

Constructive dialogue on the review process following the conclusion of the thirteenth session of the Working Group on Trafficking in Persons in accordance with paragraph 53 of the Procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocols thereto

Summary by the Co-Chairs

I. Introduction

1. At its ninth session, in October 2018, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime established the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ through Conference [resolution 9/1](#), which included in its annex the procedures and rules for the functioning of the UNTOC review mechanism.
2. According to paragraph 53 of the procedures and rules for the functioning of the UNTOC review mechanism and in accordance with article 32, paragraph 3 (c), of the Organized Crime Convention, constructive dialogues with relevant stakeholders, including non-governmental organizations, will be convened as a regular practice, following the conclusion of the sessions of the working groups and the adoption of the reports. The constructive dialogues aim to promote fruitful engagement with relevant stakeholders. They allow for briefing participants on the development and outcomes of the review process, and for collecting inputs and suggestions from participants, including their contributions on ways to improve the implementation of the Convention and the Protocols thereto.
3. The second constructive dialogue on trafficking in persons took place in a hybrid format, mixing in-person and online participation, on 4 October 2023, for a full day, after the conclusion of the thirteenth session of the Working Group on Trafficking in Persons. It was chaired by the Co-Chairs of the Working Group, Mr. Germán Andrés Calderón Velásquez, Minister Counsellor at the Permanent Mission of Colombia to the United Nations in Vienna, Mr. Ignacio Baylina Ruiz, Counsellor at the Permanent Mission of Spain to the United Nations in Vienna, and Ms. Virginia “Patt” Prugh, Attorney Adviser at the Office of the Legal Adviser at the Department of State of the United States of America. Ninety-two non-governmental organizations and four other relevant stakeholders (three from academia and one from the private sector) participated in the constructive dialogue, in addition to fifty-one Member States and one intergovernmental organization. Written comments, received in accordance with paragraph 53 of the procedures and rules for the functioning of the UNTOC review mechanism, were made available on the dedicated [webpage](#).
4. This document contains a summary of discussions at the constructive dialogue, prepared by the Co-Chairs of the thirteenth session of the Working Group on Trafficking in Persons.

¹ Hereinafter: UNTOC review mechanism.

II. Opening

5. The Co-Chairs delivered introductory remarks and expressed their strong confidence that the UNTOC review mechanism will greatly benefit from the contributions of relevant stakeholders, including non-governmental organizations, academia and the private sector. They further noted with appreciation the increased participation of non-governmental stakeholders and States parties' representatives in the constructive dialogues.

III. Briefing on the developments and outcomes of the review process

6. Under agenda item 2, the secretariat presented an overview of the status of the review process, which had been launched in October 2020 through Conference [resolution 10/1](#), after a two-year preparatory phase. A status report on the progress of the UNTOC review mechanism had also been shared with the Working Group ([CTOC/COP/WG.4/2023/3](#)). The overview included information on the support provided by the United Nations Office on Drugs and Crime (UNODC) to States parties in the review process and on the action taken by the Office to foster the participation of non-governmental stakeholders in it, including through the dedicated "Stakeholder Engagement for the Implementation of the United Nations Convention against Transnational Organized Crime" (SE4U) project.

7. During the following discussion, participants shared their views and concrete suggestions on the ways in which non-governmental stakeholders could support the UNTOC review mechanism and underlined the need to build trust between governments and non-governmental stakeholders. Participants welcomed the growing participation of non-governmental stakeholders in the constructive dialogue as well as the increased presence of States representatives and expressed a shared desire to foster an inclusive dialogue among all stakeholders at the dialogue, noting that multi-stakeholder collaboration plays a crucial role in designing comprehensive and effective responses to organized crime and particularly to trafficking in persons.

IV. Spotlight on the 13th session of the Working Group on Trafficking in Persons

8. Under agenda item 3, the Co-Chairs briefed participants on the developments and outcomes of the thirteenth session of the Working Group on Trafficking in Persons, that was held on 2 and 3 October 2023 ([CTOC/COP/WG.4/2023/3](#)).

9. The agenda item offered participants an opportunity to share inputs and suggestions on ways to improve the implementation of the Trafficking in Persons Protocol, with a specific focus on the topics that were discussed at the thirteenth session of the Working Group on Trafficking in Persons. These were: (a) national issues and priorities concerning child trafficking; and, (b) emerging knowledge and practice regarding the prevention of and response to corruption in the context of trafficking in persons.

10. A video on UNODC efforts to integrate the perspective of civil society into the implementation of the UNTOC, through the SE4U project, was played prior to the discussions.

11. Two panel discussions with a total of 9 representatives of non-governmental organizations addressed the two substantive items.

12. The first panel discussed national challenges and priorities related to child trafficking.

13. The first panellist, from the Ludwig Boltzmann Institute of Fundamental and Human Rights, emphasized the vulnerabilities of children to trafficking, underscoring that, first and foremost, children have rights which must be enforced. He highlighted the need for a multi-stakeholder approach which provides for a comprehensive response to child trafficking the importance of seeking and responding to the perspective of child victims of trafficking, as well as enabling their identification by a diverse range of professionals. The panellist also stressed the importance of strengthening access to justice for child victims of trafficking, including access to appropriate compensation and implementation of the non-punishment principle.

14. The panellist from Exodo discussed the application of the principle of the best interest of the child in the protection of child victims of trafficking. She highlighted the importance of incorporating the principle in all regulations, including in the design and implementation of public policies on victim identification in the context of migration. Through their work in humanitarian and forced human mobility contexts, Exodo have observed that trafficking networks targeted missing children for trafficking and encouraged the use of registries of cases of missing children to document information on child disappearances. The speaker emphasized that stakeholders working in isolation does not facilitate timely responses and stressed the importance of cooperation amongst stakeholders for a comprehensive, multisectoral response to child trafficking.

15. The panellist from Dwelling Places underlined that responding to child trafficking requires application of trauma-informed, survivor-informed, survivor-centered and rights-based approaches. She emphasized that service provision to victims must be accessible, unconditional, and sustainable, and mentioned that legal support and safety planning are important for victim protection. The panellist also stressed the need for sustainable reintegration, with alternative care placement for survivors planned for in cases where conditions are not conducive for their reintegration in their communities. As an effective practice, she mentioned that community dialogues have worked well to ensure sustainable reintegration for child victims, as well as re-enrolment into educational institutions.

16. The panellist from the International Centre for Missing and Exploited Children focused on the role of technology in trafficking of children, and emphasized that while technology has positive advantages, it also plays a role in facilitating and enabling child trafficking. She mentioned that technology facilitates anonymity online; that identification, selection and recruitment of victims can be done entirely online; and proceeds of crime can be transferred online. The panellist further outlined the common *modi operandi* employed by traffickers to recruit victims online, noting that technology hides traffickers' identities through, for example, encrypted communications. She detailed the challenges affecting effective responses to technology-facilitated child trafficking, including challenges encountered in law enforcement, prosecution, international cooperation, as well as with cooperation with the private sector.

17. The panellist from Rapha International emphasized that trafficking in children is too complex for one sector of society to address alone. He noted that prevention is a key aspect for addressing human trafficking, and emphasized the need to assess the drivers, such as socio-economic vulnerability, and address the areas of vulnerability. He further noted that children are the most at risk of exploitation by traffickers, and that they lack

the capacity to discern trafficking as a crime and traffickers as criminals. The panellist mentioned that civil society organizations can support States in strengthening monitoring mechanisms that address children's vulnerability to trafficking, awareness raising, victim assistance, and implementing referral mechanisms enabling survivors of trafficking to access appropriate services.

18. Following the presentations, questions were raised regarding whether practices related to artificial intelligence-generated child sexual exploitation and abuse materials can be classified as child trafficking; how to provide safe spaces for child victims of trafficking when their families were involved in the trafficking process; how the term 'survivor of trafficking' is applied in practice, and the challenges associated with its application; and how to ensure disability inclusion in responding to trafficking in persons. On child sexual exploitation and abuse materials online, generated by artificial intelligence, one panellist noted the importance of proving the criminal intent of the perpetrators, while also ensuring bilateral cooperation in cases where the victims and perpetrators are in different countries, as well as providing appropriate rehabilitation to victims. On the term 'survivor of trafficking', panellists noted that the term empowers the people who suffered trafficking, gives more emphasis to their agency, and acknowledges their resilience and ability to overcome their victimisation, but should not be used interchangeably with 'victims of trafficking'.

19. In the ensuing statements, speakers underscored the role of civil society, particularly through the support provided to victims of trafficking. One speaker stated that public awareness, education and social justice, as well as human rights perspectives are as important as law enforcement. It was also noted that the nexus between corruption and trafficking in persons must be broken, and accountability measures strengthened.

20. The second group of panellists focused on emerging knowledge and practice regarding the prevention of and response to corruption in the context of trafficking in persons.

21. The panellist from the Global Alliance against Trafficking in Women emphasized that corruption plays a key role in facilitating trafficking in persons, as it enables traffickers to bribe responsible authorities, while closing the space for victims to seek help. The panellist mentioned that, because of corruption, traffickers can operate without fear of punishment as they use their power to silence the law.

22. The panellist from Asociația eLiberare provided an overview of existing literature on corruption and trafficking in persons. The panellist noted that research often shows that public officials can be traffickers or facilitators of trafficking in persons, and that public officials have a role as facilitators of impunity. She underlined that victims of trafficking often suffer additional abuse and exploitation as the use of bribes allow traffickers to continue their impunity.

23. According to the panellist from the Botswana Watch Organization, awareness raising in schools, strengthening the capacity of all relevant stakeholders, including the private sector and national authorities, as well as local partnerships, are critical to addressing human trafficking. He mentioned that civil society organizations complement government efforts and can facilitate the effective implementation of the Trafficking in Persons Protocol through, among others, research and documentation, development of training tools and materials, detection of victims of trafficking, and the provision of transitional housing for victims of trafficking.

24. The panellist presenting La Strada International emphasized that corruption plays a role in the continued exploitation of victims of trafficking and prevents victims from reporting. The panellist mentioned that corruption is not only committed by government officials, but also by other actors in positions of authority. She underscored the need to provide safe reporting and complaint mechanisms that are clear and transparent. She stressed that often people do not know to whom or where to report. She finally underlined the need for victims to have access to protection and compensation.

25. During the discussions, speakers echoed the importance of cooperation between civil society organizations and national authorities in addressing trafficking in persons. One speaker mentioned the need to financially support capacity building initiatives of civil society and involving civil society in discussions to inform funding priorities. Speakers also highlighted the need to address the root causes contributing to trafficking in persons, as a prevention strategy.

26. One speaker highlighted that communities on the move are sometime at increased risk of trafficking in persons and require a different approach to awareness raising. A speaker emphasized the need to capacitate law enforcement and judiciary officers including by providing adequate resources to end the impunity of traffickers, noting that if traffickers are not punished, victims will always be prone to revictimization.

V. Collection of inputs and suggestions from participants and provision of information on relevant activities, including those related to meeting technical assistance needs

27. Under agenda item 4, participants had the opportunity to share inputs and suggestions on civil society's contribution to improving the implementation of UNTOC and its Trafficking in Persons Protocol, including efforts to meet technical assistance needs of States parties in the context of the UNTOC review mechanism. After an introductory video on the importance of gender equality and human rights in the prevention and fight against transnational organized crime, the Co-Chairs steered the discussion which was structured along three points: (a) The role of civil society in the universalization and implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; (b) States parties' technical assistance needs and related civil society engagement/participation; and, (c) Gender, human rights and victim-centred approaches to countering organized crime, in particular trafficking in persons.

28. Many speakers highlighted the need for a victim-centred and trauma informed approach and the imperative of enhancing collaboration among the private sector, civil society organizations and law enforcement agencies to prevent and counter trafficking in persons, including to address the related socio-economic challenges, gender inequality and harmful social practices.

29. Some speakers referred to gender inequality as a root cause of trafficking in persons, further advocating for the inclusion of survivors' perspectives in the development of anti-trafficking policies to better address the systemic factors contributing to the stereotypes and social norms that enable this crime. Additionally, some speakers underscored the importance of adopting a gender-responsive approach in anti-trafficking efforts to better recognize and address the vulnerabilities experienced by women and girls.

30. Several speakers emphasized the need for trafficking victims and survivors to receive comprehensive support, including healthcare, education

and rehabilitation, as well as to be concretely empowered, to reduce their vulnerability to revictimization.

31. Some speakers highlighted the importance of meaningful participation of youth in responses to trafficking in persons, with a particular focus on young women and girls, often at higher risk of discrimination and marginalization in the context of their victimization for trafficking. The speakers also emphasized the necessity to build the capacity of youth to enable their meaningful engagement in anti-trafficking responses.

32. One speaker underscored the lack of cooperation and exchanges between academic institutions, independent researchers and non-governmental organizations. The speaker stressed the imperative of mobilizing integrated knowledge, supporting empirical evidence and advancing interdisciplinary research firmly grounded in evidence-based practices to more effectively contribute to the fight against trafficking in persons.

33. One speaker referred to the link between trafficking in persons and disability, noting the increasing incidence of individuals with disabilities falling victim to exploitation. The speaker highlighted the importance for anti-trafficking approaches grounded in human rights principles and called for the development of disability-accessible resources to provide essential support to trafficking survivors with disabilities.

34. Some speakers mentioned the increasing concerns related to technology-facilitated human trafficking, stressing the need to strengthen multi-stakeholder collaboration to capitalize on the different competences of institutional and non-institutional stakeholders to design more effective responses at all stages of the exploitation cycle.

35. The Co-Chairs thanked the participants for their invaluable inputs and for the enriching exchange of views. They also called for a continued broad participation of non-governmental stakeholders in the constructive dialogues and emphasized their key role in contributing to reviewing the implementation of the Trafficking in Persons Protocol.

VI. Observations by the Co-Chairs based on the discussions held during the constructive dialogue

36. Based on the discussions held during the constructive dialogue, the Co-Chairs have identified the following observations:

37. States parties are encouraged to strengthen cooperation with civil society organizations to improve the response to trafficking in persons through, among others:

- (a) strengthening measures that address children's vulnerability to trafficking;
- (b) conducting awareness raising, especially targeting the education sector, on trafficking in persons, particularly the relates risks to children;
- (c) implementing dedicated child-focused referral mechanisms enabling child victims of trafficking to access appropriate and sustainable services, independent of whether victims participate in the criminal justice process;
- (d) fostering integrated cross-sectoral collaboration between, amongst others, child protection systems and asylum authorities, law

enforcement and the judiciary, as well as with civil society in identification, protection, and prevention of child trafficking, including through the use of referral mechanisms;

- (e) providing for the return and reintegration of child victims of trafficking in origin or third countries, with appropriate safeguards and by upholding the best interests of the child;
- (f) promoting the economic and structural empowerment of families of child victims of trafficking, which will reduce the risk of revictimization; and
- (g) addressing the root causes that contribute to trafficking in persons and ensuring availability of opportunities for people vulnerable to trafficking to pursue their dreams in a safe environment.

38. States parties are encouraged to strengthen access to justice for child victims of trafficking, including through facilitating access to legal assistance, ensuring the non-punishment of child victims of trafficking, and providing access to appropriate remedies, including financial compensation.

39. States parties are encouraged, including through public-private partnerships, to leverage emerging technologies such as artificial intelligence in mapping and identifying victims of trafficking and perpetrators, including in the collection of online evidence that is admissible in courts of law.

40. States are encouraged to actively combat corruption as a facilitator of trafficking in persons by implementing and strengthening accountability mechanisms, including the establishment of dedicated anti-corruption units.

41. States parties are encouraged to provide safe reporting mechanisms for reporting on corruption, ensuring appropriate follow-through to reported cases in addressing trafficking in persons in the context of corruption.
