



Tool 1.8 Regional instruments

Overview

This tool lists regional and interregional instruments against trafficking in persons, and websites at which they can be consulted.

Charters and conventions

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Article 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa concerns the rights to life, integrity and security of the person. Paragraph 2 (g) of that article states that States parties shall take appropriate and effective measures to prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk.



The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa can be found on the website of the African Commission on Human and Peoples' Rights, at:

www.achpr.org/english/_info/women_en.html

American Convention on Human Rights

The American Convention on Human Rights (also known as the Pact of San José, Costa Rica), entered into force in 1978. It has been acceded to by Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay and Venezuela (Bolivarian Republic of). Article 6 of this Convention, entitled "Freedom from slavery", states:

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.
2. No one shall be required to perform forced or compulsory labour. This provision shall not be interpreted to mean that, in those countries in which the penalty established for certain crimes is deprivation of liberty at forced labour, the carrying out of such a sentence imposed by a competent court is prohibited. Forced labour shall not adversely affect the dignity or the physical or intellectual capacity of the prisoner.



The American Convention on Human Rights is available (in English and Spanish) at:

www.oas.org/juridico/english/treaties/b-32.html

Arab Charter on Human Rights, 2004

The Arab Charter on Human Rights was adopted by the Council of the League of Arab States in 1995 and revised in 2004. Article 10 of the revised Charter prohibits trafficking in persons. That article reads:

1. All forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances.
2. Forced labour, trafficking in human beings for the purposes of prostitution or sexual exploitation, the exploitation of the prostitution of others or any other form of exploitation or the exploitation of children in armed conflict are prohibited.

Article 9 of the Charter states that “trafficking in human organs is prohibited in all circumstances”.



The text of the revised Arab Charter on Human Rights can be found at:

www1.umn.edu/humanrts/instreet/loas2005.html



Information about the League of Arab States can be found (in Arabic) at:

www.arableagueonline.org

Council of Europe Convention on Action against Trafficking in Human Beings

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers on 3 May 2005 and opened for signature in Warsaw on 16 May 2005, at the Third Summit of Heads of State and Government of the Council of Europe. The Convention is based on the three aims of preventing trafficking, protecting the rights of victims and prosecuting traffickers, and provides for measures to:

- Raise awareness
- Identify victims

- Protect and assist victims both physically and psychologically with their reintegration into society
- Grant renewable residence permits where victims' personal situations so require
- Criminalize trafficking
- Protect the privacy and safety of victims throughout judicial proceedings



The Council of Europe Convention is available at:
www.coe.int/T/E/human_rights/trafficking/PDF_Conv_197_Trafficking_E.pdf



Information on the Council of Europe Campaign to Combat Trafficking in Human Beings is available at:
www.coe.int/trafficking

South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution

The South Asian Association for Regional Cooperation (SAARC) was formed in 1985 to increase cooperation among the South Asian countries of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was adopted in 2002 at the eleventh SAARC Summit, held in Kathmandu, and is the first regional instrument to address trafficking. Its provisions concerning the amendment of domestic laws, capacity-building of law enforcement mechanisms, and regional cooperation support of the Trafficking in Persons Protocol. This commitment was reinforced most recently at the fourteenth SAARC Summit, held in New Delhi in April 2007. All the SAARC countries have signed this Convention and the ratification process has started. The first meeting of the Regional Task Force on implementation of the SAARC Convention relating to trafficking in women and children (established under the Convention) was held on 26 July 2007 in New Delhi.



The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution is available at:
www.unicri.it/wwd/trafficking/legal_framework/asia.php

South Asian Association for Regional Cooperation Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia

The SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia is a commitment to enhance the welfare of children in the region. Article IV, paragraph 3 (a) of this Convention commits States parties to ensure that there are appropriate legal and administrative mechanisms and social safety nets in place to protect children from, among other things, trafficking.



The SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia is available at:

www.unicri.it/wwd/trafficking/legal_framework/docs/saarc_convention_on_regional_arrangements.pdf

The African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child entered into force on 29 November 1999. Article 29 of this Charter states that States parties shall take appropriate measures to prevent:

- (a) The abduction, the sale of, or trafficking of children for any purpose or in any form, by any person, including parents or legal guardians of the child;
- (b) The use of children in all forms of begging.



The African Charter on the Rights and Welfare of the Child is available at:

www.africa-union.org/child/

Declarations

Association of Southeast Asian Nations Declaration against Trafficking in Persons particularly Women and Children

At the tenth Summit of the Association of Southeast Asian Nations (ASEAN), held in November 2004, the Heads of State of ASEAN signed a declaration on combating trafficking in persons in the ASEAN region, in which they declared that they would undertake, to the extent permitted by their respective domestic laws and policies, concerted efforts to

effectively address trafficking in persons, particularly women and children, through the following measures:

- Establishment of a regional focal network to prevent and combat trafficking in persons
- Adoption of measures to protect official travel documents and identity papers from fraud
- Sharing of information, strengthening of border controls and monitoring mechanisms and the enactment of necessary legislation
- Intensification of cooperation among their respective immigration and law enforcement authorities
- Treating victims of trafficking humanely and providing them with essential assistance, including prompt repatriation



The Declaration is available at:
www.aseansec.org/16793.htm

Bangkok Declaration on Irregular/Undocumented Migration

The Bangkok Declaration on Irregular/Undocumented Migration emerged from an international symposium on migration held in 1999, aimed at enhancing regional cooperation with regard to such migration. The Declaration, made by ministers and governmental representatives of Asian and Pacific countries, calls for cooperation, information exchange, humane treatment of victims of trafficking and stronger criminalization of trafficking in persons.



The Bangkok Declaration is available at:
www.no-trafficking.org/content/Laws_Agreement/multilateral.htm

Brussels Declaration on Preventing and Combating Trafficking in Human Beings

In 2002, the European Conference on Preventing and Combating Trafficking in Human Beings: Global Challenge for the 21st Century brought together more than 1,000 participants representing European Union member States and accession and candidate countries, third countries, international, intergovernmental and non-governmental organizations and the institutions of the European Union. The Brussels Declaration on Preventing and Combating Trafficking in Human Beings was the final outcome of the conference. The Declaration, aimed at further developing European and international cooperation, concrete measures, standards, best practices and mechanisms, received broad support from participants at the conference. Although originating outside the institutional decision-making

structures of the European Union, the Declaration became another important milestone in the European Union's fight against human trafficking. The European Commission announced its intention to make use of the Brussels Declaration as the main basis for its future work in this area. On 8 May 2003, the Council of the European Union adopted conclusions concerning the Brussels Declaration. The European Parliament has referred to the Brussels Declaration in a number of documents. Recommendation 2 annexed to the Declaration stipulates that, at the European level, an experts group, comprising representatives of Governments, intergovernmental and non-governmental organizations, international bodies, researchers, the private sector, such as the transport sector, and other stakeholders should be set up by the European Commission.



Source: Report of the Experts Group on Trafficking in Human Beings, available at:

http://europa.eu.int/comm/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf



The Brussels Declaration on Preventing and Combating Trafficking in Human Beings is available at:

<http://register.consilium.europa.eu/pdf/en/02/st14/14981en2.pdf>

Economic Community of West African States Declaration on the Fight against Trafficking in Persons

At the twenty-fifth Ordinary Session of Authority of Heads of State and Government, of the Economic Community of West African States (ECOWAS), held in Dakar on 20 and 21 December 2001, the Heads of State and Government of the ECOWAS signed the Declaration on the Fight against Trafficking in persons and adopted the ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003) annexed to the Declaration (see Tool 2.10).



The Declaration is available at:

www.unodc.org/pdf/crime/trafficking/Declarationr_CEDEAO.pdf



More information about ECOWAS is available at:

www.ecowas.int/



The UNODC training manual on the implementation of the ECOWAS Plan of Action against Trafficking in Persons is available at:
www.unodc.org/pdf/ecowas_training_manual_2006.pdf

Nasonini Declaration on Regional Security, 2002 (Pacific Islands Forum)

In the 2002 Nasonini Declaration on Regional Security, the Pacific Islands Forum Leaders recalled their commitment to act collectively in response to security challenges, including transnational organized crime, and underlined the importance of introducing legislation and developing national strategies to combat transnational organized crime, including trafficking in persons, in accordance with international standards.



The Nasonini Declaration on Regional Security 2002 is available at:
www.forumsec.org/_resources/article/files/Nasonini%20Declaration%20on%20Regional%20Security.pdf