



Tool 9.1 Principles of prevention

Overview

This tool provides principles and guidelines for preventing trafficking in persons.

The prevention of trafficking in persons requires creative and coordinated responses. Efforts to deter traffickers by addressing the root causes that led them to become traffickers go hand in hand with the deterrent impact of criminal justice efforts. Victim assistance efforts to break the cycle of trafficking must be directed both at preventing victims from being re-trafficked and also at preventing victims from becoming traffickers. And all of these responses must be considered for the data collection opportunities they provide—the more that is learned about traffickers and their methods, the more that efforts to prevent trafficking can be meaningfully targeted. In short, prevention of trafficking is interlinked with all other responses to trafficking and therefore must be undertaken in a concerted, holistic way which acknowledges the complexity of trafficking in persons.

Often, efforts to prevent trafficking only address the so-called root causes of trafficking, such as poverty, lack of (equal) opportunity and lack of education. Further to this narrow focus, sometimes these issues are only addressed from the perspective of trafficking victims, rather than also addressing the root causes that contribute to a person becoming a trafficker. To merely address this stage in the process of trafficking is to neglect the whole picture. At one end of the trafficking process are the “supply” factors (in the place of origin), which relate to a person’s vulnerability to recruitment or the lure of criminal activity; at the other are the “demand” factors (in the place of destination), which lead to the exploitation of trafficked persons. Between these poles are the porous borders (of countries of origin, destination and transit) which allow this illegitimate market to “trade” across borders.

Article 9 of the Trafficking in Persons Protocol emphasizes the need for States to address these aspects of trafficking in persons.

Trafficking in Persons Protocol

Article 9

Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:
 - (a) To prevent and combat trafficking in persons; and
 - (b) To protect victims of trafficking in persons, especially women and children, from revictimization.

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

The Trafficking in Persons Protocol:

- Requires States to endeavour to undertake measures such as social and economic initiatives, research and media campaigns targeting potential victims. Policies, programmes and other measures taken should include cooperation with non-governmental and other relevant organizations.
- Reaffirms that effective action to prevent and combat trafficking in persons requires a comprehensive international approach, including measures to prevent such trafficking, protect victims of such trafficking and prosecute traffickers.
- Indicates that States should take or strengthen these measures, including through bilateral and multilateral cooperation, to alleviate the factors—lack of equal opportunity and poverty—that make persons, especially women and children, vulnerable to trafficking.

Recommended Principles and Guidelines on Human Rights and Human Trafficking

(E/2002/68/Add.1)

(United Nations High Commissioner for Human Rights)

The Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the United Nations High Commissioner for Human Rights offer important guidance for anti-trafficking efforts. The guideline of key relevance to preventing trafficking in persons is provided below.

Guideline 7: Preventing trafficking

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

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

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



The Recommended Principles and Guidelines on Human Rights and Human Trafficking are available at:

www.unhcr.bg/other/r_p_g_hr_ht_en.pdf

Trafficking in Persons Protocol and the Organized Crime Convention

The Trafficking in Persons Protocol, in conjunction with article 31 of the Organized Crime Convention, requires States parties to adopt what amounts to a comprehensive prevention strategy. Social prevention measures, including addressing the adverse underlying social and economic conditions believed to contribute to the desire to migrate and hence to the vulnerability of victims to traffickers, as well as prevention afforded by education and awareness-raising, are dealt with in article 31 of the Organized Crime Convention and in article 9 of the Trafficking in Persons Protocol. These are worded so as both to encompass campaigns intended to raise awareness of the problem and to mobilize support for measures against it in the general population, as well as more targeted efforts directed at warning specific groups or even individuals believed to be at high risk of victimization.

In these areas, preventive measures to be taken against trafficking parallel those against organized crime in general, but the Trafficking in Persons Protocol also contains requirements that are specific to trafficking. Recognizing that trafficking could be dealt with from both the demand and supply sides, article 9 includes measures intended to discourage the demand for services that fosters the exploitive element of trafficking and hence its major source of illicit revenue. The Protocol also takes into consideration that former victims are often even more vulnerable later on, especially if repatriated to places where trafficking is common. In addition to the basic requirements to protect victims from intimidation or retaliation by offenders, article 9 also calls for measures to protect victims from being trafficked again and from other forms of revictimization.

The Protocol also seeks to prevent trafficking through measures intended to make it more difficult for traffickers to use conventional means of transport and entry into States: it requires States parties to ensure that border controls are effective and to prevent the misuse of passports and other travel or identification documents (see Tool 5.11 and Tool 9.6). These provisions, found in articles 11, 12 and 13 of the Trafficking in Persons Protocol, are identical to the corresponding provisions of the Migrants Protocol, which allows States seeking to ratify both Protocols to implement these measures jointly.

Recommended resources

A Handbook on Planning Projects to Prevent Child Trafficking

Terre des Hommes

This handbook, published in 2007, is intended to contribute to the improvement of efforts to prevent child trafficking. It brings together lessons learned and compiles them in a step-by-step format for policymakers, Governments, intergovernmental organizations and other organizations involved in deciding what activities should be undertaken and prioritized in combating trafficking of children.



A Handbook on Planning Projects to Prevent Child Trafficking is available at:

http://tdh-childprotection.org/component/option,com_doclib/task,showdoc/docid,471/

Trafficking in Human Beings in South Eastern Europe; 2004— Focus on Prevention

This report, published by UNICEF, the Office of the United Nations High Commissioner for Human Rights and the OSCE Office for Democratic Institutions and Human Rights examines the efforts of Governments and international and local non-governmental organizations to raise awareness and assist victims in Albania, Bosnia and Herzegovina, Bulgaria, Croatia and the former Yugoslav Republic of Macedonia, Moldova, Romania and the then Serbia and Montenegro (including the United Nations-administered province of Kosovo). The report, based on research carried out in South-Eastern Europe in 2004, calls for:

- Greater effort to address root causes of trafficking in countries of origin and destination
- Flexible anti-trafficking programmes that adapt to changing trafficking patterns
- Greater understanding of trafficking within the broader context of development, gender equality and poverty reduction
- Improved cooperation between institutions and development agencies on trafficking issues
- Continued strengthening of social protection systems to prevent child trafficking
- More research into facts that fuel demand for trafficking
- Greater involvement of civil society
- Long-term prevention measures to ensure long-term solutions



The report is available at:
www.unicef.org/media/media_25814.html