



# Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: General  
23 August 2013

Original: English

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## Working Group on Trafficking in Persons

### Fifth session

Vienna, 6-8 November 2013

Item 4 of the provisional agenda\*

**Forms of exploitation not specifically mentioned in the  
Trafficking in Persons Protocol but that have arisen in  
national, regional or international contexts or practice**

## Forms of exploitation not specifically mentioned in the Protocol

### Background paper by the Secretariat

#### I. Introduction

1. In its decision 4/4, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime acknowledged that the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Organized Crime Convention, was the principal legally binding global instrument to combat trafficking in persons. The Conference further decided to establish an open-ended interim working group on trafficking in persons.
2. In resolution 6/1, the Conference decided that the mandates for the Working Group should be continued and that its areas for future work should reflect, as appropriate, the recommendations contained in the report of the Working Group on its fourth session (see CTOC/COP/WG.4/2011/8, paras. 46-51). The Working Group had, inter alia, recommended to the Conference that forms of exploitation not specifically mentioned in the Protocol but that have arisen in national, regional or international contexts or practice, should be one of the topics considered for its future sessions.
3. The present background paper was prepared by the Secretariat with the view to assist in the deliberations of the fifth session of the Working Group.

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\* CTOC/COP/WG.4/2013/1.



## II. Issues for discussion

4. Member States might consider the following issues, among others, in criminalizing trafficking in persons according to articles 3 (a) and 5 of the Trafficking in Persons Protocol, supplementing the Organized Crime Convention:

(a) Which additional forms of exploitation not specifically mentioned in the Protocol need special consideration (e.g. with regard to victim assistance and protection; non-punishment of victims; measurements that tackle the demand for exploitative services; research, etc.)?

(b) Do States need to list all possible exploitative purposes in their national legislative definition of the crime of trafficking in persons? When, if at all, would the inclusion of the phrase “for the purpose of exploitation” in a legislative definition be sufficient?

(c) How do States that provide a non-exhaustive list of forms of exploitation, as per the Trafficking in Persons Protocol, comply with the principle of legality that requires crimes to be clearly defined (*nulla poena sine lege*)?

(d) How are relevant international treaties used to further interpret and give meaning to the “umbrella” forms of exploitation such as forced labour, slavery and practices similar to slavery?

(e) A list of all forms of exploitation could be extensive. In associating all forms of exploitation with human trafficking, what are the risks of trafficking in persons becoming a broad and arbitrary concept of a crime, that may be easily confused with other crimes? What is the added value and the intention of the Trafficking in Persons Protocol in this regard? How does the criminalization of exploitative practices as stand-alone crimes impact on human trafficking measures?

## III. Background

5. In article 3 (a) of the Trafficking in Persons Protocol, supplementing the Organized Crime Convention, *trafficking in persons* is defined as the recruitment, transportation, transfer, harbouring or receipt of a person, (*acts*), by means of the threat or use of force or other means of coercion, or by abduction, fraud, deception, abuse of power or of a position of vulnerability, or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, (*means*), for the purpose of exploitation (*purpose*).

6. Although the word “exploitation” is not defined in the Protocol, the definition of trafficking in persons provided in the Protocol goes on to state that 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. The *travaux préparatoires* (official records) of the negotiations of the Organized Crime Convention and the Protocols thereto show that the Trafficking in Persons Protocol deliberately provides a non-exhaustive list of forms of exploitation in order to make it possible for States parties to include additional forms of exploitation when defining and criminalizing trafficking in persons crimes in their national legislation. Moreover, the definition

intends to allow States to apply the Trafficking in Persons Protocol to emerging forms of exploitation that may not have been known at the time of its negotiation.

7. A decade after the Protocol entered into force, a great number of exploitative purposes for which people are recruited, transported, transferred, harboured or received through coercion, deception and other means (or without any such means in the case of children) have been addressed by States as cases involving human trafficking offences. Some of those exploitative purposes include sexual exploitation online, exploitation in the fishing, garment, mining, construction, catering, agricultural and other industries, exploitation in private households, exploitation in the public and private care sectors, exploitation for witchcraft practices, exploitation of forced criminal activity and forced begging and very particular forms of child exploitation, including in the areas mentioned above, as well as others such as, the use of children as camel jockeys.

8. Also, while the Trafficking in Persons explicitly mentions the removal of organs as an exploitative purpose, it does not mention the removal of other body parts, tissues and cells, which does not mean that the latter do not also constitute exploitation, given the Protocol's list is indeed non-exhaustive. The use of people for terrorist activities could be a form of exploitation and, quite recently, the question has arisen if the kidnapping and holding to ransom of migrants can be a form of exploitation as well. It should be noted that the number and description of forms of exploitation listed above can only be limited, given the many sectors and practices in which exploitation can take place. The forms of exploitation that the Trafficking in Persons Protocol explicitly mentions are not further defined or explained in the Protocol itself.

9. With regard to "exploitation of the prostitution of others" and "other forms of sexual exploitation", the interpretative notes for the *travaux préparatoires* on article 3 of the Protocol (A/55/383/Add.1, paras. 63-68) clarify that these terms "are not defined in the Protocol, which is therefore without prejudice to how States parties address prostitution in their respective domestic laws". The production of pornographic material and online sexual abuse can fall under this form of exploitation, as can sex tourism, if, in any specific incidence, there had also been an act (recruitment, transportation, transfer, etc.) and, at least in the case of adults, the use of a means (threat or use of force, deception, abuse of a position of vulnerability, etc.).

10. For forms of exploitation such as "forced labour", "slavery" and "practices similar to slavery" the Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto point out that there are several international instruments that set forth the meaning of these concepts. Among these instruments are, for example, the 1930 Convention concerning Forced or Compulsory Labour (Convention No. 105), the 1957 Convention concerning the Abolition of Forced Labour (Convention No. 105) and the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) of the International Labour Organization (ILO); the 1948 Universal Declaration of Human Rights; the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

and the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms.

11. Article 14 of the Trafficking in Persons Protocol takes specific note of the existence of other international instruments for the purpose of the interpretation of the Protocol. Therefore, many forms of exploitation, that are not mentioned specifically in the Trafficking in Persons Protocol, are nonetheless captured within forms of exploitation which the Protocol does mention specifically and the breadth of which are further defined and described in other international instruments.

12. *The context of forced labour and services*: Exploitation in the context of trafficking in persons in the fishing, garment, construction and mining industries, in the fields of agriculture and forestry, and in multiple other industrial sectors, is not specifically mentioned by the Protocol, but could be captured by the concept of forced labour as mentioned in ILO Convention No. 29 concerning Forced or Compulsory Labour. Article 2, paragraph 1, of that Convention defines “forced labour or services” as: “All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” The present background paper does not seek to repeat analyses of key concepts of the Trafficking in Persons Protocol presented in a background paper concerning key forms of exploitation prepared previously by the Secretariat (CTOC/COP/WG.4/2010/2).

13. It should be noted here, however, that “all work or service” is to encompass all types of work, employment or occupation irrespective of whether or not national rules and regulations recognize them as an “economic activity”, or a legal activity.<sup>1</sup> That means that many regular or irregular types of activity would be captured by “forced labour or services” that the Trafficking in Persons Protocol explicitly mentions as a form of exploitation. This may seem obvious for work that takes place in regular work sectors, but less obvious for other types of activities such as begging, domestic work or criminal activity including drug cultivation and trafficking. The inclusion of specific references to these forms of exploitation in national anti-trafficking criminal laws may have far-reaching consequences and may also have implications for the actions taken by law enforcement as they pertain to victims who are forced to commit crimes.

14. In addressing the forced labour of children, such as their use as camel jockeys or in armed conflicts, ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour as well as the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography serve as additional instruments in further defining the forms of exploitation mentioned in the Protocol.

15. Another form of exploitation that the Trafficking in Persons Protocol expressly mentions, “servitude”, may also encompass a wider concept of exploitation that covers a range of forms of exploitation that are not specifically mentioned in the Protocol. Although not defined in the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966), servitude is prohibited by it. The Supplementary Convention on the Abolition of

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<sup>1</sup> See, for example, International Labour Organization, “A global alliance against forced labour” (Geneva, 2005).

Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery that defines the term of “a person of servile status” and refers to debt bondage, serfdom and other practices may be used to further interpret this concept.

16. There are some forms of exploitation, such as forced marriage, that have relevance to two broad forms of exploitation that the Protocol refers to explicitly, namely sexual exploitation and forced labour and services. Forced marriage, however, according to the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, could also be a practice similar to slavery. The practice of “bride kidnapping” may be another example, provided that the other elements of trafficking are also present.

17. The issue of adoption as a form of exploitation, not mentioned in the Protocol, is explicitly addressed by the interpretative notes on the Protocol in the *travaux préparatoires* (A/55/383/Add.1, paras. 63-68): “Where illegal adoption amounts to a practice similar to slavery as defined in article 1, paragraph (d), of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, it will also fall within the scope of the protocol.” This suggests that only illegal adoptions, where there is an intention to exploit the child (in forced labour or sexually), can amount to trafficking in children, as the Supplementary Convention in its article 1 (d) refers to “the exploitation of the child or young person or of his labour”.

18. There are forms of exploitation that the Trafficking in Persons Protocol does not explicitly mention and that may be difficult to subsume under the concepts of forced labour and services, servitude or practices similar to slavery. These may include, for example, the use of a person for forced pregnancy and surrogacy, removal of body parts other than organs, as well as removal of tissues and cells, etc.

19. There are also emerging forms of exploitation that warrant further discussion in international forums of the relevant applicable concepts, including trafficking in persons, such as the use of torture against persons in extortion activities, and the exploitative use of people for terrorist activities.

## **IV. Guidance for response**

### **A. Organized Crime Convention and Trafficking in Persons Protocol**

20. As mentioned in section III, the Trafficking in Persons Protocol, in its saving clause, article 14, takes note of the existence of other international instruments in interpreting the Protocol. The concepts of forced labour, slavery, practices similar to slavery and servitude are elaborated upon in a number of international conventions, listed above and should, where applicable to States concerned, guide the interpretation and application of the Protocol.

21. The Model Law against Trafficking in Persons published by the United Nations Office on Drugs and Crime (UNODC) suggests the following options with regard to exploitation:

Article 8. Trafficking in persons

1. Any person who:

(a) Recruits, transports, transfers, harbours or receives another person;

(b) 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;

(c) For the purpose of exploitation of that person;

shall be guilty of an offence of trafficking in persons and upon conviction shall be subject to imprisonment for ... and/or a fine of/up to ... [a fine of the ... category].

2. Exploitation shall include:

(a) The exploitation of the prostitution of others or other forms of sexual exploitation;

(b) Forced or coerced labour or services [including bonded labour and debt bondage];

(c) Slavery or practices similar to slavery;

(d) Servitude [including sexual servitude];

(e) The removal of organs;

(f) [Other forms of exploitation defined in national law].

22. The Model Law goes on to suggest that States may consider including also other forms of exploitation in their criminal law, which should be well defined. It lists the following additional forms of exploitation that might be included: forced or servile marriage; forced or coerced begging; use in illicit or criminal activities (including the trafficking or production of drugs); use in armed conflict; ritual or customary servitude (alternative descriptions provided are “any form of forced labour related to customary ritual” and “exploitative and abusive religious or cultural practices that dehumanize, degrade or cause physical or psychological harm”); the use of women as surrogate mothers; forced pregnancy; or illicit conduct of biomedical research on a person.

23. The Model Law also states that the list of forms of exploitation can be adapted taking into account the national experience with specific forms of exploitation and existing legislation. In paragraph 3 of its article 8, the Model Law continues to state:

3. If the other person mentioned in paragraph 1 (a) is a child, exploitation shall also include:

(a) The use [procuring or offering of a child] for illicit or criminal activities [including the trafficking or production of drugs and begging];

(b) The use in armed conflict;

(c) Work that, by its nature or by the circumstances in which it is carried out, is likely to harm the health or safety of children, as determined by [quote the name of the national (labour) legislation or authority, e.g. the Ministry of Labour];

(d) The employment or use in work, where the said child has not reached the applicable minimum working age for the said employment or work;

(e) [Other forms of exploitation].

## **B. Conference of the Parties and the Working Group on Trafficking in Persons**

24. At its fifth session, in October 2010, the Conference of the Parties to the Organized Crime Convention requested the Secretariat to continue its work on the analysis of key concepts of the Trafficking in Persons Protocol (CTOC/COP/2010/17, resolution 5/2, para. 10).

25. At its second session, held in January 2010, the Working Group on Trafficking in Persons recommended that the Secretariat should prepare, in consultation with States parties, issue papers to assist criminal justice officers in penal proceedings, on subjects such as consent, harbouring, receipt and transport; abuse of a position of vulnerability; exploitation; and transnationality. In addition, the Secretariat should ensure that any new concepts were integrated into existing tools and materials (see CTOC/COP/WG.4/2010/6, para. 31 (b)).

26. At its first session, held in April 2009, the Working Group on Trafficking in persons recommended that, 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 (see CTOC/COP/WG.4/2009/2, para. 7). A first issue paper on the key concept of abuse of a position of vulnerability and a corresponding guidance note for practitioners were published in October 2012.<sup>2</sup>

## **C. Additional international guidance**

27. The Global Plan of Action to Combat Trafficking in Persons, adopted by the General Assembly in its resolution 64/293, in paragraph 43, asks “States Members of the United Nations to implement all relevant legal instruments that criminalize trafficking in persons, including by: (a) prosecuting crimes of trafficking in persons that encompass all forms of exploitation and enacting, enforcing and strengthening legislation that criminalizes all trafficking in persons, especially women and children”.

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<sup>2</sup> Available at [www.unodc.org/unodc/en/human-trafficking/publications.html?ref=menuseide#Issue\\_Paper\\_Abuse](http://www.unodc.org/unodc/en/human-trafficking/publications.html?ref=menuseide#Issue_Paper_Abuse).

28. The United Nations High Commissioner for Human Rights, in the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, in Guideline 4 on ensuring an adequate legal framework, states that the lack of specific and/or adequate legislation on trafficking at the national level has been identified as one of the major obstacles in the fight against trafficking. The Principles and Guidelines note an urgent need to harmonize legal definitions, procedures and cooperation at the national and regional levels in accordance with international standards. Furthermore, it is noted that the development of an appropriate legal framework that is consistent with relevant international instruments and standards will also play an important role in the prevention of trafficking *and related exploitation*.

#### **D. Regional guidance**

29. The definition of trafficking in human beings in article 4 (a) of the Council of Europe Convention on Action against Trafficking in Human Beings is identical to the one in article 3 (a) of the Trafficking in Persons Protocol, while article 4, paragraphs (b)-(d) of the Council of Europe Convention is identical to article 3, paragraphs (b)-(d) of the Protocol.

30. Directive 2011/36 of the European Parliament and of the European Council on preventing and combating trafficking in human beings and protecting its victims, (replacing Council Framework Decision 2002/629/JHA), explicitly mentions “that women and men are often trafficked for different purposes”. It also states that “‘push’ and ‘pull’ factors may be different depending on the sectors concerned, such as trafficking in human beings into the sex industry or for labour exploitation in, for example, construction work, the agricultural sector or domestic servitude”. The Directive moreover explicitly states: “In order to tackle recent developments in the phenomenon of trafficking in human beings, this Directive adopts a broader concept of what should be considered trafficking in human beings than under Framework Decision 2002/629/JHA and therefore includes additional forms of exploitation. Within the context of this Directive, forced begging should be understood as a form of forced labour or services as defined in the 1930 ILO Convention No. 29 concerning Forced or Compulsory Labour.

31. Therefore, the exploitation of begging, including the use of a trafficked dependent person for begging, would fall within the scope of the definition of trafficking in human beings only when all the elements of forced labour or services occur. In the light of the relevant case-law, the validity of any possible consent to perform such labour or services should be evaluated on a case-by-case basis.

32. However, when a child is concerned, no possible consent should ever be considered valid. The expression “exploitation of criminal activities” should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain. The definition also covers trafficking in human beings for the purpose of the removal of organs, which constitutes a serious violation of human dignity and physical integrity, as well as, for instance, other behaviour such as illegal adoption or forced marriage in so far as they fulfil the constitutive elements of trafficking in human beings.

33. Accordingly, in its article 2, on offences concerning trafficking in human beings, the Directive requires:

1. Member States shall take the necessary measures to ensure that the following intentional acts are punishable:

The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those 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.

(...)

3. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

34. The Directive is a legislative act that sets out goals that all European Union countries must achieve, leaving it to the individual countries, as to how they achieve these goals. In line with that European Union Directive, the European Union Strategy towards the Eradication of Trafficking in Human Beings for 2012-2016 mentions that “victims are often recruited, transported or harboured by force, coercion or fraud in exploitative conditions, including sexual exploitation, forced labour or services, begging, criminal activities, or the removal of organs”.

## **E. National examples**

35. Below are some national examples of various forms of exploitation that explicitly mention forms of exploitation that the Trafficking in Persons Protocol does not mention specifically:

### **Israel**

36. In article 377A, entitled “Trafficking in Persons”, of the Penal Code of Israel, it is stated that “anyone who carries on a transaction in a person for one of the following purposes or in so acting places the person in danger of one of the following, shall be liable to sixteen years imprisonment:

1. Removing an organ from the person’s body;
2. Giving birth to a child and taking the child away;
3. Subjecting the person to slavery;
4. Subjecting the person to forced labour;
5. Instigating the person to commit an act of prostitution;
6. Instigating the person to take part in an obscene publication or obscene display;
7. Committing a sexual offense against the person.”

**Belarus**

37. Article 181 “Trafficking in persons” of the Criminal Code of Belarus, as amended by Law No. 227-3 on Changes to the Criminal Code and Criminal Procedure Code, 22 July 2003, stipulates that:

1. Actions intended to sell or purchase or undertake other types of activities regarding turning over or obtaining a dependent person (trafficking in persons), shall be subject to arrest — up to six months; or to restriction of freedom — up to three years; or to imprisonment — up to six years.
2. The same actions committed:
  - knowingly against a juvenile;
  - against two or more persons;
  - with the goal of sexploitation or other type of exploitation;
  - with the goal of using the victim’s organs or tissue for purposes of transplantation;
  - by a group of people based on foregoing planning, or by an organized group;
  - by public official at the hand of power abuse

shall be penalized by imprisonment for a term of from five to ten years with seizure of property or without.

3. Aforementioned actions that carelessly caused the death or heavy bodily injury of a victim shall be subject to imprisonment for a term of from 8 to 15 years with seizure of property or without.

**Bulgaria**

38. In article 159a of the Criminal Code of Bulgaria, it is stated that “[p]ersons who select, transport, hide, or receive individuals or groups of persons for the purpose of using them for acts of debauchery, compulsory labour, removing their organs, or keeping them in forceful subordination, irrespective of their consent, shall be punished with imprisonment of one to eight years and a fine not exceeding eight thousand levs.”

**Uganda**

39. Like the Trafficking in Persons Protocol definition, the definition of “purpose of exploitation” in the Prevention of Trafficking in Persons Act (2009) of Uganda is not exhaustive beginning with the word “includes at a minimum”. That said, the Ugandan definition expressly includes more such purposes than does the Protocol, for example, forced marriage, child marriage, harmful child labour, use of a child in armed conflict, use of a person in illegal activities, debt bondage, human sacrifice, the removal of organs or body parts for purposes of witchcraft, harmful rituals or practices. In addition, while the purpose of sexual exploitation appears in both instruments, the Ugandan Act expressly includes, beyond prostitution, in addition sex tourism, pornography, the production of pornographic materials or the use of a person for sexual intercourse or other lascivious conduct.

**Nigeria**

40. In article 15 of the Trafficking in Persons (Prohibition) Law — Enforcement and Administration Act, 2003, as amended, it is stated that:

Any person who

(a) Procures, uses or offers any person for prostitution, or the production of pornography, or for pornographic performance;

(b) Keeps a brothel;

(c) Allows a person under the age of eighteen years to be in a brothel or trades in prostitution;

(d) Procures, uses or offers any person for the production and trafficking in drugs;

(e) Traffics any person for the purpose of forced or compulsory recruitment and use in armed conflict,

commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine.

## Annex

### **Key tools and recommended resources**

#### **A Global Alliance against Forced Labour — Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Organization, Geneva, 2005**

The Global Report on forced labour aims to explain how the concept of “forced labour” is defined in international law and discuss some parameters for identifying contemporary forced labour situations in practice. It also aims to give a dynamic global picture of contemporary patterns of forced labour, reviewing legal frameworks against forced labour and law enforcement in practice and examining major categories of contemporary forms of forced labour.

Available at [www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_081882.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081882.pdf).

#### **Human Trafficking Case Law Database, United Nations Office on Drugs and Crime**

UNODC has developed a human trafficking case law database to provide immediate, public access to officially documented instances of this crime. It contains details on victims’ and perpetrators’ nationalities, trafficking routes, verdicts and other information related to prosecuted cases from across the world. It provides not only a detailed record of prosecutions and convictions, but also the real-life stories of trafficked persons, as documented by the courts. The database aims to assist judges, prosecutors, policymakers, media researchers and others by making available details of real cases with examples of how the respective national laws in place can be used to prosecute human trafficking.

Available at [www.unodc.org/cld](http://www.unodc.org/cld).

#### **Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, United Nations, New York, 2004**

The main purpose of the Legislative Guides is to assist States seeking to ratify or implement the Organized Crime Convention and/or its supplementary Protocols. The Guides have been drafted to accommodate different legal traditions and varying levels of institutional development and provide, where available, implementation options. The Guides lay out the basic requirements of the Convention and the Protocols thereto, as well as the issues that each State party must address, while furnishing a range of options and examples that national drafters may wish to consider as they seek to implement the Convention and its Protocols. The Guides are not intended to provide definitive legal interpretation of the articles of the Convention and its Protocols.

Available at [www.unodc.org/pdf/crime/legislative\\_guides/Legislative%20guides\\_Full%20version.pdf](http://www.unodc.org/pdf/crime/legislative_guides/Legislative%20guides_Full%20version.pdf).

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**Model Law against Trafficking in Persons, United Nations Office on Drugs and Crime, Vienna, 2009**

The Model Law against Trafficking in Persons has been developed to assist States in implementing the provisions contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing that Convention. It aims to facilitate the review and amendment of existing legislation as well as the adoption of new legislation. The Model Law covers not only the criminalization of trafficking in persons and related offences, but also the different aspects of assistance to victims as well as establishing cooperation between different state authorities and NGOs. Each provision provided in the Model Law is accompanied by a detailed commentary, providing several options for legislators, as appropriate, and legal sources and examples. Of special relevance is article 5, which provides a first approach to the definition of the term, “abuse of a position of vulnerability”.

Available at [www.unodc.org/documents/human-trafficking/Model\\_Law\\_against\\_TIP.pdf](http://www.unodc.org/documents/human-trafficking/Model_Law_against_TIP.pdf).

**The International Law of Human Trafficking, Anne T. Gallagher, New York, 2010**

The book presents a comprehensive and in-depth analysis of the international law of human trafficking.

***Travaux Préparatoires* of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, United Nations, New York, 2006**

The *travaux préparatoires* (official records) of the negotiations of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and its three supplementary Protocols, seek to track the progress of the negotiations in the open-ended intergovernmental Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, which was established by the General Assembly by its resolution 53/111 of 9 December 1998, with terms of reference supplemented by the Assembly in its resolution 53/114 of 9 December 1998, and requested to finalize the draft texts and submit them directly to the Assembly for adoption (resolution 54/126). It intends to provide a comprehensive picture of the background of the Convention and its three Protocols and, by presenting the evolution of the texts, to provide the reader with an understanding of the issues confronted by the Ad Hoc Committee and the solutions it found. Thus, the publication aims to provide a better, in-depth understanding of the Convention and its Protocols.

Available at [www.unodc.org/pdf/ctoccop\\_2006/04-60074\\_ebook-e.pdf](http://www.unodc.org/pdf/ctoccop_2006/04-60074_ebook-e.pdf).