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United Nations Office on Drugs and Crime

Remarks by John Brandolino, Director, Division for Treaty Affairs, UNODC, on the occasion of the follow up event to the High-level Plenary Meeting of the General Assembly on addressing large movements of refugees and migrants.

***‘Contributing to a Global Compact on Migration:
Actions to Address Trafficking in Persons’***

29 September 2016, 10h00 - 12h00, Conference Room 12, United Nations New York

Excellencies,
Distinguished colleagues,
Ladies and Gentlemen,

Let me start by thanking our partner and co-host, EU Ambassador Vale de Almeida and the EU Anti-Trafficking Coordinator, Myria Vassiliadou. The European Union is an important partner of ours, as are other members of this distinguished panel.

As Simone has mentioned, this event comes at a critical time.

We know that the armed conflict and humanitarian crises of the day have caused massive migration flows.

We know these flows are not just limited to Europe, although Europe has been heavily challenged. They are occurring worldwide.

The forthcoming biennial 2016 UNODC Global Report on Trafficking in Persons, which will be released in November, confirms that human trafficking flows generally follow the overall migratory flows.

The majority of trafficking victims detected globally by Member States (around 60 per cent¹) are foreigners in the country of detection, most of them migrants.

Likewise, information collected for the Global Report has shown an increasing detection of victims from conflict-affected countries such as Syria, Iraq and Somalia in countries in Europe, Asia and the Middle East.

The continuing vulnerability of women and children as victims of trafficking in persons is another finding of the Global Report, comprising 79 per cent of the total victims detected.

The EU Anti-Trafficking Coordinator’s Progress Report from June of this year came to the same conclusion, highlighting the particular vulnerability of migrant children.

EU data confirms that child trafficking is exacerbated by the ongoing migration crisis, during which the number of children arriving in the EU has risen exponentially. A significant amount of these children are travelling unaccompanied, making them preferred targets for traffickers.

¹ 156 Member States have contributed to the 2016 UNODC Global Report on Trafficking in Persons.

I would like to touch upon two main points in my remarks today.

First, I would like to highlight how trafficking in persons has been addressed within the context of current prioritized discussions to address migration, particularly in relation to the High Level Summit held on September 19 here in New York.

Secondly, I would like to reconfirm the centrality of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, known as the TIP Protocol.

This treaty provides us with the first and only internationally agreed upon definition for trafficking in persons, and steers our common efforts with a clear framework for action.

A framework which the organization I represent – the United Nations Office on Drugs and Crime (UNODC) – has been successfully delivering upon for the last 15 years, often with the generous support of partners like the European Union and the United States.

Setting the stage- the High Level Summit:

UNODC was actively involved in the preparation and organization of the High-Level Summit on Large Movements of Refugees and Migrants, convened on 19 September.

Two core messages stand out for me in the outcome document from the Summit, known as the ‘New York Declaration for Refugees and Migrants’.

First, a desire to protect and save lives in peril, born from a profound solidarity for the millions of persons around the world who are forced to flee their homes.

Second, moving beyond moral compassion, to a call for action. In the Declaration, States reiterate in the strongest language their commitment to fight human trafficking and migrant smuggling.

The New York Declaration specifically mentions 24 items that *could* be included in the Global Compact that will be negotiated with a finalization date of 2018. Two of them directly refer to trafficking:

“Combatting trafficking in persons, smuggling of migrants and contemporary forms of slavery.”

“Identifying those who have been trafficked and consider providing assistance including temporary or permanent residency and work permits as appropriate.”

It also mentions, more indirectly, that any Compact should consider addressing: “Effective protection of the human rights and fundamental freedoms of migrants, including women and children...”

Defining effective action in this area

You may wonder – in the face of this evolving and challenging situation – what tools can we best rely upon? What can provide a guide for action?

My response is simple – back to the Trafficking in Persons Protocol.

The New York Declaration actually reaffirms the importance of the United Nations Convention against Transnational Organized Crime and the two Protocols – the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol.

The Trafficking in Persons Protocol is one of the most successful treaties in modern international law, enjoying one of the speediest ratification trajectories ever, and soon approaching universality.

As of today, there are 170 ratifications, or nearly 90 per cent of all Member States, including most recently, the Republic of Korea, Singapore and the Maldives.

At least 85 per cent of States Parties have criminalized trafficking in persons in their national legislation, which is a truly remarkable feat since its adoption in 2000.

This success reflects both a level of consensus on the gravity of this crime and a demonstration of the political commitment to address it.

Let me be clear though – the definition of trafficking in persons is one of the strongest, most innovative aspects of the Protocol. While listing the forms of exploitation most prevalent and agreed upon at the time of drafting, the text also refers to these as a minimum, non-exhaustive list.

The inclusion of subtle means of control such as fraud, deception and abuse of a position of vulnerability was one of the most forward looking achievements. Through a number of technical Issue Papers on the definition of trafficking in persons, UNODC has elaborated working tools for national practitioners which continue to be cited in court judgments as leading doctrine.

The Protocol's important language on consent, rendering it irrelevant in the face of any of the illicit means, is extraordinarily significant and also cannot be overlooked.

UNODC has developed an extensive technical assistance programme that has the victim at its centre, and is delivering concrete results using this framework.

Legislative assistance continues to be a core activity, working with States to develop effective domestic legislation in line with the Protocol. Recent highlights include the adoption of new legislation against trafficking in persons by Cabo Verde and against the smuggling of migrants by Niger; the revision of the Penal Code in Viet Nam, and new trafficking in persons law in Chad.

Improving regional coordination is another strength of the Global Programmes, building on the important framework contained in the parent convention, the Transnational Organized Crime Convention.

UNODC is also facilitating direct support to victims of trafficking in persons through the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children.

Around 2,000 victims a year are being provided critical assistance, such as safe shelter, legal support and advice on victims' rights, appropriate treatment for physical and mental abuse, vocational training, establishing small businesses, schooling for children, and basic health services, among others. The Trust Fund has so far allocated nearly \$3 million and stands ready to continue this work should more donations be made.

The EU is a longstanding partner of ours, both in our normative and operational work.

EU standards and instruments have enriched our understanding and interpretation of victim's rights and contribute to the living document which is the Protocol.

In 2016, the EU and UNODC launched an unprecedented joint Global Action addressing trafficking in persons and the smuggling of migrants which is assisting 13 strategically selected countries in their efforts to tackle these, being implemented in cooperation with IOM and UNICEF.

As part of this Global Action, 12 gap and needs assessment reports are being finalized in partnership with the countries, including detailed work plans with priority levels for implementation.

The US is also a strategic partner for UNODC supporting our efforts to respond to technical assistance requests from Member States. Together with the US and other donor assistance, in 2014-2015 UNODC provided specialized training to over 2,000 criminal justice practitioners and government officials in more than 70 countries.

With the generous support of the US, UNODC has made operational the largest online searchable Case Law Database on trafficking in persons cases.

And we look forward to launching a first Case Law Digest in October. This innovative tool breaks down jurisprudence along key evidential issues which arise in trafficking cases and provides reference to leading case law on each one.

Likewise, together with The Philippines, UNODC has launched important work to increase the knowledge and skills of foreign service personnel in identifying victims of human trafficking that may seek consular assistance when working abroad.

Ladies and gentlemen,

In conclusion, let me say that commitment yields results.

The Trafficking in Persons Protocol is the cornerstone of our response and should continue to be so.

More than fifteen years on, this hard-won instrument appeals to nearly all States while containing progressive, forward-looking provisions which promote the protection of victims.

This is a framework in which action can be taken now.

And important gains are starting to be seen.

In fact, one of the findings of the 2016 Global Report on Trafficking in Persons is that there is a correlation between the length of time a country has ratified the Protocol and the number of criminal proceedings which flow therefrom.

UNODC, as guardian of the Protocol, together with our partners, stands ready to support you.

Thank you.