



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

20 March 2013

Excellency,

I have the pleasure to enclose herewith a *food for thought* paper from H.E. Mr. Martin Sajdik, Permanent Representative of Austria, and H.E. Mr. Antonio Pedro Monteiro Lima, Permanent Representative of Cape Verde, the two Co-Facilitators to conduct open-ended informal consultations with a view to determining modalities of the 13 May 2013 high-level meeting of the General Assembly on the Global Plan of Action to Combat Trafficking in Persons. The food for thought paper is further to the co-facilitators 14 March 2013 letter inviting you to a first round of informal consultations on **Tuesday 26 March 2013 from 3-6pm.**

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



Zdravko Ponos
Chef de Cabinet

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

HIGH-LEVEL MEETING OF THE GENERAL ASSEMBLY ON THE APPRAISAL
OF THE PROGRESS ACHIEVED IN THE IMPLEMENTATION OF THE GLOBAL
PLAN OF ACTION TO COMBAT TRAFFICKING IN PERSONS, 13 MAY 2013

INFORMAL FOOD FOR THOUGHT PAPER

This informal Food for Thought Paper is intended to launch the discussions during informal consultations to determine the modalities, including on participation of international, regional, subregional organizations as well as civil society, including non-governmental organizations, the private sector and the media, for the GA high-level meeting on the appraisal of the progress achieved in the implementation of the Global Plan of Action to Combat Trafficking in Persons. For this purpose it provides some background information on the Global Plan of Action to Combat Trafficking in Persons (Section I) as well as information and food for thought for the appraisal (Section II).

Member States are invited to share their views on the format for the meeting, on possible topics and themes for discussion, including on possible speakers, and to relate their expectations for the high-level meeting.

I THE GLOBAL PLAN OF ACTION TO COMBAT TRAFFICKING IN PERSONS

Human trafficking is a crime that ruthlessly exploits women, children and men for numerous purposes including forced labour and sex. This global crime generates billions of dollars in profits for the traffickers. It is estimated that 20.9 million people are victims of forced labour globally. This includes victims of human trafficking for labour and sexual exploitation. While it is not known how many of these victims were trafficked, the estimate implies that currently, there are millions of victims of trafficking in persons in the world. Every country in the world is affected by human trafficking, whether as a country of origin, transit or destination for victims.

Trafficking in persons is not only one of the fastest growing criminal activities in the world, but first and foremost a serious violation of human rights, in particular of women and girls. Although trafficking affects women, men, boys and girls, women and girls are most vulnerable and disproportionately affected by trafficking. Human trafficking requires a forceful response founded on the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Efforts to prevent and combat this crime should be centered on assistance to victims and promotion and protection of their rights while strengthening the criminal justice response and increasing cooperation and coordination.

In 2010, the United Nations General Assembly adopted by consensus the Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293), urging Governments worldwide to take coordinated and consistent measures to defeat the crime. By adopting this landmark Plan, Governments resolved to take concrete action to prevent and combat trafficking in persons, protect and assist victims, prosecute related crimes and strengthen partnership among governmental institutions, intergovernmental organizations, civil society organizations and the private sector, including the media.

The four point Global Plan of Action focuses on:

- I. Prevention of trafficking in persons;
- II. Protection of and assistance to victims of trafficking in persons;
- III. Prosecution of crimes of trafficking in persons; and,
- IV. Strengthening of partnerships against trafficking in persons.

The Plan calls for integrating the fight against human trafficking into the UN's broader programmes, to boost development and strengthen security worldwide, and established the UN Voluntary Trust Fund for Victims of Trafficking in Persons, especially women and children, as well as a biennial Report on Trafficking in Persons. The plan called for an appraisal of its progress in 2013.

Key Instruments, Resolutions and initiatives on combating Trafficking in Persons

In **2000**, the General Assembly adopted the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UNTOC). The Protocol, which constitutes – together with UNTOC – the international legal framework for all anti-trafficking measures, now has 154 parties and entered into force in 2003.

Article 3(a) of the Protocol defines Trafficking in Persons as: *“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”*

In **2002** the United Nations High Commissioner for Human Rights presented the Recommended Principles and Guidelines on Human Rights and Human Trafficking to the United Nations Economic and Social Council¹ in response to the need for practical, rights-based policy guidance on the trafficking issue. The purpose of the Trafficking Principles and Guidelines is to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions.

¹ E/2002/68/Add.1

In **2004**, the first session of the Conference of the Parties to UNTOC, which was established to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was held in Vienna. Also in **2004**, the Commission on Human Rights appointed the Special Rapporteur on trafficking in persons, especially women and children,² to highlight the importance of a victim-centred, rights-based approach to combating trafficking in persons, especially women and children.

In **2005**, the United Nations World Summit Outcome document recognized the threat trafficking in human beings poses on security, development and human rights.³ It further recognized that trafficking in persons continues to pose a serious challenge to humanity and requires a concerted international response, and to that end urged all States to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in persons to counter the demand for trafficked victims and to protect the victims.⁴

In **2006**, the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) was established to foster coordination and cooperation among relevant United Nations agencies and other international organizations involved in combating human trafficking.⁵

In **2007**, the United Nations Global Initiative to Fight Human Trafficking (UNGIFT) was created⁶, and in **2008** the Vienna Forum to Fight Human Trafficking was held, providing all anti-trafficking actors, including the United Nations, Governments and civil society organizations, with a global forum to share experiences and highlight the need to address human trafficking in a multifaceted and holistic manner.

In **2008**, a thematic debate on human trafficking was held by the General Assembly concentrating on “the three Ps, prevention, protection and prosecution”, and in **2009**, a General Assembly Interactive Thematic Dialogue on “Taking collective action to end human trafficking” underlined the importance of strengthening collective action by Member States and other stakeholders, including regional and international organizations, non-governmental organizations, the private sector and the media.

In **2010**, UNODC published the Framework for Action on Implementation of Trafficking Protocol as a technical assistance tool to assist United Nations Member States in the

² Decision 2004/110.

³ A/RES/60/1 at 111.

⁴ A/RES/60/1 at 112.

⁵ Pursuant to the request of the Economic and Social Council in resolution 2006/27 on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking, and reinforced by the General Assembly in resolution 61/180, on improving the coordination of efforts against trafficking in persons.

⁶ Created by the United Nations Office on Drugs and Crime, in partnership with the International Labour Organization, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children’s Fund, the Organization for Security and Cooperation in Europe and the International Organization for Migration.

effective implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations Trafficking Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC).

In April 2012, the President of the 66th Session of the UN General Assembly convened in cooperation with UNODC and the Group of Friends United Against Human Trafficking⁷, an Interactive Dialogue on "Prevention of Human Trafficking: Partnership and Innovation to End Violence against Women and Girls", which made clear that as a global phenomenon human trafficking requires a global approach and that partnerships at all levels are necessary to address this complex problem effectively. Seven key points/conclusions identified at that event and contained in the President's Summary pertain to the following areas: Coordination, The Law, Women, Demand, Victims, Integration, and, Funding. Participants suggested that the conclusions from that event be reviewed and discussed in the 2013 Appraisal of the Global Plan of Action.

Key Concrete Outcomes of the Global Plan of Action

Creation of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children

The *Trust Fund for Victims of Trafficking* is one of the most important aspects of the Global Plan of Action. Its focus is to provide humanitarian, legal and financial aid to victims of trafficking in persons, especially women and children, through established channels of assistance, such as governmental, intergovernmental and non-governmental organizations. The Fund is managed by UNODC with a board of trustees representing all regions of the world, appointed by the Secretary-General. Pledges to the Trust Fund will be acknowledged during the High Level Meeting.

The Fund operates, subject to the availability of funds, a Small Grants Facility which is open to all not-for-profit NGOs working to provide direct support to victims of human trafficking. The Small Grants Facility targets frontline organizations which provide tangible assistance directly to victims. From Cambodia to Costa Rica and Albania to the United States, the Fund assists organizations across the world in helping those who need it the most. Its work reflects the international nature of human trafficking as well as the differing services required to help victims of this crime. In promoting this inclusive approach, support is given to a range of NGOs who provide victim-focused services. These include running shelters and emergency housing, offering rehabilitation and reintegration services, providing income generation advice and legal support, and helping victims with psychosocial counseling and medical treatment. Donations directly help someone who has been victimized by human traffickers.

Member States wishing to make a pledge to the Trust Fund in advance of or during the high-level meeting are requested to contact Ms. Nadia Kalb, Second Secretary of the

⁷ Made up of 22 Member States.

Permanent Mission of Austria at +1-917-542-8434 (nadia.kalb@bmeia.gv.at), or Ms. Simone Monasebian, Director of the UNODC New York Office, at +1-212-963-5631 (monasebian@un.org).

Establishment of the Global Report on Trafficking in Persons 2012

The Global Report on Trafficking in Persons, released by UNODC in December 2012, (and presented to Member States in New York in February 2013), is one of the key outputs of the Global Plan of Action in which the General Assembly tasked UNODC with data collection and biennial reporting on patterns and flows of trafficking in persons at the global, regional and national levels.⁸

According to the Global Report, at least 136 different nationalities were trafficked and detected in 118 different countries. Human trafficking happens throughout the world with millions of victims falling through the cracks of their own societies only to be exploited by traffickers. They can be found in the world's restaurants, fisheries, brothels, farms and homes, among many other activities. One of the most worrying trends is the increase in child victims. From 2003-2006, 20 per cent of all detected victims were children. Between 2007 and 2010, the percentage of child victims had risen to 27 per cent. The Global Report also notes a worrying increase in the number of girl victims, who make up two thirds of all trafficked children. Girls now constitute 15 to 20 per cent of the total number of all detected victims, including adults, whereas boys comprise about 10 per cent.

The vast majority of trafficked persons are women, accounting for 55 to 60 per cent of victims detected globally. However, the total proportion of women and girls together soars to about 75 per cent, with men constituting about 14 per cent of the total of detected victims. Nonetheless, this is not a uniform picture as one in four detected victims is male. Between 2007 and 2010, almost half of victims detected worldwide were trafficked across borders within their region of origin. Some 24 per cent were trafficked inter-regionally (i.e. to a different region). Domestic trafficking accounts for 27 per cent of all detected cases of trafficking in persons worldwide. There are significant regional differences in the detected forms of exploitation. Countries in Africa and in Asia generally intercept more cases of trafficking for forced labour, while sexual exploitation is somewhat more frequently found in Europe and in the Americas. Additionally, trafficking for organ removal was detected in 16 countries around the world.

Trafficking originating from East Asia also remains the most conspicuous globally. Based on the Report, East Asian victims were found in 64 countries in all regions, and were often detected in large numbers. The Global Report raises concerns about low conviction rates - 16 per cent of reporting countries did not record a single conviction for trafficking in persons between 2007 and 2010. Conviction rates for trafficking are at the

⁸ See para. 60 of the Global Plan of Action. The Global Report can be found at <http://www.unodc.org/unodc/data-and-analysis/glotip.html>

same level as rare crimes such as homicides in Iceland or kidnappings in Norway. More focus must be placed on investigating, prosecuting and punishing this criminal activity while ensuring the integration of a human rights-based approach in the prosecution of cases of human trafficking, including proper identification of victims, enhanced cooperation between criminal justice and victim support agencies and supporting access to justice, safe return and reintegration for victims.

On the positive side, much progress has been made in the fight against trafficking in persons, particularly since the entry into force of the Trafficking in Persons Protocol in 2003. By 2012, 134 countries and territories had enacted legislation criminalizing trafficking. The percentage of countries without an offence criminalizing this activity halved between 2008 and 2012. There is also evidence that trafficking from Eastern Europe and Central Asia has been declining since 2000.

Although much has been achieved, gaps in knowledge remain and additional information about human trafficking continues to be needed. The Global Report is however a stepping stone in the right direction, and it highlights the dedication and commitment of Member States to tackle this crime, while calling on countries to do more. The data collection for the 2014 Global Report has started, and Member States are invited to contribute⁹

Strengthening of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT)

The Global Plan of Action calls on Member States to strengthen and support the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) which is a policy forum mandated by the UN General Assembly to improve coordination and cooperation between UN agencies and other international organizations. ICAT is also intended to facilitate a holistic and comprehensive approach by the international community to preventing and combating trafficking in persons including protection and support for victims of trafficking. In response to this mandate, ICAT is publishing a series of five issue papers over the course of 2012 and 2013. Each issue paper examines one key issue that has been identified and agreed by ICAT's member organizations as a critical challenge to address for the international community to succeed in the fight against trafficking in persons in the coming decade. This series of ICAT papers provides an opportunity for international organizations to speak with one voice, and is intended to serve as a catalyst for the promotion of common strategic priorities and greater policy and programmatic coherence. An overview document, published in May 2012, provides an introduction to each of the five key challenges identified. The first issue paper entitled, *The International Legal Framework Relating to Trafficking in Persons*, was published in October 2012, and the second paper, *Preventing trafficking in persons by addressing demand*, will be published in May 2013.

⁹ A formal request from UNODC will soon be circulated, via note verbale.

II. THE APPRAISAL OF THE PROGRESS ACHIEVED IN THE IMPLEMENTATION OF THE GLOBAL PLAN OF ACTION TO COMBAT TRAFFICKING IN PERSONS

The Global Plan of Action calls for the General Assembly to appraise in 2013 the progress achieved in its implementation.

In December 2012, the General Assembly passed resolution 67/190 on improving coordination of efforts against trafficking in persons and decided to convene a high-level meeting of the General Assembly no later than July 2013 in order to assess achievements, gaps and challenges including in the implementation of relevant legal instruments. Resolution 67/190 also requests the President of the General Assembly to prepare a summary of the high-level meeting.

In letters of the President of the General Assembly dated 7 and 28 February 2013, the Permanent Representatives of Cape Verde and Austria were appointed as Co-facilitators to conduct open-ended informal consultations with Member States with a view to determining the modalities of the 13 May 2013 high-level meeting of the General Assembly on Trafficking in Persons, including on participation of international, regional, and sub regional organizations as well as civil society, including non-governmental organizations, the private sector and the media, whose role is emphasized in the Global Plan of Action. The President's latter letter encourages Member States to participate at the highest level in the 13 May meeting, and further encourages Member States to donate to the "*United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, especially women and children*", established pursuant to paragraph 38 of the Global Plan of Action.

Food for Thought on the Appraisal

The high-level meeting provides an opportunity to:

- 1) Appraise the progress achieved in the implementation of the Global Plan of Action by assessing achievements, gaps and challenges including in the implementation of the relevant legal instruments;¹⁰
- 2) Review progress in the four pillars of the Global Plan of Action - Prevention, Protection, Prosecution, and Partnership – in light of objectives highlighted in the Global Plan:
 - a) Promoting universal ratification of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as other relevant international instruments that address trafficking in persons, and reinforce the implementation of existing instruments against trafficking in persons,

¹⁰ A/RES/67/190, para 12

- b) Helping Member States to reinforce their political commitments and legal obligations to prevent and combat trafficking in persons,
 - c) Promoting comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter trafficking in persons,
 - d) Promoting a human rights-based, gender- and age-sensitive approach in addressing all factors that make people vulnerable to trafficking in persons and strengthening the criminal justice response, which are necessary to prevent trafficking in persons, protect its victims and prosecute its perpetrators,
 - e) Raising awareness within the United Nations system and also among States and other stakeholders, such as the private sector, civil society and the international and national mass media, and the public at large,
 - f) Fostering cooperation and coordination among all relevant stakeholders, including Member States, international organizations, civil society organizations and the private sector, and within various entities of the United Nations system, taking into account existing best practices and lessons learned;¹¹
- 3) Consider ways and means to improve cooperation and coordination within the United Nations in order to promote system-wide coherence and coordination of policies, in particular through strengthening the Inter-Agency Coordination Group against Trafficking in Persons;
 - 4) Explore ways to strengthen the capacity of UNODC to implement the Global Plan of Action;
 - 5) Assess progress made in the seven key areas identified in the General Assembly Interactive Dialogue on human trafficking in April 2012 and reflected in its Presidential Summary: Coordination; The Law; Women; Demand; Victims; Integration; and, Funding;
 - 6) Provide political leadership, guidance and recommendations on the way forward in the fight against human trafficking;
 - 7) Provide a dynamic platform for dialogue, stocktaking and agenda-setting to advance efforts to combat human trafficking and consider new and emerging challenges;
 - 8) Promote the sharing of best practices and experiences relating to the implementation of the Global Plan, and facilitate sharing of experiences, including successes, challenges and lessons learned;
 - 9) Discuss the promotion of evidence-based solutions and contribute to strengthening capacity-building for data collection and analysis, particularly with regard to the best practices and lessons learned in the four pillars of the Global Plan of Action
 - 10) Assess progress of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, established to provide humanitarian, legal and financial aid to victims of trafficking in persons through established channels of assistance, and consider ways and means to improve and strengthen it.

¹¹ A/RES/64/293, Preamble