destination countries.

81. The Chairperson expressed the sentiment of participants in the Chairperson's summary by pointing out that to follow up on the momentum generated by the Vienna Forum, there is an obligation to convert dialogue it into action to eradicate human trafficking.

Annex I

VIENNA FORUM: AGENDA

TUESDAY, 12 FEBRUARY 2008: SPECIAL EVENT

TIME	EVENT
09:00 – 17:00	Parliamentary Forum (Closed meeting)

WEDNESDAY, 13 FEBRUARY 2008: FORUM DAY I

TIME	EVENT
08:00 – 18:00	Exhibitions
09:30 – 12:30	001: Opening session
12:30 – 14:30	Lunch
14:30 – 16:00	<u>Sessions I:</u> 002: First plenary session 010: Supply Chain Management 005: Proactive Prevention – What Works! 006: Criminal Justice Responses to Human Trafficking
16:00 – 17:30	<u>Sessions II:</u> 007: From Protection to Prosecution 032: Special Event: Role of the Private Sector I
19:00 – 22:00	Welcome Reception Hofburg

THURSDAY, 14 FEBRUARY 2008: FORUM DAY II

TIME	EVENT
08:00 – 18:00	Exhibitions
09:00 – 10:00	008: Second plenary session – Presentations
10:00 – 11:00	029: The Women Leaders' Council
11:00 – 12:30	<u>Sessions III:</u> 009: Communities in Crisis 004: Demand for Forced Labour and Sexual Exploitation 011: Human Trafficking for the Removal of Organs and Body Parts 012: The Role of Media in Building Images
11:00 – 12:30	013: Special Event: The Role of Women Leaders (Closed session)

12:30 – 14:00	035: Side Event: The Bali Process: A Model for Regional Cooperation in the Fight against Human Trafficking
12:30 – 14:30	Lunch
14:30 – 16:00	<u>Sessions IV:</u>
	014: Health and Human Trafficking
	015: National and Regional Responses
	016: Profiling the Traffickers
	017: Technology and Human Trafficking
14:30 – 17:30	018: International Cooperation
14:30 – 17:30	030: The Role of Religious Communities
14:30 – 16:00	031: The Role of Youth
14:30 – 16:00	033: Special Event: The Role of the Private Sector II
16:00 – 17:30	<u>Sessions V:</u>
	019: The Roles of Employers' Organizations, Businesses and Trade Unions in Combating Trafficking for Labour Exploitation
	020: Corruption and Human Trafficking
	021: Health and Human Trafficking
16:00 – 17:30	034: Special Event: The Role of the Arts
19:30 – 23:00	Film Forum – Panel Discussion

FRIDAY, 15 FEBRUARY 2008: FORUM DAY III

TIME	EVENT
08:00 – 18:00	Exhibitions
09:30 – 11:00	<u>Sessions VI:</u>
	022: Consequences of Sexual Exploitation, Especially on Women and Children
	023: The Effectiveness of Legal Frameworks and Anti-Trafficking Legislation
	024: Quantifying Human Trafficking
	025: Building the Bridges – Civil Society Organizations/Law Enforcement Cooperation
11:00 – 12:30	<u>Sessions VII:</u>
	026: Repatriation and Re-integration of Victims of Human Trafficking
	027: Transnational Organized Crime – Impact from Source to Destination
12:30 – 14:00	Lunch

14:00 – 16:00	028: Closing session
14:00 – 15:00	Part I: Innovative Initiatives
15:00 – 16:00	Part I: Conclusion of the Vienna Forum

Annex II

SUMMARY OF THE CHAIRPERSON

The chairperson delivered a final statement containing a summary of the salient points of the Vienna Forum. The remarks are reproduced below:

“Colleagues, delegates, ladies and gentlemen, good afternoon.

It hasn't been an easy three days, ladies and gentlemen, delegates. We've all met here collectively, and it evolved into a fabulous human resource pool. We have had some fabulous suggestions, amazing inputs, some excellent good practices and some valuable ways forward.

Now to summarize all of that and put it into black and white letters was indeed very, very difficult, and we've had a lot of help from a lot of people who helped draft this and didn't get much sleep. And all of us who have had sleepless nights wondering what to do with human trafficking, we are going to be going back this afternoon assured that we have found a way forward.

Now these are the closing moments of the Vienna Forum, and don't panic if you've gotten a text circulated earlier, there are going to be some small slight differences, which have been with the consent of all the people here together. It is going to be pretty much what we had drafted earlier, but with some changes. A final text copy will be circulated later for those who want to take it home just to remember.

I want to highlight the discussion held over the last three days, particularly focusing on some of the innovative ideas, in the hope that the momentum that we have generated collectively here this afternoon and throughout the course of this Forum will continue to build until we eradicate this hideous crime of human trafficking. I think that is something that we all agree on.

The adoption of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and other related UN conventions and instruments precipitated intense activity around the world to stop trafficking in persons. The Protocol, along with individual country programmes and laws, are the basis from which future actions to fight human trafficking must be derived, with the human rights of trafficked persons, particularly women and children, at the centre of all of our collective efforts.

Much work has been undertaken at all levels to address this crime. The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), as we call it conveniently, is a response to collectively address human trafficking in a multi-faceted manner by bringing together partners from within and outside the UN. The justification for the Initiative is simple, isn't it? Human trafficking is a crime of such magnitude that no one, acting alone, can halt it. Collectively we can fight it.

The objectives of the Vienna Forum were to raise awareness, facilitate cooperation and forge partnerships among the various stakeholders. UN.GIFT designed the Forum within this framework to take stock of what has been done already and to share these experiences with the broadest range of stakeholders, thus

generating dynamic discussions and highlighting innovative approaches to combating human trafficking.

I can say with a fair share of confidence that the Vienna Forum successfully accomplished this task and met its objectives. One of the UN.GIFT's aims is to expand its alliances, and the Forum proved that not only can this be done, but it can be done creatively with new and existing partners, such as the private sector, the media, trade unions and, most important of all, women leaders.

The Forum was organized around three themes, which reflect the key issues that need to be addressed in a comprehensive anti-trafficking strategy: vulnerability, impact and action. I want to focus on the final theme as the way to point us forward at the closing of this Forum.

The governments

Many states that have signed or ratified the Trafficking Protocol have adopted new laws or amended existing laws and legislation to translate the Protocol into action. The Parliamentary Forum recognized the importance of these actions and the need for more countries to take similar measures. The critical role of national governments was recognized in combating human trafficking. I do believe it is a vital threshold from which we can take things forward.

Private sector and international employers' organizations

Private sector and international employers' organizations and their representatives expressed the need for ensuring anti-trafficking provisions within their supply chain purchasing practices, as we just heard the Gap [Dan Henkle, Vice President for Social Responsibility, Gap, Inc.] talking eloquently – I'm calling you the Gap because that's your brand equity.

They called for proactive measures to address the ways in which the globalized economy generates supply and demand for trafficking. The representatives also asked for practical tools to keep supply chains in line with national and international standards and for increased efforts to raise awareness of employers and employees, while remaining sensitive to regional value systems and practices. We really mustn't go flatfooted, trampling over regional sensitivities.

Overall, the private sector recognised the need for UN.GIFT to act as a facilitator in the fight against human trafficking and offered its services in an advisory capacity.

Civil society

Civil society organizations emphasized their role in providing support to victims and engaging in capacity building and advocacy efforts on the ground, where the problems lie. New alliances between all civil society and other partners were recognized as very powerful tools. Panellists also highlighted the importance of institutionalizing the working relationship between state authorities and civil society organizations.

Media

Media – which I do believe is the key to opening up mindsets – media reporting on human trafficking is extensive, begging the question: is all publicity good publicity? Do we really need it that way? Discussion centred on how to ensure that media has a positive effect in the fight against trafficking. The exchange of experiences in this session illustrated the value of this type of dialogue by exposing the need for broader awareness of existing victim-centred guidelines for journalists.

Youth

Now the world is getting younger in many ways. We see younger people coming into the mainstream, younger achievers across the world, and youth should be seen as part of the solution and not just as those who are vulnerable or in need of rescue alone. It was suggested that youth can provide innovative tools to raise awareness about trafficking amongst their peers, teachers, parents and in their communities. Innovative tools presented included youth-led film productions, role-plays and music montages to raise awareness on trafficking in persons. And I do believe youth can really do that very, very effectively.

Comprehensive approach to the issue

During the Forum, we also heard about the need to address all forms of human trafficking. We must understand that. While attention is often given to trafficking for the purpose of sexual exploitation, much more needs to be done to address other forms of exploitation. In many cases, global standards exist but broad compliance remains a problem.

We heard repeatedly in the Forum about addressing the root causes of human trafficking and the need for abolishing the demand that fuels human trafficking. We don't need rocket technology for us to understand that demand raises the bar for supply, and we need to address that and contain it.

The need for a victim-centred approach was stressed, especially with a view to reconciling interests and promoting understanding between victim service providers and law enforcement.

Technical assistance and international cooperation are essential for national capacity building for the implementation of the UNTOC [United Nations Convention against Transnational Organized Crime] and the Protocol on human trafficking.

Monitoring and research

We heard repeatedly in this Forum about the need to deepen the global understanding of human trafficking based on solid research. Gathering accurate information is necessary to understand where the major information gaps are to provide officials a sound basis for national responses to trafficking in persons. Participants also highlighted the importance of monitoring the progress in the implementation of the Trafficking Protocol by their respective governments.

What works

In all panels, we have seen what works. We have learned about useful tools as well as good and innovative practices. They are not uniformly applicable, of course, to all countries nor can they be uniformly scaled up, but there are many practical examples that reduce vulnerability, address impacts and lay the groundwork for action. And, more importantly, will show us what it is to be politically correct and help set direction in that way.

Cooperation must be sustained, otherwise it would be failing, recognizing shared goals and differentiated responsibilities, extending the guiding framework of the three Ps (prevention, protection and prosecution) to a final fourth P – which is ‘Partnerships’. So we have the four Ps that we need to look at and put into action.

Finally, of course, we have heard a great deal over the last week about the importance of moving beyond talk into taking action. Sessions in this Forum have been full, often spilling over into the hallways, and you have proven that a good dialogue can happen and that it is so vitally necessary.

UN.GIFT is moving forward. The alliances are growing. Now we have an obligation to take action and gather speed on the path to eradicating human trafficking.

Ladies and gentlemen, I am not going to say farewell or goodbye, because I believe it is only an interlude for all of us before we meet the next time with achievements, with better understanding, holding hands in both partnerships and friendships where we will gather again to share this knowledge. So, I will wish you all most strength to your elbow in this fight against this biggest obscenity on supposedly a civilized society, that of human trafficking.

I know, I know that some of us are going back with a burning passion and anger that we have even allowed this to happen. We are going to go back with innovative ways to see how we can influence our respective nations and governments. We are going to go back because we have to move forward, and we will move forward into a society that is strong enough to protect the children, right enough to bestow the gift of childhood onto these children and that we are brave enough to speak the inconvenient truths.

I wish you all strength and my prayer that our paths will cross again. Good luck, God speed and see you again.”
