

The UNODC Human Trafficking Case Law Database

Information for Contributors

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What is the UNODC Human Trafficking Case Law Database

The UNODC Human Trafficking Case Law Database is an online database providing public access to summaries, and, when available, also full court decisions, of human trafficking cases from around the world. As of January 2015, it includes about 1,100 human trafficking cases from 90 countries. The Human Trafficking Case Law Database is fully available in English, and partially available in Spanish and French. It can be accessed through: www.unodc.org/cld.

What is the purpose of the UNODC Human Trafficking Case Law Database?

The [2014 UNODC Global Report on Trafficking in Persons](#) shows that majority of countries today have anti-trafficking legislation. In particular, of the 173 countries considered for the analysis, 146 criminalize all aspects of trafficking in persons explicitly mentioned in the Trafficking in Persons Protocol. However, trafficking in persons continues to be under-prosecuted, and conviction rates remain low. The Report reveals that of the 128 countries covered, between 2010 and 2012, 15 per cent did not record a single conviction for trafficking offences and 40 per cent recorded only less than 10 convictions.

In those cases where prosecutions have been undertaken, very little is currently known about them internationally. By creating the Human Trafficking Case Law Database, UNODC is working to increase the visibility of successful prosecutions, and to promote awareness of the realities of this devastating crime. The Database enables users to take experiences and court decisions from other countries into account when dealing with human trafficking issues, consult on practices in different jurisdictions and broaden their knowledge of human trafficking crimes.

The Human Trafficking Case Law Database is a practitioners' tool for police investigators, prosecutors and judges; a monitoring tool for government policy-makers; an awareness-raising tool for the public and media; as well as an information tool for researchers and all those responding to trafficking in persons. Cases from the Database are also being used in UNODC technical assistance activities, including capacity building trainings for criminal justice practitioners.

What cases can be found in the UNODC Human Trafficking Case Law Database?

The Human Trafficking Case Law Database collects cases which fall under the internationally agreed definition of human trafficking in Article 3 of the United Nations Trafficking in Persons

Protocol¹. In accordance with this definition, the crime of human trafficking has three constituent elements:

1. An act (what is done): recruitment, transportation, transfer, harbouring or receipt of persons;
2. The means (how it is done): 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; (*in the cases of child trafficking, it is not necessary to prove this element, but only the act and purpose*) and
3. An exploitative purpose (why it is done): this includes, 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 definition in the Trafficking in Persons Protocol is meant to provide a level of consistency and consensus around the world on the phenomenon of trafficking in persons; domestic legislation, however, need not follow the precise language of the Protocol. Rather, domestic legislation should be adapted in accordance with domestic legal systems and give effect to the meaning and concepts contained in the Protocol. Thus, different terminology and definitions can be found throughout the Human Trafficking Case Law Database, reflecting the different approaches of States in defining trafficking in persons in their national legislation. The Human Trafficking Case Law Database also includes cases which fulfil the three constituent elements of Article 3 of the Trafficking in Persons Protocol, but are not prosecuted under trafficking-specific national legislation.

Further, the Human Trafficking Case Law Database also includes cases which potentially fall outside the scope of the Trafficking in Persons Protocol, but which concern similar values or purposes of exploitation according to the Trafficking in Persons Protocol. For these cases, the particular reasons for inclusion are explained in the Commentary/Significant Features section at the bottom of the respective case summary.

Why and how to contribute to the UNODC Human Trafficking Case Law Database?

As the only global public record of human trafficking crimes, the Human Trafficking Case Law Database is a useful tool for practitioners; however, there is a continued need for expansion and improvement of the Database.

First, there are still many landmark trafficking cases which are not yet included in the Human Trafficking Case Law Database. Second, many countries are not yet covered by the Database.

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Article 3: "Trafficking in persons" shall mean 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.



Third, translation of cases into other United Nations languages is currently limited (Spanish, French) or lacking (Arabic, Chinese and Russian).

To this end, UNODC welcomes the involvement of new contributors who could assist in:

- a) Identifying landmark trafficking cases all over the world which could be added to the Human Trafficking Case Law Database;
- b) Getting access to new trafficking cases for the Human Trafficking Case Law Database;
- c) Preparing summaries of new trafficking cases in English and/or other United Nations languages, using a UNODC template;
- d) Updating the existing cases in the Human Trafficking Case Law Database to reflect the decisions by higher instances; and
- e) Translating the court decisions/case summaries into other United Nations languages.

New contributors would join the existing network of contributors who, beyond government institutions, include law schools, non-governmental organizations, United Nations Online Volunteers, national trafficking coordinators and pro bono programmes of commercial law firms. The full list of current contributors can be found online at: <http://www.unodc.org/cld/en/about/contributors.html>.

UNODC supports the work of contributors by sending a UNODC template for the preparation of summaries (available in all United Nations languages), and providing detailed instructions and background information.

Where can I find more information on the Human Trafficking Case Law Database?

For more information on the UNODC Human Trafficking Case Law Database, visit the “About” section of the Database at: www.unodc.org/cld.

You can also watch a video on how to use to use the Human Trafficking Case Law Database: <https://www.youtube.com/watch?v=tpyq97aEJ54>. Apart from the general information on the Human Trafficking Case Law Database, the video explains how to use the advanced multi-faceted search function of the Database, through which cases of interest can be easily selected. Cases can be browsed by country, keywords or filtered by various criteria, such as verdict date, nationality or gender of victims/defendants, legal system or sector in which exploitation takes place.

For more information on UNODC’s work against trafficking in persons, visit: <http://www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuaside>.



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