

*Human trafficking is a crime that strips people of their rights, exploits people's dreams of a better future, robs people of their dignity. It can cause physical and psychological damage. It can even kill.*

BAN Ki-Moon  
19 September 2007



## **The Interactive Thematic Dialogue of the U.N. General Assembly on human trafficking: “Taking collective action to end human trafficking”**

13 May 2009

United Nations Headquarters, New York

The President of the sixty-third session of the UN General Assembly, at the request of Member States, and in keeping with the priorities of the sixty-third session as outlined in the President’s inaugural address, is convening an interactive thematic dialogue on 13 May 2009 focusing on ending human trafficking. The thematic dialogue is organized in consultation with Member States who requested the dialogue and members of United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) and is entitled: “Taking collective action to end human trafficking”.

The day’s dialogue will build on progress achieved over the last two years, and draws upon last year’s thematic dialogue which focused on prevention of trafficking and protection of victims. The dialogue will use as a point of departure the Background paper of the Secretary-General on “Improving the coordination of efforts against trafficking in persons,” and will be organized into three separate, but interrelated, panels comprised of leading officials from UN.GIFT, civil society experts and prominent officials from various Member States.

The dialogue is intended to serve as a catalyst for GA discussion and action on a global plan of action to combat this heinous crime. Accordingly, the various panels will examine the regional initiatives already underway, and the proposals for scaling up efforts to a global level. Panelists will also offer specific recommendations for more effective action by Member States, the United Nations system and broader international community.

### **BACKGROUND 2008 Thematic dialogue on human trafficking and ongoing efforts to improve the coordination of efforts against human trafficking**

There is growing awareness at the local, national, regional and international level of the scope of the problem of human trafficking. The world is waking up to this threat and increased public interest is evidenced by number of movies, novels, talk shows, and conferences focusing on this heinous crime. The first Global Report on Trafficking in Persons which was released by UNODC in February 2009, drew a harrowing—albeit incomplete—picture of this widespread problem which affects *all* Member States.

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.<sup>1</sup>

A turning point in international efforts to address human trafficking was the adoption in 2000 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (“the Protocol”), which built on other related conventions and instruments such as ILO convention 182, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women, precipitating intense activity to combat trafficking in persons. The Protocol provided a comprehensive definition of the crime, and legal tools for fighting this crime. Focusing on prevention, protection and prosecution, the Protocol entered into force on 25 December 2003, and to date has 128 parties.

In 2004, the Commission on Human Rights adopted a decision 2004/110 to appoint a Special Rapporteur on trafficking in persons especially women and children. This development highlighted the importance of a victims’ rights-based approach to combating trafficking in women and children.

In 2006 and pursuant to a request from the Economic and Social Council (resolution 2006/27)—reinforced by GA Resolution 61/180—the Inter-Agency Cooperation Group against Trafficking in Persons (ICAT)<sup>2</sup> was established following the initial meeting in Tokyo. ICAT’s aim is to foster coordination and cooperation among relevant United Nations agencies and other international organizations involved in combating human trafficking.

The launch of UN GIFT in March 2007 provided all anti-trafficking actors including the UN, governments and civil society organizations a global forum to share respective experiences.<sup>3</sup> This initiative, launched by UNODC in partnership with ILO, OHCHR, UNICEF, Organisation for Security and Cooperation in Europe (OSCE), and IOM, further highlighted the need to collectively address human trafficking in a multi-faceted and holistic manner. On 13-15 February 2008 UN.GIFT organized a forum on trafficking in persons in Vienna (the “Vienna Forum”) which brought new and existing partners together in a broad-based effort 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, and shared best practices with the broadest range of stakeholders.

Following the Vienna Forum, in June 2008 the General Assembly convened a thematic debate on human trafficking, bringing this issue to forefront and presenting Member States with a

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<sup>1</sup> GA Resolutions 61/144 (2006) and 63/156 (2008) focused on trafficking in women and girls, and GA Resolutions 61/180 (2006) and 63/194 (2008) focused on improving coordination of efforts against trafficking in persons.

<sup>2</sup> ICAT includes the Division for the Advancement of Women of the Secretariat, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Office of the High Commissioner for Human Rights (OHCHR), UNODC, UNICEF, the United Nations Development Fund for Women (UNIFEM), UNFPA, UN High Commissioner on Refugees (UNHCR), the United Nations Fund for International Partnerships, the United Nations International Research and Training Institute for the Advancement of Women, ILO, the World Bank, IOM and INTERPOL.

<sup>3</sup> Around the same time, 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 United Nations Commission on the Status of Women.

framework for discussion concentrating on the “three P’s” (prevention, protection and prosecution).<sup>4</sup>

Building upon the conclusions from last year, this year thematic dialogue will use as its point of departure the Background paper of the Secretary-General on “Improving the coordination of efforts against trafficking in persons,” (“the Background paper”) which pursuant to General Assembly resolution 63/194 of 18 December 2008, summarizes the views of a broad and diverse group of Member States, International Organizations, and civil society stakeholders on a wide range of specific measures to ensure the full and effective implementations of all legal instruments relevant to trafficking in persons.

The Background paper also summarizes the responses by a significant number of Member States concerning the possible adoption of a Global Plan of Action on preventing trafficking in persons, prosecuting traffickers, and protecting and assisting victims of trafficking.

## **PANEL I**                      **The State of Play: Where the UN Stands on a Global Plan of Action to End Human Trafficking**

A key recommendation that emerged from the thematic debate of 2008 was “to develop a global action plan, a comprehensive mechanism to counter-act human trafficking [and] a vehicle to put anti-trafficking treaties into practice.”<sup>5</sup> The proposal for a GA plan of action was previously considered in GA Resolution 61/180 which invited “Member States to consider the advisability of a United Nations strategy or plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking.” (Paragraph 18)

Resolution 63/194 (2008), adopted in December of 2008 went one step further in “[i]nvit[ing] all Member States to accelerate the consideration of the advisability of a global plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking...” (Paragraph 11).

In discussing GA adoption and implementation of a global plan of action, it is necessary to examine recent advances and the existing normative framework, as well as identify the major gaps or constraints that UN agencies, international organizations and governments encounter on the ground. Despite recent gains, including the adoption of the Protocol and creation of coordination mechanisms and programmes, many States have yet to ratify the Protocol and many la in its effective implementation. Successful collective action against human trafficking would ensure that measures to prevent and combat trafficking in human beings are based on respect for human rights including protection of victims.

The Background paper identifies a number of impediments to effectively combat human trafficking, including the lack of political will by the international community. The paper also

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<sup>4</sup> Moreover, the Human Rights Council, in its resolution 8/12 took note of the Vienna Forum and the thematic debate of the General Assembly in 2008.

<sup>5</sup> President of the General Assembly, “Concluding Remarks of at the Thematic Debate on Human Trafficking,” New York, 3 June 2008, online: <<http://www.un.org/ga/president/62/statements/concludinghumantrafficking030608.shtml>> (date accessed 1 May 2009).

highlights opportunities for progress in fighting this crime. According to a significant number of Member States, a global plan of action would constitute an important step for a more effective international response to trafficking in human beings.

Arguments for adoption of a global action plan focus on: its utility for ensuring effective implementation of relevant legal instruments by addressing key gaps in implementation; its contribution to raising awareness and enlisting commitment among partners such as the business community, civil society, and the international mass media; its role in ensuring international coordination of efforts against trafficking; and its ability to serve as a tool to establish a comprehensive, concerted and coordinated mechanism outlining general parameters for international efforts in providing technical assistance to countries in need.

Key questions that panelists will address include:

- Are the efforts currently exerted by the Member States, the UN system and different partners and players enough to combat trafficking in persons? If not, what should be done?
- Have the legal instruments and action plans, currently adopted at international, regional or national levels, and different machineries (Governmental or Non-Governmental) achieved the full coordination needed to address human trafficking? If not, what should be done?
- What are the merits of a global plan of action?

## **PANEL II**      **Articulating a Global Plan of Action: Drawing upon practice at the national and regional level**

Several important and successful initiatives and programmes at the local, regional and international level are already addressing the question of trafficking. In developing a global plan of action it is important to draw on best practices (including regional initiatives, instruments and cooperation) and focus on the critical elements for success in combating trafficking in persons and to ensure that a global plan of action supports and builds on regional and sub-regional plans of action, and complements on-the-ground efforts to implement the Protocol.

This panel will address ways to enhance the efforts already underway through a global plan of action.

Several responses to the Secretary-General's questionnaire used as the basis for the Background paper elaborate on the functions of a global plan of action. According to a significant group of Member States a Plan would:

- Coordinate between different mechanisms at national, regional and international level as its central task;
- offer a road map for the review of the implementation of the Protocol;
- include measures to encourage States to enact unified standards on prevention, prosecution and protection; provide incentives to businesses to take an active stand against human trafficking and could help stage mass media campaigns;



- develop thorough recommendations on victim identification and protection based on good practices in areas where legal instruments lacked detailed provisions;
- help establish consistent and sustained technical assistance for the protection of victims; provide the basis for the development of national plans of action against trafficking; help harmonize reporting on trafficking in persons by Member States;
- play an important role in identifying factors that lead to trafficking and, therefore, help reduce the demand in countries of origin and destination; ensure exchange of good practices among stakeholders and assist regional and international organizations involved in the provision of technical assistance at country, regional, and global levels.

A global plan of action would further benefit mainstreaming anti-trafficking activities into other international efforts, as it could provide an opportunity to consider the issue of trafficking in a comprehensive manner, creating an enabling context for addressing the problems of development, eradication of poverty, and human rights. In terms of reviewing implementation of the Protocol, a global plan of action could offer a road map of sorts on how such a process should proceed in respect of all international legal instruments pertaining to human trafficking.

A global plan of action would also serve as an important tool for ICAT. It could highlight the role of the Special Rapporteur on trafficking in persons, especially women and children; of the Special Rapporteur on the sale of children, child prostitution and child pornography; and the Special Rapporteur on contemporary forms of slavery, its causes and consequences, and their participation in the work of ICAT. Respondents suggested enshrining a two-level coordination system into the global plan, whereby the UN General Assembly would be in charge of overall conceptual coordination, and ICAT would be responsible for practical expert coordination.

Key questions that panelists will address include:

- What are the functions of a global plan of action?
- What models can be used in devising a plan of action (experiences from other fields; e.g., United Nations General Assembly Adopts Global Counter-Terrorism Strategy)?
- What are national/regional/international practices and experiences that can be helpful in devising a plan of action?
- How can national/regional/international processes benefit from a plan of action?

### **PANEL III**      **Scaling Up: Why the coordination needs to be Global and how to do it**

Once the question of a global plan of action is discussed, a broader question of ensuring full and effective international coordination of efforts against trafficking in persons should be addressed.

As indicated earlier, several important and successful initiatives and programmes at the local, regional and international level are already addressing the question of trafficking. A wide range of actors, including civil society and the private sector (as evidenced by the background of several panel participants), have engaged in this fight. However, efforts by different actors are, in certain cases, disjointed and performances are uneven.

Panelists will also explore ways that a global plan of action can contribute to addressing gaps in international coordination.

The panelists will address among other questions:

- What are the gaps at international coordination of anti-trafficking efforts?
- How would the global PoA fill these gaps and add value to existing regional plans?

## **Acknowledgements**

The President of the sixty-third session of the UN General Assembly wishes to acknowledge the support of various Member States, specifically the Kingdom of Bahrain, Republic of Belarus, Republic of Ecuador, Arab Republic of Egypt, Republic of Nicaragua, Republic of the Philippines, the State of Qatar, the Kingdom of Thailand and the United Arab Emirates in the organization of this Interactive Thematic Dialogue on “Taking collective action to end human trafficking”.

The President also wishes to express his sincere gratitude to the various partnering organizations: members of the UN.GIFT for pooling together their resources and expertise to assist in the planning and execution of this important event, and extend a special recognition to UNODC for offering to prepare a detailed summary of the day’s proceedings.

## **Improving the coordination of efforts against trafficking in persons**

### **Background paper of the Secretary-General**

#### **Summary**

Pursuant to General Assembly resolution 63/194 of 18 December 2008, entitled “Improving the coordination of efforts against trafficking in persons”, the present paper summarizes the views of a broad and diverse group of Member States, international organizations, and civil society stakeholders on a wide range of specific measures to ensure the full and effective implementation of all legal instruments relevant to trafficking in persons, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to achieve the full and effective coordination of efforts against trafficking in persons.

The paper also summarizes responses that address the advisability of adopting a Global Plan of Action on preventing trafficking in persons, prosecuting traffickers, and protecting and assisting victims of trafficking, including its potential value in ensuring efficient and coordinated action against trafficking in persons.

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## Introduction

In its resolution 63/194 of 18 December 2008, entitled “Improving the coordination of efforts against trafficking in persons,” the General Assembly called upon the Secretary-General to collect the views of all stakeholders, including Member States and regional and international organizations, on how to achieve the full and effective coordination of efforts against trafficking in persons of all Member States, organizations, machineries, treaty bodies and all other partners within and outside the United Nations system, including civil society, and to ensure the full and effective implementation of all legal instruments relevant to trafficking in persons, particularly the United Nations Convention against Transnational Organized Crime (Organized Crime Convention) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Trafficking in Persons Protocol), supplementing the Organized Crime Convention, and submit a background paper to the General Assembly at its sixty-third session.

General Assembly resolution 63/194 also invited Member States to accelerate the consideration of the advisability of a Global Plan of Action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking.

The present paper, and the conclusions drawn herein, reflects the responses received from stakeholders consulted through a note verbale sent to all Member States and a letter sent to over 500 United Nations agencies and regional commissions, inter-governmental organizations and non-governmental organizations. A total of 100 Member States responded individually or collectively. A total of 31 entities, intergovernmental or non-governmental organizations also submitted responses. The list of respondents is included in Annex I.

The paper also refers to recommendations emanating from the Open-ended Interim Working Group on Trafficking in Persons, which was held in Vienna on 14 and 15 April 2009. The Working Group, established by the Conference of the Parties to the Organized Crime Convention, was mandated, *inter alia*, to make recommendations to the Conference on how to better implement the Trafficking in Persons Protocol and better coordinate with

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the various international bodies combating trafficking in persons. The full text of the Working Group's recommendations can be found in Annex II of the present paper.<sup>1</sup>

Finally, the report includes, in Annex III, the narrative of the Framework for Action for effective implementation the Trafficking in Persons Protocol, which is being developed by experts from international organizations. The Framework for Action is a technical assistance tool that provides operational measures in the three areas of prevention, protection and prosecution, as well as coordination and cooperation. It therefore constitutes an additional resource in the consideration of effective international responses to trafficking in persons.

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<sup>1</sup> For the full text of the report of the Working Group, see CTOC/COP/WG.4/2009/2.

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## I. How to ensure full and effective implementation of relevant legal instruments

### A. Achieve universal adherence to all relevant legal instruments

Responses emphasized the importance of ratifying and implementing legal instruments relevant to trafficking in persons, in particular those **related to human rights, forced labour, protection of women and children.** <sup>2</sup>

Responses focused especially on the **Trafficking in Persons Protocol** adopted in 2000 to supplement the Organized Crime Convention. While 128 States have become Parties to the Trafficking in Persons Protocol, **64 States** <sup>3</sup> **have yet to ratify or accede to it.** According to the UNODC Global Report on Trafficking in Persons (2009), many of the non-parties to the Trafficking in Persons Protocol are States that face substantial challenges with trafficking in persons. **Achieving universal adherence to the Trafficking in Persons Protocol is therefore crucial to effectively combat trafficking in persons.** <sup>4</sup>

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<sup>2</sup> International Labour Organization (ILO) Convention Concerning Forced or Compulsory Labour, 1930 (173 states parties); ILO Convention Concerning the Abolition of Forced Labour, 1957 (169 states parties); ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the worst Forms of Child Labour, 1999 (169 states parties); United Nations Convention on the Rights of the Child, 1989 (191 states parties); Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflicts, 2000 (127 states parties); Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000 (130 states parties); United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979 (185 states parties); Council of Europe Convention on Action against Trafficking in Human Beings, 2005 (20 States parties).

<sup>3</sup> Afghanistan, Andorra, Angola, Antigua and Barbuda, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Dominica, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Greece, Haiti, Iceland, India, Indonesia, Ireland, Islamic Republic of Iran, Japan, Jordan, Maldives, Marshall Islands, Micronesia, Morocco, Nauru, Nepal, Pakistan, Palau, Papua New Guinea, Qatar, Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sierra Leone, Singapore, Sri Lanka, Solomon Islands, Somalia, Sudan, Swaziland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Tonga, Tuvalu, Vanuatu, Viet Nam, Yemen, Zimbabwe.

<sup>4</sup> See recommendations 2 and 3 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

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## B. Adequately criminalize trafficking in persons

Full and effective **criminalization of trafficking in all its aspects** – through legislation covering the whole range of victims, as well as the widest range of exploitative purposes - is essential. This is a prerequisite not only for domestic prosecution of traffickers, but also for international judicial cooperation.

Lack of adequate national legislation on trafficking in persons was identified by respondents as an obstacle to effective implementation of the Trafficking in Persons Protocol.<sup>5</sup> Other obstacles to effective criminalization included confusion surrounding the definition of certain terms, leading to difficulties in the implementation of the Trafficking in Persons Protocol.<sup>6</sup> It was also noted that **criminalization of activities that facilitate, are associated with or are related to trafficking in persons** should not be overlooked.<sup>7</sup> This will ensure that trafficking in persons is addressed from multiple angles, increasing the chances of successful prosecutions.

When discussing a possible **Global Plan of Action**, respondents emphasized that such Plan would help **ensure consistency of national frameworks with international instruments**.<sup>8</sup> However, other respondents noted that a Global Plan of Action might divert valuable resources and attention from on-the-ground efforts to implement the Trafficking in Persons Protocol.<sup>9</sup>

## C. Prevent victimization and discourage demand through awareness raising

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<sup>5</sup> Bangladesh, Belarus, Kuwait, Kenya, European Police Office (EUROPOL), International Organization for Migration (IOM).

<sup>6</sup> Bangladesh, Canada, Germany, Sudan, Switzerland, Uzbekistan, Soroptimist International, Suzanne Mubarak Women's Peace Movement/ End Human Trafficking Now (SMWIPM/EHTN). See also recommendation 6 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

<sup>7</sup> See recommendation 5 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

<sup>8</sup> African Group, Belarus, Ecuador, La Strada .

<sup>9</sup> United Kingdom, USA.



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Respondents noted the importance of prevention through both widespread **awareness raising campaigns directed at the general public**<sup>10</sup> as well as campaigns targeted at specific groups and **communities vulnerable to trafficking**.<sup>11</sup> Local contexts must be fully considered when developing plans of communication.<sup>12</sup>

Achieving this objective requires effective **utilisation of mass media**,<sup>13</sup> including better sensitization of the cinema industry, TV channels and the press concerning the way trafficking is reported,<sup>14</sup> as well as the use of important public events or personalities to promote awareness campaigns.<sup>15</sup> It also should involve practitioners in the development of audiovisual material and documentaries,<sup>16</sup> as well as the use of free information hotlines.

Educational and awareness raising programmes on the reality of trafficking in persons should **reach clients or potential clients of sexual services** and increase their understanding of trafficking in persons and violence against women.<sup>17</sup>

Demand for services or products that foster **labour exploitation** could be discouraged by raising public awareness of the many kinds of products that result from forced or exploited labour,<sup>18</sup> by improved awareness that diverse forms of trafficking for labour exploitation do not only constitute breaches of labour laws

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<sup>10</sup> Bangladesh, Czech Republic, France, Latvia, United Arab Emirates, Uruguay, United Nations Division for the Advancement of Women ( UNDAW), United Nations Children’s Fund (UNICEF), Caritas Internationalis, SMWIPM/EHTN.

<sup>11</sup> Bangladesh, Belarus, Belgium, Bulgaria, Czech Republic, Ecuador, France, Latvia, Poland, Slovenia, Turkey, Uruguay, Uzbekistan, UNDAW, African Institute for the Prevention of Crime and the Treatment of offenders (UNAFRI), International Centre of Migration Policy Development (ICMPD), National Council of German Women Organizations ( NCGW), SMWIPM/EHTN. See recommendation 7 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

<sup>12</sup> Bangladesh, France, Working Meeting of Eastern African States, UNAFRI, SMWIPM/EHTN.

<sup>13</sup> Argentina, Belarus, Bulgaria, Ecuador, France, Greece, Kenya, Latvia, Malta, Mexico, Qatar, Sri Lanka, Turkey, Uruguay, Uzbekistan, EUROPOL, Caritas Internationalis.

<sup>14</sup> Peru, UNDAW, Commonwealth of Independent States ( CIS), European Commission (EC), EUROPOL. See also International Development Law Organization (IDLO)-Manual on International Law and Standards Applicable in Disaster Situations .

<sup>15</sup> Belarus, Bulgaria, Germany, Uruguay, International Council of Women (ICW).

<sup>16</sup> Cambodia, Greece, Caritas Internationalis.

<sup>17</sup>United Nations Economic and Social Commission for Asia and the Pacific ( ESCAP), SMWIPM/EHTN.

<sup>18</sup> Belarus, Estonia, USA, SMWIPM/EHTN.

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but in fact criminal offences.<sup>19</sup> Increasing media coverage of prosecutions of offenders and real-life examples of victims are also important.<sup>20</sup>

Some respondents argued that a **Global Plan of Action** could contribute to raising awareness of a wide range of stakeholders such as the business community, civil society and international mass media and could provide incentives to business to take an active stand and help stage a mass media campaign.<sup>21</sup>

## **D. End impunity of those who traffic in persons**

The UNODC Global Report on Trafficking in Persons (2009) concluded that, although the **number of convictions** of traffickers is increasing, impunity remains a significant problem. To date, two-fifths of the countries covered by the report have not reported a single conviction for trafficking in persons.<sup>22</sup> Responses received identified key factors that must be addressed to strengthen the capacity of criminal justice systems to try and convict those who traffic in persons.

**Front line law enforcement officials** – police, labour inspectors, immigration, and border guards – play the single most critical role in identifying trafficked persons and perpetrators, ensuring victim safety, and referring victims to appropriate support services.<sup>23</sup> Trafficking for forced labour, especially in the agriculture, catering and construction sectors,<sup>24</sup> was identified as a particularly weak point in efforts to combat trafficking<sup>25</sup> and one where training of law enforcement officials was urgently needed.

**Specialised investigation teams** or units focusing on trafficking in persons cases,<sup>26</sup> with power to undertake or supervise all trafficking investigations in the country, can help end

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<sup>19</sup> See recommendation 10 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

<sup>20</sup> Estonia, France, Sri Lanka, Asian Development Bank (ADB), EUROPOL.

<sup>21</sup> African Group, Belarus.

<sup>22</sup> UNODC Global Report on Trafficking (2009).

<sup>23</sup> See recommendation 8 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

<sup>24</sup> See UNODC indicators for forced labour.

<sup>25</sup> Estonia, Germany, EC.

<sup>26</sup> Australia, France, Germany, Greece, Netherlands, Sri Lanka, UNDAW, CIS, EUROPOL. See also Gallagher, A. and Holmes, P., “Developing an Effective Criminal Justice Response to Human Trafficking”, *International Criminal Justice Review*, Vol.18, no.3, 2008.

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impunity. Such units should be granted adequate powers and trained to correctly use all available investigative techniques, including special investigative techniques such as telecom surveillance, undercover officers, or paid informants.<sup>27</sup>

**Inefficient or corrupt prosecutorial or judicial authorities compromise effective investigations.** Prosecutorial services must develop skills adequate to meet the challenges of prosecuting trafficking cases<sup>28</sup> – which typically present complex evidentiary requirements, reluctant witnesses, and specific legislation. States should consider **establishing specialized teams of prosecutors** to handle trafficking cases,<sup>29</sup> as well as specialization of investigators to tackle the financial aspects of trafficking.<sup>30</sup> Another recommendation is the development of, and training of judges, in **appropriate court practices and procedures** that support both victims and witnesses in order to contribute to more successful prosecutions.

In many countries victims of trafficking are repeatedly arrested, charged and prosecuted for offences committed as a direct consequence of their having been trafficked, such as unlawful entry in the territory, working illegally, holding false documentation or engaging in illegal prostitution. A number of responses referred to the **criminalization of trafficked persons**<sup>31</sup> in such situations as a significant obstacle to effective investigations and prosecution of traffickers. The Trafficking in Persons Protocol does not address this phenomenon, but there may be an emerging consensus that a more humane approach to victims is required.<sup>32</sup>

## **E. Protect victims**

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<sup>27</sup> Belgium, Germany, EC, EUROPOL.

<sup>28</sup> Argentina, Austria, Bangladesh, Belarus, Bosnia, Cambodia, Canada, Ecuador, Egypt, France, Malta, Mexico, Netherlands, Norway, Poland, Qatar, Slovenia, Sri Lanka, Sudan, Turkey, United Kingdom, Uruguay, United States, UNAFRI, UNDAW, UNICEF, EUROPOL, Human Rights Watch (HRW), Soroptimist International, SMWIPM/EHTN, Terre des Hommes International Federation.

<sup>29</sup> Uruguay, UNDAW.

<sup>30</sup> Belgium.

<sup>31</sup> Belarus, Canada, France Netherlands, Qatar, USA, EUROPOL

<sup>32</sup>. See recommendation 11 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

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**Lack of victim identification** is one of the primary obstacles to adequate protection of victims and their access to assistance.<sup>33</sup> Respondents elaborated on difficulties associated with victim identification as well as victim cooperation with law enforcement, including fear of police, lack of awareness of their status as victims and their legal rights,<sup>34</sup> uncertainty about outcome of detection, fear of reprisal from traffickers<sup>35</sup> and fear of stigmatisation in their communities of origin.<sup>36</sup>

Against this background, and irrespective of their involvement in the criminal justice process, victims should be provided with **immediate support and protection**. Anti-trafficking legislation should criminalize threatening or intimidating a victim or witness of trafficking. Many respondents emphasized the need for more rehabilitation and reintegration programmes,<sup>37</sup> including access to education, training and employment. Minimum protection standards, such as providing lodging in shelters, ensuring victim privacy, and providing medical and psychological support<sup>38</sup> as well as **legal advice and assistance**,<sup>39</sup> must be developed and applied. Criminal justice practitioners and social workers must be adequately and sensitively trained.<sup>40</sup>

Respondents emphasized the need for increased funding of social services<sup>41</sup> and pointed at lack of funding to accommodate victim needs<sup>42</sup> as an obstacle to effective victim

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<sup>33</sup> Belarus, Canada, Estonia, Germany, Mongolia, Poland, UNAFRI, ICMPD, IOM, Payoke, SMWIPM/EHTN, Terre des Hommes International Federation.

<sup>34</sup> Ecuador, Estonia, Latvia, Poland, Sri Lanka, Uruguay, UNAFRI, Terre des Hommes International Federation.

<sup>35</sup> Canada, Poland, Uruguay, Soroptimist International, Terre des Hommes International Federation.

<sup>36</sup> Bangladesh, Latvia, United Nations Population Fund (UNFPA).

<sup>37</sup> Bosnia, Jamaica, Poland, Serbia, Uzbekistan, UNAFRI, UNFPA.

<sup>38</sup> Argentina, Bulgaria, Canada, Ecuador, Egypt, Kenya, Mongolia, Netherlands, Qatar, Sudan, Uruguay, Uzbekistan, UNFPA, EUROPOL, Caritas Internationalis, Global Alliance Against Traffic in Women (GAATW), NCGW, Payoke.

<sup>39</sup> Czech Republic, Egypt, Kenya, Mexico, Mongolia, Slovenia, Uzbekistan, UNAFRI, UNDAW, EUROPOL, Caritas Internationalis, GAATW, La Strada International, Terre des Hommes International Federation.

<sup>40</sup> Bangladesh, Belgium, Cambodia, Egypt, Estonia, Malta, Mexico, Netherlands, Norway, Qatar, Slovenia, Sri Lanka, Turkey, Uzbekistan, UNAFRI, GAATW, IDLO, Caritas Internationalis, Payoke.

<sup>41</sup> Jamaica, Latvia, Macedonia, Malta, Qatar, Slovenia, USA, UNFPA, ADB, CIS, ICMPD, Caritas Internationalis, Payoke.

<sup>42</sup> Argentina, Belarus, Bulgaria, Estonia, Latvia, Mongolia, ICMPD, La Strada International, NCGW, Payoke, SMWIPM/EHTN.

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protection. **Confiscated proceeds of traffickers could be channelled into victim support programmes.** <sup>43</sup>

Appropriate procedures must be established to allow victims to obtain **compensation and restitution.** <sup>44</sup> This could be achieved through the establishment of a dedicated victim compensation fund or scheme from which victims claims could be met, or where a general victim compensation fund exists, victims of trafficking should have access to it.

**Child victims pose particular challenges requiring specifically tailored responses by authorities.** <sup>45</sup> In addition to their entitlement to all protection and support available to other victims, respecting the principle of the best interests of the child must always be paramount, in particular in decisions on return and contacts with the family.

**Support and protection to victims as witnesses** is critical to enforcing the law. Successful prosecution of trafficking cases perforce relies heavily on cooperation and testimony of victims. Victims must be protected from their victimizers, <sup>46</sup> both through witness protection programmes and through establishing procedures to allow jurisdictions to protect the **confidentiality and privacy of victims** of trafficking. This can be achieved through, for example, provision of testimony through video, closed hearings and witness concealment measures. Incentives for victims to cooperate may include the provision of **residence permits** in exchange for testimony. Access to residence permits, moreover, should not be predicated per se on willingness to collaborate with law enforcement authorities. <sup>47</sup> Access to information regarding the right of trafficking victims to request asylum should be ensured.

Several respondents suggested that a **Global Plan of Action** could help establish consistent and sustained technical assistance for the protection of victims as well as

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<sup>43</sup> Bulgaria.

<sup>44</sup> Argentina, Belarus, Uruguay, CIS, Caritas Internationalis. See also recommendation 13 of the Open-ended Interim Working Group on Trafficking in Persons ( Annex II).

<sup>45</sup> UNICEF, Pax Romana.

<sup>46</sup>Bulgaria, Czech Republic, Jamaica, Kenya, Mongolia, Poland, Qatar, Sri Lanka, Uruguay, Europol, Caritas Internationalis, HRW. See also recommendation 14 of the Open-ended Interim Working Group on Trafficking in Persons ( Annex II).

<sup>47</sup> Germany, Slovenia, UNDAW, ICMPD, NCGW.

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develop detailed recommendations on victim identification and protection based on good practices.<sup>48</sup>

## F. Coordinate efforts at the national level

There are practical difficulties in national coordination of action against trafficking in persons at many levels: **coordination is often lacking among various law enforcement agencies**, such as immigration, workplace inspectors<sup>49</sup> and police authorities. This results in agencies working at cross-purposes.<sup>50</sup> Front line law enforcement officials need to cooperate and communicate efficiently with specialized teams when they exist.

Poor **coordination between law enforcement and criminal justice service providers, on the one hand, and victim service providers, including NGOs, on the other**, was a recurrent theme for most respondents, who pointed to the negative impact on prosecution and repatriation, rehabilitation and reintegration of victims. Governmental agencies must be better informed of the important contribution victim service providers make to law enforcement efforts. The respective roles and responsibilities of governmental agencies and NGOs should be clarified through memoranda of understanding.<sup>51</sup> Priority should be given to State financial support for NGO service providers,<sup>52</sup> and national referral mechanisms should be established.<sup>53</sup>

**National anti-trafficking coordinating bodies or task forces**, composed of officials from relevant government agencies (justice, health and welfare, labour, immigration, etc.) and non-governmental agencies, should be established.<sup>54</sup> These mechanisms would develop comprehensive and coordinated policies on trafficking, promote better

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<sup>48</sup> Belarus, Ecuador.

<sup>49</sup> See Andrees, B, *Forced Labour and Human Trafficking: A Handbook for Labour Inspectors*, International Labour Organization, 2008.

<sup>50</sup> Slovenia. For strategies to help respond to coordination problems, see Fiona David, *Trafficking of Women for Sexual Services*, 2008.

<sup>51</sup> Croatia, France, Greece, Malta, Poland, USA, Caritas, Payoke.

<sup>52</sup> Jamaica, Japan, Macedonia, Poland, Slovenia, Turkey, United Kingdom, USA, EC, ICMPD, Caritas Internationalis, NCGW.

<sup>53</sup> Bosnia, Bulgaria, Croatia, Norway, Poland, United Kingdom, EC, Caritas Internationalis, La Strada International.

<sup>54</sup> Austria, Belarus, Croatia, Germany, Greece, Jamaica, Kenya, Oman, Slovenia, UNDAW, Payoke. See recommendation 16 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

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cooperation, monitor the implementation of national referral mechanisms and promote research on trafficking in persons.

A Global Plan of Action could provide the basis for the development of **national plans of action** against trafficking and help clarify the functions of State and non-state actors.<sup>55</sup>

## **G. Establish a valid knowledge basis**

Trafficking in persons is a covert activity involving hidden populations and, as such, is difficult to analyse, measure and understand. The adoption of the Trafficking in Persons Protocol has led to an **international consensus on the definition of trafficking in persons** – an important achievement – and distinguished it from other phenomena like migrant smuggling. This has created a common basis for collection of comparable data and research. Despite these advances, capacity to collect even basic data is sometimes lacking.<sup>56</sup>

A central repository of national information from different sources and actors is required<sup>57</sup> and there must be capacity to systematically gather and analyse the data. One possibility is the creation of **national rapporteurs or similar mechanisms** working on the collection of data and monitoring the implementation of national action plans.<sup>58</sup> National rapporteurs should have an independent status and report to the Executive Branch and/or Parliament.<sup>59</sup>

When identifying specific data collection and research needs, many respondents emphasized the need to collect **information on traffickers and associated perpetrators**,<sup>60</sup> and their *modus operandi*. One of the findings of the UNODC Global Report on Trafficking in Persons (2009) is that, especially in the Eastern European and Central

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<sup>55</sup> Belarus.

<sup>56</sup> See UNODC Global Report on Trafficking in Persons (2009).

<sup>57</sup> Austria, Croatia, France, Germany, Greece, Jamaica, Kenya, Mexico, Serbia, Slovenia, Uruguay, Caritas Internationalis. See also recommendation 17 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

<sup>58</sup> Bosnia, Malta, Norway, Turkey, UNDAW, EC, EUROPOL, Caritas Internationalis, La Strada International, Payoke.

<sup>59</sup> La Strada International, Payoke.

<sup>60</sup> Bosnia, Estonia, Germany, Jamaica, United Kingdom, Uruguay, USA, UNAFRI, International Criminal Police Organization (INTERPOL), Terres des Hommes International Federation.

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Asian regions, a disproportionate number of offenders are women and that most offenders are citizens of the country in which they were arrested. This suggests that trafficking is mostly carried out by local networks that exchange victims amongst themselves. Studies on the **root causes and effects of trafficking**,<sup>61</sup> including on the economic implications of this illicit trade<sup>62</sup> should be carried out.

Many respondents expressed the need for better and deeper knowledge of the **different kinds of trafficking**,<sup>63</sup> including illegal adoption, organ trafficking, servile marriages,<sup>64</sup> child labour,<sup>65</sup> and trafficking in men and boys.<sup>66</sup> There was particular priority placed on research into the size, scope and nature of **trafficking for the purposes of labour exploitation**.<sup>67</sup>

Limited research has been carried out on **what trafficked persons want and need** in terms of support and rehabilitation, how they experience their participation in the criminal justice process and how it could be made more user-friendly. Research in these areas would provide useful insights to policy-makers and practitioners.

National data collection, and the preparation of national annual reports, is the basis on which to build **regional and international sharing of information on trafficking flows and patterns**, as well as experiences and good practices. An **international mechanism** could monitor trends and patterns of trafficking in persons, including information on the market context for these crimes.<sup>68</sup>

It was argued that a **global report on trafficking** could be usefully synthesized by UNODC<sup>69</sup> and presented to the Conference of the Parties to the Organized Crime Convention.

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<sup>61</sup> Belarus, Egypt, Seychelles, UNAFRI, ADB, Caritas Internationalis.

<sup>62</sup> Belgium, Slovenia, SMWIPM/EHTN.

<sup>63</sup> Estonia, Poland, EC.

<sup>64</sup> Mongolia.

<sup>65</sup> IDLO-Manual on International Law and Standards Applicable in Disaster Situations

<sup>66</sup> Mongolia, United States, UNFPA, Payoke.

<sup>67</sup> Austria, Germany, Mongolia, Poland, Slovenia, EC, Caritas Internationalis. See also Australian Institute of Criminology, Transnational Crime Brief No. 3, *Labour trafficking: key concepts and issues*, 2009, available at [www.aic.gov.au](http://www.aic.gov.au).

<sup>68</sup> UNODC Global Report on Trafficking in Persons (2009).



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## II. How to ensure full and effective international coordination of efforts against trafficking in persons

### A. Strengthen international cooperation at the operational level

**International police-to-police cooperation** must be strengthened<sup>70</sup> to enable the detection of complete chains of trafficking (as opposed to identifying isolated links of the chain). In the area of **border controls**, there should be exchange of liaison officers among states of origin, transit and destination.<sup>71</sup>

The use of **joint investigation teams** and agreement on the use of special investigative techniques within international investigations<sup>72</sup> in cases of trafficking in persons are considered useful practices.<sup>73</sup>

Many respondents recommended **using the framework of existing regional organizations** to facilitate cross border cooperation in operations. The Heads of Specialist Trafficking Units Process operating in Southeast Asia, the Coordinated Mekong Ministerial Initiative Against Trafficking in the Greater Mekong Subregion (COMMIT) and the Regional Bali Consultative Process were cited as examples of useful regional mechanisms.

Organizing **regional training** for law enforcement and other criminal justice practitioners can facilitate the exchange of information and good practices.<sup>74</sup> **International meetings and conferences**, such as the Vienna Forum held under the United Nations Global

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<sup>69</sup> United Kingdom.

<sup>70</sup> Austria, France, Czech Republic, Ecuador, Greece, Latvia, Netherlands, Poland, Qatar, Sudan, Turkey, Ukraine, European Union's Judicial Cooperation Unit (EUROJUST), INTERPOL, International Police Association (IPA), Caritas Internationalis. See also recommendation 22 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

<sup>71</sup> Bulgaria, France, Macedonia, EUROPOL.

<sup>72</sup> See recommendation 23 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II). See also report of the UNODC Informal Expert Working Group on Joint Investigations (CTOC/COP/2008/CRP.5).

<sup>73</sup> Argentina, Belarus, Bosnia, Greece, EUROJUST.

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Initiative to Fight Human Trafficking (UN.GIFT),<sup>75</sup> foster information sharing and networking.

Developing and strengthening international judicial cooperation – **extradition, mutual legal assistance and confiscation of proceeds of trafficking pursuant to a foreign request** – is crucial. **Multilateral legal instruments, such as the Organized Crime Convention**, contain detailed provisions and mechanisms on judicial cooperation and should be utilized effectively.<sup>76</sup> Multilateral treaties enable Parties to establish a wide inter-regional network of judicial cooperation relationships. The development of **simplified cooperation processes**, such as those existing within the European Union, facilitate international coordination.<sup>77</sup>

Other recommendations included the organization of **training for central authorities** and other practitioners involved in judicial cooperation at the regional or cross-regional level,<sup>78</sup> in order to strengthen their working contacts.

**International cooperation in the area of repatriation of victims** needs improvement.<sup>79</sup> In this regard, mention was made of the usefulness of transnational referral mechanisms (TRMs).<sup>80</sup>

Some respondents noted that a **Global Plan of Action** could help establish a comprehensive, concerted and coordinated mechanism in order to improve the effectiveness of the fight against trafficking in persons.<sup>81</sup> Other respondents stated that an effective approach would be to develop **regional or sub-regional plans of action**<sup>82</sup> supported by bilateral agreements.

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<sup>74</sup> Belarus, China, France, Poland, Qatar, Uzbekistan.

<sup>75</sup> Bangladesh, Belarus, China, Estonia, Greece, Latvia, Malta, Qatar, Turkey, Uzbekistan, UNAFRI, UNDAW.

<sup>76</sup> Belarus, Bosnia, France, Germany, Jamaica, Latvia, Malta, Poland, Uruguay, UNAFRI.

<sup>77</sup> France.

<sup>78</sup> Belarus, China, France, Poland.

<sup>79</sup> Bulgaria, Poland.

<sup>80</sup> ICMPD. The TRM set up by ICMPD in ten countries of Southeastern Europe was cited as an example.

<sup>81</sup> Belarus.

<sup>82</sup> United Kingdom, USA. See also recommendation 20 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

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## B. Ensure coordination of technical assistance provision

With the emergence of trafficking in persons as a high-profile issue, the number of intergovernmental and non-governmental organizations, as well as bilateral aid programmes involved in this area, has dramatically increased. This has led to **overlaps and duplications**.

The **lack of access to good information** on what other technical assistance providers are doing is an obstacle to coordination. Potentially useful responses include: the **creation of a donor database**, possibly along the lines of the ADAM database;<sup>83</sup> and the **development of a website** for UN agencies, the IOM, the World Bank, regional organizations, foundations, private-sector partners, and major donor countries that would provide links to information on their anti-trafficking projects.<sup>84</sup> **Joint programming, such as advocated and developed by UN.GIFT**, and the development of common strategies and work plans among providers of technical assistance and **division of labour** based on organizations' mandates and core competencies are also potentially helpful.

Additional recommendations relied on the five key principles of the **Paris Declaration on Aid Effectiveness**<sup>85</sup> and recalled some of the **conclusions of the Working Group of Government Experts on Technical Assistance** established by the UNTOC Conference of the Parties, which had noted the potential for UNODC to act as a coordinator and facilitator of requests for and the provision of technical assistance.<sup>86</sup>

Some respondents noted that a **Global Plan of Action** could ensure exchange of good practices among stakeholders and assist regional and international organizations involved in the provision of technical assistance at country, regional, and global levels.<sup>87</sup>

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<sup>83</sup> France. The Automated Donor Assistance Mechanism (ADAM) is an Internet-based tool for the coordination of technical assistance in the field of counter narcotics (i.e. supply and demand reduction). This tool has been developed by UNODC within the framework of the Paris Pact Initiative, a UNODC-led partnership of more than 50 countries and international organizations, which aims to counter traffic in and consumption of Afghan opiates.

<sup>84</sup> Cambodia, USA.

<sup>85</sup> Ownership by countries; alignment with countries' strategies, systems and procedures; harmonization of donors' actions; managing for results; and mutual accountability.

<sup>86</sup> See also recommendation 18 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

<sup>87</sup> Belarus, Ecuador.

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### **C. Mainstream anti-trafficking activities into other international efforts**

Many respondents commented on the root causes and contributing factors to trafficking in persons<sup>88</sup>, including **poverty, inequality, gender discrimination, or a culture of tolerance towards violence against women.**

Against that background, it is critical to **mainstream efforts to counter trafficking in persons into programmes aimed at development, poverty eradication, natural disaster and post-conflict reconstruction**, in order to ensure respect for human rights and to counter violence against women. Budgets for vulnerability prevention and victim reintegration should be earmarked in the mainstream of poverty reduction, post-conflict, and social safety budgets, with technical assistance to be provided by the relevant anti-trafficking ministries, as well as trainings for government staff working on broader development programs.<sup>89</sup> It is necessary to incorporate trafficking in persons issues in human rights education projects.<sup>90</sup>

In this context, some respondents emphasized the potential benefits of a **Global Plan of Action** to provide an opportunity to consider the issue of trafficking in a comprehensive manner, thereby creating an enabling context for addressing the problems of development, eradication of poverty, and human rights.<sup>91</sup>

### **D. Strengthen the impact of the Inter-Agency Cooperation Group against Trafficking in Persons (ICAT)**

Respondents addressed the **mandates and functioning of ICAT**. Pursuant to a request from the Economic and Social Council (resolution 2006/27), ICAT was established in September 2006 with the aim of fostering coordination and cooperation among relevant

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<sup>88</sup> Bangladesh, Belarus, Belgium, Bulgaria, Canada, Estonia, France, Japan, Kenya, Mongolia, Qatar, Slovenia, Turkey, Uruguay, Uzbekistan, Working Meeting of Eastern African States, UNAFRI, UNDAW, ESCAP, UNFPA, UNICEF, ADB, Caritas Internationalis, HRW, Pax Romana.

<sup>89</sup> ADB.

<sup>90</sup> Bulgaria, Mongolia.

<sup>91</sup> Belarus, Ecuador.

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United Nations agencies and other international organizations involved in combating human trafficking.<sup>92</sup> General Assembly resolution 61/180 welcomed the holding of the Tokyo meeting and requested the Secretary-General to “improve upon the fledgling interagency coordination group on trafficking in persons 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.”

Options for **strengthening the impact of ICAT** suggested by respondents include: merging the mandates of the UN.GIFT steering committee and ICAT into a permanent coordinating mechanism led by UNODC;<sup>93</sup> the **development of a website**<sup>94</sup> to enhance coordination and establish a dialogue between ICAT members; the designing of a **common work plan**;<sup>95</sup> and the **adoption of recommendations during ICAT meetings**, to be presented to ICAT members’ governing bodies in order to strengthen its impact.<sup>96</sup>

Several respondents suggested a role for ICAT in driving the Global Action Plan as a means to strengthen ICAT’s work.<sup>97</sup> Finally respondents emphasized the need for **greater involvement of relevant NGOs** in regional and international coordination mechanisms, such as ICAT.

## **E. Enhance the role of the Conference of the Parties to the Organized Crime Convention**

Several respondents noted the potential of the Open-ended Interim Working Group on Trafficking in Persons established by the Conference of the Parties to enhance the coordinating role of the Conference<sup>98</sup> on trafficking in persons issues. Others noted that

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<sup>92</sup> The Division for the Advancement of Women of the Secretariat, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Office of the High Commissioner for Human Rights (OHCHR), UNODC, UNICEF, the United Nations Development Fund for Women (UNIFEM), UNFPA, UN High Commissioner on Refugees (UNHCR), the United Nations Fund for International Partnerships, the United Nations International Research and Training Institute for the Advancement of Women, ILO, the World Bank, IOM and INTERPOL.

<sup>93</sup> SMWIPM/EHTN.

<sup>94</sup> Belgium, UNDAW.

<sup>95</sup> Belarus, Uruguay, UNDAW, ADB.

<sup>96</sup> France.

<sup>97</sup> Belarus, Ecuador.

<sup>98</sup> Canada, Egypt, France, USA.

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the **exchange of expert opinions** should be strengthened during the sessions of the Conference <sup>99</sup> and should be used to enhance coordination efforts in combating trafficking in persons.

**Greater linkages should be established and exchange of information promoted between the Conference of the Parties and other United Nations treaty bodies.** <sup>100</sup>

The work of the **Special Rapporteur on trafficking in persons** at the Human Rights Council should also be linked more closely to the work of the Conference of the Parties in order to avoid the duplication of reports.<sup>101</sup>

Many respondents noted that **regular reporting by States on their implementation** of the Trafficking in Persons Protocol and the **setting up of a review mechanism** for the Organized Crime Convention and the Trafficking in Persons Protocol<sup>102</sup> are urgently needed to monitor implementation, ensure consistency of national legislative frameworks with the Protocol and enhance coordination of international action against trafficking in persons.

In its decision 4/1 (2008), the Conference requested UNODC to convene an **open-ended intergovernmental meeting of experts** to explore options regarding a mechanism to assist it in its review of implementation. Some respondents suggested that the review process for the Trafficking in Persons Protocol should also become a subject for consideration for the Working Group on Trafficking in Persons.<sup>103</sup>

Any mechanism to review implementation must be supported by political stakeholders to be effective and efficient.<sup>104</sup> The **participation of members of civil society** in such review mechanism is advisable. <sup>105</sup> **A potential review mechanism should be informed**

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<sup>99</sup> Belgium, Croatia, Uzbekistan, UNAFRI.

<sup>100</sup> Germany, UNDAW.

<sup>101</sup> Germany.

<sup>102</sup> Belarus, Canada, Croatia, Czech Republic, Ecuador, Estonia, France, Netherlands, Norway, Qatar, Slovenia, Turkey, ADB, Caritas Internationalis, GAATW, ICW, La Strada International, Terre des Hommes International Federation. See also recommendation 19 of the Open-ended Interim Working Group on Trafficking in Persons (Annex II).

<sup>103</sup> Belarus, Canada.

<sup>104</sup> France, United Kingdom.

<sup>105</sup> Canada, Croatia, ADB, La Strada International.

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**by other approaches**, including those considered for reviewing the United Nations Convention against Corruption or other relevant United Nations treaty body systems.<sup>106</sup>

Some respondents suggested that a Global Plan of Action could offer a **road map for the review of the implementation of the Trafficking in Persons Protocol**.<sup>107</sup> Other respondents argued that the newly created Working Group on Trafficking in Persons should be given the opportunity to fulfil its mandate first, before considering the creation of another coordination mechanism.<sup>108</sup>

## **F. Adoption of a Global Plan of Action on trafficking in persons**

In its resolution 63/194, the General Assembly invited all Member States to accelerate the consideration of the **advisability of a global plan of action** on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking, which would achieve the full and effective coordination of efforts against trafficking in persons and ensure the full and effective implementation of all legal instruments relevant to trafficking in persons.

Several respondents discussed a possible Global Plan of Action in their responses.<sup>109</sup> Some noted that the adoption by the General Assembly of such plan would help ensure effective **implementation of relevant legal instruments** by addressing key gaps in implementation.<sup>110</sup> It would also include measures to encourage States to enact unified standards on prevention, prosecution and protection.<sup>111</sup>

It was argued that a Global Plan of Action could contribute to **raising awareness** and enlisting commitment among partners such as the business community, civil society, and the international mass media. It could provide incentives to businesses to take an active stand against human trafficking and could help stage mass media campaigns.<sup>112</sup>

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<sup>106</sup> Canada, United Kingdom, UNDAW.

<sup>107</sup> Belarus, Ecuador.

<sup>108</sup> USA.

<sup>109</sup> African Group, Belarus, Ecuador, United Kingdom, USA, La Strada Internacional.

<sup>110</sup> African Group, Belarus, La Strada Internacional.

<sup>111</sup> Belarus.

<sup>112</sup> Belarus.

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It was also suggested that a Global Plan of Action could develop through recommendations on victim identification and protection based on good practices<sup>113</sup> in areas where legal instruments lacked detailed provisions and help establish consistent and sustained technical assistance for **the protection of victims**.<sup>114</sup>

The Global Plan of Action could further provide the basis for the development of **national plans of action** against trafficking.<sup>115</sup> It could also help **harmonize reporting** on trafficking in persons by Member States, and play an important role in identifying factors that lead to trafficking and, therefore, help reduce the demand.<sup>116</sup>

Responses emphasized the value of a Global Plan of Action to ensure **international coordination** of efforts against trafficking.<sup>117</sup> It was seen as a tool to establish a comprehensive, concerted and coordinated mechanism outlining **general parameters for international efforts** in providing technical assistance to countries in need.<sup>118</sup> The Global Plan of Action could ensure exchange of good practices among stakeholders<sup>119</sup> and assist regional and international organizations involved in the provision of technical assistance at country, regional, and global levels.

The potential benefits of a Global Plan of Action for **mainstreaming anti-trafficking activities into other international efforts** were also emphasized, as it could provide an opportunity to consider the issue of trafficking in a comprehensive manner, creating an enabling context for addressing the problems of development, eradication of poverty, and human rights.<sup>120</sup>

Respondents also emphasized the development of a Global Plan of Action as an important **mission and tool for ICAT**. It could highlight the role of the Special Rapporteurs on trafficking in children, child prostitution and pornography and on human trafficking and

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<sup>113</sup> Belarus.

<sup>114</sup> Ecuador.

<sup>115</sup> Belarus.

<sup>116</sup> Ecuador.

<sup>117</sup> African Group, Belarus, Ecuador.

<sup>118</sup> Belarus, Ecuador.

<sup>119</sup> Ecuador.

<sup>120</sup> Belarus, Ecuador.



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their participation in the work of ICAT.<sup>121</sup> Respondents suggested enshrining a **two-level coordination system** into the Global Plan, whereby the UN General Assembly would be in charge of overall conceptual coordination and ICAT would be responsible for practical expert coordination.<sup>122</sup>

In terms of reviewing implementation of the Trafficking in Persons Protocol, a Global Plan of Action could offer a kind of road map on how such a process should proceed in respect of all international legal instruments pertaining to human trafficking.<sup>123</sup>

Other respondents offered a competing view, arguing that a more effective approach would be to develop **regional or sub-regional plans of action**<sup>124</sup> supported by bilateral agreements. It was also argued that a Global Plan of Action would divert valuable resources and attention from on-the-ground efforts to implement the Trafficking in Persons Protocol.<sup>125</sup>

Respondents also proposed that the newly created Working Group on Trafficking in Persons established by the Conference of the Parties should be given the opportunity to fulfil its mandate before considering the creation of another coordination mechanism.<sup>126</sup>

## Recommendations and conclusions

Trafficking in persons has emerged from its marginal status a decade ago into a high-profile crime and human rights issue. The Trafficking in Persons Protocol, together with programmes such as UN-GIFT and associated media campaigns, have raised international awareness of the need for action and elicited intense legislative activity and increased investigative and judicial measures. Yet many States are not yet parties to the Trafficking in Persons Protocol, and many States Parties are not yet using the potentially important legal tool to bring traffickers to the bar of justice. This speaks to a deficit of political will.

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<sup>121</sup> Belarus, Ecuador.

<sup>122</sup> Belarus.

<sup>123</sup> Belarus.

<sup>124</sup> USA.

<sup>125</sup> United Kingdom, USA.

<sup>126</sup> USA.

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With the will and determination to act, legal limitations and impediments to action will be highlighted and then must be addressed. Some are obstacles typical to all criminal justice responses to complex transnational crimes: lack of understanding of covert criminal activities, difficulties to operationalize legislative frameworks, lack of capacity to investigate, prosecute and convict offenders, difficulties for national and international actors to work together. Other difficulties are associated with the human aspect of trafficking in persons: identifying victims; encouraging those who are reluctant to come forward; and protecting and supporting traumatized victims who most often are also unlawful immigrants.

The views of the large number of diverse stakeholders who responded to the Secretariat's appeal for input into the present paper have identified a number of key areas where action can lead to progress in fighting trafficking: extend the network of States able to cooperate under the Trafficking in Persons Protocol; address decisively such overlooked forms of trafficking as that committed for labour exploitation; train investigators and prosecutors; create opportunities for them to network with counterparts and enable them to specialize; and, above all else, understand and address at all stages the situation and needs of victims in order to enlist their cooperation and protect their rights as human beings.

In all these areas, promising practices are emerging. Efforts to support this process must be systematically and aggressively pursued. Technical assistance is crucial to achieving that objective but is frustrated by the lack of coordination and the lack of reliable global data. At this juncture -- 10 years after the adoption of the Trafficking in Persons Protocol - - the international community must take stock of its efforts, rationalize their pursuit and fill possible gaps in the instruments at its disposal.

All of these deficits are reflective of inadequate political will by the international community. It is thus urgent, and imperative, that the means to foster such will and determination are identified and employed. Many, though not all, respondents, argued that the adoption by the General Assembly of a Global Plan of Action would be one concrete way to create the necessary environment to ensure an effective international response to "the crime that shames us all" -- the trafficking in human beings.

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## **Annex I: List of respondents**

African Group on behalf of its 53 States, Argentina, Australia, Austria, Belarus, Belgium, Bosnia, Bulgaria, Cambodia, Canada, China, Croatia, Czech Republic, Ecuador, Egypt (Arab Republic of), Estonia, France, Germany, Greece, Jamaica, Japan, Kenya, Kuwait, Latvia, Macedonia, Malta, Mexico, Mongolia, Netherlands, Norway, Oman, Peru, Poland, Qatar, Serbia, Seychelles, Slovak Republic, Slovenia, Sri Lanka, Sudan, Switzerland, Turkey, United Arab Emirates, Ukraine, United Kingdom, Uruguay, United States of America, Uzbekistan.

United Nations Division for the Advancement of Women (UNDAW), United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), United Nations Office on Drugs and Crime (UNODC), United Nations Population Fund (UNFPA), United Nations Children's Fund (UNICEF).

Asian Development Bank (ADB), Commonwealth of Independent States (CIS), Council of Europe, European Commission (EC), European Union's Judicial Cooperation Unit (EUROJUST), European Police Office (EUROPOL), International Centre for Migration Policy Development (ICMPD), International Criminal Police Organization (INTERPOL), International Development Law Organization (IDLO), International Organization for Migration (IOM).

Caritas Internationalis, Global Alliance Against Traffic in Women (GAATW), Concern Universal (Bangladesh), Human Rights Watch (HRW), International Council of Women (ICW), International Federation of Red Cross and Red Crescent Societies, International Police Association, La Strada International, National Council of German Women Organizations (NCGW), Pax Romana, Payoke (Belgium), Soroptimist International, Suzanne Mubarak Women's International Peace Movement/ End Human Trafficking Now! (SMWIPM/EHTN), Terre des Hommes International Federation, Thengamara Mohila Sabuj Sangha (Bangladesh), United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI).

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## **Annex II**

### **Recommendations adopted by the meeting of the Open-ended Interim Working Group on Trafficking in Persons, held in Vienna on 14 and 15 April 2009**

The Working Group on Trafficking in Persons adopted the recommendations below for consideration by the Conference of the Parties at its fifth session.

#### **A. General recommendation**

1. With regard to the overall mandate of the Working Group outlined in Conference decision 4/4, the Working Group recommended that States adopt a comprehensive and balanced approach to combating trafficking in persons, *inter alia*, through mutual cooperation, in recognition of States' shared responsibility as countries of origin, destination and transit.

#### **B. Universal adherence**

2. With regard to achieving universal adherence to and effective implementation of the minimum requirements outlined in the Trafficking in Persons Protocol as an initial step toward combating trafficking in persons, States that have not yet done so should become Parties to the Organized Crime Convention and the Trafficking in Persons Protocol.

3. In order to achieve a better understanding of the obstacles that States, in particular signatories to the Trafficking in Persons Protocol, may have in becoming parties to the Trafficking in Persons Protocol, the Conference should consider the inclusion of an optional question, on the status of the ratification process, in the assessment checklist on the implementation of the Organized Crime Convention and its Protocols.

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### **C. Adequate national legislation**

4. With regard to the adoption of adequate national legislation, the Secretariat should step up its legislative assistance activities to respond to the needs of requesting States.

5. States parties should:

(a) Criminalize conduct that facilitates and supports trafficking in persons;

(b) Enact legislation for the implementation of the Organized Crime Convention, in particular legislation that criminalizes participation in an organized criminal group and corruption, and establish trafficking in persons as a predicate offence for the laundering of the proceeds of crime.

### **D. Definition of concepts**

6. With regard to the definition of concepts that might require further clarity, the Secretariat should prepare, in consultation with States parties, issue papers to assist States parties in better understanding and interpreting key concepts of the Trafficking in Persons Protocol, especially legally relevant definitions in order to assist criminal justice officers in penal proceedings.

### **E. Prevention and awareness raising**

7. With regard to prevention and awareness-raising, States parties should:

(a) Consider the inclusion of trafficking in persons in public education curricula;

(b) Launch awareness-raising campaigns directed at the general public, at specific groups and at communities vulnerable to being trafficked, taking into account local contexts. In doing so, they should consider making effective utilization of mass media (radio and television programmes, including soap

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operas able to reach vulnerable groups, and the press), and of important public events or personalities;

(c) Consider discussing plans for awareness-raising campaigns with the Secretariat and other States parties who have launched similar campaigns;

(d) Explore modalities to reinforce education and awareness-raising of users and potential users of sexual services and the products of forced labour and of other types of exploitation and to increase their understanding of trafficking in persons and violence against women and children.

## **F. Training**

8. With regard to training, States parties should provide training to front-line law enforcement officials (police officers, labour inspectors, immigration officers and border guards), soldiers involved in peacekeeping missions, consular officers, prosecutorial and judicial authorities, medical services providers and social workers, involving relevant non-governmental organizations and civil society representatives, where appropriate and in line with national legislation, in order to enable national authorities to respond effectively to trafficking in persons, especially by identifying the victims of such trafficking.

9. The Secretariat should step up the provision of capacity-building activities to requesting States by organizing training courses and seminars.

## **G. Trafficking for labour exploitation**

10. With regard to trafficking for labour exploitation, States parties should:

(a) Strengthen partnerships with the private sector in order to effectively combat trafficking for labour exploitation;

(b) Discourage the demand for exploitative services and the products of forced labour by ensuring that Governments first properly identify exploitative services

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and products of forced labour and then raise public awareness of such services and products.

## **H. Non-punishment and non-prosecution of trafficked persons**

11. With regard to the non-punishment and non-prosecution of trafficked persons, States parties should:

(a) Establish appropriate procedures for identifying victims of trafficking in persons and for giving such victims support;

(b) Consider, in line with their domestic legislation, not punishing or prosecuting trafficked persons for unlawful acts committed by them as a direct consequence of their situation as trafficked persons, or where they were compelled to commit such unlawful acts.

## **I. Victim protection and assistance**

12. With regard to victim protection and assistance, States parties should:

(a) Adopt a human rights-based approach to victim protection and assistance, that is not contingent on the citizenship and immigration status of the victim;

(b) Develop and apply minimum standards for the protection and assistance of victims of trafficking in persons;

(c) Ensure victims are provided with immediate support and protection, irrespective of their involvement in the criminal justice process. Such support may include a right to stay temporarily or, in appropriate cases, permanently in the territory where they are identified;

(d) Ensure that appropriate procedures are in place to protect the confidentiality and privacy of victims of trafficking;

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(e) Develop, disseminate to practitioners and systematically use criteria for the identification of victims;

(f) Ensure that national legislation against trafficking in persons criminalizes the threat or intimidation of victims of such trafficking or of witnesses in related criminal proceedings;

(g) Address the need for a more effective allocation of funds for assisting victims;

(h) Ensure that responses to child trafficking at all levels are always based on the best interest of the child.

## **J. Compensation for victims of trafficking**

13. With regard to the compensation for victims of trafficking, States parties should consider the possibility of establishing appropriate procedures to allow victims to obtain compensation and restitution.

## **K. Protection of victims as witnesses**

14. With regard to the protection of victims as witnesses, States parties should ensure measures for the protection of victims, including the provision of temporary and safe shelter and witness protection procedures, where appropriate.

15. The Secretariat should evaluate whether its work on good practices for the protection of witnesses in criminal proceedings involving organized crime could be supplemented by additional work in the area of countering trafficking in persons.

## **L. Coordination of efforts at the national level**

16. With regard to the coordination of efforts at the national level, States parties should:



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(a) Establish national coordinating bodies or inter-ministerial task forces composed of officials from relevant Government ministries (dealing with justice, internal affairs, health and welfare, labour, immigration, foreign affairs etc.). Such mechanisms could develop comprehensive and coordinated policies against trafficking in persons while promoting better cooperation, monitoring the implementation of national action plans and promoting research on trafficking in persons, taking into account the work of relevant national non-governmental organizations;

(b) Develop coordination mechanisms at the local or district level, including non-governmental service providers whenever possible.

#### **M. Data collection, research and analysis**

17. With regard to data collection, research and analysis, the Conference should:

(a) Explore the advisability of the development of a real-time online tool to assess trends and patterns in trafficking in persons;

(b) Consider the advisability of having UNODC continue to produce the *Global Report on Trafficking in Persons*, based on the information collected through existing data collection mechanisms;

(c) Request States parties to contribute national data to a database administered by the Secretariat to measure the response to trafficking in persons.

#### **N. Provision of technical assistance to implement the Trafficking in Persons Protocol**

18. With regard to the provision of technical assistance to implement the Trafficking in Persons Protocol, the Secretariat should:

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- (a) Continue to provide technical assistance to States parties, upon request, to assist them in implementing the Organized Crime Convention and its Protocols;
  - (b) Prepare a list of cost-efficient measures and tools, in consultation with States parties, to respond to trafficking in persons;
  - (c) Develop, disseminate and systematically use criteria for the identification of victims, in consultation with States parties.

**O. The role of the Conference of the Parties in coordinating international action against trafficking in persons**

19. With regard to the role of the Conference of the Parties in coordinating international action against trafficking in persons, the Conference should consider:

- (a) Establishing an online real-time mechanism to update the information submitted by States parties through the self-assessment checklist on the implementation of the Organized Crime Convention and its Protocols;
- (b) Requesting the intergovernmental meeting of experts referred to in Conference decision 4/1 to pay attention to ways and means of achieving and measuring progress as well as to define needs for technical assistance in implementing the Trafficking in Persons Protocol;
- (c) Establishing greater linkages and increasing exchange of information with other United Nations treaty bodies and the Special Rapporteur on trafficking in persons, especially women and children;
- (d) Requesting the Secretariat to continue coordinating the Inter-Agency Cooperation Group against Trafficking in Persons and report on its activities.

**P. Regional approach to combating trafficking in persons**

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20. With regard to the adoption of a regional approach to combat trafficking in persons, the Conference should consider and encourage regional cooperation in responding to trafficking in persons and promoting the implementation of the Trafficking in Persons Protocol, while avoiding duplication of efforts in that regard.

21. The Secretariat should exchange more information with regional and other international organizations involved in fighting trafficking in persons.

#### **Q. International cooperation at the operational level**

22. With regard to international cooperation at the operational level, the Secretariat should establish a network of national contact points for efforts to counter trafficking in persons based on existing available contact points with which work could be done to promote timely regional and international cooperation.

23. States parties should:

(a) Utilize those provisions of the Organized Crime Convention that facilitate the use of joint investigation teams and special investigative techniques in the investigation of cases of trafficking in persons at the international level;

(b) Utilize the Organized Crime Convention and other multilateral legal instruments to develop and strengthen international judicial cooperation, including with regard to extradition, mutual legal assistance and confiscation of the proceeds of trafficking in persons;

(c) Organize and participate in training sessions for central authorities and others involved in judicial cooperation at the regional or interregional level, especially involving States parties connected through trafficking flows as countries of origin, transit and destination.

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## **Annex III**

### **Framework for Action for an Effective Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Narrative)**

#### **Introduction**

The Framework for Action is a technical assistance tool that aims to assist United Nations Member States in the effective implementation of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Trafficking Protocol). The Framework for Action consists of a narrative part and of a set of tables. The narrative describes key challenges in the implementation of the UN Trafficking Protocol and proposes general measures that can be taken in order to more effectively address these challenges. The set of tables details these measures further, through five pillars containing practical actions to support the implementation of the UN Trafficking Protocol.

or the purpose of the General Assembly Thematic Debate on Human Trafficking only the draft narrative part is available, as the tables are still under development. Once finalized, the Framework comprised of both the narrative and the tables will be available for Member States as a technical assistance tool.

#### **Acknowledgments**

The Framework for Action is being prepared by UNODC in consultation with the following experts who have contributed to this tool in their individual capacity: Ms Marie-Anne Baulon (Ministry of Foreign Affairs, France), Ms Doris Buddenberg (UN.GIFT/UNODC), Ms Sheila Coutts (UN.GIFT/UNODC), Mr Richard Danziger (IOM), Mr David Dolidze (Council of Europe), Ms Aranka-Livia Drha (UN.GIFT/UNODC), Ms Zsofia Farkas (Terre des Hommes), Mr Martin Fowke (UNODC), Ms Francesca Friz-Prguda (UNHCR), Ms. Anne Gallagher (OHCHR consultant), Ms. Gao Yun (ILO), Mr Fernando Garcia-Robles (Organization of American States), Ms. Anelise Gomes De Araujo (OSCE), Ms Vera Gracheva (OSCE), Mr Shadrach Haruna (UNODC), Ms Tejal Jesrani (UNODC), Ms Kristiina Kangaspunta (UNICRI), Ms Lena Karlsson (UNICEF), Ms Mariana Katzarova (OHCHR), Ms Anja Klug (UNHCR), Ms Andrea Koller (UNODC), Ms Julie Kvammen (UNODC), Ms Marika McAdam (UNODC), Ms Eurídice Márquez Sánchez (IOM), Jonathan Martens (IOM), Mr Mohamed Mattar (The Protection Project, John Hopkins University), Ms.

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Yoshie Noguchi (ILO), Mr Theo Noten (ECPAT International), Mr. Roger Plant (ILO), Ms Riikka Puttonen (UNODC), Ms Evelyn Probst (IBF/LEFö), Ms Narue Shiki (UN.GIFT/UNODC), Ms Klara Skrivankova (Anti-Slavery International), Ms Alexia Taveau (UNODC), Ms Susu Thatun (UNICEF), Hans van de Glind (ILO). The principal drafter of the Framework for Action is Ms Georgina Vaz Cabral (UNODC consultant).

This tool would not have been possible without the financial support of the Government of France.

## **I. What is the Framework for Action**

The Framework for Action is a technical assistance tool that assists United Nations Member States in the effective implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Trafficking Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC).

The Framework is based on the objectives of the UN Trafficking Protocol<sup>127</sup> and its provisions, following the three internationally recognized themes of prevention, protection and prosecution (the 3Ps) and national and international cooperation and coordination. It recommends operational measures for each of the Protocol's provisions. These measures draw on other international instruments, political commitments, guidelines and good practices to enable the implementation of a comprehensive anti-human trafficking response.

The Framework will assist Member States in identifying gaps and putting in place additional measures they may need, in conformity with international standards. The proposed measures and the resource documents listed are non-exhaustive and therefore should be complemented by additional measures and tailored to countries' regional and national context as well as institutional and legal systems.

The UN Trafficking Protocol was open for signature in December 2000. Almost a decade has since passed. Accordingly, the Framework reflects not only the text agreed upon a decade ago, but the knowledge and experience gained over the last 10 years in attempting to give life to that text for all those who respond to trafficking in persons and, most importantly, those who are victimized by it.

## **II. Why elaborate a Framework for Action**

The UN Trafficking Protocol stresses the need to adopt a comprehensive approach to trafficking in persons which addresses all aspects of the crime and which balances criminal justice concerns with the need to ensure the rights and protection of victims.

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<sup>127</sup> The purpose of the UN Trafficking Protocol is defined in its Article 2:

- a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- c) To promote cooperation among States Parties in order to meet those objectives.

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The UN Trafficking Protocol entered into force on 25 December 2003. Since then, while there has been progress in the number of ratifications (128 State Parties as of April 2009) generating amendments to national legislation, there has been less evidence of its effective implementation.

An overview of national measures and practices for the implementation of the Protocol provisions<sup>128</sup> has shown that the majority of States Parties to the Protocol have adopted at least a minimal legislative and institutional framework to ensure such implementation. However, in view of the varying capacity of Member States to fully implement existing or future measures in the areas under discussion, it concluded that more concerted efforts have to be made to help Member States in need to develop effective and multidisciplinary anti-trafficking strategies and build dedicated and sustainable resources to implement such strategies (CTOC/COP/2006/6/Rev.1).

The same conclusion can be drawn from the results of the UN.GIFT data collection published in the UNODC Global Report on Trafficking in Persons<sup>129</sup> which demonstrates that, as of November 2008, 80% of the 155 countries and territories covered by the report had legislation comprising a specific offence on trafficking in persons in place. However, 40% of the 155 countries covered by the report did not record a single conviction for trafficking in persons from 2003 until 2008. The remaining 60% recorded less than 10 convictions per year from 2003 to 2008.<sup>130</sup>

### **III. Main cross-cutting challenges in the fight against trafficking in persons**

The growing number of States Parties to the UN Trafficking Protocol is an expression of the political will of Member States to combat human trafficking. Nevertheless, ratification in itself is not sufficient to ensure its effective implementation and impact on the ground.

The relevant reports of the Secretariat to the Conference of Parties to the Convention<sup>131</sup>, an analysis of existing regional and national action plans and corresponding evaluation reports and recent publications such as the Global Report on Trafficking in Persons all serve to highlight key cross-cutting challenges in the response to trafficking in persons.

A consistent challenge in the practical implementation of anti-human trafficking activities is allocation of resources.

The main topical challenges identified in prevention, protection and prosecution efforts lie in the three following areas: i) knowledge and research, ii) capacity-building and development and iii) monitoring and evaluation.

In addition to the abovementioned topical challenges, insufficient allocation of resources is a consistent challenge in the practical implementation of anti-human trafficking activities.

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<sup>128</sup> Based on the responses to the questionnaire for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the UN Trafficking Protocol, CTOC/COP/2006/6/Rev.1.

<sup>129</sup> <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

<sup>130</sup> UNODC Global Report on Trafficking in Persons, p. 40.

<sup>131</sup> CTOC/COP/2005/3/Rev.2, CTOC/COP/2006/6/Rev.1.

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## 1. Knowledge and research

Knowledge of and research into the specific national, regional and international trafficking in persons context is a prerequisite for the elaboration, implementation and evaluation of anti-human trafficking strategies and development of evidence-based policies. Knowledge and research are also paramount to overcoming the current partial understanding of the crime.

Although most countries have adopted a specific offence on trafficking in persons, there is still a diversity of interpretations of and approaches to the Protocol and the definition of trafficking in persons used by Member States. Some only acknowledge certain forms of exploitation or certain categories of victims or criminals, thereby limiting the scope and effectiveness of the response and hindering international cooperation among countries.

In order to strengthen national, regional and global efforts to fight human trafficking, a better understanding of the scope and nature of this crime is needed. Many countries still do not collect even basic data and many are not collecting data in a way that facilitates insight into the national situation, let alone meeting standards of international comparability<sup>132</sup>. The data available is rarely disaggregated by age, gender, nationality, ethnicity, disability or forms of exploitation.

In addition, there is a need for additional targeted and qualitative research to provide insight into the multi-faceted dimensions of the crime. Research should include knowledge of the social, cultural and economic circumstances that make children and adults vulnerable to trafficking; knowledge of the demand factors which fuel all forms of trafficking in persons; knowledge of the routes, changes in patterns/trends and modus operandi of the perpetrators; and knowledge of the social, cultural and legal responses that enable effective protection, rehabilitation, and integration or reintegration of victims.

## 2. Capacity-building and development

Member States are faced with different challenges in preventing and combating trafficking in persons, not only because the extent and nature of the problem varies but also due to different capacities across countries and regions.

For this reason, strengthening capacity at the national level is necessary so that Member States have the institutional and technical ability to develop, implement and assess their own anti-human trafficking policies and strategies.

In view of the complex and changing nature of the crime, it is also essential that countries be able to strengthen, adapt and maintain the required capacity over time.

A review of the reports of the Open-ended Interim Working Group of Government Experts on Technical Assistance (CTOC/COP/2008/7) and of the first and second round of questionnaires on the implementation of the UNTOC and UN Trafficking Protocol and

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<sup>132</sup> UNODC, *Global Report on Trafficking in Persons*, 2009.

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the background paper prepared by the Secretariat containing proposals for technical assistance activities (CTOC/COP/WG.2/2007/2), as well as the UNODC Global Report on Trafficking in Persons (2009), highlight the capacity-building needs of Member States in all areas of the response to trafficking in persons, namely: prevention, protection, prosecution, cooperation and coordination.

For example, Member States must strengthen their capacity to analyze and develop national policies and strategies for the implementation of the UN Trafficking Protocol, supported by national inter-agency coordination mechanisms in consultation with civil society. Likewise, Member States should be able to develop and carry out information and awareness-raising programs for policy-makers, criminal justice practitioners, border and immigration authorities, labour inspectors, workers' and employers' organizations, health practitioners and social workers, among others, in order to effectively prevent and combat trafficking in persons.

### **3. Monitoring and evaluation**

Systematic gathering and analysis of data on trafficking in persons is an important step for increasing the knowledge base and for monitoring trends and patterns at national, regional and international levels. In addition, data gathering and analysis are important as they help to set baselines against which Member States can assess progress in the implementation of national policies, strategies and programmes.

The United Nations Convention against Transnational Organized Crime established a Conference of the Parties as a vehicle for States Parties to report on their implementation of the Convention<sup>133</sup>. At its first session, the Conference of the Parties, *inter alia*, established a programme of work for reviewing periodically the implementation of the Trafficking in Persons Protocol<sup>134</sup>, as per article 32 of the Convention.

The UNHCHR Recommended Principles and Guidelines recommend that Member States establish 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<sup>135</sup>.

In view of the multi-disciplinary nature of trafficking in persons and the number of government and non-governmental institutions working on the issue, Member States should ensure a common national system for collecting and sharing information so that different agencies use common standard language, methods and procedures that allow for comparability within countries and across them.

Equally important is that Member States use the findings from regular monitoring and impact evaluations in order to help identify gaps in the national response and adapt, take

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<sup>133</sup> According to the 2006 implementation report of the Conference of the Parties.

<sup>134</sup> See CTOC/COP/2004/6 and Corr.1, Chapter. I.

<sup>135</sup> UNHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, Guideline 6: Protection and support for trafficked persons, E/2002/68/Add.1, 2002, Guideline 1, paragraph 7.



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course-corrective actions or additional measures and/or make the necessary changes in policies or strategies to prevent and combat trafficking in persons.

## IV. How to address the challenges

### A) *Guiding principles*

In order to address these challenges, there are a number of interacting principles applicable to all aspects of a comprehensive anti-human trafficking response.

- Human rights-based approach: The human rights of trafficked persons should be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims. 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, unaccompanied and separated children, internally displaced persons, refugees and asylum-seekers<sup>136</sup>.
- Principle of non-discrimination: The measures set out in the UN Trafficking Protocol should be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures should be consistent with internationally recognized principles of non-discrimination<sup>137</sup>.
- Gender perspective: Trafficking in both men and women should be acknowledged and the similarities and differences in the trafficking experience of women and men, in relation to vulnerabilities and violations should be addressed. The differential impacts of policies on men and women should also be taken into account<sup>138</sup>.
- Child-Rights approach and child participation: All actions undertaken in relation to child victims and children at risk should be guided by applicable human rights standards and in particular by the principles of protection and respect for children's rights as set out in the United Nations Convention on the Rights of the Child (CRC) and in its Optional Protocol on the sale of children, child prostitution and child pornography. Child victims are entitled to special protection measures, irrespective of their legal status both as victims and as children, in accordance with their special rights and needs. In all actions concerning child victims and children at risk, the best interest of the child shall be the primary consideration<sup>139</sup>.
- The UN Trafficking Protocol and other international instruments<sup>140</sup>: The UN Trafficking Protocol supplements the United Nations Convention against Transnational Organized Crime and should be interpreted together with the Convention. Nothing in the Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights

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<sup>136</sup> UNHCHR Principle of Primacy of human rights, E/2002/68/Add.1.

<sup>137</sup> Article 14 of the UN Trafficking Protocol.

<sup>138</sup> UNIFEM, *Trafficking in Persons: a Gender and Rights Perspective*, 2002.

<sup>139</sup> UNICEF *Guidelines on the Protection of Child Victims of Trafficking*, 2006.

<sup>140</sup> See list of relevant international Conventions cf. UNODC Toolkit pp. 16-21.

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law, international labour standards and, in particular, where applicable, the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees and the principle of *non-refoulement* as contained therein<sup>141</sup>.

- Comprehensive international approach: Effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights<sup>142</sup>.
- Inter-disciplinary, coordinated, integrated approach: As a multi-disciplinary problem, trafficking in persons requires that policies on a variety of issues are coordinated and consistent with the objective of preventing and combating trafficking in persons. Member States must ensure coordination among the various governmental agencies involved in anti-trafficking activities, among those agencies and NGOs, and among the agencies in one Member State and those in others<sup>143</sup>.
- Evidence-based approach: Policies and measures to prevent and combat trafficking in persons should be developed and implemented based on data collection and research and regular monitoring and evaluation of the anti-trafficking response.
- Sustainability: A sustainable anti-trafficking response is one that endures over time and is able to adapt creatively to changing conditions. Sustainability refers to coherence of practices in both time and efficiency.

## ***B) The Framework for Action***

The Framework for Action focuses on five key pillars of intervention needed to ensure an effective and comprehensive anti-trafficking response: prosecution, protection, prevention, national cooperation and coordination, and international cooperation and coordination.

### **a. Prosecution**

Trafficking in persons remains largely under-prosecuted and punished. Although many countries have a specific offence criminalizing trafficking in persons in all or most of its forms, many countries still do not have a legal framework covering all provisions of the Protocol in a comprehensive manner. Conviction rates under the specific offence of trafficking remain low. In order to improve prosecution efforts, the following measures are required:

1. Develop or strengthen national legal frameworks so that they are comprehensive and in compliance with the UN Trafficking Protocol and ensure their implementation in line with the Protocol and other international standards, prioritizing the rights of victims:

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<sup>141</sup> Article 14 UN Trafficking Protocol.

<sup>142</sup> Preamble of the UN Trafficking Protocol.

<sup>143</sup> Measuring Responses to Trafficking in Human Beings in the European Union: an Assessment Manual, Directorate General Freedom, Security and Justice, 2007.

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- i. Ensure that trafficking in persons is a criminal offence as defined in the UN Trafficking Protocol and prioritize the prosecution of trafficking in persons rather than related offences.
  - ii. Ensure criminalization of crimes related to trafficking in persons, such as corruption, money laundering, obstruction of justice and participation in an organized criminal group.
  - iii. Ensure that penalties and sanctions are appropriate and proportionate to the gravity of the crime and that proceeds of trafficking in persons are confiscated.
  - iv. Ensure the rights of victims, including the rights of victims and witnesses to protection before, during and after the prosecution of the crime, as well as effective collaboration between law enforcement and social welfare, and civil society.
  - v. Ensure that victims of trafficking are protected from secondary victimization and from punishment for offences they may have committed as a result of being trafficked.
2. Ensure the enforcement of national anti-human trafficking legislation including by issuing regulations, circulars and/or administrative guidelines and by strengthening the capacity of criminal justice practitioners.
  3. Ensure the establishment of relevant institutions, such as specialized police units and judicial structures.
  4. Develop proactive, intelligence led investigative techniques without reliance on the testimony of victims<sup>144</sup>, and establish and ensure implementation of judicial procedures to avoid the double victimization of trafficked persons, in particular children, during the judicial process.<sup>145</sup>
  5. Address corruption in all stages of the trafficking process, recognizing corruption as a major obstacle to effective prevention, protection and prosecution.

#### **b. Protection**

Many victims of trafficking are not identified and therefore remain unprotected. The identification of trafficked persons is a prerequisite for their access to assistance and protection. Many countries still need to establish or improve victim identification processes and the corresponding referral mechanisms. In order to improve the protection of victims, the following measures are required:

1. Adopt or amend the necessary legislative measures for comprehensive protection of and assistance to victims of trafficking.
2. Develop or strengthen the identification process, including through identification guidelines and procedures and other effective identification techniques.
3. Ensure the enforcement of legislation measures including by issuing regulations, circulars and/or administrative guidelines.
4. Establish or strengthen national referral mechanisms for victim protection and assistance, including referral to the asylum-system where appropriate.
5. Ensure the application of international standards and a human rights based approach to victim protection and assistance irrespective of their cooperation with law enforcement, taking into account a gender-perspective and the special needs of children. Such an approach includes access to a range of assistance services, granting a reflection period, access to compensation, possibility of temporary or permanent residency and non-liability of victims for their involvement in unlawful activities as a result for being trafficked.

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<sup>144</sup> European Commission Directorate-General Justice, Freedom and Security, *Report of the Experts Group on Trafficking in Human Beings*, 2004, p. 41.

<sup>145</sup> M. Dottridge, *Child trafficking for sexual purposes*, ECPAT International, 2008, p. 24.

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6. Develop or strengthen national child protection systems at national and local level.
  7. Ensure that any decision to return a trafficked person is preceded by a risk assessment and that effective and long term assistance aimed at the empowerment and social inclusion of trafficked persons either in their home country or the country of destination is provided, therefore minimizing the risk of re-trafficking.

### **c. Prevention**

Prevention is one of the most important aspects of an effective anti-human trafficking response. However, not all prevention strategies are integrated into broader policies related to trafficking in persons and many lack evidence-based research and planning as well as impact evaluations. In order to improve prevention strategies and programmes, the following measures are required:

1. Establish comprehensive policies and programmes to prevent trafficking in persons and to protect victims from re-victimization, including measures to promote/support lawful migration.
2. Ensure effective child protection systems and the active participation of children in the development of preventive measures.
3. Ensure coherence among public policies related to trafficking in persons (migration, crime prevention, education, employment, health, security, non-discrimination, economic development, protection of human rights, child protection, among others).
4. Develop or strengthen measures to reduce vulnerability to trafficking by addressing its root causes and to discourage the demand that fosters all forms of trafficking in persons.
5. Conduct needs assessments for and impact evaluations of prevention strategies and programmes.

### **d. National cooperation and coordination**

Trafficking in persons is a complex multi-faceted crime. The fight against trafficking requires the involvement of all sectors of society and a wide array of national institutions. This can lead to duplication of efforts, inefficient use of resources, incoherent or contradictory interventions and it can result in a less effective response. Member States must have inter-agency coordination and cooperation mechanisms in place that allow for information exchange, strategic planning, division of responsibilities and sustainability of results. In order to improve national cooperation and coordination, the following measures are required:

1. Ensure the development and implementation of comprehensive and evidence-based policies on trafficking in persons and ensure coherence with other related policies.
2. Establish a system or mechanism of multidisciplinary cooperation and coordination among relevant stakeholders, such as governmental institutions (including law enforcement agencies, judicial authorities, labour inspectorates, immigration and asylum authorities), non-governmental organizations, victim service providers, health institutions, child protection institutions, trade unions, workers' and employers' organizations, and the private sector.
3. Ensure monitoring and evaluation of national strategies and/or plans of action to assess progress and impact in order to enable course-corrective actions, additional measures and/or changes in national policies.

### **e. International cooperation and coordination**

Trafficking in persons is a crime that is often committed across borders and therefore requires Member States to cooperate and coordinate among themselves and with international and regional

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organizations. Member States often do not have the capacity to prevent, investigate, adjudicate and punish transnational crimes because international cooperation is either non-existent or inadequate. Moreover, international mechanisms or structures must be in place to improve the coordination of efforts of international and regional organizations. In order to improve international cooperation and coordination, the following measures are required:

1. Create the legal basis for international cooperation, including the promotion of cooperation agreements.
2. Develop or strengthen national capacity in extradition, mutual legal assistance, transfer of sentenced persons, joint investigations, international cooperation for purposes of confiscation.
3. Develop or strengthen national capacities for the identification, return, risk assessment and reintegration of victims of trafficking, with special consideration to the best interest of the child, and establish cooperation between countries of destination, transit and origin.
4. Develop or strengthen international cooperation to govern migration for employment.
5. Promote formal and informal cooperation, such as establishing communications procedures, and information and data exchange.
6. Ensure coherence in policy recommendations and technical assistance provided by international and regional organizations.
7. Ensure division of labour based on organizations' mandates and core competencies in order to avoid unnecessary duplication of efforts and to rationalize activities to make them cost-effective.
8. Promote cooperation and joint programming among international and regional organizations for the development and implementation of common strategies and programmes.

## V. How to read the Framework for Action

The Framework for Action guides Member States in the implementation of the UN Trafficking Protocol in each of the five pillars needed to ensure an effective and comprehensive anti-trafficking response: prosecution, protection, prevention, national and international cooperation, and international cooperation and coordination.

For each of the five pillars, the Framework is sub-divided into specific objectives, framework indicators, implementation measures, operational indicators and resources.

The *Protocol requirements* list the provisions set out in the UN Trafficking Protocol.

The *specific objectives* describe the intent of the provisions.

The *framework indicators* are the minimum standards required, mainly legal and institutional indicators, for the implementation of the Protocol provisions.

The *implementation measures* specify practical recommended actions to achieve an effective implementation of the UN Trafficking Protocol.

The *operational indicators* refer to the implementation measures. They measure the implementation and help monitor change over time<sup>146</sup>.

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<sup>146</sup> The corresponding information should not only be collected but also disaggregated, e.g for personal data, by age, sex, nationality, social and economic background; for acts of trafficking, different means utilized, forms of exploitation and duration of exploitation; for service provision, whether services are provided by state or non-state actors. This list is non-exhaustive.

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The *resources* refer to relevant documents, existing guidance, tools and good practices that can assist Member States in the implementation of the specific objectives outlined in the Framework for Action.



## Interactive Thematic Dialogue of the United Nations General Assembly on “Taking collective action to end human trafficking”

United Nations Headquarters, New York

13 May 2009

### OPENING SESSION:

09:30 -10:00 AM

Opening remarks by **H.E. Mr. Miguel d'Escoto Brockmann**, President of the United Nations General Assembly

Address by **H.E. Mr. Ban Ki Moon**, Secretary General of the United Nations

Address by **H.E. Mr. Néstor Arbito Chica**, Minister of Justice and Human Rights of Ecuador

Statement by **Mr. Antonio Maria Costa**, Under-Secretary General, Executive Director of the United Nations Office on Drugs and Crime (UNODC)

### PANEL I: **The State of Play: Where the UN Stands on a Global Plan of Action to End Human Trafficking**

10.00 AM– 12:30 PM

Moderator: **Mr. Antonio Maria Costa**, Executive Director, UNODC

**H.E. Mr. Valentin Rybakov**, Assistant to the President, Republic of Belarus

**Ms. Kyung-wha Kang**, Deputy High Commissioner for Human Rights, Office of the United Nations High Commissioner for Human Rights

**Ms. Ndioro Ndiaye**, Deputy Director General, International Organisation for Migration

**Ms. Zohreh Tabatabai**, Director of Communications, International Labour Organisation (ILO)

**Mr. Dan Rohrmann**, Deputy Director, Programme Division, UNICEF

**Dialogue with Member States and other participants**

**PANEL II: Articulating a Global Plan of Action: Drawing upon practice at the national and regional level**

3.00 PM – 4:20 PM

Moderator: **Dr. Aleya Hammad**, Susan Mubarak Women's International Peace Movement "*End Human Trafficking Now*" Initiative

**H.E. Shaikh Abdul-Aziz bin Mubarak Al Khalifa**, Assistant Under-Secretary, Ministry of Foreign Affairs of Bahrain /Head of the Bahrain National Committee to Combat Human Trafficking

**Ms. Joy Ngozi Ezeilo**, United Nations Special Rapporteur on trafficking in persons, especially women and children

**Ms. Ruchira Gupta**, founder and president, Apne Aap Women Worldwide (India)

**Dr. Saisuree Chutikul**, Committee member, United Nations Committee on the Elimination of Discrimination against Women

**Dialogue with Member States and other participants**

**PANEL III: Scaling Up: Why the coordination needs to be Global and how to do it**

4:20 – 5:40 PM

Moderator: **Ms. Zohreh Tabatabai**, Director of Communications, ILO

**Dr. Aleya Hammad**, Susan Mubarak Women's International Peace Movement "*End Human Trafficking Now*" Initiative

**H.E. Mr. Abdullah Salim Al-Harthy**, Permanent Observer, Delegation of the Cooperation Council for the Arab States of the Gulf to the United Nations

**Mr. Anders Johnsson**, Secretary General, Inter-Parliamentary Union

**Dialogue with Member States and other participants**

**CLOSING SESSION**

5:40 – 6:00pm

Closing remarks by **H.E. Mr. Maged A. Abdelaziz**, Vice-President of General Assembly





## Summary of the Interactive Thematic Dialogue of the United Nations General Assembly on “Taking collective action to end human Trafficking”

UN Trusteeship Council Chamber, New York

13 May 2009

### OPENING SESSION:

1. **H.E. Mr. Miguel D’Escoto Brockmann**, President of the General Assembly, referred to the focus of the debate which is “taking collective action to end human trafficking”. He urged Member States to provide a clear signal of support and consideration of a Global Plan of Action against trafficking in persons, as supported by the African Union, the Non-Aligned Movement and as stated in the “Manama Declaration on Human Trafficking at the Crossroads”. He also urged participants to propose practical steps that can be taken to improve coordination and technical assistance. He called on Member States to seize the opportunity to close gaps and join efforts towards a coordinated, unified and global response to trafficking in persons.
2. **H.E. Mr. Ban Ki Moon**, United Nations Secretary-General, acknowledged that there has been progress made in preventing and combating human trafficking, but more needs to be done. He noted that many delegations have called for a Global Plan of Action, and welcomed their determination. He commended efforts of Member States, UN.GIFT and UN organizations as well as non-governmental organizations. However, he indicated that these efforts need greater coherence. He stressed the importance of uniting together, speaking out and matching rhetoric with deeds. He called for universal ratification of the United Nations Trafficking in Persons Protocol and for criminalization of human trafficking to put an end to impunity. He highlighted the need to prevent victimization, reduce demand and ensure the protection of victims. He also stressed that human trafficking affects and is affected by human rights, peace and security, development and family health, thus cutting across all fundamental issues.
3. **H.E. Mr. Néstor Arbito Chica**, Minister of Justice and Human Rights of Ecuador, referred to the challenges in combating human trafficking and measures put in place by Ecuador in the areas of prevention, prosecution and protection of victims. He highlighted that human trafficking needs to be seen as a shared responsibility among Member States. Thus, joint efforts are needed to strengthen mechanisms for data collection and exchange of information as well as the networks for regional and international coordination that allow competent authorities to cooperate. He stated that despite progress, national and regional efforts are not sufficient. He called on the United Nations to develop and adopt a Global Plan of Action that will help ensure coordinated action to prevent, prosecute and protect the victims of trafficking.

#### Note:

UN webcast of day’s proceedings are available on the official website of the President of the General Assembly, website page address: <http://www.un.org/ga/president/63/interactive/humantrafficking.shtml>

4. **H.E. Mr. Antonio Maria Costa**, Under-Secretary General, Executive Director of the United Nations Office on Drugs and Crime (UNODC), highlighted the goal of achieving universal adherence to the Trafficking in Persons Protocol and the fact that roughly 1/3 of Member States still have not become party to this instrument. He also noted the lack of comprehensive anti-trafficking laws in place and the need for greater awareness to prevent victimization and discourage demand. He stressed that about one half of Member States have not yet recorded a single conviction for human trafficking and that more collective action is needed to protect the victims. He called for greater coordination and urged Member States to develop a review mechanism to monitor the implementation of the Trafficking in Persons Protocol. While referring to other gaps, such as the need to improve data collection systems, he emphasized the need to change attitudes and reverse the fundamental disrespect for human beings caused by modern-day slavery.

## Panel 1: The State of Play: Where the UN Stands on a Global Plan of Action to End Human Trafficking

[The morning session is available at: <http://webcast.un.org/ramgen/ondemand/ga/63/2009/ga090513am.rm> ]

1. **H.E. Mr. Valentin Rybakov**, Assistant to the President, Republic of Belarus, expressed his Government's conviction that the adoption of a United Nations General Assembly Global Plan of Action would be an effective measure to ensure well-coordinated efforts on the part of the international community to combat human trafficking. Though not an end in itself, the Global Plan of Action is the logical next step in fostering a global partnership to end this crime. He stated that while the Palermo Protocol is the basis for international cooperation, it is not the only international instrument nor is it sufficient for an effective international response. He also highlighted that there has been an increase in the importance of other players such as international organizations, civil society actors and the private sector. A Global Plan of Action would help involve such players and therefore complement the Palermo Protocol.
2. **Ms. Kyung-wha Kang**, Deputy High Commissioner for Human Rights, Office of the High Commissioner for Human Rights (OHCHR), stressed that effective action to eliminate trafficking in persons must be based on a human rights approach, as promoted in the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking. On the proposal for a Global Plan of Action, she highlighted that such a plan must build upon existing international instruments and the rights and obligations that they contain. It should be designed first and foremost to implement the measures provided in the Palermo Protocol. It should reflect the major policy shifts and practical developments that have taken place over the past decade at the national, regional and international levels. In addition, she stressed the importance of addressing the root causes of trafficking and demand. A Global Plan of Action must therefore address the link between trafficking and inequality; between trafficking and gender and racial discrimination; and between trafficking and inefficient migration regimes.
3. **Ms. Ndioro Ndiaye**, Deputy Director General, International Organization for Migration (IOM), referred to the three areas of action that are key to countering human trafficking: preventing trafficking by focusing on root causes, strengthening protection for all migrants, and strengthening research and evaluation. The demand for cheap products,

labour or services and the profit motive of organized criminal networks are root causes of trafficking in persons. Thus, she underscored that the responsibility for this crime lies both with traffickers and consumers. She also emphasized the need to strengthen protection for all migrants and referred to IOM's response which has been premised on the needs of the individual migrant, whether trafficked, abused, or exploited, or those considered particularly vulnerable to abuse and exploitation. She suggested that perhaps a Global Plan of Action that is grounded on human rights, practical in its approach, that adds value to regional action plans and takes into account the expertise of international actors working in this field could be the way forward.

4. **Ms. Zohreh Tabatabai**, Director of Communications, International Labour Organization (ILO), highlighted that human trafficking is largely based on the need for labour. It is the antithesis of Decent Work as it deprives women and men of decent and productive work in conditions of freedom, equity, security and human dignity. She referred to the ILO report "The cost of coercion" which is represented by the billions of dollars each year in unpaid wages to victims of trafficking. She also referred to the potential impact of the global economic and financial crisis on trafficking, as it is usually the vulnerable who suffer first and foremost. She suggested that a Global Plan of Action should support the Decent Work core values such as promoting full, productive and freely chosen employment; enhancing social protection; and promoting social dialogue and core labour standards.
5. **Mr. Dan Rohrmann**, Deputy Director, Programme Division, United Nations Children's Fund (UNICEF), stated that while international, regional and national instruments exist, there are still challenges to be overcome in the implementation of commitments, in effective coordination, capacity building, monitoring and evaluation, data collection and knowledge management. Another critical gap in combating human trafficking is the lack of integration of anti-trafficking work into national development, social and criminal justice systems. UNICEF's experience demonstrates that building and strengthening a protection system for all children, irrespective of whether or not they are trafficked children, is key to achieving results. Thus, child trafficking must be viewed in a comprehensive manner as it relates to migration and other child protection issues. Scaling up evidence-based interventions, harnessing partnerships and strengthening national and international coordination are also critical to halt human trafficking.

## Panel II: Articulating a Global Plan of Action: Drawing upon practice at the national and regional level

[The afternoon session is available at: <http://webcast.un.org/ramgen/ondemand/ga/63/2009/ga090513pm.rm> ]

1. **H.E. Shaikh Abdul-Aziz bin Mubarak Al Khalifa**, Assistant Under-Secretary, Ministry of Foreign Affairs of Bahrain/Head of the Bahrain National Committee to Combat Human Trafficking, described the Government's efforts to prevent and combat human trafficking, including the enactment of legislation to define and criminalise trafficking, the establishment of a national committee and shelters for victims. He referred to the International Forum "Human Trafficking at the Cross Roads" hosted in Bahrain and the outcome document of the Forum – the Manama Declaration – that stressed the need for both national and international action, for private sector engagement, and for greater

awareness by media. He concluded that bringing together the efforts of different stakeholders in a coherent international strategy will be a challenging but not impossible task. He stated that his Government supports the adoption of a United Nations Global Plan of Action and is committed to work with the UN and other countries in developing it.

2. **Ms. Joy Ngozi Ezeilo**, UN Special Rapporteur on trafficking in persons, especially women and children, stated that a Global Plan of Action to combat human trafficking would help address the gaps and build on the work carried out at national and regional levels. It would galvanize political and economic will and improve coordination and cooperation. It would provide a holistic approach and operational measures to implement existing international instruments as well increase awareness and the sharing of good practices and of information on trafficking flows and trends. It would result in sustained technical assistance for the identification and protection of victims and enhance technical cooperation among stakeholders, while providing a framework for monitoring progress and a road map for the review of the implementation of the Palermo Protocol. She also suggested that a Global Plan should include a situational analysis, strategic objectives, targets and timeframe. It should contain recommended actions, expected results, as well as resource needs. She concluded that strategies to combat human trafficking should be based on five “P’s” and three “R’s”: protection, prosecution, punishment, prevention, promotion of international cooperation, redress, rehabilitation and reintegration of victims.
3. **Ms. Ruchira Gupta**, Founder and President, Apne Aap Women Worldwide, spoke on behalf of the victims and survivors of human trafficking that are members of Apne Aap. She stressed the importance of criminalizing trafficking in persons and discouraging demand. She appealed to countries to strengthen their anti-trafficking laws to address the demand for human trafficking, in line with the Trafficking in Persons Protocol. In order to tackle demand effectively, attention should be given to both businesses that profit from it as well as to the buyers of trafficked people who drive the demand. She called for justice and accountability and for those responsible for trafficking to be punished. She stressed that the law enforcement response to trafficking should ensure the confiscation of illegal assets derived from trafficking and the compensation by traffickers and buyers for the damages caused. She emphasized that if the number of convictions increase, the costs of human trafficking operations will become untenable and the business models of traffickers disrupted. She concluded by appealing to Member States to organize a panel of survivors as part of their efforts in developing a global response to human trafficking.
4. **Dr. Saisuree Chutikul**, Committee Member, Committee on the Elimination of Discrimination against Women (Thailand), shared the experience of Southeast Asia, in particular the Mekong Sub-region, in preventing and combating human trafficking. She highlighted five critical elements for successful cooperation: i) genuine desire and need to work in a coordinated way; ii) readiness of the international community and the UN system to recognize and join efforts to support an initiative; iii) inclusiveness, by involving all actors; iv) existence of a formal agreement and a plan of action; and v) existence of indicators to evaluate progress of a plan of action. She concluded by highlighting key challenges, including the co-existence of national and bilateral activities that may hinder coordination; building trust among all stakeholders to ensure transparency and accountability; and the complex and dynamic nature of the problem that requires cooperation mechanisms to be adaptable.

## Panel III: Scaling Up: Why the coordination needs to be global and how to do it

1. **Ambassador Dr. Abdullah Salim Al-Harthy**, Permanent Observer, Delegation of the Cooperation Council for the Arab States of the Gulf to the United Nations, stressed the need for global coordination. He outlined the efforts by the region including the signing by all Gulf Cooperation States of the Trafficking in Persons Protocol and other related international instruments and the endorsement of legislation to combat trafficking in persons. He referred to trafficking in persons as an economic and social phenomenon that results from migration of labour and the inability to ensure adequate job opportunities for all. He noted the role of the UN regional economic and social commissions and suggested that ECOSOC dedicate a meeting to trafficking in persons, at the Ministerial level, in one of its substantive sessions. As a global problem, he underscored that trafficking in persons can only be overcome through comprehensive and multilateral cooperation.
2. **Mr. Anders Johnsson**, Secretary General, Inter-Parliamentary Union, highlighted that trafficking in persons has been on the parliamentary agenda for the last five years. For parliamentarians, human trafficking is an important issue that cannot be dealt with only at the national level but requires regional and global cooperation. He stressed that combating human trafficking requires addressing its root causes and the issues that permeate societies such as vulnerability, inequality and exploitation. He underscored the need to address the manner in which societies and economies are constructed and that allows exploitation to exist. He noted that while parliamentarians have a role in enacting and harmonizing laws to make sure they are in line with international standards, there is much more that needs to be done to ensure an effective anti-human trafficking response. A holistic approach is needed where all actors, including media and civil society, are involved.

### Summary of the Interactive Thematic Dialogue:

A significant number of delegations contributed to the interactive thematic dialogue and expressed their views during the debate. A list of the delegations that contributed to the discussion is included as Annex I.

Overall, there was consensus by participants on:

1. The need for **greater political will and commitment** to prevent and combat trafficking in persons.
2. The importance and urgency of **strengthening international efforts and collective action** by Member States and other stakeholders including regional and international organizations, non-governmental organizations, the private sector and media.
3. The need to ensure **universal ratification** of the United Nations Convention against Transnational Organized Crime and the Trafficking in Persons Protocol and other relevant international instruments.
4. The need to ensure the **full and effective implementation** of existing international instruments.
5. The fact that trafficking in persons is a **human rights violation** and therefore requires a victim-centred approach and to be addressed in a comprehensive, multi-disciplinary and holistic manner.

Participants referred to the main gaps in the international response to trafficking in persons and the need to:

1. Ensure the implementation of **comprehensive national anti-trafficking laws**
2. Increase **awareness and prevention efforts** focusing on the root causes and other factors that make people vulnerable to trafficking.
3. **Discourage demand** that fuels trafficking in persons.
4. **Strengthen capacity building** efforts.
5. **Ensure the prosecution and conviction** of perpetrators.
6. Strengthen **protection of victims** and prevent victimization of vulnerable groups and migrants.
7. **Increase coordination** at national, regional and international levels.
8. **Improve cooperation** among stakeholders in particular with **civil society** and the **private sector**.
9. Improve **data collection, monitoring and evaluation** and promote **evidence-based policies**.

On the subject of the adoption and development of a United Nations General Assembly Global Plan of Action, the main arguments presented **in favour** were:

1. A Global Plan of Action would **foster political will and commitment**.
2. It would provide a **comprehensive strategic framework**
3. It would contribute to **greater coordination** of collective efforts needed to prevent and combat trafficking in persons among Member States, the United Nations system, as well as with non-state actors.
4. It would **complement** and **contribute towards the implementation of existing international instruments and mechanisms** and **bridge the gaps** among them.
5. It would promote **international cooperation** and provide an opportunity to link trafficking in persons to other internationally agreed goals.
6. It would ensure a **common and comprehensive response** by various stakeholders, including non-state actors.
7. It would prescribe forward-looking **operational measures, targets** and **achievement indicators** so that the international community can periodically assess progress and redirect national policies accordingly and improve the effectiveness of national, regional and international response.
8. It would increase **accountability**.
9. It would contribute to the provision of **consistent and sustained technical assistance** for prevention, protection and prosecution.
10. It would help promote **global awareness** to the issue.
11. It would enable the sharing of **good practices** across the world and greater sharing of **information and data on trafficking** flows and trends.

Some delegations suggested that the next step for the adoption of a Global Plan of Action would be for the President of the General Assembly to appoint facilitators from countries of origin and destination and begin informal consultations among Member States.

Participants also stressed that a Global Plan of Action **should**:

1. Be based on a **broad consensus** and on the principle of **shared responsibility**.
2. Be **transparent** and ensure **ownership** by all stakeholders.
3. Provide a **situational analysis** of where we stand today, where we want to be and what we need to do to get there.
4. Ensure synergies, **complement existing regional and international instruments** and address **conceptual gaps** in line with national and regional policies.
5. Develop and **concretize standards**.
6. Ensure a **human-rights based approach** with the full protection of victims, the criminalization of trafficking in persons and discourage demand.
7. Contain **recommended actions at all levels**, national, regional and international.
8. **Map the resources required** and how they may be mobilized.
9. Promote **cooperation between countries of origin and destination**.
10. Address the **root causes** of trafficking in persons and the **demand** that fosters exploitation.
11. Address the following issues in a cross-cutting manner: international cooperation, capacity building, human rights, gender equality, and monitoring and evaluation.

However, there were also concerns raised by some delegations on the need for or added value of a Global Plan of Action. **Concerns** presented were:

1. A Global Plan of Action may **duplicate existing international instruments**, in particular, the United Nations Convention against Transnational Organized Crime (UNTOC) and the Trafficking in Persons Protocol (Protocol). The UNTOC **Conference of States Parties** and its **Working Group on Trafficking in Persons** already offer a platform for coordination on trafficking in persons. Priority should be to **strengthen** the implementation of the Protocol and other **existing international instruments, strategies and policies** and **fill in any gaps** among them and **establish a stringent monitoring mechanism** for UNTOC and the Protocol. The negotiation of a Global Plan of Action would **divert time, resources** and **focus** from the implementation of UNTOC and other existing international instruments and the delivery of technical assistance.
2. There are concerns on **how the Global Plan of Action would be reconciled with existing national and regional plans of action**.
3. It would be **premature** to develop another coordination mechanism and there is **no consensus** among Member States that Global Plan of Action would **add value**.

### **Closing Session:**

1. **H.E. Mr. Maged A. Abdelaziz**, Permanent Representative of Egypt to the United Nations and Vice President of the General Assembly, referred to the discussions held and the appeal for a coordinated, action-oriented and rights-based approach to end trafficking in persons. He acknowledged the concern expressed by some Member States that a Global Plan of Action may weaken the United Nations Trafficking in Persons Protocol and its mechanisms. However, he stated that numerous panellists demonstrated that a Global Plan of Action would build upon and complement the UN Protocol. It would therefore provide coherence to national, regional and global efforts and reinforce the existing international normative framework. He stated that he will work with the 192 Member States of the General Assembly to develop a Global Plan of Action.

Acknowledgements:

The Office of the President wishes to express sincere appreciation to the United Nations Office on Drugs and Crime for its invaluable technical support in the organization and realization of this event and this summary.



## **Annex 1: Full list of statements in alphabetical order**

1. Algeria
2. Argentina
3. Armenia
4. Australia
5. Austria
6. Bahrain
7. Bangladesh
8. Belgium
9. Belarus
10. Bosnia and Herzegovina
11. Brazil
12. Canada
13. China
14. Colombia
15. Cuba
16. Czech Republic (on behalf of the EU)
17. Ecuador
18. Egypt
19. Greece
20. Holy See
21. Indonesia
22. Israel
23. Italy
24. Japan
25. Kazakhstan
26. Kyrgyzstan
27. Korea
28. Malaysia
29. Mexico
30. Montenegro
31. Morocco
32. Netherlands
33. Nicaragua
34. Nigeria
35. Norway
36. Pakistan
37. Peru
38. Philippines
39. Portugal
40. Qatar
41. Russia
42. Spain
43. Sudan (on behalf of the African Group)
44. Syrian Arab Republic
45. Tajikistan
46. The former Yugoslav Republic of Macedonia
47. Turkey
48. Turkmenistan
49. UNESCO
50. United Kingdom
51. USA
52. Venezuela
53. WGTC
54. Yemen

13 May 2009

**Statement of Mr. Miguel d'Escoto Brockmann,  
President of the 63rd Session of the General Assembly,  
at the General Assembly Interactive Thematic Dialogue on Taking  
Collection Action to End Human Trafficking**

*Delivered by H.E. Mr. Maged A. Abdelaziz, Vice President of the Sixty-third Session of the General Assembly*

I am very pleased to present the address of the President of the General Assembly, H.E. Miguel d'Escoto Brockmann. The President d'Escoto is travelling to promote the June Conference on the World Financial and Economic Crisis and Its Impact on Development. He very much regrets being unable to join us here today . His address is as follows:

Your Excellency Nestor Arbito Chica, Minister of Justice and Human Rights of Ecuador,  
Excellencies,  
Mr. Secretary-General Ban Ki-moon,  
Mr. Under Secretary-General Antonio Maria Costa,  
Ladies and Gentlemen,

Welcome to this Interactive Thematic Dialogue on taking collective action against the despicable crime of human trafficking. This is the second year in a row that the Assembly meets to debate this urgent issue. I am sorry that I can not be with you in person. This issue is close to my heart and I regard it as a priority for the 63rd session of the General Assembly. I would therefore like to share some thoughts with you.

Over the past two to three years we have witnessed a growing awareness and public outrage against this heinous crime. Yet I believe that We, as an international community, as the United Nations, and as individual Member States can and must do better.

For this reason I am particularly honoured and grateful to H.E. Nestor Arbito Chica of Ecuador, whose presence here also underscores our resolve to strengthen international efforts against this modern form of slavery. By bringing to bear both the criminal and human rights dimension of trafficking in persons, he places the victim at the crux of our collective endeavour to end this atrocity.

Similarly, I want to thank all today's panellists for bringing to this body their expertise, experience, knowledge, commitment and acquired acumen from working at the national, regional and international level to make collective action more meaningful, and to fill in the gaps that weaken the protection to which all victims and potential victims are entitled.

The focus of this debate is “taking collective action to end human trafficking”. I would like to focus on the two words: “collective”, and “action”.

Trafficking in persons is a crime that shames us all. While hidden in the shadows, it is also a crime that touches us all – as victims, witnesses, perpetrators, or the consumers of the goods and services of modern-day slaves. None of us – as compassionate human beings – can close our eyes to this tragedy, this crime that takes place all around us – including just a stone’s throw from UN headquarters in New York.

Human trafficking is a crime. It is a sin. And it is a violation of human rights.

Therefore we must all take responsibility – we must take collective action – to combat and END it. Those Member States that have not done so already should become Parties to the United Nations Convention against Transnational Organized Crime and the Protocol against Trafficking in Persons that supplements it.

While many countries have laws against human trafficking, the dark truth is that very few have good records for combating it, for enforcing these laws. This must change. Today’s dialogue will be successful if we identify the tools and strategies to enable us, as governments, as non-governmental organizations and as individuals, to press for legislation and the enforcement of that legislation.

Parliamentarians should adopt the laws, and enact national action plans to put the Protocol against Trafficking in Persons into practice.

Criminal justice systems must protect the victims, and bring traffickers to justice – including across borders.

Companies should clean up their supply chains and labour practices to ensure that they are not complicit in this crime. I urge companies to adopt the Athens Ethical Principles to restore confidence in the private sector, and ensure that profits are not made at the expense of our most vulnerable Sisters and Brothers, many of them children.

We have the tools at our disposal.

The media and celebrities can raise awareness and mobilize public support.

NGOs and civil society can help prevent the vulnerable from falling prey to traffickers, and rescue those who do. They can also be catalysts for change, and assist in gathering and disseminating information.

On paper, there is already a strong basis for collective approach. We have the legal tools, thanks to the anti-trafficking Protocol. We have a body to promote and review its implementation – the Conference of the Parties to the Convention against Transnational Organized Crime. We have a Special Rapporteur.

But we need more action. The world is waking up to scope of the problem of human trafficking. We see it in movies, novels, and talk shows. This Assembly should not be behind the curve, but rather in the forefront leading the effort to end it once and for all.

There are plenty of anti-trafficking efforts being carried out around the world – locally, nationally, and regionally. But thus far they have been poorly coordinated.

That is why Member States decided last year to improve the coordination of efforts against trafficking in persons. You will recall that one proposal, part of a resolution adopted by the General Assembly last December, was to consider the advisability of a global plan of action against trafficking in persons. This proposal has already found support among the African Union, the Non-Aligned Movement, and in the Manama Declaration on “Human Trafficking at the Crossroads”. I urge you to provide a clear signal of support for this initiative as an outcome of today’s dialogue.

Furthermore, I urge you to come up with benchmarks on practical steps that can be taken to improve coordination and technical assistance. The Secretary-General’s background paper on improving the coordination of efforts against trafficking in persons provides us with plenty of food for thought.

In line with the Outcome document of the recent Durban Review Conference, I urge you to integrate a human rights perspective into the fight against human trafficking.

If we are to agree on a global plan of action, we need the “buy in” of all Member States, as well as a “One UN” approach. More than that, we need to involve all stakeholders who have an influence on ending this crime – the private sector, the media, women leaders, faith-based groups, anti-trafficking campaigners and civil society. An effective action plan must be global in reach and participation. In short, dealing with this global crime is a shared responsibility.

This debate should give us an honest evaluation of where we stand, a recognition of both progress and shortcomings, and clear directions for the way ahead.

The first interactive panel today will take stock of the current situation, particularly in relation to the criminal justice response. The recent Global Report on Trafficking in Persons issued by the UN Office on Drugs and Crime (within the framework of UN.GIFT) provides us with useful background. We are grateful that Under Secretary-General Costa has joined us personally to provide the valuable experience of UNODC for the dialogue.

Panel Two will look at a growing number of good practices, including regional initiatives, instruments and cooperation. It will examine the constraints that Member States and others face on the ground, as well as why and how we might better deal with and overcome them.

The panellists will also offer to the Membership practical and doable steps we can undertake to be more effective.

Panel Three will look at the broader question of ensuring full and effective international coordination. Most importantly, it will examine the fault lines in our current system, the cracks which deny victims and potential victims, the protection to which they are justly entitled.

Dear Friends,

Trafficking in persons is a complex issue. We have therefore assembled a wide range of experts to enrich our understanding of: factors that deepen vulnerability; how the crime is carried out; what goes on in the minds of victims, traffickers and clients; ethical and moral dilemmas related to trafficking in persons; as well as how technology and data can be used to fight this crime.

I would like the discussion to conclude by identifying concrete ways of moving forward and undertaking collective action. More words and promises are not going to ‘free the slaves’.

Let us seize this opportunity to close gaps and join our efforts in order to have a united and global response to a crime that has no place in the 21st century. Together, the forces of good can defeat this evil, and ensure security, dignity, and justice for all humanity.

Dear friends, speakers, guests... you now have the floor.

13 May 2009

**Statement of Mr. Miguel d'Escoto Brockmann,  
President of the 63rd Session of the General Assembly,  
at the Closing of the General Assembly Interactive Thematic Dialogue  
on Taking Collective Action to End Human Trafficking**

*Delivered by H.E. Mr. Maged A. Abdelaziz, Vice President of the Sixty-third Session of the General Assembly*

Once again, I have the honour to present the closing statement of the President of the General Assembly. His words follow:

Your Excellency Nestor Arbito Chica, Minister of Justice and Human Rights of Ecuador,  
Excellencies,  
Mr. Under Secretary-General Antonio Maria Costa,  
Ladies and Gentlemen,

As we come to the close of this Thematic Dialogue on Taking Collective Action to End Human Trafficking, I want to thank all of the panelists and moderators and especially the Delegates who participated so constructively in this timely exchange.

I am grateful to His Excellency Nestor Arbito Chica for his candid description of efforts in Ecuador, and to Mr. Antonio Maria Costa, Director General of UNODC, for bringing his expert insights from Vienna. The UNODC Global Report on Trafficking in Persons, aptly subtitled "Human Trafficking: A Crime that Shames Us All", provides us, together with the testimony of speakers on our three panels, disturbing and compelling insights into the complex subject we are addressing.

Today we must demonstrate to the world that the UN system and this Assembly have heard the appeal for a coordinated, action-oriented and rights-based approach to end this heinous crime. Human trafficking is a multifaceted and crosscutting phenomena that should be addressed by a range of government ministries, intergovernmental organizations, led by the UN system and the Member States, together with the crucial support of organized civil society. Without improved coordination and outreach in our efforts, victims will not receive the protection and assistance to which they are entitled.

In addition to the legislative and juridical efforts underway, we know that of the millions of women, men, girls and boys are caught up in this sinister web of trafficking, only 22,000 are rescued by their families, government authorities and NGOs dedicated to this work each year. We are not providing the protection that these vulnerable people need.

We must shed more light on the problems. It is unlikely that the hundreds of thousands of people who fall victim to this modern-day slave trade each year will ever know of our solidarity with them. But they are nameless victims who inhabit the darkest corners of our societies and we must end their anonymity as well as the anonymity and impunity of their tormentors.

At a groundbreaking meeting entitled “Human Trafficking at the Crossroads” organized by the royal family of the Kingdom of Bahrain last March, government and UN representatives and NGOs and a dedicated group of celebrities from around the world agreed on a plan for a global media campaign to shed light on the corruption that allows these traffickers and their customers to flourish. Just last night UNODC, in partnership with the International Criminal Court Trust Fund for Victims launched a benefit exhibition to expose two contemporary manifestations of human trafficking: Child soldiering and the abduction young girls. We must support these efforts to use the arts as a strategic tool to return to the victims their names, their identities and their rightful place in society.

In recent months we have witnessed the breakdown of our global economy as thousands of enterprises fall into bankruptcy. I am convinced that this crisis reflects a widespread moral bankruptcy as well for our very systems allow for human trafficking to persist. Indeed, many national justice systems belittle the seriousness of this crime. As indicated in the UNODC report on Global Trafficking, two out of every five countries covered the survey had not recorded a single conviction of traffickers.

I know many of you share my fear that the problem is likely to be exacerbated by the deepening economic crisis, one which could increase both the supply of vulnerable potential victims and the demand for cheap labour. Indeed, the report released only yesterday by the ILO on forced labor should be a wake up call for all of us here today on the need to take prompt and effective action.

Last December, the General Assembly adopted a resolution that demands better coordination of efforts against human trafficking and the protection of victims. Now we must work to give this legislation life. The GA resolution specifically calls on Governments, UN agencies, non-governmental organizations and the private sector to improve their efforts and join together in backing the international initiative to combat trafficking.

I am aware of the concern expressed by a few Member States today that a Global Plan of Action may weaken the UN Protocol and its mechanisms or overburden the UNODC. However, numerous panelists have demonstrated that a Global Plan of Action would build upon the three pillars contained in the Protocol to prevent, suppress and punish human trafficking. In this manner, such a Plan of Action would provide coherence to national, regional and global efforts, and serve to ensure complementarity, thereby reinforcing the existing international normative framework.

For these reasons, I am pleased to hear the appeals at this meeting to support the General Assembly action on a Global Plan of Action to prevent human trafficking, prosecute traffickers, and protect and assist the victims. I will work hard with the 192 Member States of this Assembly to develop a Global Plan of Action.

We have international treaties, a Protocol, and numerous Resolution and Declarations that commit our countries: yet we are still lacking a blueprint for global action on the ground, one that brings together the punitive and restorative measures, and joins the development, justice and security dimensions into a common endeavor; hence the importance of the General Assembly Plan of Action, covering all these important dimensions.

Although the General Assembly has pledged its commitment to fighting this crime in several important resolutions, change — real, credible and sustained change — takes more than mere lamentations, declarations and resolutions.

To muster the required political will we must tap into the reserves of moral courage that lay within each of us as individuals and of all of us as nations. Then, and only then, will we be able to carry out the changes needed to ensure freedom for all men and women. If we do so, our hearts and our capacity to love and serve will grow. The partnerships that have been cultivated and energized here today will be in the forefront of this campaign. I thank you all for helping in this noble endeavour.



**General Assembly**  
**Interactive Thematic Dialogue on**  
**“Taking collective action to end human trafficking”**  
**New York, 13 May 2009**

**Panel II: Articulating a Global Plan of Action:**  
**Drawing upon practice at the national and regional level**

**Elements for intervention**

Madam Moderator,

Distinguished Panelists,

No country is immune against human trafficking. Given its geographical location in the centre of Europe, **Austria is affected both as a country of transit and as a country of destination.** In our efforts to fight this crime Austria is strongly committed to a **human rights based approach.** Austria is a **party to all relevant legal instruments** and implements its international obligations as a matter of priority.

We are pursuing a dual track, taking initiatives both on the national and international level. On the **national level**, Austria has set up a **National Action Plan against Human Trafficking** and a **National Task Force** that brings together representatives from the Ministries of Interior, Justice and Foreign Affairs as well as NGOs working on the protection of and assistance to trafficking victims. The Head of the Task Force is also the National Coordinator on Combating Human Trafficking and fulfils important coordinating and monitoring functions among all stakeholders involved.

Austria gives equal importance to each of the **three “Ps” – Prevention, Protection and Prosecution.**

- We need to raise public **awareness** on this terrible violation of human rights through campaigns and events. But it is equally important to target specific **prevention and training programs at potential victims** as well as at key groups like **law enforcement and border management officers, judges and prosecutors and consular staff.** In Austria, the issue of human trafficking has been included into our consular staff's training curriculum and information folders are disseminated through our consular offices.



- Austria pursues and advocates a human-rights-based approach to **victim protection and assistance** and attributes major importance to **professional care and support** for trafficking victims. Victims are granted a **period of 30 days** to recover and reflect, which is not tied to any cooperation with the authorities and during which no measure will be taken that may result in a termination of their stay. Longer **residence permits** can be issued for humanitarian reasons. If there is reason to believe that the victim of human trafficking is exposed to danger because of the evidence he/she has given, they can benefit from the Federal Ministry of the Interior's **witness protection system**. Particular attention and special care is given to victims of **child trafficking**.
- In the field of **prosecution** it is essential to increase the **cooperation among all countries involved** as well as **information exchange** between law enforcement authorities. The establishment of **joint investigation teams** could be considered. Most importantly, countries should be **encouraged to ratify and implement all international legal instruments**, especially the UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children.

The fight against human trafficking is a focus of Austria's **international cooperation** programs, especially with countries of South East and Eastern Europe. A number of projects aim at **raising awareness** among the local population; **measures to improve the socio-economic situation of vulnerable groups** (to address the root causes of trafficking); **training of police forces**; and **support for returning victims**.

Human trafficking still remains **underreported** what results in a **lack of reliable data and information**. Austria in cooperation with some other EU Member States, the International Organisation for Migration (IOM), Europol and the International Centre for Migration Policy Development (ICMPD) has therefore worked out "**Guidelines for data collection on trafficking in human beings**" which aim at providing practical tools in order to support better informed policy actions and evaluations.

I would also like to underline that Austria **fully supports the excellent work of the United Nations Office on Drugs and Crime** and very much welcomes the important contribution of the **UN Global Initiative to Fight Human Trafficking (UN.GIFT)**.

Thank you.



## BANGLADESH

*Please check against delivery*

**Intervention by Mr. Tareq Md. Ariful Islam, Counsellor, Permanent Mission of Bangladesh to the United Nations at Panel III (Scaling Up: Why the coordination needs to be Global and how to do it) of the interactive thematic debate of the UNGA on human trafficking: "Taking collective action to end human trafficking", 13 May 2009, New York.**

Distinguished Moderator,

A number of inconsistencies plague the present "human trafficking" paradigm. The question of voluntarism is still often confused with trafficking. Furthermore, the complexity of distinguishing trafficking from migration makes it increasingly difficult to identify and address trafficking. Besides, a variety of different situations that are considered to be somehow associated with human trafficking have surfaced. Efforts by different actors are often disjointed. These ambiguities and uncertainties create gaps and loopholes on which trafficking thrives.

The intent of the human trafficking paradigm should, therefore, encompass all the variety of situations. In this context, a global plan of action, we believe, holds a good potential for tackling the problem. Such an action plan, in our view, has to formulate a comprehensive normative and operative framework that would remedy the lacunas, inadequacies and lack of coordination in the current system and address trafficking in its totality. At the same time, it has to clarify the definitional nuances to fix the conceptual gaps.

The question of trafficking has to be addressed from the victims' human rights perspective not just as a criminal or border-control issue. There is a need to address linkages between trafficking, labour and migration and consequently trafficking in persons for forms of exploitation other than sexual particularly in mainstream economic sectors. Coherence between criminal, immigration and labour law is crucial. Countries of origin, transit and destination should take their due share of respective responsibilities; forge an understanding and work mutually to address the issue in its entirety. The role of destination countries is of particular importance in this context. There should be international cooperation for capacity building of national governments to harmonize domestic laws with their international commitments.

National governments should strengthen their capacity to regulate and monitor recruitment agencies and promote ethical recruitment practices. Prevention of trafficking and reintegration of victims, however, can only succeed in an

economic environment conducive to employment creation. Therefore, employment based measures against trafficking have to be linked to wider development goals. Since the majority of trafficking victims are women and girls, establishing a gender dimension in the fight against human trafficking is of paramount importance. Governments might be required to be more aggressive in guiding businesses operating in their countries. Since trafficking is principally operated by the private actors, the business community has to commit to the ethical principles and include elimination of human trafficking in their corporate social responsibility.

Given the absence of reliable data, information sharing between states has to be strengthened to generate reliable national statistics on trafficking to develop policies and to measure progress over time. We have to address the root causes of human trafficking and develop counter measures accordingly. More understanding is needed to address demand factors as a root cause of trafficking. Ending impunity of traffickers is a must. The media should play their role in awareness-raising and disseminating best practices.

A global plan of action, to make a difference, has to fulfill these requirements. Lack of coordination among different anti-trafficking efforts is perhaps the biggest reason why the current system is failing. The action plan should work primarily as a coordinating authority. It also has to identify the reasons behind the normative and operational failures and address them properly. To do that it has to pool together all the political will, ongoing efforts and existing resources and put them into appropriate use so that they work in perfect harmony as integral parts of a larger and unified action plan.

Despite growing recognition that human trafficking needs to be tackled in a holistic manner, anti-trafficking strategies still remain isolated from other national policies. The global plan of action has to bring these strategies in coherence with all relevant national policies. A regional approach to human trafficking should be one of the cornerstones of the global action plan. Then it might have the authority and legitimacy to exert pressure, which individual countries could not do, upon the unwilling regional actors to come into compliance and thereby make the regional framework operational.

I thank you all.

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# BELARUS

**United Nations General Assembly  
Sixty-third session**

**Thematic Debate on Human Trafficking  
"Taking collective action to end human trafficking"**

13 May 2009

## **KEY POINTS**

of the statement by

**His Excellency Valentin Rybakov**

**Assistant to the President  
Republic of Belarus**

- Trafficking in persons is a **global problem** that calls for **global decisions and actions**.
- Only **well-coordinated collective efforts** of the international community – of Member States, intergovernmental and interparliamentary organisations, civil society, private sector, mass media, – can put an end to human trafficking.
- Elaboration and adoption by the United Nations General Assembly of a **global plan of action against human trafficking** would be an effective and practical answer to the challenge we face today.
- There are **many treaties and agreements** on human trafficking. Each of them brings its own added value to the global fight against trafficking in persons. All these instruments enjoy **different degree of ratification and implementation** and target **different aspects** of human trafficking.
- The global plan of action against human trafficking would be an important step towards forming a **global partnership** to end human trafficking. The global plan is meant not to substitute or duplicate but to **complement** the existing anti-trafficking efforts, instruments and arrangements of the international community.
- The global plan of action would serve as a global mechanism that ensures **the implementation of all anti-trafficking instruments** in a unified and comprehensive manner.
- The existing international anti-trafficking instruments seek to harmonise the relevant national legislations. They do not prescribe roles for the increasing number of emerging **non-state players** in the area of anti-trafficking activities – international organisations, civil society, private sector, mass media. A global framework such as the global plan of action would ensure **more effective cooperation and coordination** among various stakeholders and numerous anti-trafficking initiatives.
- Belarus urges the President of the General Assembly to initiate **open consultations of the General Assembly** on the global plan of action against human trafficking.



**BOSNIA AND HERZEGOVINA**

**STATEMENT**

by

**Delegation of Bosnia and Herzegovina**

General Assembly

Interactive thematic dialogue on: Taking collective action to end human trafficking

New York  
May 13, 2009

CHECK AGAINST DELIVERY

New York, 13 May 2009

Mr. Chairman,

At the outset, my delegation would like to commend the President of the General Assembly for convening this Thematic Dialogue in a timely manner. We hope that this and similar initiatives will contribute greatly to achieving the goal to end trafficking in human beings.

Trafficking in human beings is, without doubt, one of the most serious human rights violations occurring in the world today and is the third most profitable transnational criminal activity, following only drug and arms trafficking. An estimated \$9.5 billion is generated in annual revenue from all trafficking activities, with at least \$4 billion attributed to the worldwide brothel industry.

Victims are forced into prostitution or to work in quarries and sweatshops, on farms, as domestics or as child soldiers. They are treated as commodities, exploited, and they are deprived of their freedom of movement, ending up in conditions of slavery. Traffickers often target children and young women. They routinely trick victims with promises of employment, education opportunities, marriage and a better life. We share the concerns that global financial crisis will have impact on the problem of human trafficking.

Mr. Chairman,

Combating human trafficking remains one of the high priorities for the authorities of Bosnia and Herzegovina. Bosnia and Herzegovina continues to implement the State Action Plan to address trafficking in human beings. (Since 2001 three State Action Plans have been developed).

In order to better facilitate the fight against human trafficking the Ministry of Security of Bosnia and Herzegovina in subordination with the State Investigation and Protection Agency of Bosnia and Herzegovina have formed 4 task forces according to its security regions, based in Sarajevo, Tuzla, Banja Luka and Mostar. These task forces are composed of the representatives of relevant institutions of Bosnia and Herzegovina (such as prosecutor's office, law enforcement agency, office for alien affairs, social care service, ministries of education, health) and representatives from NGOs.

In that context Bosnia and Herzegovina established comprehensive electronic data base which includes unique forms for exchange and collection of data. Everything is done in accordance with the Law for Protection of Personal Data and in cooperation with the Ministry of Security, Division for the Protection of Data. The focal point for the data base of the victims of trafficking in human



beings is located in the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, and the second focal point for data base for the perpetrators for these criminal acts is located in the State Investigation and Protection Agency of Bosnia and Herzegovina. Both of these data bases are using the same unique form. These task forces are also in charge of repatriation and re-socialization of victims of human trafficking. There is a slight difference in a process of repatriation and re-socialization conditioned to the citizenship status of the victims. In a case where the victim is a foreign citizen, the Office for Alien Affairs will be included in dealing with the matter, in accordance with relevant Convention of the Council of Europe and in cooperation with authorities of the relevant states and NGOs.

For all the identified victims of human trafficking Bosnia and Herzegovina established safe houses where they get medical and other type of necessary help for re-socialization.

Mr. Chairman,

In order to facilitate these activities, Ministry of Human Rights and Refugees of Bosnia and Herzegovina in December 2008 announced grant in amount of 20,000 USD as support to NGOs that are dealing with the victims of human trafficking. For the year 2009, the grant will be approximately 26,000 USD. Also we are using this opportunity to thank the Government of the Kingdom of Norway that decided to support the implementation of the State Action Plan by granting the amount of 60,000 Euros. These funds will be used for direct assistance, rehabilitation and reintegration of the victims of human trafficking and for the functioning of the safe houses in the next two years.

As for the perpetrators of these crimes, they are hunted and prosecuted. Minimal punishment according to the criminal law in Bosnia and Herzegovina is 8 years for a single case (that is for one victim).

Human trafficking is a plague of our time and only united we can swiftly respond to end this modern day slavery.

Thank you Mr. Chairman



Statement by Counselor Zhang Dan of the Chinese Delegation at  
the Interactive Thematic Dialogue of the 63<sup>rd</sup> Session of the  
General Assembly on “Taking Collective Action to End Human  
Trafficking”  
May 13, 2009

Mr. President,

Chinese delegation would like to thank the president of the General Assembly Mr. Brockman for taking the initiative to convene this informal debate. We believe that this debate will give a powerful impetus to the concerted effort of the international community in combating human trafficking and will promote the comprehensive and effective implementation of the relevant legal instruments.

Human trafficking has complex political, economic and social causes. Abject poverty, racial discrimination, armed conflict and natural disaster are breeding grounds for this criminal activity. In recent years, thanks to the common efforts of the UNODC, the Working Group on Trafficking in Persons established by the Conference of State Parties to the UN Convention against Transnational Organized Crime and the Inter-Agency Cooperation Working Group against Trafficking in Persons(ICAT) , positive progress has been made in the international cooperation in combating human trafficking, legislative work and law enforcement in this field have been enhanced, the awareness of the question of human trafficking has increased and international cooperation at the regional and sub-regional levels have achieved initial results. At the same time, it must be noted that countries differ in their legislative regulations which makes crime detection difficult; some countries are poorly equipped in investigation, prosecution and conviction; there is a lack of adequate law enforcement coordination within and among countries; and the exchange of information is unsatisfactory. All these factors have imposed a heavy constraint on the efforts of the international community to combat human trafficking.

The background paper prepared by the Secretariat summed up the current problems and challenges facing the international community and put forth targeted policy recommendations. As such, it has provided this meeting

with a sound basis for discussion. China believes that in our endeavor to further combat human trafficking, attention should be given to the following two points:

First, responsibilities of various governmental departments and coordination among them should be enhanced. Combating human trafficking involves multiple aspects including prosecution, protection and prevention. Enhancing the responsibility of various departments and strengthening the coordination among them so as to advance in a balanced manner work in all relevant fields represent not only the practical need in combating human trafficking, but also what is required for the implementation of the relevant legal instruments. In December, 2007, China's State Council issued the National Plan of Action on Combating Trafficking in Women and Children (2008-2012); a system of holding joint meetings on actions in combating trafficking in women and children has been introduced; and an office on combating the crime of trafficking in women and children has been established within the Ministry of Public Security. At the local level, corresponding mechanisms for combating human trafficking have also been set up, especially in those areas where the crime of trafficking in women and children is particularly rampant, and local implementation programs or regulations formulated. These efforts have resulted in an effective curbing of human trafficking in China.

Secondly, bilateral and regional cooperation should be accorded sufficient importance. Since bilateral and regional cooperation provides an important platform for combating human trafficking, it is necessary to focus on law enforcement cooperation among countries of destination, transit and origin and on the timely exchange of information on the tendency and characteristics of human trafficking. Efforts should be made to ensure that such cooperation is carried out in a systematic and standardized way through concluding various cooperation agreements, holding regular meetings, carrying out joint actions to combat human trafficking and providing targeted training in law enforcement. In recent years, China has carried out a series of activities in cooperation with its neighbors, such as launching awareness raising campaigns on human trafficking, holding annual meetings of law enforcement agencies, implementing joint actions in specific cases of human trafficking and providing law enforcement training. These activities have proved to be highly effective. China has also set up in its border areas quite a number of law enforcement liaison offices for combating transnational human trafficking, thus further strengthening the cooperation

with the countries concerned in information exchange, victim repatriation and transfer of suspects. As a state party to the UN Convention against Transnational Organized Crime, China has effectively implemented its convention obligations and participated actively in the international cooperation within the framework of the UN to combat human trafficking. Since the signing in 2004 of the MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region, the governments of China, Cambodia, Laos, Myanmar, Thailand and Viet Nam have formulated two consecutive plans of action for phase one and phase two and achieved visible results in the Greater Mekong sub-regional cooperation in combating human trafficking. While engaging in bilateral and regional cooperation, China supports efforts aimed at promoting international cooperation.

Mr. President,

Total elimination of human trafficking is a long and arduous task. The Chinese government is willing to continue to strengthen cooperation with governments, international organizations and NGOs under the principle of mutual respect and cooperation on equal footing, work towards more pragmatic and efficient international cooperation and make positive contributions to the ultimate elimination of human trafficking.

Thank you, Mr. President.

# COLOMBIA



COLOMBIAN MISSION TO THE UNITED NATIONS

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

Statement by  
**H.E. Mrs. Claudia Blum**  
Ambassador, Permanent Representative

**General Assembly**  
**Thematic Dialogue**  
**“Taking collective action to end human trafficking”**

New York, May 13, 2009

*Check against delivery*

Mr. President,

Allow me to thank you for convening this interactive dialogue and to the panelists for their informative presentations. They show the important activities developed by the various entities of the system to confront human trafficking and assist the victims.

My country is committed to combat trafficking in persons. In doing so, it has adopted measures and legal instruments that develop and even go beyond the scope of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Colombia is also committed to mechanisms and initiatives that may contribute to addressing trafficking in a collective and balanced way. We note with interest proposals seeking to facilitate a comprehensive and coordinated approach to fight this scourge within the United Nations framework.

The efforts of one single State are not enough to address this multifaceted and transnational crime. Trafficking in persons is a tragedy that affects equally States of origin, transit and destination. Recipient countries should adopt



policies of assistance and protection to victims; they should punish traffickers and take measures to discourage demand that acts as the crime's driving force.

To provide the necessary assistance and protection to victims and punish offenders the widest cooperation and coordination among States, relevant international organizations and civil society is required. A global problem requires a global response.

We must recognize that, despite progress, the international response has been partial and insufficient. Colombia considers that the United Nations' resources and actions should focus on achieving universal adherence and effective implementation of the Protocol. My country is convinced that, this instrument, which has been ratified by two thirds of Member States, provides a broad enough framework to combat this crime. While establishing the obligation to punish and prevent, it calls on States to adopt measures to protect victims and strengthen cooperation to ensure assistance and their repatriation on a voluntary basis.

In his report, the Secretary General concluded that gaps and weaknesses in measures and mechanisms available to address this crime are to be explained by a deficit of political will. My country would be willing to discuss a general document to renew the commitment of Member States to prevent and combat trafficking in persons, to assist victims, to instruct relevant bodies to work in a coordinated manner, and to promote the effective implementation of relevant international instruments.

While diverting the scarce resources of the Organization, the negotiation of a global plan of action, could also open the window to step back from the progress made in the context of the Palermo Convention and its Protocol.

Mr. President,

To conclude, let me ask the distinguished panelists for concrete examples of how the Inter-Agency Coordination Group on Trafficking in Persons (ICAT) has contributed to the activities of their respective entities and how it has benefited Member States.

I thank you, Mr. President.





**PERMANENT MISSION OF THE REPUBLIC OF CUBA TO THE UNITED NATIONS**

315 Lexington Avenue ♦ New York ♦ N.Y. 10016 ♦ (212) 689-7215 ♦ FAX (212) 689-9073

**Statement by the Deputy Permanent Representative of Cuba to the United Nations,  
H. E. Mrs. Ileana Núñez Mordoche.**

**Interactive Thematic Dialogue of the UN General Assembly on "Taking Collective Action to  
End Human Trafficking"**

**New York, 13 May 2009**

Mr. President,

Human Trafficking continues to increase. It is indispensable that countries of origin, transit and destination join forces, cooperate among them and share the responsibility to prevent this crime, protect its victims and prosecute the responsible. It is likewise indispensable the elimination of all practices, which, directly or indirectly, encourage it or pardon it.

Today, no country is ready to face by itself this complex phenomenon, also associated with other crimes such as money laundry and drug trafficking. It is impossible to face alone the industry of trafficking which involves over \$40 billion dollars a year and generates yearly profits from 5 billion to 9 billion dollars.

These phenomena are boosted mainly by the existence of 1.4 billion people living in extreme poverty and over 900 million hungry people. These numbers will grow due to the current economic crisis. Many people trying to escape from underdevelopment and poverty, attempting to emigrate to improve their working and living conditions, are deceived and enslaved by the traffickers.

Banal and stereotyped consumerism and the propaganda from the transnational media from industrialized countries contribute also to this phenomenon, encouraging migration and, not in few cases, promote sex industry and the growing demand for women, girls and boys for this purpose and servitude.

Mr. President,

Therefore, there is a need for a genuine international cooperation to eradicate these phenomena and the implementation of instruments such as the Convention against Transnational Organized Crime and its protocols on the eradication of discrimination against women, and the Convention on the Rights of the Child and its protocol on the sale of children, prostitution and child pornography. It is also essential to meet the commitments against trafficking made at international conferences and summits, including the Beijing Declaration and Platform for Action

Mr. President,

However, to make progress in a cooperation strategy; double-standard policies, hegemonic positions and unilateral evaluations to other countries must cease, for they are contrary to the



principles of international cooperation. These actions hinder the fight against crime associated with trafficking.

The US actions to determine, without right, who does well or bad in fighting trafficking is an example of this policy doomed to failure. How can the US judge others, when 50 000 women and children cross its borders annually to be exploited? What credit should the US be given when lying and accusing Cuba of promoting this phenomenon when these accusations are actually part of its aggressive anti-Cuba policy and its attempt to justify its irrational blockade policy against Cuba?

Another selective measure that must cease is the application of the Cuban Adjustment Act, which violates the spirit of international legislation against transnational organized crime. Due to political motivations and destabilization objectives, this Act provides Cubans arriving in the US, through unsafe, unregulated and illegal ways, privileges not given to people coming from other countries.

Among these immediate and automatic benefits for Cubans are the recognition of legal presence in the US (without requiring lawyers or paying fees), facilities to work, access to different social benefits, including social security and public food and lodging benefits. The possibility of receiving almost automatically the legal residence a year after the arrival to the country is also included.

The very official US radio and TV services have encouraged illegal emigration from the island. As part of the political and psychological warfare against Cuba, the US have presented brutal and criminal boat and aircraft hijackers as heroes and concealed the true dangers surrounding those traveling to the US in fragile crafts. Besides, the lack of strength of US authorities in repressing traffickers of Cubans operating from their territory has provided impunity for those individuals and their constant violation of international legislation.

As a consequence of this criminal policy of manipulation, human beings die and several crimes like hostage-taking, murders, as well as terrorist acts such as boats and aircrafts hijacking, often take place.

Cuba reiterates its willingness to cooperate, in the framework of international legislation against Transnational Organized Crime, with any State or Multilateral Entity truly interested in facing trafficking and other transnational crimes. As part of its efforts to cooperate, Cuba ratified the aforementioned Convention.

Mr. President,

Our country has a long and honorable record in the promotion and protection of human rights. The Constitution, the legislative, judicial, administrative, and other measures adopted since 1959 specially protect women, children and adolescents. These measures place Cuba among the countries in the region with most advanced national legislations in preventing and combating human trafficking.

Cuba will continue to advocate for a wider international cooperation to fight the scourge of human trafficking. We will continue contributing to the world undertaking to eradicate this and other kinds of related crime currently affecting the human race.

Thank you

INTERACTIVE THEMATIC DIALOGUE OF THE UNGA ON  
“TAKING COLLECTIVE ACTION TO END HUMAN TRAFFICKING”

New York, 13 May

“The State of Play: Where the UN Stands on a Global Plan of Action to End Human  
Trafficking” (Panel I)

Mr. Chairperson,

Distinguished Panelists,

I have the honor to speak on behalf of the European Union.

Let me thank you at the outset for convening this interactive thematic dialogue which gives us an opportunity to follow-up on the Background paper of the Secretary General on “Improving coordination of efforts against trafficking in persons” released just prior to the debate.

This comprehensive Background paper of the Secretary General on combating human trafficking also addresses the issue of the advisability of the Global Plan of Action as requested by the GA resolution 63/194 of 18 December 2008. At the adoption of this resolution, the EU explained its position on a Global Plan of Action. Combating trafficking in human beings and protecting its victims is a long-term priority for the European Union. Human trafficking is an offence to dignity and integrity of human beings. Therefore our main concern has been that a new instrument might duplicate or divert energy and focus from implementing international obligations and agreements laid out in extensively negotiated mechanisms such as the Convention.

The EU is convinced that the complexity of human trafficking demands a diversified and multidisciplinary strategy for the implementation of the existing international commitments embracing a broad array of approaches, covering law enforcement, prevention, reducing the demand, monitoring, victim support and protection and fighting discrimination.

The European Union strongly believes that what we are missing is a strong commitment of the international community to establish more stringent monitoring of both the ratification and implementation of UNTOC and the Protocol.

We recognize that a further effort is needed by the Conference of State Parties (COSPP) of the United Nations Convention against Transnational Organized Crime (UNTOC) in establishing an effective monitoring system for the implementation of the Convention against Transnational Organized Crime and its protocols and in this regard the EU welcomes the various opportunities for the international community to focus on establishing such a system.

Before initiating a new UN strategy or a Global Action Plan, we should aim to avoid duplication and focus on strengthening existing instruments and fill in any gaps between them. We believe that we should focus on an ambitious implementation mechanism. We have the UNTOC, we have a Protocol on Human Trafficking and we have the Conference of States Parties. In addition, we have a number of Geneva based institutions that contribute to the fight against human trafficking and exploitation: the Special Rapporteur on Trafficking of the Human Rights Council, the IOM that provides help to victims and the ILO that develops labour standards as well as the Vienna based UNODC with its technical assistance programme. The EU believes that there is room for improved synergies between all these different organizations, instruments and institutions.

To sum up: in order to see real progress we must focus on concrete results on the ground and actual implementation of the existing strategies and policies.

Thank you.

INTERACTIVE THEMATIC DIALOGUE ON  
„TAKING COLLECTIVE ACTION TO END HUMAN TRAFFICKING“

[Permanent Mission of the Czech Republic  
to the United Nations](#)

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New York, 13 May  
“Articulating a Global Plan of Action:  
Drawing upon practice at the national and regional level” (Panel II)

Mr. / Ms. Chairperson,

Distinguished Panelists,

I have the honor to speak on behalf of the European Union.

On the outset, the EU would question the notion given by the representative of the UN Secretariat in the background paper that a significant number of states is requesting a Global Plan of Action. According to the latest request in this regard, UN GA resolution A 63/194 (2008), the UN is asked “accelerate the consideration of the advisability of a Global Plan of Action on preventing trafficking in persons”. This very cautious formulation was not drafted like this without reason. It entails that a significant number of member states of the UN are not of the opinion that a Global Plan of Action is the appropriate next thing to do. The EU would like to reiterate that before initiating a new UN strategy or a Global Plan of Action, we should aim to avoid duplication and focus on strengthening existing instruments and fill in any gaps between them. The UN Secretariat suggests that a Plan of Action could offer a road map for the implementation of the Protocol to Prevent Trafficking in Persons. The question is – can it really do that and if so – do we need a road map or is this rather unnecessary because the task at hand is crystal clear?

The growing number of State Parties to the UN Trafficking Protocol is an expression of the political will of Member States to combat human trafficking. Nevertheless, ratification in itself is not sufficient to ensure its effective implementation and impact on the ground. Should we not listen – maybe through a questionnaire - to the countries that have signed but not ratified whether a Global Plan of Action would help them to accelerate their endeavours and if so, in which way?

The EU is fully committed to combat trafficking in human beings and is a strong supporter of the UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the UN Optional Protocol on the sale of children, child prostitution and child pornography. In addition to those fundamental instruments, EU member states have established several regional and national initiatives and plans in order to end this grave violation of Human Rights.

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 milestone for the EU.

The EU fully supports efforts for a coordinated fight against human trafficking. For this purpose, the EU has, among other measures, adopted the “The EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings” in 2005 and subsequently reevaluated and monitored its implementation by the end of 2008 which additionally demonstrates our commitment to fight the scourge of trafficking.

On the occasion of the first EU Anti-Trafficking Day on 18 October 2007, Recommendations on victims’ assistance and protection were issued. On the second Anti-Trafficking Day, in October 2008, the EU continued, under the motto “Time for Action”, to raise awareness of human trafficking and stress the EU’s long standing commitment to eradicating it. In addition the European Union has also set up several programmes to combat trafficking, such as AGIS, ISEC and DAPHNE Programme.

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. The EU is actively participating in the Alliance against Trafficking in

Persons initiated by the OSCE Special Representative on Combating Trafficking in Human Beings. 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 Council of Europe Convention on Action against Trafficking in Human Beings, which entered into force on 1<sup>st</sup> of February 2008, is both a milestone and an illustrative example for useful amendments to respective UN Conventions. The EU believes that the most urgent issue on our agenda is ratification and, in particular, full 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.

From its side, the Council of the European Union is now discussing a proposal submitted by the European Commission for a new Framework Decision on preventing and combating trafficking in human beings, and protecting victims, aimed at updating the EU legal framework, bringing it into line with relevant international instruments, and especially enhancing the protection of victims human rights.

Thank you.

INTERACTIVE THEMATIC DIALOGUE OF THE UNGA ON “TAKING COLLECTIVE ACTION TO END  
HUMAN TRAFFICKING”  
New York, 13 May

“Scaling Up: Why the coordination needs to be Global and how to do it” (Panel III)

Mr. Chairperson,

Distinguished Panelists,

I have the honor to speak on behalf of the European Union.

The EU reiterates that trafficking in human beings is a global phenomenon and that regional cooperation to supplement the adoption and effective implementation of anti-trafficking national legislation is crucial. At the same time let me add that a global phenomenon does not necessarily need a Global Action Plan to address it. The UNTOC and its Protocols are signed and ratified by so many countries that their range of action is already a global one. Our agenda in this respect is clear: We would like as many countries as possible to ratify UNTOC and its additional protocols, in Particular the one on Trafficking in Human Beings.

In this respect, the EU welcomes the contribution of ICAT and UN-GIFT to the coherence and coordination of all actors involved in the fight against human trafficking, in particular in the field of technical assistance. The EU recognizes that more needs to be done and is dedicated to strengthen efforts to implement these mechanisms and enhance coordination amongst relevant stakeholders so we can build on lessons learned.

In this respect, and in line with the Secretary-General’s Background paper, the EU draws the attention of Member States to the possibility of elaborating a framework for action for an effective implementation of the Trafficking in Persons Protocol, as already set out in Annex III of the background paper of the Secretary-General.

As suggested by the Background paper of the Secretary General on “Improving coordination of efforts against trafficking in persons” more needs to be done to: extend the network of States able to cooperate under the Trafficking in Persons Protocol; address all forms of trafficking, including child trafficking, as well as labour exploitation; train law enforcement officials, including investigators and prosecutors and above all else understand and address at all stages the situation and needs of victims in order to enlist their cooperation and protect their rights as human beings.

To achieve a better coordinated response exchange of information and best practices between countries is key. 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.

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.

**Statement by  
Ambassador John Mourikis  
Permanent Representative of Greece to the United Nations**

**Thematic Dialogue of the United Nations General Assembly on  
“Taking collective action to end human trafficking”**

**United Nations Headquarters, New York  
13 May 2009**

**PANEL II: ARTICULATING A GLOBAL PLAN OF ACTION: DRAWING UPON PRACTICE  
AT THE NATIONAL AND REGIONAL LEVEL**

Mr. Chairperson,

Distinguished Panelists,

Let me, first of all, thank you for convening this interactive thematic dialogue which gives us the opportunity to follow-up on the Background paper of the Secretary General. My delegation fully aligns itself with the statement made by the Czech Republic on behalf of the European Union.

As time is limited, I will go directly to the point:

In Greece, serious actions and measures were taken during the previous year and also during the current period, by both governmental and non governmental stakeholders attempting to address, in a comprehensive manner, the current challenges concerning Trafficking in Persons (TIP).

The truth is, that Traffickers' new trends and modus operandi are constantly modified in terms of methodology and recruitment, exploiting vulnerable social groups and taking advantage of new sophisticated technology. Forced labor is a new reality for undocumented migrants smuggled into Greece. Minors involved in begging and petty crime are exploited by members of their own family and cases of illegal adoption of babies are a new challenge for all stakeholders involved in counter-TIP.

According to Hellenic Police, it appears that during the year 2008 there has been a broad downturn of the phenomenon, in terms of the decrease of victims requesting police protection. While a considerable decline of incidents of physical violence against women has been noticed lately, however, other forms of coercion are applied such as psychological violence, debt bondage etc. Excessive violence and coercive measures are now considered less favorable from criminal networks. A more “friendly” approach is currently adopted, that grants certain concessions to victims (for example, some money, a day off, a prospect of earning their freedom once they pay off debts or recruit other victims). In this way, criminals ensure the victim's consent,

making it more difficult for the authorities and NGOs to promote victim cooperation in view of successful prosecution.

Hence, Greece promotes a victim identification regime and a national referral mechanism ensuring the proper application of victim protection measures. We endorse the human security perspective and a consistent human rights approach leading to more positive results in counter trafficking.

The National Action Program includes the following:

- Hostels- Refuges *(In cooperation with the NGOs it supports four hostels for the protection of victims. It also co-finances two further hostels with the National Center for Emergency Social Aid (Ministry of Health) Provision of free legal aid (The aim is to provide free legal aid and counsel to non-Greek victims of illegal trafficking)*

- The creation of international networks to combat illegal trafficking *and the exchange of information with the victims countries of origin (Balkan and East European countries).*

- Repatriation programs *(Financing voluntary repatriation programmes in collaboration with the International Migration Organisation. Our country has promoted a bilateral agreement with Albania for action against trafficking in minors).*

- Support to the countries of origin *(Support for rehabilitation programs for victims once repatriated to their country of origin with a) support for existing reception centres, b) social rehabilitation programs, c) health and medical care, d) vocational seminars, etc.)*

- Financing of educational seminars for Police/ Judges and public prosecutors.

- International contact node against illegal trafficking based in Thessaloniki *In collaboration with the Organisation for Security and Cooperation in Europe and the Stability Pact for South-east Europe (a contact node is operating to coordinate the actions of international organisations and states in the alternate headquarters of the Stability Pact in Thessaloniki).*

Update of legislation and Inter-agency cooperation is an imperative, and all competent authorities are working hand in hand on a national and international level to ensure cross-border cooperation of concerted counter-TIP action. A National Coordination Mechanism (NCM) is established in the MFA of Greece aiming at coordinating all competent authorities and NGOs in the fight against Human Trafficking and to plan, implement and evaluate counter-TIP activities on a national basis. The NCM aspires to become a partnership among competent Ministries, International Organizations, local and international NGOs and research centers.

The current turn in the trends in Greece should be attributed to the efficient response of the Greek law enforcement agencies and the improved operation and coordination of the Police Anti-trafficking dept. combined with the higher sentences imposed to the offenders. In this respect, Greece's counter-TIP strategy entails an inclusive identification regime for the victim, immediate assistance and protection of the individual, granting of residence and work permit to pursue a second chance in life.

Summing up, strategic planning in Greece works on two parallel levels: Bilateral and multilateral collaboration with international organisations and the countries of origin to draw up and implement development strategies to restrict the influx of victims on a regional level (supply); in Greece, by helping the victims through NGO programmes and institutional aid policies and information campaigns aimed at limiting demand and making users face up to their ethical responsibility, and the traffickers face criminal sanctions.

Thank you.

Statement by Mr. Takashi Ashiki  
Minister of the Permanent Mission of Japan  
to the United Nations

Taking Collective Action to End Human Trafficking

Panel II: Articulating a Global Plan of Action:  
Drawing upon practice at the national and regional level

13 May 2009

Madam Moderator,

Trafficking in persons is a serious crime involving a grave violation of human rights and human dignity. With the continued advance of globalization and the widening of economic disparities, it has also become a transnational threat to which the entire international community must therefore respond with effective countermeasures.

To participate in the fashioning of such measures, in March Japan dispatched Parliamentary Vice-Minister Nishimura to serve as a panelist at the international conference entitled “Human Trafficking at the Crossroads” held in Bahrain and Parliamentary Vice-Minister Minorikawa to attend the third Bali Process Meeting in Indonesia last month.

Madam Moderator,

In keeping with the Human Trafficking Protocol, Japan has been implementing comprehensive measures against human trafficking. In 2004, the Government of Japan established “The Inter-Ministerial Task Force to Combat Trafficking in Persons” within the Cabinet, and, after soliciting the views of NGOs and other relevant organizations, formulated “The National Action Plan of Measures to Combat Trafficking in Persons,” which focuses on the “prevention and eradication of human trafficking” and the “protection of victims.”

In addition, the Government of Japan hosted the second World Congress against Sexual Exploitation of Children and Adolescents, and in November of last year dispatched Parliamentary Vice-Minister Nishimura to speak at the opening session of the third Congress held in Rio de Janeiro. In his statement, he made it clear that, together with the rest of the international community, Japan will continue to work actively to end the sexual exploitation of children and adolescents.

Madam Moderator,

As all of us are aware, there is disagreement about whether we should adopt a Global Action Plan and what it should consist of. For our part, we believe there needs to be



further discussion in the appropriate fora, especially the Conference of States Parties to UNTOC, and we have submitted this view to the Secretary-General for his consideration as he prepares his background paper. It is expected, however, that all stakeholders, including civil society, will continue to do everything possible to provide protection to victims of human trafficking and prosecute the perpetrators.

Madam Moderator,

To prevent and even eradicate the crime of trafficking as well as to ensure continuing protection to victims, by reintegrating them into society, for example, it is essential that the countries of destination and countries of origin cooperate closely with each other. To that end, the Japanese Government thus far has dispatched inter-ministerial delegations to a total of 19 countries of origin. There they have met with governments, relevant international organizations and NGOs. As one result of such a mission, “The Japan-Thailand Joint Task Force on Counter Trafficking in Persons” was established, and it now engages in consultations on ways of improving operational procedures to protect and repatriate trafficking victims. In order to advance international cooperation on human trafficking, we will continue sending such delegations to the countries involved.

Madam Moderator,

The Government of Japan shares the concerns raised by some governments about the possibility that valuable resources and attention might be diverted should the Global Action Plan be adopted. We also would hesitate to go along with the idea of establishing a new mechanism based on the plan, because of the overlapping and duplicated activities that are likely to result. In this regard, we welcome the recent decision of the Inter-agency Cooperation Group Against Trafficking in Persons (ICAT) that it will meet at least once a year. We hope that stakeholders will engage in an active exchange about good practices.

Madam Moderator,

If we are to adopt a Global Action Plan, it must be consistent with existing legal instruments. From this point of view, we need to have further discussion about whether it is the appropriate way to offer a road map for the review of the implementation of the Trafficking in Persons Protocol. Some may be of the view that the road map should be discussed at the Conference of States Parties to UNTOC.

It is clear that there is variation from region to region

and country to country in the implementation of legal instruments relating to human trafficking and in the root causes of the gaps that exist in such implementation. If we are to adopt a Global Action Plan, therefore, it should not be one-size-fits-all but flexible, so it will be utilized and adopted in every region of the world.



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# STATEMENT

BY

BUKUN-OLU ONEMOLA  
AMBASSADOR/DEPUTY PERMANENT REPRESENTATIVE OF  
NIGERIA TO THE UNITED NATIONS

AT THE

INTERACTIVE THEMATIC DIALOGUE ON HUMAN  
TRAFFICKING, ENTITLED: "TAKING COLLECTIVE  
ACTION TO END HUMAN TRAFFICKING"

NEW YORK, 13<sup>TH</sup> MAY 2009

**Mr. President,**

On behalf of the Nigerian delegation, I would like to commend the President of the General Assembly for convening this interactive thematic dialogue on human trafficking entitled "Taking collective action to end human trafficking". I would also like to thank the Secretary General for his efforts in providing the background paper on improving the coordination of efforts against trafficking in persons.

Almost one year since our last thematic debate on trafficking which focused on the prevention, protection and prosecution aspects of trafficking in persons, the issue of trafficking in persons remains a serious problem that transcends national borders. It constitutes a huge violation of the fundamental human rights and freedoms of its victims. So far, efforts in dealing with this phenomenon have been geared towards standardizing national legislation and towards ensuring assistance for the victims of this dehumanizing crime. However, it is obvious that current situation of things call for urgent comprehensive and coordinated efforts to fight this new form of slavery.

Nigeria has contributed actively at the national, regional and international levels to anti-trafficking efforts with a view to stemming the scourge. In fulfillment of her international obligations under the trafficking in persons Protocol supplementing the United Nations Convention against Transnational Organized Crime, Nigeria established in 2003 a National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP). NAPTIP is fully committed to the prevention of all forms of human degradation and exploitation through the coordinated use of the nation's crime prevention and law enforcement resources, to stamp out human trafficking and to liberate and uplift the vulnerable, especially women and children from dehumanizing and exploitative employment and to ensure their rehabilitation and effective reintegration into the society.

In the last three years, Nigeria has prosecuted 60 traffickers out of which 45 were convicted and sentenced to various terms of imprisonment ranging from 6 months to 24 years. Over 70 cases against traffickers are at different stages of trial in various High Courts across the country.

The Trafficking in Persons (Prohibitions) Law Enforcement and Administration Act (TIPPLEA) 2003 which was amended in 2005 provided for the seizure and forfeiture of the assets of convicted traffickers which will be lodged into the Victims of Human Trafficking Trust Fund to be used for the rehabilitation and reintegration of the victims of human trafficking back into the society. On the 7<sup>th</sup> of May, 2009, the board of Trustee's that will manage the Fund was inaugurated by the Attorney General of the Federation and Minister of Justice. Members are drawn from Government Agencies and Non-Governmental Organizations. This is a landmark achievement, the first of its kind in the world.

Nigeria is in the process of amending the TIP Act for the 2<sup>nd</sup> time to make provisions for identified gaps in the existing law and to enhance the operation of the law enforcement officers.

A National Policy on Victims Assistance and Protection was approved by the Federal Executive Council in November, 2008. This policy was presented for discussion at an Economic Community of West African States Conference held in Ghana, in December 2008, and it was generally adopted by all Member States as a Regional Policy for the protection and assistance of victims of human trafficking in the West Africa Sub-region.

Nigeria carried out joint investigation of human traffickers with 7 other countries last year. These countries are:-Netherlands, Italy, Belgium, Spain, Ireland, Norway, and Switzerland. The United States of America was an observer. The joint investigation tagged **OPERATION KOOLVIS** was very successful as



over 26 suspected traffickers were arrested globally on the same day by the various countries. Efforts are ongoing to prosecute the suspects.

The NAPTIP Agency has a data base which has been successfully linked to all its Zonal Offices. The data base has the profile of convicted traffickers, suspected traffickers, and victims of human trafficking. The data base has other vital information which the staff who have been trained on the Sidda Software by our UNODC/UNICRI partners have the capacity to process and share with our local and foreign partners. Apart from the Head Office of the Anti-Human Trafficking Agency in Abuja, there are 7 Zonal offices across the country which links up with the local authorities to combat the menace at the grassroots.

Nigeria has signed more cooperation and Technical Assistance Agreement with some transit and destination countries which has assisted in the free exchange of vital information, documents and improve the capacity building of field officers in identifying and dismantling the network of traffickers. Nigeria currently has an existing Memorandum of Understanding with; Italy, Britain, Belgium, Spain, Switzerland, Luxembourg, Benin Republic, Netherlands. We are currently negotiating to have more M.O.U. with other countries such as Austria, Norway, and Niger Republic among others.

**Mr. President,**

The trafficking in persons is a multifarious and cross border issue which cannot be effectively handled by any one single country. Despite ongoing efforts, it continues to remain a prominent challenge especially due to its money-spinning nature which benefits the perpetrators and the economic plight of its victims particularly in Africa and other developing countries. It is estimated as the third largest profit-yielding business after arms dealing and drug trafficking. This will certainly require concerted global efforts to tackle.

It is in the light of the above Mr. President that the delegation of Nigeria fully supports the idea of a Global Action Plan aimed at combating trafficking in persons in all its ramifications. It is hoped that such a plan of action would ensure a comprehensive and coordinated people-centred approach to the problem of human trafficking, the promotion of the full and effective implementation of all legal instruments, by addressing current key gaps in implementation. We also hope that the plan would build on existing regional, sub-regional and inter-regional initiatives such as the ECOWAS Declaration and action plan to combat Trafficking in Persons and the Economic Community of Central Africa States and Economic Community of West African States (ECCAS/ECOWAS) Agreement to combat human trafficking among Member countries.

It is equally important to reemphasize some of the factors that make women and children especially vulnerable to trafficking such as underdevelopment, poverty and gender discrimination and to reiterate the need to take necessary steps to strengthen measures to tackle these and other factors that fuel human trafficking. The need to strengthen international cooperation, technical assistance and capacity building as well as enhanced information sharing between States can also not be overemphasized.

I wish to assure you of my delegation's full commitment and support for this course.

I thank you



STALNA MISIJA CRNE GORE PRI UJEDINJENIM NACIJAMA  
PERMANENT MISSION OF MONTENEGRO TO THE UNITED NATIONS

STATEMENT

by H.E. Mr. Nebojša Kaludjerović,  
Permanent Representative of Montenegro to the United Nations  
at the General Assembly Interactive Thematic Dialogue  
“Taking Collective Action to End Human Trafficking”  
13 May 2009

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Mr. Chairman, Excellencies, Ladies and Gentlemen,

At the outset, I would like to congratulate the President of the General Assembly for convening this timely thematic dialogue.

Human trafficking is one of the most degrading and widespread human rights abuse practices today because it places individuals in slavery-like circumstances where their basic rights are continuously violated. Traditional inequalities of power and gender, coupled with poverty and economic and political instability, are ensuring increased vulnerability of particular social groups, mainly women and children, making them more susceptible to discrimination and victimization by organized crime entities.

As we have heard today from most of the speakers, trafficking in persons is a crucial transnational, regional and national issue which requires comprehensive reaction of each individual country, as well as the international community as a whole, through improved mechanisms of bilateral, regional and global cooperation. I would like to share with you some steps that Montenegro has taken to better combat this illicit trade.

Because of its geographical position, Montenegro is considered a “transit country” for people who are trafficked regionally. Fully recognizing the scope and gravity of this problem and its potential to expand if not tackled effectively, the Government has adopted a Memorandum on Mutual Cooperation between the Supreme State Prosecutor, Ministry of Health, Labour and Social Welfare, Ministry of Education and Science, Police Directorate and three NGOs. The central aim of the Memorandum is cooperation among all stakeholders on prevention, education, reporting and criminal prosecution of the perpetrators, and protection of potential victims, with utmost respect for their human rights and with the goal of providing them with physical, psychological, health, social and child protection, as well as facilitating their integration into the new community, or reintegration in cases of voluntary return to the country of origin.



UN GIFT and IOM publication "Guiding Principles on Memoranda of Understanding between Key Stakeholders and Law Enforcement Agencies on Counter-Trafficking Cooperation", issued in March of this year, has recognized this Memorandum as one of the best examples of cooperation mechanism.

The new Action Plan for the Fight against Human Trafficking, adopted at the end of last year, pays special attention to the areas of identification, aid and protection of victims, efficient criminal prosecution of perpetrators and increased cooperation among various stakeholders. Among other activities aimed at combating human trafficking, the Government has been allocating funds to the Shelter for the victims of trafficking, has organized education programmes in high schools to raise awareness and increase understanding on the issue, published handbooks for the Border Police to identify potential victims of trafficking, as well as for the citizens on safe travel abroad, implemented various training programmes for law enforcement officers, and set-up an emergency phone line for the victims.

Recognizing the particular vulnerability of children, the Code of Conduct has been in place since 2006 for the protection of children from sexual exploitation in travel and tourism. There are projects implemented with "Save the Children" organization aimed at prevention of trafficking of children belonging to high-risk groups (Roma children and children without parents). In addition, Memorandum of Understanding addresses needs of trafficked children, providing all necessary health, medical, social and education care to the victims.

As part of regional and international efforts to fight human trafficking, Montenegro fully cooperates with INTERPOL, EUROPOL and SECI Center and has also signed numerous bilateral agreements in this area. Meetings with counterparts from other neighbouring countries have proven especially useful in coming up with new ideas on the ways to exchange best practices, experiences, knowledge and set up better mechanisms to jointly combat trafficking.

Increased cooperation between governmental and non-governmental organizations, international and regional organizations and other relevant stakeholders is a pre-requisite for successful prevention of human trafficking, legal persecution of the executors, protection of victims, and overall education of society on this issue.

We should continue drawing on the successful practices of states and various groups in order to eradicate this degrading practice.

Thank you!





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**Statement**  
**By H.E. Slobodan Tašovski**  
**Permanent Representative of the**  
**Republic of Macedonia to the United Nations**  
**at the**  
**Thematic Debate on a global plan of action against**  
**trafficking in persons**

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Mr. President,

At the outset, let me join others in congratulating You for convening this thematic debate on this very important issue.

The Republic of Macedonia aligns itself with the statement delivered by the distinguished Permanent Representative of the Czech Republic on behalf of the European Union. However, I would like to express my country's views on this subject matter.

At any given time millions of persons are suffering from this scourge that plagues the world, from this modern-day slavery. We, as member states have been fighting this menace for many years now, both on a local, regional and global level. This is a crime and we have to find a successful way to deal with.

Mr. President,

Many have said that to have a successful action, one need a unified front. But, we also need to have a strong home front. We need not only to become parties to the numerous Conventions and its Protocols that deal with the human rights, but to also adhere to them fully.

For her part, Republic of Macedonia is a party to the Convention against Transnational organized Crime and its Protocol to Prevent, Suppress

and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Air and Sea. We have also assumed significant obligations under the part of the Stabilization and Association Agreement with the European Union aimed at harmonizing the legislation for the purpose of efficient cooperation, regionally and globally, in the fight against trafficking in human beings. In addition we have adopted numerous specific laws and supplemented the Criminal Code in order to strengthen the criminal-law protection of persons victimized by this plague.

Furthermore, we are actively cooperating with all countries in the region and actively seeking ways to improve our coordinated efforts to prevent and eliminate trafficking in persons in the South Eastern Europe and wider. In that regard, we have held many seminars and forums where we have tried to raise the awareness and to identify the ways to tackle this problem effectively. We tried to find answers on:

- Why does it happen;
- What is the social consequence;
- How can we alone help prevent it.

As a result we prepared many analyses with the aim of detecting the underlying causes for the trafficking. We are more that willing to share those results.

Mr. President,

As we can see, this challenge cannot be dealt effectively or with a significant success by any government alone. We are aware that there are increasing number of countries that have ratified the UN Protocol against Trafficking in Persons, yet there are still many member states that have yet to do so.

We urge all those states to consider ratifying it and to join us in forming a unified, global front, in order to finally and once and for all eliminate this modern day scourge this modern-day stigma.

And we believe that it can be done, by swift and decisive action. But we must act now, because it is already very late. We must take innovative approaches, to take concrete steps and to really give this global problem a global solution and global action.

Mr. President,  
on a final note,

I would like to reiterate that my Government fully supports the call for global action against the trafficking in persons and pledges its full cooperation in the fight against this global problem.

Thank you





~~CHECK AGAINST  
DELIVERY~~

## INTERVENCIÓN DEBATE TEMÁTICO TRATA DE PERSONAS.

(panel II: drawing upon practice at the national and regional level)

España agradece al PAG la oportunidad de celebrar este debate, así como las intervenciones de los panelistas, y se suma a las palabras pronunciadas por la República Checa en nombre de la UE.

España coincide con la mayoría de los ponentes y las delegaciones en que que la lucha contra la trata de personas, debe ocupar un lugar preponderante tanto en la agenda de NN.UU como en la de los Estados miembros, y debe ser abordado desde una perspectiva de derechos humanos, como ha destacado esta mañana la Alta Comisionada Adjunta para los Derechos Humanos.

Para el Gobierno español, es fundamental

- ② 1. Avanzar en la **sensibilización de nuestras sociedades**, mediante campañas eficaces de concienciación orientadas hacia la opinión pública en general, y hacia los grupos vulnerables en particular.
- ① 2. Impulsar una **ratificación lo más extensa y rápida posible** de todos los instrumentos legales existentes en este ámbito,



en particular el Protocolo para prevenir, reprimir y sancionar la trata de personas, especialmente mujeres y niños.

3. Reforzar la **coordinación a nivel internacional y nacional**.

Desde el punto de vista de la **coordinación nacional**, deseo referirme brevemente a la experiencia española en la materia:

a. El pasado 12 de diciembre el Gobierno español aprobó el **Plan Integral contra la trata de seres humanos con fines de explotación sexual**,

- Sus objetivos principales son la atención social y la protección de los derechos de las víctimas; la persecución del delito; y la sensibilización social; y el fomento de la cooperación internacional.
- Contempla 62 medidas que afectan a 10 Ministerios, (principalmente Exteriores y Cooperación, Interior, Justicia, Trabajo e inmigración, Sanidad y Política Social, Educación e Igualdad).
- Entre ellas destacan: la puesta en marcha de un turno de asistencia letrada especializada; la creación de una red de centros de acogida para las víctimas; la formación adecuada de profesionales en los ámbitos policial, sanitario, social, judicial y educativo.





**S U D A N**

PERMANENT MISSION TO THE UNITED NATIONS

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**STATEMENT DELIVERED BY  
H.E. AMBASSADOR ABDALMAHMOOD ABDALHALEM MOHAMAD  
PERMANENT REPRESENTATIVE OF THE REPUBLIC OF THE SUDAN  
TO THE UNITED NATIONS**

**DURING THE INTERACTIVE THEMATIC DIALOGUE ON HUMAN  
TRAFFICKING, ENTITLED:  
“TAKING COLLECTIVE ACTION TO END HUMAN TRAFFICKING”**

**ON BEHALF OF THE AFRICAN GROUP**

\*\*\*\*\*

New York, 13 May 2009

**Check against delivery**

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Mr. President,

It gives me great pleasure to speak on behalf of the African Group on this very timely dialogue that comes at a very critical juncture on the issue of collectively combating the scourge of trafficking in persons.

Let me first thank the President of the General Assembly for convening this very important dialogue and for his dedication and efforts in ensuring that the issue of trafficking in persons is given its due weight and consideration. My appreciation goes also to the Secretary General for the strong message he has given and the efforts he has exerted in preparing the background paper as well as his previous report on “improving the coordination of efforts against trafficking in persons” number A/63/90, in which he mentioned the necessity of having a UN Global Plan of Action to combat trafficking in persons.

Mr. President,

Trafficking in persons is increasingly becoming a global phenomenon affecting all countries around the World specially in Africa, Our leaders have realized the need for concerted, coordinated global effort to address the scourge and in so doing they came together in the African Union Summit in Sharm El-Sheikh-Egypt in June / July 2008 and adopted a unanimous decision requesting to start immediate negotiation on a Global Action Plan for combating trafficking in human beings under the auspices of the President of the General Assembly.

While noting the existence of regional plans of action and international treaties, there is indeed paramount need for a United Nations Global Plan of

Action, with this need becoming all the more an imperative for the following reasons:

**First:** All of these instruments, including the most important “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children supplementing the 2000 Palermo Convention on Organized Crime” do not enjoy universal ratification and implementation, and they also target different aspects of human trafficking. In other words, the Global Plan of Action is needed to coordinate all different instruments and fill in existing gaps amongst them, in a unified, coherent, comprehensive and coordinated manner that would not duplicate the work but consolidate and compliment existing efforts.

**Second:** A UN Global Plan of Action would provide a strategic framework for the international community to work coherently towards preventing and fighting trafficking in persons. It would also aim to accelerate progress in the implementation of the existing international instruments.

**Third:** There is also another rationale behind the need for a global plan of action related to actors and players. It is quite clear that today we have multiple players in the area of human trafficking that were not so visible on the global scene a decade ago – international organizations, civil society, private sector. Questions like where do they fit in or how they can bring valuable addition must be addressed by the Global Plan of Action; especially that the existing international anti-trafficking instruments aim to harmonize appropriate national legislations do not prescribe roles for the increasing number of non-state actors.



**Fourth:** A UN Global Plan of Action should set out a number of forward-looking actions essential to combating human trafficking, with associated and clearly defined targets and achievement indicators. This will allow the international community to periodically assess progress towards agreed policy goals and for Member States to direct national policy towards high impact response measures.

**Fifth:** A UN Global Plan of Action, would also provide a framework for the United Nations system to coordinate its efforts, taking into account their mandated areas of expertise, and target priority areas including supporting the development of regional and national strategies and action plans and strengthening the capacity of countries for their implementation.

**Sixth:** A UN Global Plan of Action should take into consideration the different capabilities and needs of developing and developed countries whether they are supply, transit or destination countries in a comprehensive manner, and in detailing the efforts to be undertaken by Member States, taking into consideration the vital importance of international cooperation, technical assistance and capacity-building.

**Seventh:** A UN Global Plan of Action should launch and promote awareness-raising, information and proper education that will help the general public assist efforts to combat trafficking in persons at all levels.

**Finally,** Mr. President, it is our hope that the outcome of this interactive thematic dialogue would lead to an action-oriented holistic, coordinated process to adopt a Global Plan of Action, and in this regard we request that the PGA starts a process of informal consultations at the level of the General Assembly and



accordingly appoint two facilitators representing the two sides of the equation including countries of supply as well as countries of destination to achieve the needed balance in the approach to the holistic coordinated mechanism that we are trying to create to eliminate this heinous crime.

I thank you Mr. President.

## STATEMENT

by

**H.E. Mr. Sirodjidin Aslov, Permanent Representative of the Republic of Tajikistan  
to the UN  
at the GA Interactive Thematic Dialogue “Collective Measures to Alleviate Human  
Trafficking”**

**(New York, 13 May 2009)**

Distinguished Mr. President,

First of all, I would like to extend my sincere appreciation to you and the organizers of today's thematic dialogue dedicated to the discussion of this very important issue. Tajikistan co-sponsored the GA Resolution entitled “*Improvement of coordination of the efforts aimed at combating human trafficking*”.

The Government of Tajikistan pays special attention to the issues of human trafficking, and joined all relevant international conventions and acts on this subject. To address this issue on a systematic basis, the Ministry of Interior Affairs of Tajikistan has established a Special division, within the Department on Combating Organized Crime, which is successfully dealing with the issue. In 2006 there was adopted *The National Complex Program of the Republic of Tajikistan on Combating Human Trafficking for 2006-2010*. Amendments and addenda were introduced into the Criminal Code and other relevant legal acts of the country. Both the Government agencies and public organizations of the country participate in the implementation of this Program. To enhance cooperation in this area among the authorized bodies of Tajikistan and other countries a number of bilateral agreements have been developed and signed. In addition, there has been established a close cooperation with the UN Drug Control Agency. Thanks to these joined efforts the law-enforcement bodies of Tajikistan detected a number of relevant crimes , and over one hundred citizens were returned to their native land.

In conclusion, I would like to suggest that the relevant international organizations render every possible support to the implementation of the national programs and strategies aimed at combating human trafficking. We also believe it is essential that the

international community pay more attention to the implementation of specific measures at the national, regional and global levels. We are convinced that only the collective efforts can guarantee a successful counteraction to this crime, to which in most cases women and children fall victims.



# PERMANENT MISSION OF TURKEY TO THE UNITED NATIONS

CHECK AGAINST DELIVERY

**STATEMENT BY**

**MR. FAZLI ÇORMAN**

**DEPUTY PERMANENT REPRESENTATIVE OF TURKEY**

**TO THE UNITED NATIONS**

**AT**

**THE THEMATIC DEBATE OF THE GENERAL ASSEMBLY**

**ON**

**HUMAN TRAFFICKING**

**MAY, 13 MAY 2009**

[www.un.int/turkey](http://www.un.int/turkey)

Mr. President,  
Distinguished Delegates,

At the outset, I would like to express our thanks to H.E. Mr. Miguel d'Escoto Brockmann, 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. Mr. Ban Ki-moon, the Secretary-General of the United Nations, for his illuminating address.

Of course, I would 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 offense 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. Trafficking in human beings remains the third profitable illegal activity after arms smuggling and drug trafficking. 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. Since 2002, Turkey has displayed a decisive and progressive approach against human trafficking, introduced numerous administrative and legal measures.

First step was to criminalize "Trafficking in Human Beings" under Article 201/b of the previous Turkish Penal Code in August 2002.

Second step was to convene a "National Task Force on Fight against Human Trafficking" (NTF) in October 2002 under the chairmanship of Ministry of Foreign Affairs with the purpose of developing a more comprehensive approach. The NTF is the multi-agency platform, which brings government and civil society together where human trafficking issues are discussed in partnership for a better and efficient coordination and cooperation.

Another important step was the "National Action Plan in Fight against Human Trafficking" (NAP) which was developed by the National Task Force and approved by the Prime Minister in March 2003. NAP listed the immediate objectives and tasked the Ministries in the fight against human trafficking. The NAP objectives have been successfully achieved and the remarkable achievements in the fight against human trafficking have been reflected in the 2006 and 2007 Reports on Combating Human Trafficking in Turkey. A Second National Action Plan (SNAP) on Combating Human Trafficking has been prepared and is currently at the stage of approval.



A further step was to ratify the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention Against Transnational Organized Crime -also known as the Palermo Protocol" in March 2003.

Having ratified the Palermo Protocol, Turkey took all necessary measures with a view to align its legislation with the Protocol. When the Penal Code was fully amended, definition of trafficking in human beings was brought in line with the Protocol. Article 80 of the new Turkish Penal Code -that entered into force in June 2005- defines trafficking as a serious crime, stipulates imprisonment of 8 to 12 years and judicial fine up to ten thousand days to human traffickers.

Turkey didn't adopt a single law on combating human trafficking. However amendments were made in related laws, most significantly in the Penal Code, Law on the Work Permits for Foreigners and the Turkish Nationality Law. In view of the scope and the complexity of the crime, various other laws also have related articles.

In line with its resolute efforts to combat human trafficking, a recent step was to sign the Council of Europe Convention on Action against Trafficking in Human Beings on 19 March 2009.

Success in combating human trafficking depends on partnership between the government and the civil society. Thus the Government acted hand-in-hand with the civil society to assist and protect the victims of this vicious crime.

The Ministry of Interior signed cooperation protocols with the NGO's to open shelters for the victims. Shelters were established in 2004 in Istanbul and in 2005 in Ankara by NGO's with the support of municipalities. A third shelter will be opened in 2009 in Antalya. Since their opening some 600 victims stayed in the shelters. Free medical care, psychological counselling and judicial assistance is provided to the victims.

In May 2005, a toll-free nationwide "157 Helpline" for victims of trafficking has been assigned. The 157 Helpline has been instrumental as a tip-off instrument in the functioning of the referral mechanism for human trafficking involving law enforcement agencies and NGO's as well as IOM. More than 160 victims were saved through calls received by the end of 2008.

Two nationwide campaigns were launched in 2005 and 2008 aiming to raise awareness about trafficking in human beings.

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.

Thank you.

PERMANENT MISSION OF THE  
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الوفد الدائم للجمهورية اليمنية  
لدى الأمم المتحدة

في المناقشة المواضيعية التي تنظمها الجمعية العامة  
بعنوان " اتخاذ اجراءات جماعية لانهاء الاتجار بالبشر"  
13 مايو 2009 ، نيويورك

يلقيه السكرتير الثاني/ وحيد عبد الوهاب الشامي

13 مايو 2009

برجاء المراجعة عند الإلقاء

## بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

السيد الرئيس،،

بادئ ذي بدء يطيب لي ان اتقدم بالشكر الجزيل لرئيس الجمعية العامة على عقد هذا المناقشة المواضيعية التي تكتسي أهمية كبيرة كونها تناقش واحدة من اهم القضايا التي تؤرقنا جميعا والتي تمثل انتهاكاً صارخاً لحقوق الانسان وشكلاً من أشكال العبودية الحديثة. والشكر موصول لكافة المحاورين على معلوماتهم القيمة التي لا ريب انها ستسهم في إثراء هذا الحوار والخروج بالنتائج المرجوة.

السيد الرئيس ،،

مما لاشك فيه أن موضوع الاتجار بالبشر قد لاقى اهتماماً ملحوظاً من قبل المجتمع الدولي خلال الفترة الماضية تجسد في إبرام العديد من الاتفاقيات والبروتوكولات ذات الصلة وعلى رأسها اتفاقية الأمم المتحدة لمكافحة الجريمة المنظمة عبر الوطنية، وبروتوكول منع وقمع الاتجار بالأشخاص، وبخاصة النساء والأطفال والمعاقبة عليه، كما عُقدت العديد من الاجتماعات والمؤتمرات التي حاولت سبر اغوار هذه الظاهرة وآخرها منتدى فيينا لمكافحة الاتجار بالبشر الذي التأم في فبراير 2008، وتم إطلاق العديد من المبادرات الإقليمية والثنائية، إلى جانب مبادرة الأمم المتحدة العالمية لمحاربة الاتجار بالبشر، وغير ذلك من الجهود التي بُذلت في هذا السياق. بيد ان هذه الظاهرة لا زالت تتنامى بشكل ملحوظ، واضحت آفة عالمية تُهدد الجميع، وتجارة رابحة تُدر ارباحاً وفيرة على مزاوليها، فضلاً عن ارتباطها الوثيق بالعديد من الجرائم الاخرى، الأمر الذي يحتم علينا جميعاً مضاعفة الجهود بغية منع ومحاربة هذه الظاهرة ومعاقبة مرتكبيها.



السيد الرئيس ،،

ان الجمهورية اليمنية تعتبر الاتجار بالبشر جريمة وانتهاك صارخ لقيم ومبادئ حقوق الانسان وكرامته، وانطلاقاً من ذلك، صادقت على العديد من الاتفاقيات والبروتوكولات ذات الصلة، وجرمت القوانين والتشريعات اليمنية الاتجار بالبشر بكافة صورة واشكاله، وتتخذ الحكومة تدابير أمنية وقائية للتصدي لهذه الظاهرة، وتقوم بتنظيم عدداً من حملات التوعية العامة بمخاطرها. كما تتعاون اليمن مع الدول المجاورة بغية التصدي للاتجار بالأشخاص. وفي هذا السياق، تُجدد بلادي التزامها بمنع هذه الظاهرة ومكافحتها.

السيد الرئيس

تؤمن بلادي بأن انجع السبل لمحاربة هذه الظاهرة تتمثل في معالجة أسبابها الجذرية كالفقر والبطالة والحروب وغيرها من المشاكل التي تمثل بيئة خصبة لنموها واستشرائها. كما يتعين فرض عقوبات رادعة على مرتكبيها، وحماية الضحايا وإعادة ادماجهم في المجتمع. فضلاً عن ضرورة إذكاء الوعي بمخاطر تلك الجريمة من خلال وسائل الاعلام ورجال الدين ومؤسسات المجتمع المدني. وعلى الصعيد الدولي، لا بد من تعزيز التعاون والتنسيق والشراكة الدولية. كما أن من الأهمية بمكان كفاءة التنفيذ الكامل والفاعل لجميع الصكوك القانونية ذات الصلة بالاتجار بالأشخاص، إلى جانب <sup>تدني على الأليات القانونية</sup> الشروع في وضع خطة عمل عالمية تأخذ في الاعتبار جوانب القصور الراهنة وتعمل على ضمان تحقيق تنسيق كامل لكافة الجهود المبذولة في هذا الصدد، وحتى لا يكون لهذه الآفة وجود تحت شمس الالفية الثالثة.

شكراً السيد الرئيس،،،

**Interactive Thematic Dialogue of the U.N. General Assembly**  
**“Taking collective action to end human trafficking”**  
**Statement of the United States**  
**May 13, 2009**

The United States would like to thank the General Assembly President for convening this important Thematic Dialogue on Taking Collective Action to End Human Trafficking.

It is unfortunate that the reprehensible practice of treating fellow human beings as commodities continues unabated in this modern age. Traffickers know no bounds in the level of cruelty they are willing exert on vulnerable men, women and children for the purpose of making money.

Over the last several years, awareness about human trafficking has led to greater action by member states, international organizations, civil society and the general public.

We have seen over 150 pieces of new or amended legislation adopted by governments, including our own and from around the world, to toughen penalties for human trafficking. Additionally, our data shows that convictions of traffickers worldwide rose from 2,800 convictions in 2003 to 3,400 in 2007.

Yet, despite greater international attention, our national and collective efforts remain disjointed. Our own analysis suggests that labor trafficking prosecutions and convictions comprise only 10 percent of the total trafficking prosecutions globally. Those traffickers who are convicted of labor exploitation violations tend to receive only administrative sanctions. These perpetrators need to go to jail.

While attention has been focused on countering sex trafficking, assistance and protection of the victims remains weak. Often treated as criminals, many survivors are quickly deported or kept in detention centers without immediate access to needed care.

I want to be clear that the United States recognizes its own trafficking problem and we work hard to deal with it. Our attention was first drawn to the issue during the Clinton Administration. Indeed, when she was the First Lady, Secretary Clinton fully supported the coordination efforts of the President’s Inter-Agency Council on Women and promoted the trafficking issue during her extensive international

travels. And now, as Secretary of State, she chairs President Obama's Interagency Taskforce on Trafficking in Persons.

We have a strong legal framework to address trafficking. The US Congress passed the Trafficking Victims Protection Act in 2000 and has amended the law three times – most recently last year-- to fine tune our efforts to effectively address the multidimensional aspects of trafficking, improve protection of victims, and strengthen our law enforcement response.

Since the enactment of our anti-trafficking law, we now have 42 multi-disciplinary task forces in approximately 25 states but the United States can still do better. We will continue to enhance our efforts to identify and assist victims, including domestic victims, and put traffickers in prison.

The United States is highly committed to effective multilateral cooperation to combat human trafficking. The United Nations and other key inter-governmental organizations and regional entities have played a significant role in confronting this multidimensional crime and human rights abuse.

The United States reviewed the Secretary General's Background Paper and we were pleased to see the number of responses by member states and other stakeholders offering thoughtful ideas for effective implementation of all legal instruments and strengthening international coordination efforts. Ultimately, as the Background Paper concludes, political will and determination to act are the essential ingredients for an effective response to trafficking in persons.

The focus of our discussions today is on one aspect of international coordination, a proposed global plan of action. The Background Paper included several comments on the need for this global framework but, in our opinion, it over-stated the depth of support. Last month at the first meeting of the Interim Working Group on Trafficking in Persons in Vienna, there was not unanimous agreement by the experts on the need for such a plan. Indeed, there was concern that this action plan would create a parallel process and divert attention away from priority implementation of the Trafficking Protocol and other existing mechanisms, and that it was premature or "too much, too soon."

The United States shares these concerns. We believe that the UN is already effectively leading the global fight against trafficking by advancing implementation of the Trafficking Protocol through the Conference of Parties to the Transnational Organized Crime Convention. Moreover, we are concerned that

launching labor-intensive negotiations for an Action Plan would absorb the limited resources available to the UN and Member States, especially for smaller governments.

The distinguished representative from Belarus mentioned in his remarks that the Global Plan of Action would bring in new partners from civil society and the private sector. It is unfortunate, however, that representatives from civil society and the private sector were not able to participate in today's interactive dialogue.

Before the United States can decide whether or not to join consensus in supporting a Global Plan of Action to Combat Trafficking in Persons, we believe that several key questions would need to be addressed both collectively and by individual member states in the coming months. For example:

- How would the elaboration and subsequent implementation of the Global Plan of Action impact the existing work of UNODC? UNODC serves as the Secretariat to the Conference of Parties to the Convention on Transnational Organized Crime. UNODC has also developed a number of useful informational tools for interested stakeholders and currently oversees 75 technical assistance projects around the world. We are concerned that UNODC's financial and personnel resources will be severely stretched if it must take on the significant responsibilities of coordinating the global plan of action.
- How would the Global Plan of Action complement implementation of the Trafficking Protocol and not compete with or diminish the primacy of the Conference of Parties of the Transnational Organized Crime Convention?
- At the state level, Member States would need to reflect on whether this Plan of Action will have any practical impact, and ultimately lead to greater vigor in their own national efforts to combat trafficking, especially for those Member States that have not acceded to the Trafficking Protocol. We urge those states that have not yet done so to consider ratification of the Protocol.
- And finally, how would the Global Plan of Action enhance existing regional plans of action? Again at the micro level, should a member state give priority to conforming its national efforts to those outlined in regional action plans – such as those of the OSCE, ASEAN, ECOWAS and soon OAS, or those of a more generalized global action plan? It would be useful to hear

from the representatives of these regional organizations on the challenges and successes of getting member states to implement such regional plans.

Additionally, we encourage UNODC to continue strengthening its coordination efforts with key inter-governmental organizations, particularly with the ILO, which has done impressive normative work on forced labor and stands to make additional progress in addressing labor trafficking, particularly that among transnational and contractual migrant workers. We look forward to reading their just-released global report titled “The cost of coercion.”

The Obama Administration looks forward to working with the UN and Member States in determining the best approach to accelerate international efforts to end the suffering of victims and put the traffickers where they belong... behind bars.

Thank you, Mr. Chair, for the opportunity to take the floor.



## Holy See

Thank you, Madame Moderator, the office of the President of the General Assembly and all of the panelists today, for this important dialogue, an important meeting especially for consciousness raising and increased commitment on the part of governments.

Human trafficking is a multidimensional problem and one of the most shameful phenomena of our era. Several factors contribute to toward it: the absence of specific rules in some countries, ignorance by victims of their own rights, the socio-cultural structure and armed conflicts.

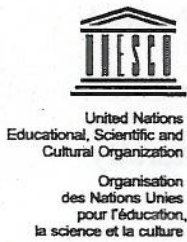
In all efforts to tackle such criminal activities and protect the victims both men and women should be included. A coherent and integral approach must be taken toward fighting human trafficking and should take into account both the interests of the victim and the just punishment of those who take advantage of him or her; and the introduction of preventative measures such as awareness and consciousness raising and addressing the root causes of the phenomenon, including the macroeconomic situation.

The victims should be given medical care and psycho-social counseling, accomodation, residence permits, access to employment, and return to the homeland, which may be accompanied by micro projects and/or loans, thus ensuring that they do not return to the same harmful environment. Compensation schemes could also be introduced which could be financed by the confiscation of the profits and the assets gained by the traffickers through their criminal activities.

Human trafficking is a dreadful offense against human dignity and we encourage all just initiatives aimed at eradicating this immoral and criminal phenomenon and at promote the wellbeing of the victims. We must remember that the true measure of humanity, both for the individual and for society, is essentially determined in relationship to suffering and to those who suffer.

Thank you, Madame Moderator





**The Interactive Thematic Dialogue of the  
U.N. General Assembly on human trafficking:  
“Taking collective action to end human trafficking”**

13 May 2009

United Nations Headquarters, New York

**UNESCO intervention**

Fighting human trafficking: why education and culture matter

President of the General Assembly,  
Distinguished Delegates,  
Ladies and gentlemen,

It is an honor for me to address this Assembly on behalf of UNESCO.

“While good information does not guarantee good choices, no information virtually guarantees bad choices”. Following this simple assumption, and under its special mandate to protect endangered, vulnerable and minority cultures, the United Nations Educational, Scientific and Cultural Organization (UNESCO) is contributing to the global efforts to fight human trafficking by addressing the scourge, first and foremost, through universal education

Most victims of human trafficking are poorly educated women and children. Education has a powerful role in empowering those who suffer from multiple disadvantages. Through formal and informal education people are better informed and less vulnerable.

Socio-cultural factors are also crucial to understanding the roots of human trafficking, UNESCO programmes in this field, address the needs of at-risk and vulnerable populations by researching and informing on the socio-cultural factors which can lead to trafficking, and by designing culturally-adapted prevention measures.

The first step in better understanding human trafficking is to clarify what we know, what we think we know, and what we don't know about the phenomenon. When it comes to statistics, trafficking of girls and women there is a great need for comprehensive data.

**The UNESCO Trafficking Statistics Project** traces the origin of numbers cited by various sources, attempting to ascertain the methodology by which these numbers were calculated, and evaluating their validity. The aim is to clarify the basis on which estimates of the numbers of trafficked persons are derived, and to separate trafficking myths from trafficking realities.

Regarding the many myths attached to trafficking, UNESCO considers it essential to conduct multidisciplinary research on the factors related to human trafficking, in order to better understand how, combined with poverty, criminality, legal and political environment, culture can also be used for exploitation purposes. For example, research in Western Africa has shown that the practice of "child fostering", which was used for centuries as socio-economic regulation mechanism within extended families, is increasingly being used by traffickers to take the children away from their families for forced labor or sexual exploitation. Parents are often lured into



the false belief that their offspring will be placed in better off families and could even possibility benefit from education.

In South East Asia, minority women are disproportionately represented and vulnerable to being exploited due to economic conditions, lack of rights, opportunities for education and lack of awareness about trafficking issues. Such conditions allow trafficking networks easy access to highland communities as well as a fluid, constant shifting from one spot to another to target victims. These constantly changing trafficking routes also facilitate the spread of HIV and AIDS infection, and make interventions more difficult to target.

In order to better inform intervention programmes and assess their effectiveness, UNESCO initiated the **Social Sentinel Surveillance Project**, a Geographic Information System (GIS)-linked system connecting databases with information related to the trade in girls and women from the upper Mekong sub region (Laos, Myanmar, Vietnam, Yunnan province of China) into Thailand, rates of HIV/AIDS incidence, interventions and their coverage, and the distribution of at-risk populations (migration, population in sex work), so that different trends may be discovered, recorded and mapped. Such a computer-based mapping system has allowed to identify "lack of citizenship" as the major risk factor for highland girls and women in Thailand to be trafficked or, otherwise, exploited.

In response to these findings, UNESCO has undertaken a project to train and support NGOs to assist hill tribe's people in meeting the Thai requirements for registration and citizenship. Understanding those sources



of structural vulnerabilities is essential in addressing trafficking in a comprehensive manner.

Once factors at the root of trafficking are identified, effective prevention can be designed by taking into account, not only the legal and political frameworks in specific countries and communities but also the cultural needs of the populations concerned. The messages conveyed have to not only be in the language for the population, but also match their cultural references.

Based upon research and field work over the last decade, UNESCO has developed a unique methodology for producing culturally acceptable awareness-raising programmes in minority languages. These programmes provide a means to educate target audiences of ethnic minority youth and young women on issues of HIV/AIDS, trafficking and drug abuse. They take the shape of a dramatic soap opera based on real-life stories and are composed directly in the selected minority language by local writers. In order to target wide audiences of ethnic minorities, collaboration is sought with radio stations with established listener-bases of minorities and broadcast in minority languages. If we want to reach a people with an important message, and especially a message which could potentially save their lives, we must do so in a culturally and linguistically appropriate manner.

By addressing practices and beliefs that can lead to trafficking with the participation of the communities concerns, we avoid the risk to impose

values of a specific culture or to threaten cultural diversity. Culture is not the panacea, but well understood and used, it can be the key to the success of many anti-trafficking programmes. If ignored, culture can be a true obstacle to those same programmes.

I thank you for your attention.



Shannon Joseph



WGTC

Working Group on Trafficked Children

**Draft Statement to Thematic Dialogue of the UN General Assembly on Human Trafficking  
by the Working Group on Trafficked Children**

Distinguished Delegates,

The Working Group on Trafficked Children is a coalition of NGOs concerned about the issue of trafficking of children and young people. We know from our experience at the grassroots level that there is a rapid increase in the trafficking of children as commercial sex slaves, as slave labors, sources of organs for transplant, child soldiers and child brides and therefore we welcome this General Assembly thematic debate on Human Trafficking. We are here to give a voice to trafficked children everywhere and to offer strategies for the formation of effective international and national policies, to end child trafficking.

Trafficking of children is an issue that is international, affecting **every country in the world** as a source and/or receiver of trafficked children. Increasingly, demand has been identified as a primary cause of trafficking. Demand drives the dehumanization and commodification of children, enabling sex slavery, slave labor and organ theft. It is often the most marginalized and invisible members of society – children living in poverty – who are the most vulnerable to exploitation by traffickers and are targeted as easy victims

A major obstacle to combating the international trafficking of children is the absence of an international legal framework to bring traffickers to justice as a supplementary provision to the Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. To tackle the enormous challenge governments around the world must enact legislation that holds any complicit nationals responsible for their involvement and must also cooperate in extradition and other means to bring traffickers to justice. In particular, law enforcement resources, including information acquired through monitoring and investigation of trafficking activities, must be better coordinated to facilitate the effective cooperation of member states in halting all trafficking in persons.

Relating in particular to sex trafficking, we strongly object to the use of the terms “sex work” or “sex worker” as these terms serve to normalize an exploitative practice. Most prostituted women were first exploited as children and these words provide a veil of legitimacy for traffickers and all those who benefit from the sex trade and sexual slavery. We are also very



concerned that through various consensus documents the UN has been constructing sexual rights for minors without reference to parental consent. In the recent ICPD +15 outcome "adolescents" were granted access to various kinds of services to facilitate entry into their "sexual and reproductive life" without reference to age appropriateness or parents/guardians. We need to be conscious of the implications of the language being used in documents. Too often documents endorse policy "wedges" between parents and their children, facilitating the actions of sexual predators.

Recommendations for concrete Action:

- 1) Support parents and guardians in protecting their children from traffickers, especially through poverty alleviation efforts such as education and skills training and job creation.
- 2) Take policy measure at the national and local levels to ensure the protection of the economic and social rights of children; particularly where parents and guardians are unable to.
- 3) Create a monitoring body to enforce the Palermo Protocol; this instrument already creates a framework for identifying and combating trafficking and is not being adequately enforced.
- 4) Adopt a zero tolerance policy for child pornography, which is itself evidence of child abuse and a powerful driver of demand for child sexual slavery.
- 5) Prosecute individuals and groups who through fraud, kidnap, coercion and other means recruit and traffic children.
- 6) Adopt the provisions of the Declaration of Istanbul on Organ Trafficking and Transplant Tourism.
- 7) Governments must collect disaggregated data by age and sex to determine the scope of the problem of child trafficking and to profile traffickers

As human beings, children possess intrinsic dignity; their most precious endowment as persons and the source of their human rights as agreed to in the UDHR and the CRC. This dignity must be cherished in custom and protected by law as a first front against the dehumanization of the person that manifests itself in modern slavery or human trafficking. Beyond this, children and childhood deserve special protection; children are powerless to protect themselves from trafficking and cannot be expected to. Girl children are particularly vulnerable to gender based discrimination and sexual violence. We urgently call upon the international community to support families and communities in preventing child trafficking and exploitation.

Thank you



UNITED NATIONS HIGH COMMISSIONER  
FOR HUMAN RIGHTS



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Address of Ms. Kyung-wha Kang,  
Deputy High Commissioner for Human Rights,  
to the Interactive Thematic Dialogue of the  
UN General Assembly on  
“Taking collective action to end human  
trafficking”

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**PANEL 1: “THE STATE OF PLAY: WHERE THE UN STANDS ON A GLOBAL  
PLAN OF ACTION TO END HUMAN TRAFFICKING”**

**“The proposed global plan of action against trafficking: some  
important human rights considerations”**

Wednesday, 13 May 2009

New York

**PANEL DISCUSSION ON “THE STATE OF PLAY: WHERE THE UN STANDS ON A  
GLOBAL PLAN OF ACTION TO END HUMAN TRAFFICKING”**



**Ms KYUNG-WHA KANG  
DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS,  
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN  
RIGHTS**

Mr. President, Mr Executive Director, Excellencies, distinguished guests, ladies and gentlemen,

I would like to begin by thanking the President of the General Assembly for convening this important forum. I would also like to congratulate the seven governments that have initiated this thematic dialogue on human trafficking.

Our task at this panel is to contribute to a broader discussion on the possible scope and implications of a global plan of action to eliminate trafficking in persons. I take this to mean collective action: collective action against a threat that affects every country in every region of the world. I would add that for our collective action to be effective, it must be based on the full consideration of the human rights of the victims caught up in this heinous crime.

OHCHR has been promoting a response to trafficking that is based on law and human rights. The *Recommended Principles and Guidelines on Human Rights and Human Trafficking* developed by OHCHR in 2002 have informed our own work and the work of many others both within and outside the United Nations.

A human rights approach is founded upon international norms, including international human rights treaties, and operationally directed towards preventing trafficking, as well as promoting and protecting the rights of trafficking victims. Taking this approach in tackling human trafficking means that we not treat it simply as a matter of illicit population movements, public order, or organized crime. It means putting the victim at the center of action.

The human rights approach calls for a clear analysis and understanding of the myriad ways in which human rights violations arise throughout the trafficking cycle. Indeed, there are strong connections between trafficking and violations of human rights, in particular those of vulnerable groups such as women, children and migrant workers. The rights-based approach underscores the obligations of States under international human rights law to redress discriminatory practices and unequal power relationships that fuel trafficking, perpetuate impunity for traffickers, and deny justice to victims.

The rights-based approach to trafficking as outlined in the *Principles and Guidelines* also makes operational sense. For example, victims who are fully protected and supported would be better able to cooperate in the prosecution of their exploiters than those who are not, though the support should not be predicated upon their cooperation.

In relation to the proposal for a global plan of action against trafficking I would like to make a few points.



First, we are not working on a new issue or uncharted territory. The framework of an effective response to trafficking in persons has already been established in international law. The key international treaties, to which most Member States of the United Nations are now party, include the *UN Convention on Transnational Organized Crime*, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and the various instruments of international human rights law, humanitarian law and refugee law that apply to this issue. It is to international law that we must turn in identifying the obligations of States related to trafficking and the various forms of exploitation with which trafficking is commonly associated. In this context, I would urge all Governments that have not yet ratified the Palermo Protocol, as well as other human rights treaties, to do so.

Any plan of action must build on these instruments and the rights and obligations that they contain. Trafficking involves prohibited practices, such as debt bondage, forced labor, sexual exploitation and slavery-like practices. It violates the most fundamental of rights: 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 these rights. They must be actively assisted in reclaiming them.

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. It also includes protection of victims in the criminal justice response as well as effective prosecution of traffickers with serious penalties commensurate with the crime.

Appropriate identification of and support for the victims is critical to the success of any anti-trafficking efforts. Trafficking victims should not be subjected to summary deportations, nor should they be held in detention. They should not be prosecuted for activities that are a direct outcome of being trafficked. They should be provided with needed assistance and service. Their mobility should not be further curtailed. They should not be denied the right to make decisions. In particular, special care is needed for the protection of children who fall victim. Procedures for the rapid identification of trafficked children and age-sensitive measures need to be taken to address their needs and protect their interests.

Second, an international plan of action against trafficking should be designed first and foremost to implement the measures provided for in the Trafficking Protocol to promote the prevention of trafficking, to facilitate the effective prosecution of traffickers, and to ensure the protection of trafficking victims. It should also reflect the major policy shifts and practical developments that have taken place over the past decade. At the international level, many of these changes are reflected in the treaties I have already mentioned as well as guiding documents such as the *Recommended Principles and Guidelines on Human Rights*



and Human Trafficking and the UNICEF Guidelines on the Treatment of Child Victims of Trafficking. At the regional level, we can point to a number of instruments including the Council of Europe Convention on Action against Trafficking, which sets a new standard for victim protection and support, and the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (SAARC Convention), adopted by the South Asian Association of Regional Cooperation. There are also a number of regional action plans and recommendations including the 2008 Ougadougou Plan of Action of the African Union, the Organization of American States (OAS) Recommendations on Trafficking in Persons, adopted in 2006, and the OSCE Action Plan to Combat Trafficking in Human Beings of 2003, just to name a few.

A global plan of action to address trafficking should also broadly reflect the significant developments that have taken place at the national level. The UNODC Global Report on Trafficking, released earlier this year, says that over 80% of all countries have adopted legislation against trafficking and that most countries are now working to develop and implement a detailed national plan. Over half of all countries have established specialist trafficking units within national law enforcement structures.

There is, in short, a growing consensus on how trafficking should be addressed. A global plan of action should seek to capture this consensus accurately and comprehensively and push it forward.

Third, we need to honestly address two aspects of trafficking that have been particularly susceptible to bland and empty rhetoric. The first of these is the root causes of trafficking: those factors that increase the vulnerability of individuals and groups to trafficking and related exploitation. The second is the demand aspect: the social, political and economic forces that develop and sustain a market for the so-called "products" of trafficking.

A global plan of action to address trafficking that aspires to be more than a statement of good intent will tackle these issues. It will openly acknowledge the link between trafficking and inequality; between trafficking and entrenched gender and racial discrimination; between trafficking and inefficient migration regimes.

Strong and effective collective action against trafficking is urgently needed. A global plan of action against trafficking could provide an important boost for national, regional and international efforts to end human trafficking for private profit - our modern-day slavery. And just as the abolition of slavery was driven by a determination to free humanity from this injustice, the fight against human trafficking must be sustained by our shared commitment to the primacy of human rights, and to restoring the dignity and rights of the victims.

Thank you.



IOM International Organization for Migration  
OIM Organisation Internationale pour les Migrations  
IOM Internationale Organisatie voor Migratie

## **United Nations General Assembly Thematic Dialogue** ***'Taking Collective Action to End Human Trafficking'***

### **Statement by**

**Madame Ndioro Ndiaye**  
**Deputy Director General**  
**International Organization for Migration**

**To the panel on 'The State of Play: Where the UN Stands on Human Trafficking'**

**UN Headquarters**  
**New York, May 13, 2009**

Check against delivery



Mr. Chair, Excellencies, Delegates, Ladies and Gentlemen,

The International Organization for Migration is honoured by the opportunity to address this panel on ***The State of Play: Where the UN Stands on Human Trafficking***, and wishes to extend its thanks to the Governments of the Kingdom of Bahrain, the Republic of Belarus, the Arab Republic of Egypt, Nicaragua, and the Republic of the Philippines for convening this important thematic dialogue.

In attempting to address this topic, I should say from the outset that IOM is the only organization represented on this panel which is not a United Nations agency, which I think allows us a unique perspective on the state of play. IOM, of course, cooperates closely with all of the UN agencies present here both at policy and operational levels, and I know I speak for my colleagues in emphasizing the critical importance of such cooperation.

### **IOM's Approach**

As some of you will know, 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 coherent and comprehensive intervention. *Research, victim protection, institutional capacity building, and public awareness raising* – IOM aimed to create the right balance between interventions of this nature so that each complemented, and created opportunities for, each of the others. Our field research informed our approach to identifying and protecting victims, our identification and protection of victims improved our aim to train service providers and law enforcement officials, and the practice of training service providers and law enforcement officials offered numerous opportunities to enhance our knowledge of human trafficking and, naturally, informed the approach we have taken to field research. All three areas of intervention helped to inform our approach to public awareness raising, including the messages conveyed.

And so, we tried to strike the right balance for each context and theatre of operation. Sometimes we succeeded, and sometimes we failed, but regardless of the outcome, I would like to think that we have learned and improved, and from initially modest, pilot activities in South Eastern Europe, to larger country projects and regional programmes that extend across 100 countries, IOM and its many partners – among whom some in this room are included – have delivered hundreds of activities, trained many tens of thousands of stakeholders, and protected more than 20,000 victims of trafficking. We are especially proud of these successes, and on behalf of my Organization, my sincere thanks goes out to the many of you here today who have worked so tirelessly with us to deliver these **significant** results.

**Significant**, but not determinative. Necessary, but not sufficient, because the litmus test of our collective success in combating human trafficking is measured by the answer to a simple question: **Since the advent of the Trafficking Protocol, have we significantly decreased the scale of the problem?** At present, the question is almost unanswerable for the most basic of reasons: although we do have some very broad 'guesstimates', we really don't know how many people are trafficked every year, but we certainly have no reason to believe, or even suspect, that human trafficking is any less prevalent than it was when we began our work more than 10 years ago.

And so today, of the three areas of action that we believe to be key to taking the initiative back from the traffickers – (a) **Preventing trafficking by focusing on root causes**; (b) **Strengthening protection for all migrants**, and, (c) **Strengthening research and evaluation** -- I would like to discuss the first two, both being areas in which progress has been made, but which still demand a lot more work.

The first area I wish to discuss has to do with **preventing trafficking by focusing on root causes**. I believe that after more than ten years of prevention work, and the investment of millions of dollars and countless hours, the time has surely come to look back, and critically analyze our progress by answering a single question: **are we succeeding in preventing human trafficking?**

I regret to say that there is no clear sign of global success. Global estimates of trafficking in persons over the last ten years have remained largely unchanged – ranging between 600,000 to 4 million people



who are trafficked annually. Estimates of the profits earned by the perpetrators of this trade in human lives have actually increased – from \$12 billion only a few years ago to as much as \$36 billion today. Whether trafficking in persons is the third largest source of profits for criminal groups, or the second, is probably irrelevant in the face of such a catastrophe.

Apart from the challenge of developing reliable estimates of the numbers of people trafficked, I believe that one of the key reasons for evidence of success in preventing trafficking has been our misallocation of root causes. For too long have we focused on such things as poverty, or lack of opportunities at home as root causes of trafficking when in fact, these are only push factors which spur migration. If poverty is a root cause of trafficking, then prevention efforts and resources should rightly concentrate on the pre-trafficked person at home, and would make prevention of human trafficking, essentially, a footnote to the broader, long-term, development agenda, and perhaps mitigate against specific interventions attempting to prevent it.

Of course, we cannot discount the role that poverty plays in creating conditions for traffickers to exploit. But poverty is perhaps better regarded as a condition that reinforces the wealth disparity which in turn encourages the desire to migrate; thereby aiding the trafficker in selecting the victim and increasing the effectiveness of the recruitment tactics employed.

There are, I think, at least two features of trafficking in persons that may be more properly regarded as root causes, and which suggest helpful ways forward. The first is identified in article 9(5) of the Protocol; namely the '**demand** that fosters all forms of exploitation'. Whether the end user demands low-cost tomatoes, for example, cut-rate running shoes, or cheap, exotic or unusual sex, a criminal network will supply the required labour or services. The second is implied by article 3 of the Protocol: 'trafficking in persons shall mean the recruitment ... by means of the threat or use of force ... for the purpose of exploitation.' With its purpose of exploitation, which is perpetrated most commonly for financial gain or another material benefit, it is logical to identify the trafficker's motivating influence -- profit -- as a root cause.

Taken together, the demand for unreasonably cheap products, labour or services and the profit motive of the organized criminal networks seem more likely root cause(s) of trafficking in persons, and suggest a more logical and helpful conclusion; **that those who benefit from trafficking in persons – traffickers, and the consumers of trafficked labour, services, and the products of trafficked labour or services – bear the responsibility for trafficking in persons.**

Preventing trafficking in persons undoubtedly requires a sustained investment of time and resources, and it may be the most difficult of the 3Ps to achieve. But surely prevention is worth this investment. Surely it is better to prevent trafficking from occurring in the first place than it is to be forced to react to its horrific consequences. My own view is that we will only succeed in preventing trafficking in persons if we address the root causes directly. This means working to curtail the demand for the labour and services of trafficked persons, as well as the goods produced by their labour, and to reduce the profit margins for the perpetrator.

*The second area of work I will now touch on has to do with **strengthening protection for all migrants**.* 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, the Rio Grande, or on the Yemeni coast; all of whom hope to make even a meagre living away from home. By land, sea or air, the migrants keep coming, despite the well-known risks of mishap, and deaths estimated in the thousands.

The challenge of distinguishing trafficked persons from smuggled migrants, or from migrants who have been abused or exploited, is one that is faced daily by those of us who are directly involved in protecting and assisting victims of trafficking. We find ourselves asking the same broad questions:

- Is movement an essential component of trafficking? If so, how far does someone need to have been moved? If not, is every exploited person to be considered trafficked?



- Is evidence of the involvement of an organized criminal group necessary to positively identify a victim?
- Is the test for exploitation an objective or subjective test? Does someone have to recognize himself or herself as exploited for it to be so, or is there some objective standard of exploitation? Is it relevant, for example, that this migrant wants to work for \$5 a day picking tomatoes, if only because it is \$4 more than he would earn at home for the same work? Is it exploitative to work for \$5 a day in one country, but not in another?

In the field, the lines we draw between trafficked persons, exploited persons, and smuggled migrants who may, or may not, be destined for exploitation, can be exceptionally fine. At the moment, to positively identify a person as a victim of trafficking means that he or she may be eligible for temporary or permanent residence, safe accommodation, medical and psychosocial support, skills training, and a raft of other forms of assistance now available in many destination countries. By comparison, an abused or exploited migrant with the same needs often receives none of this if he can not be classified as having been 'trafficked'. How logical is this – to base such a disproportionate response on the fine and imperfect lines between a smuggled migrant, an exploited person, or a victim of trafficking? Not only does this approach leave too many vulnerable migrants without any protection, it also has an impact on our ability to identify, and therefore protect, victims of trafficking. A recent report notes that even in Italy, which is often regarded as having the best victim protection system in Europe, if not the world: ***'there were still many women who were not offered protection because of failures of identification of victims and also because, in a climate which is generally hostile to migration, women are still sometimes refused a residence permit.'***<sup>1</sup>

After years of wrestling with such challenges, IOM is increasingly basing its response on the specific needs of the individual migrant, whether trafficked, abused, or exploited, or those we consider particularly vulnerable to abuse and exploitation, like unaccompanied migrant children, the elderly, or those suffering from physical or mental disabilities. In my view, this is the best way of ensuring that the rights-based approach we all champion in policy is achieved in practice, by allowing us to focus our energies and resources on responding to the nature and severity of the abuse or exploitation suffered by migrants, regardless of the legal or administrative categories in which they may be placed. Indeed this will be the theme of IOM's next International Dialogue on Migration in Geneva in July.

And so in summarizing 'the state of play', let me conclude by saying that we have only just started, and that whatever our successes, they are modest and almost negligible in the face of the challenges that lie ahead. I have shared some of IOM's experiences, and have identified what these experiences suggest should be key priorities as we move forward.

I would like to conclude by reiterating the call that I'm certain will be made by all concerned: the need to continue improving cooperation in this fight against trafficking in persons. All of us here – international organizations like IOM, developing and developed states, private sector companies large and small, the rich diversity of civil society, and private citizens – have our roles to play, and we must be prepared for a lengthy investment of time, effort, and resources if we are to prevail. Perhaps the way forward is indeed a Global Plan of Action: one that is grounded in human rights, practical in its approach, supports and adds value to regional action plans and takes into account the expertise of those UN Agencies and International Organisations that have been active throughout the world over the past years. Only together can we make progress towards our ultimate objective; not only reducing trafficking in persons, but eliminating it altogether.

I thank you all very much.

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<sup>1</sup>Freedman, J. and B. Jamal, (2008). 'Violence against Migrant and Refugee Women in the Euromed Region'. Copenhagen: Euro-Mediterranean Human Rights Network: p.49. [www.euromedrights.net](http://www.euromedrights.net).



# Statement

Zohreh Tabatabai, Director, Department of Communications, ILO



International  
Labour Office

## PANEL I

### **The State of Play: Where the UN Stands on a Global Plan of Action to End Human Trafficking**

Zohreh Tabatabai, Director of Communications, International Labour Organization (ILO)

UNGA Thematic Debate, 13 May 2009

Trusteeship Council Chamber

Moderator: Mr. Antonio Maria Costa, Executive Director, UNODC (Italy)

H.E. Mr. Valentin Rybakov, Assistant to the President, Republic of Belarus

Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights, Office of the  
UN High Commissioner for Human Rights (South Korea)

Ms. Ndioro Ndiaye, Deputy Director General, IOM (Senegal)

Mr. Dan Rohrmann, Deputy Director, Programme Division, UNICEF

Good morning. I am very pleased to be here at this dialogue on action to end human trafficking. As you know, the ILO has a unique perspective on human trafficking. We believe that human trafficking is largely based on the need for labour. Our position is founded on 90 years of setting international standards through conventions and today is forwarded by the Decent Work Agenda. Decent Work means opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity.

Human trafficking—and the larger issue that it suggests which is forced labour—is the antithesis of Decent Work. For the trafficked woman, man or child there is no freedom. No equity. No security.

And they are robbed of their dignity. In short, for the millions of persons trafficked for work every year, there is *No Decent Work*.

This global human tragedy—for it is a tragedy that ensnares millions of people around the globe each year—is clearly illustrated in a new ILO report published *yesterday* by our Special Action Programme to Combat Forced Labour.

This report is the most comprehensive study in the world today on forced labour, bondage, slavery and trafficking. Its conclusions are startling. The report highlights the cost of coercion which is represented by the billions of dollars each year in unpaid wages to victims of trafficking. The cost of coercion may not sound like much at a time of trillion-dollar bailouts. But it is a high price to pay for the lonely worker, the trafficked woman forced into sex work, the child denied an education and the time to just be a child. For those are the human stories behind every single number in this study.

But our concern doesn't stop here. We are also increasingly worried by the potential impact of the global economic and financial crisis on trafficking. In times of crisis, it is the vulnerable who suffer first and foremost. Will we see more trafficking? It may be too early to tell for sure, but past experience suggests that where there is crisis, and there is continued coercion. We must redouble our efforts to make sure that "adjustments" aren't made at the expense of the safeguards – safeguards that have been painstakingly put in place to prevent forced labour and trafficking.

What are these safeguards? Most countries have introduced legislation that makes forced labour and trafficking a criminal offence. However, more needs to be done to enforce the law. Others have also helped in raising awareness and building partnerships. NGOs have been on the front line. The UN system has made some important steps in coordinating efforts to combat this insidious practice. But also, let us not forget the vital role of the media who have put the spotlight on the problems and galvanised public opinion to assist us in our work. Indeed, major strides have been made in dealing with this scourge.



Yet challenges remain. And new ones are emerging. We must ensure the rights of migrant workers are respected. We must protect a growing number of young women migrant workers who are at risk of being trafficked for sexual exploitation.

A key element here is the role of recruitment systems. Abuses can occur that lead to trafficking and/or forced labour. But when effectively regulated and functioning correctly, recruitment agencies can provide a valuable contribution to a well-functioning labour market. There is a need to crack down on abusive recruitment practices

So, what else can we do? The ILO believes these actions can and should be part of a global action plan. These include supporting the Decent Work core values such as promoting full, productive and freely chosen employment; enhancing social protection; promoting social dialogue and core labour standards.

The Palermo Protocol<sup>1</sup> requires member States to take action against all forms of exploitation, both sexual exploitation, and what is usually called labour exploitation. Our mandate and expertise is particularly on the latter. Governments, as well as businesses and trade unions, have repeatedly asked the ILO for guidance on this matter. What is it? How can it be measured? What are the remedies? How can it best be tackled through labour as well as criminal justice.

The global report released this week shows many of the things done so far, as well as a blueprint for future action on this vitally important human rights concern. They include:

- A new model for operational indicators on human trafficking, showing how to identify the more subtle forms of coercion on labour markets, as well as the more flagrant abuses;

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<sup>1</sup> On 15 November 2000, the General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (hereafter "the Palermo Protocol"), as a supplement to the United Nations Convention against Transnational Organized Crime.

- A handbook on forced labour and trafficking for labour inspectors, now available in several languages, showing how these important actors – best equipped to provide early warning of forced labour and trafficking – can complement other law enforcement;
- A comprehensive handbook for employers and business, explaining how the problems can penetrate their own supply chain and what they can do about them; and,
- A new casebook of court decisions on forced labour and trafficking, enabling judges from around the world to compare their practice and learn lessons for future judgments.

We sincerely believe that this blend of operational work, support for victims, surveys and practical guidance tools are the best way forward. Social dialogue, bringing employer and worker partners and governments together in a common front against the problems, is key to this approach.

A global alliance against forced labour is clearly taking shape, involving many partners. But we need to go beyond these walls. The moral and economic arguments for stopping forced labour provide a powerful argument for governments to give a higher priority to this alliance, this plan and this goal. We in the UN can only go so far. We need the support of our Member States, NGOs, the media and the public at large. Let's hope today's discussions moves us dialogue to action for the millions of people who are in bondage today.

I thank you for your time, and look forward to this discussion.



CHECK AGAINST DELIVERY

AS PREPARED

Remarks of Mr. Dan Rohrmann,

Deputy Director, Programme Division, UNICEF

UN Thematic Dialogue on Trafficking: Taking Collective Action against  
Trafficking

Wednesday, 13 May, 2009. New York

1. UNICEF is honoured to be a part of the dialogue on trafficking. I wish to extend our thanks to the President of the General Assembly for convening this important dialogue. We are encouraged by member states' expression of concern and commitment to action, and the debate today, will therefore not only echo previous discussions and conclusions of the General Assembly but will also amplify the recommendation of the Third World Congress against Sexual Exploitation of Children and Adolescents held in November 2008 in Brazil. Given the need for action and given known as well as new challenges we face today there could be no more important time to have this critical debate.

2. Having successfully raised the issue of trafficking globally, the past decade has seen numerous international as well as national efforts to address trafficking issues. While international, regional and national instruments and tools are in place, we recognize that trafficking continues unabated, indeed increasing, and the challenges remain many – both in terms of implementation of commitments and plans as well as in terms of effective coordination. In addition, challenges remain in areas such as capacity building, monitoring and evaluation, data collection, and knowledge management.

3. One critical element to ensure effective coordination to combating adult and child trafficking, is to overcome misconceptions. These include looking at trafficking **only** as a transnational crime, committed **only** by organized criminal groups, affecting **only** girls and women for the purposes of sexual exploitation. We know today that human trafficking is **not** always transnational. It also occurs within national borders and **is not** always undertaken by organized criminal groups. We also know that **not only girls and women** are victims of trafficking and we know that the end purpose of trafficking is **not** only limited to sexual exploitation.



4. In addition to have we have heard from the previous distinguished speakers, perhaps a few words on concrete actions can stimulate the debate. UNICEF works throughout different regions of the world on the issue of child protection which includes action against trafficking. We work with governments, NGOs, civil society organizations and private sector for programmatic guidance, policy advocacy and awareness raising, legislation and standard setting, capacity building, and strengthening all the 8 elements that encompass the child protective environment. This also includes action for changing attitudes, traditions, customs, behaviour and practices as well as children's life skills, knowledge and participation.

In Asia, for example, UNICEF and its partners work with the social welfare sector and the justice sector to promote enhanced collaboration. Joint training is facilitated in Cambodia, China, Myanmar and Vietnam between stakeholders in the two sectors. In Western and Central Africa, UNICEF works with the Governments of Benin, Gabon, Togo, DR Congo, Nigeria and Ghana to improve regional collaboration and coordination. In South Asia, UNICEF works with both India and Bangladesh to ensure implementation of child sensitive repatriation. In Latin America, UNICEF works with the Governments of Costa Rica and Guatemala to raise awareness among children and caregivers in high-risk communities. At the global level, UNICEF remains an active member of the ICAT (Inter-agency Cooperation Group Against Trafficking in Persons) and works closely with the UN agencies, international organizations and others involved in combating trafficking.

5. One particular lesson learnt from our work on protecting children from all forms of violence, abuse and exploitation is that unless we build and strengthen the protection system for *all* children – irrespective of whether or not they are identified as trafficked children, street children, migrant children, our advances will be highly constrained and limited in results. Child trafficking, must be viewed in a holistic and comprehensive manner and viewed in the context of its interface with migration and other child protection issues such as abuse, exploitation, neglect and violence. This evidence-based and systems-building approach to child protection, including trafficking, is articulated in UNICEF's Child Protection Strategy of 2008 and is based on a human rights based approach to programming and the CRC. This strategy echoes what has been documented in the lead up for this debate, including the framework for action document, in terms of call for the strengthening of legal and justice, social welfare and social behaviour change systems whereby government capacities are strengthened, legislation and enforcement is strengthened, communities of both origin and destination are mobilized, empowered and voices of children and youth brought in.



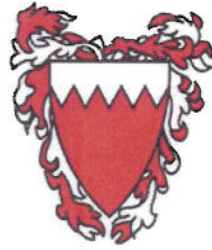
6. Numerous studies have indicated that there are **multiple factors and layers of vulnerability** that makes children vulnerable to trafficking. These vulnerabilities are evident at individual, family, community as well as national levels. Very rarely can we pinpoint to one factor as **the** factor that pushes a child into a trafficking situation.

7. A critical gap that lies in effort to combating trafficking is the lack of linkage or integration of anti-trafficking work to the overall national systems - be it development or social welfare or social and criminal justice systems. Unless we address the issue of child and adult trafficking holistically as a part of a larger protection issue within national systems, the results will be limited.

8. The issue of scaling-up evidence-based interventions, harnessing partnerships and strengthening national and international coordination is critical. The negative impact of the financial and economic crisis combined with other new and emerging threats is pushing vulnerable groups further into poverty. This increases the risks for exploitation and abuse and we risk reversing the gains that have been achieved over the years. With the perfect storm of threats to vulnerable populations we need to do increase social protection and further scale-up evidence-based interventions to halt trafficking. Our responses to the issue of trafficking need to be anchored in national protection systems and rooted in action at all levels, including community level. Only then can we be assured of lasting inroads in protecting our children from all forms of violence and exploitation of which trafficking is one. With commitments as expressed today, the issue of trafficking will be addressed in a holistic and comprehensive manner and through accelerated and coordinated action at all levels.

Thank you.





**Statement**

**By**

**His Excellency**

**Shaikh Abdul Aziz Bin Mubarak Al-Khalifa  
Head of the National Committee  
to Combat Human Trafficking**

**The Kingdom of Bahrain**

**United Nations Thematic Dialogue  
*Taking Collective Action to End Human Trafficking***

**United Nations, New York**

**13 May 2009**

## **Statement**

**H.E. Shaikh Abdul Aziz Bin Mubarak Al-Khalifa**

### **United Nations Thematic Dialogue** *Taking Collective Action to End Human Trafficking*

**United Nations, New York**  
**13 May 2009**

Mr. Chairman,  
Mr. President of the General Assembly,  
Your Excellencies,

It is a great pleasure to be here today, and to be part of this historic gathering, as we seek to bring together the efforts of so many governments, organizations and people in the fight against human trafficking. I want to thank, in particular, His Excellency the Secretary-General for his thoughtful and detailed Background paper on the issue, and His Excellency the President of the General Assembly for convening this Thematic Dialogue.

I greatly appreciate the opportunity to share with you the experiences of the Kingdom of Bahrain, and our thoughts and views on how the international community, governments and civil society alike, can move forward to tackle this issue in an effective, transparent and human manner.

Mr. Chairman,

Trafficking is a global problem, ranging from illegal smuggling of migrants from poorer countries into the developed world, to the trafficking of women for sexual purposes, to the smuggling of children, to the exploitation or abuse of vulnerable workers already legally within countries. Each case represents untold human misery – misery which it is within our power to prevent and end.

The sad truth is, however, that trafficking exists because there is both a supply of desperate, vulnerable people, ripe for exploitation by criminals or the unscrupulous, and a demand in so much of the world for the cheap labour that trafficking, superficially, appears to provide. To be truly effective, we must fully address both the supply and the demand sides of the equation. We must work in source countries to demonstrate to workers the dangers of trafficking, and to educate them on their rights and remedies. We must work in destination countries to improve detection, enforcement and victim protection, as well as to raise awareness among both public and business of the suffering caused by trafficking, and to show that any business reasons for employing apparently cheap, trafficked labour are nothing more than false economies built on the inhumane exploitation of the weak.

Mr. Chairman,

Even from this brief outline, it is clear that trafficking cannot be tackled unilaterally. International cooperation is essential, and can be effective at a number of levels. But at the same time, there are also measures that individual countries can and should take, and I want to take a few moments to outline how one country, Bahrain, has addressed and responded to the issue.

The Kingdom of Bahrain recognized some time ago, and at the highest level, that trafficking is an international problem, and that we were not immune. We also grasped the need for both domestic and international action. Indeed, Bahrain has led the region in combating trafficking, both domestically and internationally.

In our experience, the trafficking issue in Bahrain is primarily, though not exclusively, related to the exploitation of workers who have legitimately entered the country, rather than, for example, the smuggling of people across borders. Accordingly, our efforts have concentrated on reducing demand, investigating and prosecuting offenders, assisting victims, and working with source countries to raise awareness among those who might be brought to Bahrain and be at risk of exploitation.

We enacted legislation in January 2008, to define and criminalize trafficking – a law that has already been successfully used. We have also established a



national committee to combat trafficking, including both government and non-governmental organizations, with a mandate to review issues of concern, and to propose and develop policy in the field. Having met a number of times at the full Committee level, we have now also begun meeting at a more technical, sub-committee level, to address specific challenges between government authorities, and to tackle shortfalls on an individual basis.

Shelters for victims have been established, and major efforts have been made to raise awareness, both among the public and within government, including a number of seminars, workshops and training courses for judges, law enforcement and other personnel involved in fighting trafficking.

Most recently, and most significantly, the government announced that the sponsorship system would be abolished with effect from 1 August, 2009. Tying workers to their employer is not acceptable in the Twenty-first century and is, regrettably, a contributor to abuses such as human trafficking. We believe strongly that legally enforceable freedom of movement for employees is not only a moral issue, it is also an important tool in the fight against trafficking, and this move will be a major step in cracking down on the abusive exploitation of vulnerable workers.

Mr. Chairman,  
Excellencies,

In Bahrain we have found, quite simply, that government action alone is necessary, but not sufficient to effectively combat trafficking. To be fully effective, governments have to engage with Embassies, with non-governmental organizations, and with the business community.

Embassies play an important role in helping address the sources of supply, educating potential victims and assisting those who do fall prey to traffickers. NGOs and civil society are often uniquely able to assist victims, while at the same time educating the public. And the business community, the ultimate destination and (often unwitting) beneficiary of trafficked labour, needs to be fully engaged in recognising, preventing and reporting cases of trafficking, so that we can fully and effectively address demand issues.

Above all, awareness is the key. There is often denial that trafficking is a problem, or ignorance by society or by business that trafficking is an issue. Opening eyes to the reality of trafficking is a key first step in tackling the problem.

Mr Chairman,

So this, briefly, is an overview of our experience in Bahrain. At the same time, however, we have been working to broaden international cooperation and understanding of trafficking, and to increase and strengthen global efforts to address the problem, both between countries and between governments and civil society.

As part of this process, in March this year, Bahrain hosted an International Forum “Human Trafficking at the Crossroads”, attended by high level dignitaries, decision makers and experts from around the world, to strengthen regional and international cooperation against trafficking. The participation and support of Her Highness Shaikha Sabeeka Bint Ebrahim Al-Khalifa, Spouse of His Majesty the King, was vital in ensuring the success of the Conference, and underlines, once again, that Bahrain’s commitment to combating trafficking comes from the highest level.

Moreover, the Conference marked an important engagement between governments and civil society, including not only governments but representatives of business, media organizations, and public personalities. We were particularly pleased that the outcome – the Manama Declaration – was a considered and thoughtful set of proposals to help address trafficking. It stressed the need for both national and international action, underlined that the private sector must be engaged in the fight against trafficking, and made clear the role of raising awareness through the media and other outlets. Our hope is that these principles can form the cornerstone of international efforts against human trafficking.

Mr. Chairman,  
Excellencies,

I think all of us here are of the view that there is clearly a need for greater international cooperation to combat trafficking. Source countries and



destination countries need to work, both individually and together, to address issues of supply and demand. Intelligence and information sharing can be critical in breaking trafficking rings, and bringing those responsible to justice.

Best practice in combating trafficking is an evolving field, which has to be tailored to the particular needs and circumstances of each country, whether through detailed legislative or procedural reform, building capacity to investigate and prosecute trafficking, raising awareness, or victim support. Nevertheless, there is great value in developing and sharing best practice internationally, and we support moves to this end. Bahrain would be more than willing both to learn from others, and to offer its own experiences if they are thought valuable to other countries or organizations.

It is also critical that we engage fully with business, the media, and civil society – ensuring that they are fully informed and supportive of counter-trafficking efforts. Many NGOs around the world are, I know, fully committed and engaged in this effort, and we should perhaps look at ways in which we can further support them in this role.

We need to do more, too, to make sure that the business community, both nationally and internationally, is fully committed to anti-trafficking efforts. Anti-trafficking should be a part of all corporate responsibility programmes, and we should encourage companies to sign up to the United Nations Global Compact, and in particular Principle 4 on the elimination of forced labour. We ought, too, to look at our own government procurement processes – ensuring that government contracts do not benefit those who use trafficked workers.

Just as important is the role of the media in raising public awareness of the reality of trafficking. When, for example, we see recent blockbusters such as *Slumdog Millionaire* or *Taken*, we can catch a glimpse of the real horrors of the exploitation of the vulnerable, or the seedy side of sex-trafficking. However dramatised these stories may be, if they can open the eyes of society to the reality of trafficking, they will provide a crucial piece of the jigsaw as we seek to eliminate this practice.

Bringing all these efforts together in a coherent international strategy will be a challenging, but far from impossible, task. In light of this, the Kingdom of Bahrain supports the proposal that the United Nations adopts a Global Plan

of Action against human trafficking, and will work with the United Nations, and other countries, in negotiating, preparing and drafting a truly effective document.

Mr. Chairman,

Ending human trafficking is one of the most pressing moral challenges of our age. It is, as has so often been said, “modern day slavery”. We are still at the early stages of our journey, but with the statement of intent demonstrated by such a wide participation in this Thematic Dialogue, and the commitment of governments, civil society, media and business, facilitated by the United Nations, the Secretary-General and the President of the General Assembly, I have no doubt that we can – and will – succeed.

The Kingdom of Bahrain, and I personally, look forward to being part of this process.

Thank you.



Address of Ms. Joy Ngozi Ezeilo  
United Nations Special Rapporteur on Trafficking in Persons  
especially Women and Children

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**Interactive Thematic Dialogue of the United Nations  
General Assembly on “Taking collective action to end human  
trafficking”**

**Panel 2: Articulating a Global Plan of Action: Drawing upon practice at the  
national and regional level**

NEW YORK, 13 May 2009





## **Introduction:**

I feel highly honoured to be invited to speak on this panel on “**Articulating a Global Plan of Action: Drawing Upon Practice at the National and Regional Level**”. I thank immensely the President of the General Assembly and the seven governments that have called together this very important thematic dialogue on human trafficking.

Our assembly here is profoundly an affirmation that we are in agreement that the human trafficking problem is global, huge, insidious, complex and dynamic and would require a multi-sectoral and multi-disciplinary approach. In response to the Special Rapporteur’s questionnaire sent to UN member States (October 2008), some Governments opined that trafficking is “*huge and serious*” while others indicated that it is “*declining but still serious*”. However, the dominant view was that trafficking in persons is a serious problem. As stated by one of the respondent States, trafficking is “*a hidden crime and the scale is hard to describe*”. Trafficking also varies according to region in terms of who is trafficked, the sectors in which they work, and their areas of origin and destination.

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Extrapolating therefrom, one can safely state that there is an agreement that trafficking in persons (TIP) is a multi-faceted crime and one of the fastest growing criminal activities in the world. Again, we are in agreement that legal frameworks especially at regional and national levels are not adequate and should be strengthened to tackle the menace of trafficking. There is also a consensus that every country of the world is affected either as a source, transit or destination country. Also, we are in agreement on the need to protect and assist victims of trafficking, rehabilitate, reintegrate and guarantee access to justice to them. In addition, we are in agreement that collective action is required to fight this menace of modern day slavery. Furthermore, we are in agreement that gaps exist in terms of reliable global data and weak coordination and monitoring mechanism.

What we probably are not in agreement yet but which hopefully will begin to crystallize after today’s event is What, Where, When and How the collective action will take place to combat all forms of trafficking in persons. That I believe is germane to why we are having this assembly and dialogue. The value added would be that at the end a consensus about the collective action would be reached. In examining the prospects of a Global Plan of Action as the way forward we need to ask some of these pertinent questions:

### **Key Questions**

- What will the Global Plan of Action (GPA) enable us to achieve? Will it enhance institutional capacity by key sectors to effectively tackle trafficking?
- Will the GPA become a vehicle for fast tracking regional and national plans of action?
- What would be the value added?
- Is there likelihood that it will become a fulcrum for dissipating lean resources and diverting action at local level where intervention on TIP is crucial?
- How could the GPA contribute to the implementation of the UN protocol on trafficking?
- Will it engender greater accountability to the Protocol and bring to bear a human rights centered approach?



## Regional and National Experience

The questionnaire that I sent to the member States in my capacity at the Special rapporteur and in pursuance of my mandate on TIP established that even countries that are yet to ratify the Protocol to Suppress, Prevent and Punish Trafficking in Persons, especially women and children are taking positive steps to combating the phenomenon. What this portend is the recognition that it is only in concert and as a collective that we can affect the desired change. Today at the regional and sub regional levels we are witnessing an increased action against human trafficking thanks to the good work being done by some of you here today- OHCHR, UNODC, ILO, IOM, and the US TIP Report, Suzanne Mubarak Foundation amongst others.

Apart from regional instrument on trafficking, the Organization for Security and Co-operation in Europe (OSCE) has an action plan (2005) to combat trafficking in human beings. There is also the ECOWAS- Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006) which builds on the initial ECOWAS Plan and these are good examples of regional and sub regional action plans aimed at tackling human trafficking. A good example of national plan of action (there are quite a number) is the united Kingdom Plan of Action on Tackling Human Trafficking (2007), which contains deliverable measures in the areas of Prevention of Trafficking; Investigation, Law Enforcement and Prosecution; Providing Protection and Assistance to Adult Victims of Trafficking; and Child Victims of Trafficking. Each chapter of the Plan also contains measures to address trafficking or forced labour as well as trafficking for sexual exploitation.

However, there are noticeable gaps in some of the national plans I have seen and examined. Most addresses mainly trafficking for sexual exploitation and few addresses other forms such as trafficking for labour exploitation and very limited number goes beyond these two main forms and manifestation of trafficking. Furthermore, some of the plans are weak particularly in adopting a human rights centered approach and usually builds on model of three P's Protection, Prevention and Prosecution (with great emphasis on prosecution) without adequate consideration of the three R's- Rehabilitation, Reintegration and Redress for victims of trafficking. Furthermore, implementation of the plans are fraught with difficulties and prevention efforts especially awareness raising is still very low and of course should be prioritized.

Today we are trying to unmask the insidious trade on human beings, the hidden crime of trafficking by ensuring that traffickers are prosecuted and punished and victims receive the protection and assistance to mitigate their hardship. Today countries and sub regions are taking action that will increase international cooperation on trafficking.

The missing link is therefore a GPA that will harness and build on these developments at national, sub regional and regional levels to improve coordination, collaboration and cooperation to tackle human trafficking. Now more than ever we need a GPA that will galvanize political and economic will for effective combating of human trafficking.



## Some Merits and Value Added of A Global Plan of Action:

1. It will provide comprehensive, holistic and integrative approach to combating human trafficking;
2. Enhance coordination, increase accountability and competitiveness to take individual and collective actions;
3. Promote international cooperation and opportunity to link to MDGs, which will be necessary in addressing the root causes, push and pull factors of TIPs. Poverty, unemployment, gender inequalities, discrimination and gender based violence are some of the root causes that increases vulnerability of victims of trafficking and are matters that the MDGs are equally concerned about;
4. It will foster political and economic will including better resource mobilization;
5. GPA will provide a unique opportunity for effective international responses to trafficking in persons;

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6. GPA will provide an operative measures that will help transform the Protocol to Suppress, Prevent and Punish Trafficking in Persons, especially women and children as well as the Principles and Guidelines on human rights and human trafficking developed by OHCHR;
7. GPA will contribute to increased awareness through communication plans and strategies that would become ancillary to it;
8. GPA will enable the sharing of good/best practices across the world and greater sharing of information on trafficking flows and trends;
9. It will promote and enhance coordination efforts at the national level. It will become an added impetus for the development of national plans of action against trafficking. The UN member states will then as part of the accountability mechanism have national anti-trafficking coordinating bodies or task forces including national special rapporteurs;
10. GPA will result in consistent and sustained technical assistance for the protection of victims as well as develop detailed recommendations on victim identification and protection based on good practice;
11. It will enhance better data collection and promote research on TIP;
12. GPA could help establish a comprehensive, concerted and coordinated mechanism in order to improve effectiveness in combating human trafficking;
13. GPA will enhance technical cooperation and assistance for effective implementation by key actors such as the Police, Immigration, Border guards, labour inspectors, the prosecutors and the judiciary.
14. It will provide the much needed framework for monitoring and tracking actions designed to combat all the forms and manifestations of trafficking and therefore includes: child trafficking, trafficking in women and girls for forced marriage, forced prostitution, sexual exploitation and forced labour (including domestic, factory, mining and others forms of labour); trafficking in men for forced labour and other forms of exploitation, trafficking in human beings for organs- human body parts/tissue and others forms that have been sporadically recorded such as trafficking in persons for ritual purposes as well as trafficking of prisoners;
15. Importantly and this has been underscored too by the SG's background paper that it could offer a road map for the review of implementation of the TIP's Protocol;



16. It will definitely facilitate the work of the Special Rapporteur on Trafficking and provide a ready framework with clear tools to embark on bench marking of States efforts in combating trafficking especially in the exercise of the SRT's role during country mission, monitoring and reporting functions to the HRC and the GA respectively.

From my examination of some regional/sub regional and national plans, the Global Plan of Action should be indicative of:

- ✓ Where we are today- that is situational analysis of trafficking, where we want to be and what we need to do to get there. In effect it will provide the context, objective and purpose of the plan.
- ✓ In providing a comprehensive framework of action the GPA will:
- ✓ Formulate strategic objectives, set targets and timeframes;
- ✓ Contain recommended actions at all levels- international (UN institutions and bodies), regional and national;
- ✓ Contains indicative activities and expected outcome;
- ✓ Indicators for monitoring and evaluation of state accountability and progress being made to combat and eliminate human trafficking;
- ✓ Mapping of what resources are required and how to mobilize that; and
- ✓ Should see the following as cross cutting issues: capacity building, human rights, gender equality monitoring and evaluation.

### **Conclusion**

The Human Rights Council's resolution 8/12 that renewed the Mandate of the Special Rapporteur on Trafficking in Persons, especially women and children expressly calls upon the Special Rapporteur to Request, receive and exchange information on trafficking in persons from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations and non-governmental organizations and other relevant sources, as appropriate, and, in accordance with current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking. As the Special Rapporteur on trafficking in persons, I believe that international, regional and national strategies for combating trafficking rest on the following "5 P's" and "3 R's" - Protection, Prosecution, Punishment, Prevention, Promotion (of international cooperation), Redress, Rehabilitation and Reintegration of victims to assume a constructive role in the society. While addressing root causes, innovative approaches need to be sought in tackling the complex problem of human trafficking. As already disclosed in my recent annual report presented to the Human Rights Council March 2009, the issue of a global plan of action is one that I will be willing and ready to commit time and energy as the Special Rapporteur on trafficking in persons to partner with key stakeholders in developing. A global action plan with quantifiable and time-bound targets has become imperative to galvanize the political and economic will to achieve the fundamental objectives and purpose of human rights promotion and protection, especially within the framework of the Palermo Protocol and the OHCHR Guidelines.

The call for GPA is one whose time has come and is urgently required to ensure not only accountability of State Parties to the Protocol but also non State Parties while at the same time placing human rights at the core of any initiative to combat trafficking in human beings.



Trafficking in persons results in cumulative breaches of human rights, and this correlation needs to be recognized in any intervention effort. The strategies we choose to adopt must focus equally on the victim by recognizing and redressing the violations suffered, empowering the victim to speak out without being doubly victimized, jeopardized or stigmatized, while at the same time targeting the root causes of human trafficking. The strategies must be people-centred, bearing in mind that human trafficking is about persons whose basic right to live free particularly from fear and want is under constant threat. We must recognize the dignity of the victims and their right to survival and development. Thus, restorative justice is central to combating human trafficking.

In conclusion, our work has just began and our work will not be done until we fashion, design and articulate how as a collective we can make the difference that will eradicate human trafficking in all its forms.

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Thank You.



Remarks by Ruchira Gupta, Founder President of Apne Aap Women Worldwide ([www.apneaap.org](http://www.apneaap.org)), to the Sixty-Third Session of the United Nations General Assembly, New York, 13 May 2009 on the Interactive Thematic Dialogue on Taking Collective Action to end Human Trafficking

Good afternoon. My name is Ruchira Gupta and I bring greetings from the victims and survivors of sex trafficking who are members of my organization, Apne Aap Women Worldwide in four states of India. We appreciate the attention that the General Assembly and the UNODC has devoted to the issue of human trafficking and the fact that we have been invited the second year in a row to contribute to the General Assembly's debate.

We had asked for a coordinated effort to confront the demand for human trafficking so that law-enforcement agencies individually, and in collaboration bi-laterally and multilaterally investigate, arrest and prosecute traffickers and those who buy trafficked people. We are pleased to note that the Secretary General's background paper has given importance to criminalizing trafficking in persons and discouraging demand. I appeal to all member countries, including my own country, India, to strengthen their anti-trafficking laws to confront the demand for human trafficking in keeping with the UN protocol.

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. To tackle demand effectively we have to address the business which profits from it as much as the buyers of trafficked people who drive the demand. According to a study by the National Human Rights Commission of India, most traffickers for prostitution stated that they supply women and girls on demand which includes the demand for teenage girls, voluptuous girls, fair-skinned girls-whatever the buyer wants.

These buyers need to be confronted and put through the criminal justice system as much as the traffickers who run the supply chains. Today, I am speaking on behalf of these victims and survivors of human trafficking who want no ambiguities in laws and international instruments on criminalizing trafficking and addressing the demand. They want both justice and accountability and 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.

As nineteen-year old Naina, prostituted when she was thirteen in Bihar says: “As long as there are buyers, there will be traffickers. We must punish those who buy us. Their punishment will protect us from new buyers who will fear punishment too.”

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 by:

1. bringing traffickers to book,
2. confiscating the illegal assets created out of trafficking,
3. Making the traffickers and buyers 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.

Our survivors believe that if the number of convictions goes up, the costs of operations of human trafficking will become untenable and the business models of traffickers will be disrupted and individuals who create the demand will be embarrassed by being identified.



Slavery was once perpetuated by the idea that there was and always would be slavery and now sex-slavery and prostitution are also perpetuated by the same idea of inevitability. This has led to public health Foundation funds being spent solely on the supposed protection of sex buyers from AIDS and not at all on the protection of women and children from sex buyers. This creates a vested interest in preserving brothels in some parts of the world as well as unintended consequences of the emphasis on condoms alone has simply raised the price of sex without condoms.

The women and children of Apne Aap are asking us not to accept their slavery as inevitable, and as in Colonial times, not to only protect the buyer from disease but ask for more dignified livelihood options. They want a world in which it is unacceptable to buy or sell another human being and to imagine an economy in which one does not force one to sell oneself. They want us to work in a coordinated way to ensure their economic and social rights as much as their civil and political rights to ensure their right to food, housing, education and livelihood to pave the way for their right not to be trafficked. I appeal to member states to organize a panel of survivors as part of their efforts to develop a global response to trafficking.

Ruchira Gupta,

Founder President, Apne Aap

[www.apneaap.org](http://www.apneaap.org)

## Panel II: Key Elements for Effective Regional Cooperation and Collaboration \*

Dr. Saisuree Chutikul†

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I would like to express my thanks to the Office of the President of General Assembly for hosting this important dialogue and all who worked together to make this event a success.

Because of time constraint, let me go straight to the point. I am here to share with you our experiences in fighting human trafficking from the Southeast Asia region, and in particular from the Mekong Sub-region. Our sub-regional initiative, known as the Coordinated Mekong Ministerial Initiative against Trafficking or the COMMIT initiative, brings together six countries of the Mekong subregional, namely - Cambodia, China, Laos, Myanmar, Thailand and Vietnam.

I will share with you what we feel are necessary ingredients to make regional cooperation successful. Among many elements, let me **highlight five critical elements**.

The **first element** is the **genuine desire** and **felt need** to really come together in a coordinated way.

It is important that coordination mechanisms **are not superimposed** but springs from innate need.

The **second element** is the readiness of the **international community and the UN system** to recognize the significance of such initiative and come together to support this. In this case of our COMMIT Process, it was the UNDP administered project, called the UNIAP that provided the secretariat support to us.

The **third element** is to be **inclusive** – that is to involve all actors in the initiative. In our case, it was the IOM, ILO, UNICEF, UNDP, and UNODC as well as NGO's such as World Vision, Save the Children, ECPAT, that provided technical support. Development partners, such as Norway, Sweden, USAID, CIDA, ADB also provided a much needed support.

The **fourth element** is to consider the MOU, which formed the basis of the six country collaboration as a **living document**. For any MOU to be put into operation, we need a **plan of action**. Again in our case, the sub-regional Plan of Action translated the political commitments made in the MOU into **real actions**.

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\* Interactive Thematic Dialogue of the UN General Assembly on "Taking collective action to end human trafficking" UN Headquarters, New York, 13 May 2009.

† Committee Member, UN Committee on the Elimination of Discrimination against Women (CEDAW).



Again, as mentioned previously, the countries that are involved need to have full ownership. The sub regional plan has to reflect the need in the region. There has to be a desire to learn from each other also.

Finally, as the **fifth element**, we need to make sure that our plan of action has **measureable indicators**: without such indicators we will not be in the position to monitor and evaluate our progress.

I will now share with you some of the **major challenges** that confront such regional cooperation.

**First** – a regional plan of action or cooperation can **fall prey to a series of national and bilateral activities**. If this happens, we will fail to take account of the complex regional specific nature of the issue that involves the criss-crossing nature of illegal and legal migration as well as network of traffickers operating in the region.

Once that begins to take place – the validity of “**regionality**” will be questioned.

**Second-** is the element of **transparency and accountability**: decisions made, need to involve the key stakeholders. Otherwise it will weaken the “trust” upon which the collaboration is based.

**Third** - is the issue encountered by any process. As time passes, **staff-turn overs** will take place. If the turnovers affect the **founding spirit** and the objectives of the process, it will begin to weaken the glue that ties it all in.

**Fourthly** – the mechanism needs to ensure that **new issues and problems** are constantly taken into account. Failure to do this will lead to making the process redundant.

In the short time that I have been given to share our experiences, I hope I have been clear. I also hope our experiences from the Mekong region has been of contribution to the larger aim of today’s dialogue.

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بسم الله الرحمن الرحيم

The permanent observer Delegation  
of the Cooperation Council for the  
Arab States of the Gulf to the  
United Nations -New York



بعثة مجلس التعاون  
لدول الخليج العربية  
لدى الأمم المتحدة  
نيويورك

## كلمة

سعادة السفير د. عبد الله بن سالم الحارثي  
المراقب الدائم لدول مجلس التعاون لدى الأمم المتحدة

حوار الجمعية العامة للأمم المتحدة التفاعلي بعنوان:  
"القيام بتحريك مشترك للقضاء على الاتجار بالأشخاص"

13 - مايو 2009

## شكرا السيد الرئيس:

في بداية مداخلتني، أتوجه بالشكر والتقدير لمعالي رئيس الجمعية العامة، ومعالي الأمين العام للأمم المتحدة، والسيد المدير التنفيذي لمكتب الأمم المتحدة المعني بالمخدرات والجريمة، لإشرافهم على حلقات النقاش، والمساهمة في هذا الموضوع الذي يهم كافة البشر في جميع أنحاء العالم.

والشكر موصول إلى المندوبين الدائمين لكل من مملكة البحرين، وجمهورية روسيا البيضاء، ومصر العربية، ونيكارجوا، والفلبين، على سعيها الدؤوب لعقد هذا الاجتماع.

كما أثنى المقترحات التي تقدمت بها كافة المنظمات والهيئات التابعة للأمم المتحدة العاملة في هذا المجال، التي تستحق كل تقدير، لما تقدمت به من مقترحات تهدف إلى وضع خطوات عملية، تؤدي إلى النهاية الأبدية لظاهرة الاتجار غير الإنسانية بالأشخاص.

ولما كان دوري في هذا المقام استقصاء الحاجة الملحة للتنسيق العالمي بشأن الاتجار بالأشخاص، وكيفية تحقيق ذلك، فلا بد من التأكيد في البداية على أن أعضاء دول مجلس التعاون لدول الخليج العربية حريصون كل الحرص للتصدي لظاهرة الاتجار بالأشخاص، وفي هذا التصدي فإن دول المجلس تعمل بشكل منفرد، وجماعي من خلال التنسيق والتعاون المشترك، حيث أقر وزراء العدل قانوناً موحداً لمكافحة الاتجار بالأشخاص في شهر كانون أول/ديسمبر 2006، كما اعتمد المجلس الأعلى لأصحاب الجلالة والسمو رؤساء دول مجلس التعاون في إجتماعه الذي



انعقد بالرياض في ذات الشهر، وثيقة أبوظبي للنظام الموحد لمكافحة الاتجار بالأشخاص التي أقرها الوزراء، ووضعها موضع التنفيذ كقانون استرشادي لمدة أربع سنوات بهدف مراجعة التجربة، وسد أي ثغرات في التنفيذ، عند تجديد القانون في العام القادم.

علاوة على ذلك، فإن جميع دول الخليج انضمت إلى بروتوكول منع وقمع ومعاقبة الاتجار بالأشخاص، وبخاصة النساء والأطفال، المكمل لاتفاقية الأمم المتحدة لمكافحة الجريمة المنظمة العابرة للحدود، كما أصبحت أطرافاً أيضاً في اتفاقية القضاء على جميع أشكال التمييز ضد المرأة، بالإضافة إلى ذلك فإن دول الخليج الست، صدقت على الاتفاقية رقم 182، بشأن حظر واتخاذ الإجراءات الفورية للقضاء على أسوأ أشكال عمالة الأطفال.

كما يشهد لدول المجلس، السعي الصادق، والتعاون الإيجابي، لأي قيم من شأنها تحقيق العدل، وإرساء الاستقرار، وكمحاولة جادة لمنع وقمع الاتجار بالأشخاص وبخاصة النساء والأطفال والمعاقبة عليه، بهدف تطبيق أعلى مراتب العدل التي تتماشى مع القوانين والمعاهدات والإرادة الدولية، فقد سنت التشريعات، ووضعت القوانين، ونظمت العلاقة بين أرباب العمل والعاملين، وشرعت قوانين تمنع ظاهرة استغلال الأطفال في سباق الهجن، وذلك في إطار حزمة شاملة من القوانين أجازتها دول المجلس لتحقيق أعلى مستوى من الشفافية لبناء الدولة العصرية. وهي ما فتئت تتصدى لظاهرة تجارة الأشخاص، والاهتمام بها، وما مشاركتي في هذا الحوار كمراقب دائم لدول مجلس التعاون



لدول الخليج العربية، إلا دليلاً واضحاً على هذا الاهتمام. من جانب آخر فإن السلطات المعنية لا تتهاون بشأن معاقبة المتورطين في هذا الشأن استناداً على تعاليم الدين الإسلامي والعادات والتقاليد الموروثة التي تمنع منعاً باتاً الاتجار بالأشخاص.

ولتحقيق هذا الهدف، فقد تناول الاجتماع الأول لنواب العموم والمدعين العامين ورؤساء هيئات التحقيق والإدعاء العام بدول مجلس التعاون موضوع الاتجار بالأشخاص في اجتماعهم الذي عقد في 18 مارس 2007 من أجل استكمال العمل المشترك، في مجالات مكافحة الجرائم الدولية، ومن بينها تهريب الأشخاص، دعماً للجهود المبذولة على الصعيدين الوطني والدولي، وذلك اتساقاً مع مجالات التعاون المشترك الأخرى، من اقتصادية واجتماعية وأمنية، التي وصلت إلى مستوى متقدم من التنسيق.

تعد دول مجلس التعاون من أكثر دول العالم جذباً للأيدي العاملة من محيطها في الشرق الأوسط أو جوارها الآسيوي، أو حتى على مستوى دول العالم، وهي تدرك بأن حل مشكلة الاتجار بالأشخاص لن يأتي إلا من خلال تعاون وتنسيق دولي مستدام، ولا يمكن لدولة بمفردها أن تتعامل مع تعقيدات هذه القضية، خاصة وأن صعوبة السيطرة على معاملات القطاع الخاص في هذا المجال لن تعفي الحكومات والأجهزة الدولية الرسمية من مسؤولياتها.

ولمواجهة مثل هذه الصعوبات، وضعت دول المجلس آليات للتنسيق المباشر مع الدول المصدرة للعمالة للتأكد من عدم انتهاك حقوق العمال أو استغلالهم، وقد حققت هذه الآليات من

خلال اللجان الوزارية المشتركة، وتبادل المعلومات بين الجهات المختصة بالعمالة بين الجانبين نتائج مرضية، بجانب تطبيق القوانين المستحدثة لمحاربة التجارة بالبشر بشكل صارم، في المجالات القليلة التي طفت على السطح، وذلك بفضل التنسيق المتواصل مع الدول المصدرة للعمالة، ولا يفوتني هنا أن أذكر بأن دول الخليج هي من الدول التي توفر شروط خدمة مجزية للعمالة الوافدة على مستوى العالم.

كما أن دول المجلس تنسق وتعمل جنباً إلى جنب مع الأجهزة والمنظمات التابعة للأمم المتحدة مثل منظمة الأمم المتحدة للطفولة (اليونيسيف)، ومنظمة العمل الدولية، والهيئات المعنية بحقوق الإنسان وذلك لمواجهة هذه الظاهرة. وإيماناً بأهمية دور هذه الأجهزة فقد أعلنت دولة الإمارات العربية المتحدة عن تقديم مبلغ 15 مليون دولار دعماً لمبادرة مكافحة الاتجار بالأشخاص.

إن المرحلة القادمة -في تقديري الشخصي- تتطلب توسيع دائرة التنسيق لتشمل جميع دول المجلس مع الدول الآسيوية في إطار لجان الأمم المتحدة الإقتصادية والإجتماعية القارية، أي اللجنة الإقتصادية والإجتماعية لغرب آسيا (ESCWA)، واللجنة الإقتصادية والإجتماعية لآسيا والباسفيك (ESCAP)، وعلى هذه القاعدة يمكن أن تنتقل عملية التنسيق من المستوى شبه الإقليمي والثنائي، حسبما أشرت إليه إلى المستوى الإقليمي.

واستطراداً في توسيع دائرة التنسيق لتصبح عالمية في إطار الإجابة على الشق الثاني من موضوع المناقشة حول كيفية إنفاذ

التنسيق على المستوى العالمي، فقد يكون من المناسب تكليف اللجان الاقتصادية والاجتماعية القارية، لتناول هذا الأمر على مستوى عالمي لإجراء الدراسات، ووضع التقارير والتوصيات حول المعالجات الممكنة لرفعها للمجلس الاقتصادي والاجتماعي، الذي يمكن أن يخصص لها اجتماعا على المستوى الوزاري في إحدى دوراته الموضوعية، مثل ما هو قائم الآن في العديد من القضايا، بالإضافة إلى إعطاء هذا الموضوع الأسبقية المناسبة ضمن انشغالات الأمم المتحدة المتعددة.

ولا بد من الإشارة هنا، إلى أن مقترح التنسيق المقدم يهدف إلى معالجة موضوع الاتجار في الأشخاص، كظاهرة اقتصادية اجتماعية، ناتجة عن الهجرة العالمية للأيدي العاملة، وقصور برامج التنمية في العديد من بقاع العالم، خاصة في الدول النامية، لتوفير فرص العمل، لاستيعاب أعداد كبيرة من البشر، ناتجة عن الازدياد السكاني المضطرد في الدول الفقيرة، خاصة في الظروف الماثلة أمامنا الآن في المرحلة الحالية التي يمر فيها الاقتصاد العالمي بأزمة مالية خانقة، وكساد لم تتضح بعد معالم السيطرة عليه.

في هذا السياق، فإن القوانين الوطنية في كل الدول ستكون قادرة على معالجة الخلل المتمثل في إستغلال العمال، وإجبارهم على العمل بشروط مجحفة، وفي ظروف غير انسانية، مما يدخلها في خانة الإتجار بالأشخاص. وحرى القول هنا، أن الاتفاقيات الدولية القائمة، كفيلة بالمساعدة في تطوير القوانين الوطنية، إذا تأكد وجود قصور في هذا المنحى.



أما المتاجرة بالأشخاص في إطار الاستغلال الجنسي للأطفال والنساء مما تقوم به عناصر الإجرام المنظم للمصلحة المادية، فإنه يدخل في إطار الجريمة الدولية، التي يجب وضع التدابير والأدوات اللازمة لضمان عدم الإفلات من العقاب لمرتكبيها، وأقترح في هذا المجال أن يقوم مكتب الأمم المتحدة المعني بالجريمة والمخدرات، بإجراء دراسات في هذا الأمر، بالتعاون مع الدول الأعضاء، وتقديم البيانات في هذا الشأن، من أجل ابتكار آلية دولية مناسبة لتحقيق مزيد من التنسيق والمساعدة في مكافحة مثل هذه الجرائم.

في الختام، أود التأكيد على أن دول مجلس التعاون لدول الخليج العربية ترى، بأن مشكلة الاتجار بالأشخاص واستغلالهم هي مشكلة عالمية، وتتطلب تعاوناً دولياً، ولا يمكن لدولة بمفردها أن تتعامل مع هذه المشكلة، وهذا يعود لارتباط الضحية ببلد المنشأ والعبور والمقصد، مما يتطلب تنسيقاً متكاملاً ومتعدد الأطراف. ومن هنا فإن دول المجلس، ستواصل تعاونها مع المجتمع الدولي لاجتثاث هذه المشكلة.





THE PRESIDENT  
OF THE  
GENERAL ASSEMBLY

1 May 2009

Excellency,

In keeping with the priorities of the sixty-third session outlined in my inaugural address, and at the request of Member States, in partnership with the members of UN GIFT<sup>1</sup>, I am convening an interactive thematic dialogue on human trafficking entitled: “*Taking collective action to end human trafficking*” to be held in the Trusteeship Council Chamber on Wednesday, 13 May 2009.

The dialogue will use as a point of departure the forthcoming Background paper of the Secretary-General on “Improving the coordination of efforts against trafficking in persons”. This paper, pursuant to General Assembly resolution 63/194 of 18 December 2008, summarizes the views of a broad and diverse group of Member States, international organizations, and civil society stakeholders on a wide range of specific measures to ensure the full and effective implementation of all legal instruments relevant to trafficking in persons.

It is worth mentioning that the Background paper also summarizes the responses by a significant number of Member States concerning the possible adoption of a Global Plan of Action on preventing trafficking in persons, prosecuting traffickers, and protecting and assisting victims of trafficking.

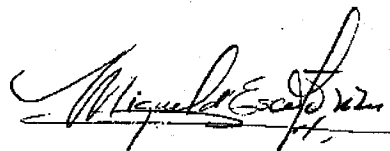
This one-day dialogue will build upon the significant gains achieved over the past two to three years and is intended to stimulate discussion on the need for and potential advantages of a Global Plan of Action. By examining regional efforts already underway and best practices, as well as identifying the elements considered crucial for success, Member States will be able to draw upon emerging trends and data, information I am certain will enrich General Assembly discussion of this vital issue.

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

The various panels will examine the existing UN legal framework, including the major gaps or constraints UN agencies and governments encounter on the ground and the efforts underway to improve international standards, data collection and analysis. By building upon existing practices in various regions, panelists will suggest ways to move forward collectively.

The day's speakers will include leading officials from UN GIFT, civil society representatives (including former victims/activists, child rights advocates), and prominent officials from various Member States working at various levels. The panels will provide Member States a unique opportunity to hear key voices and engage a range of practitioners/actors involved in efforts to end human trafficking at the global, regional and national levels. The Background paper and a more detailed description of the panels, including biographies of the day's speakers will be submitted shortly.

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



Miguel d'Escoto Brockmann

cc: Representatives of UN GIFT in New York  
Permanent Mission of the Kingdom of Bahrain  
Permanent Mission of the Republic of Belarus  
Permanent Mission of the Arab Republic of Egypt  
Permanent Mission of Nicaragua  
Permanent Mission of the Republic of the Philippines



THE PRESIDENT  
OF THE  
GENERAL ASSEMBLY

6 May 2009

Excellency,

In my letter of 1 May 2009, I informed your Excellency of the convening of an interactive Thematic Dialogue on “*Taking collective action to end human trafficking*” on Wednesday, 13 May 2009 in the Trusteeship Council Chamber. In the same letter, I have also made reference to a forthcoming Background paper of the Secretary-General as an input to our dialogue.

I am pleased to inform you that I have now received a letter and the Background paper from the Secretary-General, which has been posted on my official website, in order to keep the United Nations green. I invite your Excellency to access the website at <http://www.un.org/ga/president/63/> to review the document prior to our thematic dialogue. More information regarding the format for the dialogue and the panelists will be sent shortly.

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

A handwritten signature in black ink, appearing to read 'Miguel d'Escoto Brockmann', with a horizontal line underneath.

Miguel d'Escoto Brockmann

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



THE SECRETARY-GENERAL

5 May 2009

Dear Mr. President,

I have the honour to refer to General Assembly resolution 63/194 adopted on 18 December 2008 with respect to improving the coordination of efforts against trafficking in persons. In accordance with the provisions of paragraph 11 of the resolution, I have the honour to transmit herewith a background paper to the General Assembly on the aforementioned issue.

The report summarizes the views of a broad and diverse group of Member States, international organizations and civil society stakeholders on a wide range of specific measures to ensure the full and effective implementation of all legal instruments relevant to trafficking in persons, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol). It also makes concrete recommendations on how to achieve the full and effective coordination of international efforts against trafficking in persons.

This report also includes, in Annex II, the recommendations emanating from the meetings on 14 to 15 April 2009 of the Working Group on Trafficking in Persons, established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. The Working Group formulated recommendations to the Conference on how better to implement the Trafficking Protocol and to coordinate anti-trafficking activities. These recommendations complement the report.

Finally, the report includes, in Annex III, the narrative of the Framework for Action for effective implementation of the Trafficking in Persons Protocol, which is being developed by experts from international organizations. The Framework for Action is a technical assistance tool that provides operational measures in the three areas of prevention, protection and prosecution, as well as coordination and cooperation. It therefore constitutes an additional resource that may facilitate Member States' consideration of effective international responses to the problem of trafficking in persons.

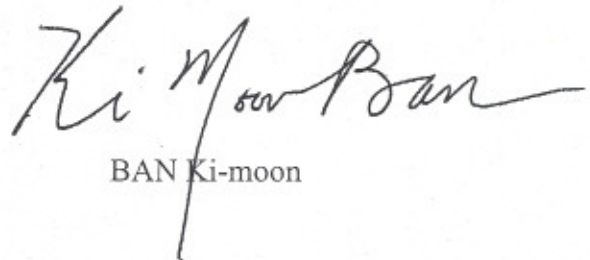
His Excellency  
Mr. Miguel d'Escoto Brockmann  
President of the General Assembly  
New York



It is my hope that Member States will view this background paper, together with its two annexes, as providing a rich and varied set of proposals, from a cross section of interested stakeholders, that may contribute to a useful and action-orientated discussion of the General Assembly during its thematic debate on taking collective action to end human trafficking, to be held on 13 May 2009. In this regard, the release date of this background paper has been moved forward to accommodate the request of Member States to release it in advance of the thematic dialogue.

I should be grateful if you would bring the attached background paper to the attention of the members of the General Assembly.

Please accept, Mr. President, the assurances of my highest consideration.



BAN Ki-moon



THE PRESIDENT  
OF THE  
GENERAL ASSEMBLY

8 May 2009

Excellency,

In follow-up to my letters of 1 and 6 May 2009, regarding my decision to convene an interactive thematic dialogue on “*Taking collective action to end human trafficking*” on Wednesday 13 May 2009 in the Trusteeship Council Chamber, I have the honor of submitting a brief description of the format of the one-day dialogue and a preliminary programme.

I invite your Excellency to access the website at <http://www.un.org/ga/president/63/> to review these documents prior to our thematic dialogue.

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

A handwritten signature in black ink, reading "Miguel d'Escoto Brockmann". The signature is written in a cursive style and is positioned above a horizontal line.

Miguel d'Escoto Brockmann

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



THE PRESIDENT  
OF THE  
GENERAL ASSEMBLY

1 July 2009

Excellency,

I have the pleasure to inform you that the informal summary of the interactive thematic dialogue of the General Assembly on “Taking collective action to end human trafficking” that took place on 13 May 2009, is available on the website under: [http://www.un.org/ga/president/63/thematic\\_dialogues](http://www.un.org/ga/president/63/thematic_dialogues)

I would like to take this opportunity to thank all Permanent Representatives and Permanent Observers for their support and active participation in this dialogue.

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

A handwritten signature in black ink, which appears to read "Miguel d'Escoto Brockmann". The signature is written in a cursive style with a horizontal line underneath.

Miguel d'Escoto Brockmann

All Permanent Representatives  
and Permanent Observers  
to the United Nations