

Constructive dialogue on the review process with relevant stakeholders, convened 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 and the Protocols thereto

Summary by the Co-Chairs

I. Introduction

1. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime established in October 2018 the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ through its [resolution 9/1](#), which included in its annex the procedures and rules for the functioning of the Mechanism. Following a two-year preparatory phase, the Conference, via its resolution 10/1, launched the review process of the Mechanism. The guidelines for conducting the country reviews are annexed to that resolution.

2. Pursuant to paragraph 53 of the procedures and rules for the functioning of the Mechanism, and in accordance with article 32, paragraph 3 (c), of the Convention, constructive dialogues on the review process with relevant stakeholders, including non-governmental organizations, shall be convened as a regular practice, following the conclusion of the meetings of the working groups and the adoption of the reports. The constructive dialogues aim to promote the engagement of relevant stakeholders and are also open to States parties and signatories, non-signatories, entities and intergovernmental organizations. 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 third constructive dialogue on trafficking in persons took place in English in a hybrid format, combining in-person and online participation, on 10 July 2024, after the conclusion of the fourteenth meeting of the Working Group on Trafficking in Persons. The dialogue was chaired by the Co-Chairs of the Working Group on Trafficking in Persons, Professor Conny Rijken, National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (Netherlands) and Mr. Hicham Mellati, Director of Criminal Affairs, Pardons and the National Crime Observatory, Ministry of Justice (Morocco).

4. 158 non-governmental organizations and 24 other relevant stakeholders (thirteen from the academia and eleven from the private sector) participated in the constructive dialogue, in addition to 54 States parties and two intergovernmental organizations. The written comments received in accordance with paragraph 53 of the procedures and rules for the functioning of the Mechanism were made available on the dedicated [webpage](#).

5. This document presents the summary of discussions at the constructive dialogue, prepared by its Co-Chairs.

¹ Hereinafter: UNTOC review mechanism.

II. Opening

6. At the opening of the dialogue, the Co-Chair delivered opening remarks, sharing her confidence that the Mechanism would greatly benefit from the diverse contributions of relevant stakeholders and governmental delegates attending the meeting. She emphasized the significant role that non-governmental organizations, the academia, and the private sector play in enriching the process of review of the implementation of the Organized Crime Convention and the Trafficking in Persons Protocol.

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

7. Under agenda item 2, the Secretariat presented an overview of the status of the review process. A status report on the progress of the UNTOC Review Mechanism had already been shared with the Working Groups on Trafficking in Persons and the Smuggling of Migrants in the form of a joint background paper (CTOC/COP/WG.4/2024/4 and CTOC/COP/WG.7/2024/4). The overview also included information on the support provided by the United Nations Office on Drugs and Crime (UNODC) to States parties in the review process, as well as on efforts to support the engagement of non-governmental stakeholders in it, in line with the applicable procedures and rules.

8. In updating participants on the progress of the UNTOC Review Mechanism, the Secretariat focussed on review of the implementation of the Trafficking in Persons Protocol. In particular, the Secretariat introduced preliminary findings from the submitted self-assessment questionnaires on the Trafficking in Persons Protocol, including the difficulties and challenges encountered by States parties in implementing those articles, which are comprised in the thematic cluster 1, as well as listing reported technical assistance needs. The Secretariat also noted avenues for engaging non-governmental stakeholders in the review process and shared positive examples of collaboration between non-governmental stakeholders and States parties.

9. Another presentation was delivered by UNODC's Civil Society Unit, informing the participants on the most recent efforts undertaken by UNODC to support the engagement of non-governmental stakeholders in the review process, namely through the [Voluntary Pilot Initiatives](#).

10. Some speakers highlighted the importance of the increasing engagement of States parties in the UNTOC Review Mechanism, noting the current progress in the country review process and the critical role of civil society in combating trafficking in persons. However, some speakers expressed concern over the non-participation of non-governmental stakeholders in the meetings of the Working Groups of the UNTOC Conference of the Parties, stating it limited the progress of the review, and noted the accumulated delays in the Mechanism, calling for more interactive exchanges through different fora.

11. Some speakers noted the persistence of organized crime and trafficking in persons despite the widespread ratification of the related international legal instruments, stressing the importance of the Review Mechanism for effective implementation. In addition, some speakers mentioned the increase in registered cases of trafficking in persons since 2020, and advocated for the development and implementation of global strategies, including public-private partnerships and enhanced international cooperation, to effectively address the issue.

12. Regarding the implementation of the Trafficking in Persons Protocol, several speakers highlighted specific regional challenges, despite ongoing efforts and existing collaboration among stakeholders. In addition, several speakers focussed on issues relating to trafficking in human organs and the difference with trafficking in persons for the purpose of organ removal. Some speakers called for coordinated initiatives to protect and empower vulnerable groups, including children and young adults. They also emphasized the importance of engaging civil society and leveraging civil society-led initiatives to foster communities' involvement, as well as the central role of labour movements in combating organized crime.

13. Some speakers further underlined the importance of enhancing efforts to empower and support survivors of trafficking in persons, whose voices are key to assessing the effectiveness of responses to this crime and to more broadly inform governments' related policies and practices.

IV. Spotlight on the 14th meeting of the Working Group on Trafficking in Persons

14. Under agenda item 3, the Co-Chair briefed the participants on the developments and outcomes of the 14th meeting of the Working Group on Trafficking in Persons, which was held from 8 to 9 July 2024. The agenda item further included two panel discussions, respectively on: (i) Trafficking in persons for the removal of organs and related conduct, and (ii) National issues and priorities concerning child trafficking.

15. The first panel discussion under agenda item 3 included presentations from the Declaration of Istanbul Custodian Group, the Coalition for Organ-Failure Solutions, the University of Liverpool, the Counter Human Trafficking Trust-East Africa and the Korea Association for Ethical Organ Transplants.

16. The panellist from the Declaration of Istanbul Custodian Group highlighted multiple challenges linked to the detection of transplant tourism, such as the existence of some level of involvement of healthcare professionals, from turning a blind eye to collusion through to active involvement. He also noted the dangers of a school of thought that favours the authorization of the purchase of human organs to break the illegal organ transplantation market, emphasising that this practice is forbidden in the vast majority of States for ethical reasons. He explained that trafficking in persons for organ removal, which is fuelled by a lack of available organs for transplants, generates big profits, and is difficult to detect by law enforcement in a context of growing medical tourism. He warned that while altruism often constitutes an eligibility criterion for organ transplants between two unrelated persons, altruistic donors are in reality rare and such cases should therefore raise red flags for physicians. They could indeed constitute a cover, hiding the trafficking of a donor victim for organ harvesting. The panellist also explained that the consent of the donor is often an issue in legal proceedings as the trafficked person might be perceived as a donor selling organs, which is usually not authorized, through an apparent consent. However, such consent should not be considered in trafficking in persons cases, as it would have been obtained through means such as deceit, fraud, or the abuse of a position of vulnerability. He also stressed the gender component of this crime and explained many women are forced by their spouse or family to give an organ to their husbands or other family members. He also noted with concern cases of employees coerced into the removal of an organ for their employer through an abuse of power. Such cases are even more difficult to detect and prosecute, he concluded.

17. The panellist from the Coalition for Organ-Failure Solutions stated that hubs for trafficking in persons for organ removal are increasing rather than disappearing. While she acknowledged the disparity between organs available for transplantation and the number of persons in need of a transplant as a key factor fuelling trafficking in persons for organ removal, she underlined her belief that public awareness campaigns can help increase organ donations and support national self-sufficiency, thereby contributing to demand reduction. Awareness-raising campaigns on the dangers of this form of crime can also be useful to prevent it, she added. She stressed, however, that the most important measure to prevent trafficking for in persons for organ removal cases is to train the relevant health professionals and ethical boards to better assess prospective donors, including through a psychosocial assessment. She referenced the *UNODC Toolkit on the investigation and prosecution of trafficking for in persons for organ removal* as an essential tool to this end.

18. The panellist from the University of Liverpool emphasized that people fleeing conflict and crises have been targeted by traffickers to sell their kidneys for very little money or even nothing at all. He added that smugglers have also encouraged smuggled migrants to sell organs to repay their debts or their prospective travel. Brokers approach asylum seekers, refugees and irregular migrants, in a position of vulnerability due to their status, to exploit them for organ removal. He noted with concern that although many victims of this form of crime never actually give an informed consent, as their consent was obtained through illegal means and is therefore invalid, they are often charged with organ selling offences, an activity that is prohibited almost everywhere in the world. Laws are working against people who are being exploited for organ removal, he said, as they are seldom recognized as victims of a crime. Despite some high-profile cases, there continues to be few convictions of traffickers but many more prosecutions of victims of trafficking in persons for organ removal. He recalled that people who were forced to have their organs harvested should not be prosecuted, consistent with the non-punishment principle, and stressed that the possibility of being charged for organ selling is an argument often used by traffickers to silence the victims and deter them from alerting law enforcement.

19. The panellist from the Counter Human Trafficking Trust-East Africa gave an overview of the legal framework in Eastern African countries and the different acts governing the issue of trafficking in persons for organ removal. The panellist underlined the most important elements needed to improve the current situation, particularly: the strengthening of partnerships between different stakeholders for better shelter protection through State-run shelters as well as shelters operated by civil society actors; awareness-raising and advocacy campaigns; the provision of pro-bono legal services to victims/survivors of trafficking in persons for organ removal; and the establishment of trust funds to compensate them. He called for better trauma-informed support as well as access to justice for victims of trafficking in persons for organ removal. The panellist also mentioned the importance of toll-free numbers for reporting cases to national referral mechanisms as well as enhancing the capacity of security agencies with specialised training on the detection of this crime.

20. The panellist from the Korea Association for Ethical Organ Transplants gave an overview of studied case law related to trafficking in persons for the purpose of organ removal, including several cases linked to transplant tourism. She raised the issue of trafficked victims sometimes being detainees, prisoners on death row, or members of religious minorities. She recommended public awareness campaigns as an important means of drawing public attention to this issue, such as through poster campaigns, or television documentaries. She underlined the challenge of convincing doctors to report suspicious cases to the authorities, since they are often opposed to this due to the fear of damaging the relationship with their patients. Because of this, she stressed, the obligation for

health professionals to report such cases is frequently not implemented. To ensure their active participation in the detection and reporting of trafficking in persons for organ removal cases, she recommended the creation of a plan of action with medical doctors to enable their active engagement against this crime and concluded by noting the urgency of this measure considering the expansion of the black market for organ transplants.

21. In the discussion that followed, many speakers reiterated the concern of the last panellist, and noted again the resistance of the health sector to report cases as an important issue. Physicians are key to responses, a speaker noted, adding that a way to avoid uncertainty regarding possible breaches of the Hippocratic oath is to make reporting mandatory, like it is for gun wounds, domestic violence or child abuse, which several following speakers affirmed. A speaker confirmed that, in his country, if patients travel overseas for a kidney transfer, physicians have the duty to report them. Numerous speakers concurred that victims should not be criminalized and that criminal justice actors should instead focus on patients travelling abroad for receiving an illegal transplant. More than half of the transplant recipients have travelled for transplantation, the speaker added. She recommended that anti-trafficking responses therefore focus more on recipients. A speaker noted it is essential that related traffickers are prosecuted and convicted so doctors better understand the issue and actively report potential cases. To support doctors, it would be useful to establish a checklist of steps to report suspicious cases.

22. Considering the large profits derived from this form of trafficking in persons, Financial Investigations Units (FIUs) should have 'red flag' indicators to detect suspicious transactions and better understand where the money flows are, a speaker noted, adding that a money trail must exist.

23. The issue of organ harvesting of albino persons was mentioned by a speaker, who described the practice of ritual organ harvesting and the related challenges that exist when such a practice is ingrained in society. As a result, convictions are rare, she added.

24. Speakers exchanged on the important role of communities to prevent this crime. Some speakers noted with concern that the idea of authorizing the legal sale of organs is ethically problematic. A speaker underlined that many illegal transplants are done in high-end hospitals by top surgeons and recommended to step up efforts to increase oversight over these medical facilities to prevent or detect such cases.

25. The second panel discussion included presentations from the Footprint to Freedom, Equality Now, the One African Child Foundation for Creative Learning, the Red Alert Task Force and the Citizens Council for Security and Justice of Mexico City.

26. The panellist from Footprint to Freedom noted that child trafficking is a crime of serious concern affecting all countries and that children are mainly trafficked for sexual exploitation and forced labour in agriculture, factories, and the mining sector. He highlighted, among others, the need to consider implementing prevention and protection strategies; continuous awareness-raising from source to destination; rescue, rehabilitation and social integration of trafficked children; as well as advocacy campaigns focusing on strengthening related legislative and policy frameworks. The panellist stressed that streamlining matters relating to child trafficking within broader national plans of actions on trafficking in persons is a good practice. He also stressed the relevance of involving local government authorities and religious leaders, given their significance in society, in broader efforts to address child trafficking.

27. The panellist from Equality Now shared her organization's experiences and perspectives of the gendered nature of trafficking in persons. She

encouraged cooperation to end this crime, with a particular focus on trafficking in persons for sexual exploitation. The panellist highlighted that sexual exploitation is gendered and recalled that women and girls are disproportionately impacted. She emphasized that the factors contributing to child trafficking are diverse, and underscored that systemic gender inequalities affecting girls can be compounded by existing factors such as poverty, conflict or a lack of support during a migratory journey. Additionally, traffickers use new technologies to recruit and control children, she noted. The panellist encouraged, among others, the addressing of gender and intersectional inequalities as well as discrimination, in particular by ensuring gender equality; and ensuring that related laws and policies are effectively implemented. Additionally, criminal justice responses need to be sensitive to experiences of child victims, she recalled. She encouraged to look at the long-term and inter-generational impact of trafficking in persons since the trauma stemming from trafficking continues touching child victims as they grow into adulthood and also affects their families and children. She called for sustained protection beyond eighteen years of age for child victims to ensure that they are not left aside by service providers immediately when they reach adulthood.

28. The panellist from the One African Child Foundation for Creative Learning noted that factors like poverty and ignorance make children vulnerable to child trafficking. Lack of education and exposure make it difficult for individuals to identify trafficking cases. She emphasized the importance of education in enlightening children, and informed that her organization reaches out to children in low-income households to empower them. She proposed strengthening education for justice, emphasizing human rights, life skills and vocational training; prioritising community engagement through targeted awareness-raising and capacity building programmes and empowering community leaders to better identify and respond to trafficking risks; investing in capacity-building for law enforcement, social workers and other stakeholders and developing effective monitoring and evaluation systems; and providing comprehensive support services to empower survivors to foster independence and sustainable livelihoods.

29. The panellist from the Red Alert Task Force, drawing from her personal life story, detailed the challenges encountered by health service providers and education professionals in identifying cases of child trafficking whenever they encounter red flags in their work, particularly due to a lack of capacity. To address such challenges and strengthen the role of the health and educational sectors in assisting trafficking survivors, the panellist encouraged mandatory training in identifying and utilising indicators of potential cases of trafficking in persons. She also noted the need for survivor councils to facilitate the ethical engagement of survivors in solutions to prevent and combat child trafficking, and the importance of adequately remunerating survivors for their services.

30. The last panellist, from the Citizen Council for Security and Justice Administration of Mexico City, presented the anti-trafficking efforts of his organization, which works in partnership with local authorities in Mexico City. He informed that his organization administers a national hotline providing around-the-clock service to victims, their families and persons at risk. The panellist underlined the importance of coordination between government and non-government stakeholders, including the private sector, to rescue and support victims of trafficking in persons. He presented an analysis of cases handled through the national hotline and noted, among others, that more than a third of victims were children. He noted with concern a significant increase in children exploited in forced labour and forced criminality, including for forced begging, and stated that 75% of victims were recruited in-person between 2022 and 2024 while victims recruited online counted for 25%, which is an increase.

Finally, he called for an ethical engagement of trafficking survivors into anti-trafficking responses.

31. Following the presentations, the floor was opened for questions to the panellists and reflections on the points raised.

32. Among others, speakers stressed that children should not be viewed as a homogenous group but have specificities and are exploited differently. Education in schools was highlighted as critical, including the education of teachers themselves. Other elements highlighted during the discussion included the need to better understand the intersection between child trafficking and terrorism. Speakers also noted the challenges of ensuring justice for victims of trafficking who die while still under control of their traffickers. Another challenge raised was the provision of support to unaccompanied children who may not be aware that they are victims of trafficking.

33. Some speakers also highlighted that national referral mechanisms should be established and/or strengthened. A speaker noted that to enhance protection of victims, it is essential to train the judiciary and law enforcement on the application of the non-punishment principle for victims of trafficking. Speakers also noted that the reintegration of victims of child trafficking should be sustainable and respond to the specific needs of children.

34. Speakers also highlighted the need to strengthen partnerships and different types of cooperation, including international cooperation, public-private partnerships, as well as cooperation with communities in addressing child trafficking. Several speakers stressed that the design of anti-child trafficking measures should be informed by the voices of children and child survivors, with a meaningful and ethical engagement throughout the process.

35. Speakers also discussed the cases of child soldiers, and the fact that often, these children are recruited at a young age, undergo brutal training, and are made to commit criminal acts against their will. Therefore, they underlined the importance of considering that these children are victims of crime, despite the acts they might have committed. A case at the International Criminal Court that involved a child soldier who was recruited as a child and grew up to be the armed group's leader was also referred to, to show how victimisation in childhood may have subsequent impacts in adulthood. It was noted that the Security Council had addressed this issue through resolutions 2331 (2016) and 2388 (2017), while a report on trafficking in conflict situations by the United Nations Special Rapporteur on Trafficking in Persons was also referenced.

36. Other important elements raised during the discussion included understanding and addressing conflict and climate change as some of the factors exacerbating child trafficking; improving data collection on child trafficking; strengthening legislative measures; understanding and strengthening the role of civil society in supporting victims; partnering with communities to address the cultural element of child trafficking; and ensuring access to sustainable livelihoods as a way of reducing vulnerability to trafficking.

V. Interactive exchange on relevant activities of non-governmental stakeholders

37. 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. The Co-Chair steered the discussion which was structured along three points: (a) the role of non-governmental stakeholders in the

universalization and implementation of the Trafficking in Persons Protocol, particularly with regard to child trafficking and trafficking in persons for the removal of organs; (b) States parties' technical assistance needs and non-governmental stakeholders' engagement/participation, particularly with regard to child trafficking and trafficking in persons for the removal of organs; and, (c) Gender, youth, human rights and victim-centred approaches to prevent and counter trafficking in persons, particularly with regard to child trafficking and trafficking in persons for the removal of organs.

VI. Observations by the Co-Chairs based on the recommendations mentioned by participants during the constructive dialogue

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

39. States should provide more guidance and training to relevant health professionals and ethical boards to better assess prospective organ donors through a psychosocial assessment and better identify suspicious cases, including cases of transplant tourism. A checklist of steps to report suspicious cases should be developed to this end, with reference to the UNODC Toolkit on the investigation and prosecution of trafficking in persons for organ removal to ensure that the procedures are comprehensive and effective.

40. States should ensure that the reporting of suspicious cases is mandatory for doctors and physicians, as it is for child abuse and other crimes.

41. States should encourage Financial Investigations Units (FIUs) to develop a list of indicators to detect suspicious transactions related to trafficking in persons for organ removal.

42. States should not criminalize people who were compelled to sell their organs, in line with the non-punishment principle, but rather treat such individuals as victims of trafficking with access to protection and assistance measures.

43. Should develop more regular pathways for migrants to reduce their vulnerabilities to trafficking in persons for organ removal, as this creates opportunities for organized crime.

44. States should ensure adequate support for trafficking survivors to heal physically and emotionally, and enhance justice actors' capacity to implement child-centred approaches to trafficking in persons. State should also train schoolteachers to understand and better identify possible child trafficking.

45. States should make efforts to involve local government authorities and religious leaders, given their significance in society, in broader efforts to address child trafficking.

46. States should ensure the ethical engagement of trafficking survivors into anti-trafficking responses, including child survivors, and encourage the creation of survivor councils.

47. States should consider children trafficked into soldiering or being part of terrorist groups as victims of trafficking in persons and not criminalize them for acts that they were compelled to commit.
