

CND INTERSESSIONAL THEMATIC DISCUSSION

Statement of Martin Fowke, Human Trafficking and Migrant Smuggling Section

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Many thanks for giving me the floor, Madam Chair. [\[intro, section\]](#)

From our work, we know that [drug trafficking](#) and [trafficking in persons](#) intersect.

Both constitute crimes that generate billions of profits every year, particularly through professionalized operations and, for this reason alone, are attractive income streams for diversified criminal activity. Large or well-networked organized criminal groups that can readily adapt and can quickly expand their reach, can be involved in different types of organized crimes concurrently and take advantage of the existing infrastructure, routes and methodologies of one crime for the commission of others. In such cases, human beings constitute another commodity for traffickers and a source of profit.

Trafficking in persons, by definition, is a person-centred crime rooted in exploitation of people. Organized criminal groups may be involved in the trafficking of persons for different purposes of exploitation, such as sexual exploitation, forced labour, domestic servitude, forced criminality or even organ removal. In the context of today's discussion, I would underline two particular forms of trafficking that interlink with drug trafficking: [trafficking for forced labour](#) and [forced criminality](#).

Trafficking victims, especially, but not only, children, can be exploited in the [cultivation and trafficking of illicit drugs](#). In such cases, individuals are exploited to support the cultivation of drugs in farms. Trafficking victims may be [repeatedly forced](#) to commit such illegal activity for long periods of time. While they are compelled to do so, the victims in these situations are often aware that they are committing an offence, and resultingly fear the authorities, who might regard them as criminals. In many cases, the traffickers themselves play with this fear to keep control over trafficked persons and prevent them from reporting their abusers. This is particularly the case when their migratory status is [irregular](#). This creates very challenging situations for actors of the criminal justice system, who might not always be able to identify the victims of trafficking as such, and instead [mistake them for offenders or possible criminals](#).

In a recent judgement, this year, in the [European Court of Human Rights](#) [*called V.C.L. and A.N. v. the UK*], the Court concluded that a State had failed to fulfil its obligations to detect and protect two children from Vietnam who had been forced to cultivate cannabis in large cannabis factories. Instead of being assisted and protected when the illicit activities had been discovered, the children had been charged with drug-

related offences. Given the situation of the 2nd child in particular, this was particularly surprising given that, shortly after his arrival in the country, he had been taken to work in the cannabis factory, where he was mainly locked in and unable to go out and never received any compensation for his work.

This case is interesting in many ways, but in particular because it is representative of the prevailing difficulties of detecting victims of trafficking in persons when they have been forced to commit crimes. In that regard, the case shows the fundamental importance of strengthening the capacity of criminal justice practitioners, including those who work on drug trafficking, to properly identify victims of trafficking in persons. It also highlights the importance of the so-called 'non-punishment principle', which means that trafficking victims should not be punished for acts that they were compelled to commit in the framework of their exploitation, whether this was in their involvement in the cultivation, transportation or selling of drugs.

Knowledge of available expertise, referral possibilities, and the formal identification decisions of national competent authorities have a critical role in securing justice for victims, while domestic courts have a complementary role to protect victims from wrongful prosecutions. Early identification is therefore of paramount importance to ensure that trafficking victims are not punished for acts they were compelled to commit but recognized as victims of crime who are entitled to protection and assistance.

The failure to identify an individual as a victim of trafficking has an impact on the fairness of a trial. However, all too often, the intersection between human trafficking and drug trafficking can result in trafficked persons being prosecuted instead of being protected and assisted, despite most countries in the world now having national legislative frameworks on trafficking in persons. This issue requires our urgent attention.

In the 2019 Ministerial Declaration, Member States expressed concern about the "increasing links" between drug trafficking and other forms of organized crime, such as human trafficking, and committed themselves to better respond to these challenges by inter alia strengthening cooperation and information-sharing.

Our available support of Member States, at UNODC, includes a wide range of services for the strengthening of capacity of criminal justice actors, whether police officers, prosecutors or judges, and by defining consistent and coherent policy and laws on the interlinkages between drug trafficking and human trafficking. This session offers a great opportunity to look at these issues and I therefore look forward to today's discussion on this highly relevant topic.

Thank you very much.