

Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Fourth Session, Vienna 8-17 October 2008

Side Event

“Implementation of the Trafficking in Persons Protocol - Challenges in the delivery of technical assistance”

15 October 2008, Conference Room I

The side event *Implementation of the Trafficking Protocol - Challenges in the delivery of technical assistance* seeks to examine and discuss the requirements for the successful delivery of technical assistance to Member States relating to the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol). In particular, it aims to identify both promising practices resulting from and common challenges/difficulties encountered during technical assistance projects. Participants of the side event will be provided with an insight into the delivery of technical assistance by showcasing examples of UNODC’s anti-human trafficking activities in various countries.

BACKGROUND

As the guardian of the United Nations Convention against Transnational Organized Crime (TOC Convention) and its supplementing protocols, UNODC provides Member States with several distinct forms of technical assistance to implement all facets of the Trafficking Protocol. The importance of supporting the full implementation of the Trafficking Protocol is crucial in that it provides the legal and conceptual framework for establishing and addressing the crime of human trafficking. The successful prosecution of traffickers and compensation of victims e.g. can only be brought about by laws and regulations which have effectively criminalized all elements of trafficking in persons in accordance with Article 5 of the Trafficking Protocol. However, criminalisation alone is not enough: effective responses to human trafficking also call for collaborative, multi-agency, long-term, coordinated, strategic and well-planned actions. UNODC’s Global Programme against Trafficking in Human Beings (GPAT) seeks to do so by developing and delivering technical assistance to Member States in a comprehensive and multi-disciplinary manner. The forms of technical assistance provided may be grouped as follows (with relevant Articles of the Trafficking Protocol in brackets):

- **Pre-ratification assistance** [all Articles, especially Articles 3 and 5]
Assessment of any existing legislation related to trafficking in persons, evaluative reporting on the requirements for ratification of the Trafficking Protocol, consultation with and advising of authorities, NGOs and other relevant parties on the implementation of the Trafficking Protocol
- **Criminal justice system responses** [Articles 1; 2(a); 3-5; 6(1)-(2); 6(3)(b); 6(5)]
Supporting countries to establish the necessary legislation and capacity building of related institutions, establishment of special police units and prosecutorial structures, training of criminal justice actors including the development and provision of advanced training materials
- **Prevention and awareness-raising** [Articles 2(a); 9; 10(2)]
Information campaigns, data collection and analysis, awareness-raising of policy-makers, criminal justice practitioners and other authorities, and long term prevention

methods including creating employment and education opportunities for groups at risk and victims of trafficking (to lessen the likelihood of trafficking)

▶ **Victims protection and support** [Articles 2(b); 6; 7]

Assisting review of domestic legislation concerning support and protection of victims, supporting countries in the provision of physical, psychological and social assistance to the victims, including cooperation with NGOs and civil society, establishing measures to avoid immediate deportation in cases of repatriation, and securing the safety of victims

▶ **International cooperation** [Articles 2(c); 9(3); 10-13]

Developing cooperation between authorities in different countries in carrying out investigation, prosecution, prevention and victim/witness protection actions (including regional action plans), cooperation between criminal justice practitioners in different countries enabling effective information exchange and joint action in combating trafficking, and establishing and maintaining direct channels of communication among law enforcement agencies

▶ **Policy development** [Articles 6(3); 9 (1)-(3); 10]

Analysing and developing national policy-making and coordination mechanisms to facilitate and coordinate all activities conducted under the Protocol and the other headings noted here and produce viable national action plans supported by a national inter-agency coordination mechanism or ombudsperson, as well as providing the assistance needed to implement such policies.

PRESENTATIONS (tbc)

▶ ***UNODC Mexico and Central America Regional Office: Central America Project - “Strengthening of National and Regional Capacities in Preventing and Combating Trafficking in Persons in Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama)”***

The project aims at a) assessing strengths, weaknesses, opportunities and threats of penal prosecution; b) providing specialized training to law enforcement and prosecutorial authorities; c) building institutional capacities to improve quality and number of investigations and convictions; d) promoting inter-institutional cooperation among law enforcement and prosecutorial authorities; e) enhancing the use of international cooperation mechanisms to investigate and prosecute TIP; f) assisting in the establishment and strengthening of specialized TIP investigation units; g) promoting the exchange of best practices with regional counterparts and other regions; h) providing technical assistance to public prosecutors offices to revise/amend/reform TIP legislation according to TOC Convention and Trafficking Protocol; i) promoting the creation of sound victim/witness protection programmes; and, j) sensitizing the community on their role in the prevention of TIP and promoting the incorporation of the private sector and other actors to broaden the knowledge of this crime.

Categories of technical assistance: Policy development [Articles 6(3); 9 (1)-(3); 10]; Criminal justice systems responses [Articles 1; 2(a); 3-5; 6(1)-(2); 6(3)(b); 6(5)]; Victims protection and support [Articles 2(b); 6; 7], Prevention and awareness-raising [Articles 2(a); 9; 10(2)]

▶ ***UNODC Eastern Africa Regional Office: Eastern Africa Project - “Strengthening regional cooperation and capacities amongst the Eastern African law enforcement authorities to combat THB”***

The immediate objective of the project is to have in place a strengthened regional cooperation framework to prevent and combat human trafficking in Eastern Africa. The project strategy is two-pronged with the key outputs of the project consisting of a regional strategy to prevent and combat trafficking in persons in Eastern Africa, and recommendations for harmonized national legislations that are in line with the UN TOC Convention its Trafficking Protocol. Furthermore, EAPCCO Member States will participate in international conferences on trafficking in human beings and acquire enhanced knowledge of best practices in the prevention and combating of human trafficking, as well as an enhanced basis for

improved regional and international cooperation on the prevention and combating of human trafficking. The project will be carried out in close consultation and collaboration with EAPCCO Member States and INTERPOL Sub-Regional Bureau and INTERPOL Lyon.

Categories of technical assistance: Policy development [Articles 6(3); 9 (1)-(3); 10]; Criminal justice systems responses [Articles 1; 2(a); 3-5; 6(1)-(2); 6(3)(b); 6(5)]; International cooperation [Articles 2(c); 9(3); 10-13]

- ▶ **South Asia Regional Office: India Project - “Strengthening the law enforcement response in India against trafficking in persons and sex tourism in key states and cities through training and capacity building”**

Through a series of training programmes, the project overall aim is to raise the awareness of law enforcement officers, (i.e., police and prosecutors) on the problem of human trafficking and build their capacity to better investigate and prosecute offenders perpetrating this crime. Other areas of interventions: awareness raising campaigns, improved liaison between law enforcement and civil society in respect of prevention, detection, prosecution and rehabilitation.

Categories of technical assistance: Criminal justice system responses [Articles 1; 2(a); 3-5; 6(1)-(2); 6(3)(b); 6(5)], Prevention and awareness-raising [Articles 2(a); 9; 10(2)], Victim protection and support [Articles 2(b); 6; 7]

- ▶ **Norwegian Delegation**
- ▶ **Discussion**

KEY THEMES

The presentations and the following discussion will focus on the following main themes:

- ▶ Exploring the complex issues that need to be taken into account when developing and delivering technical assistance projects
- ▶ Importance of developing and delivering technical assistance projects that adequately respond to the identified gaps and needs in a specific country (assessment)
- ▶ Stressing the importance of monitoring and evaluation of the impact of a technical assistance project, specifically development of performance indicators
- ▶ Ways of broadening UNODC technical assistance, e.g. to include more projects in compliance with the Trafficking Protocol’s article 7 and 8 (the status of victims in receiving States and repatriation)
- ▶ Best/good practise and challenges in technical assistance provided regarding the full implementation of the Trafficking Protocol

EXPECTED OUTCOMES

The side event aims to achieve the following outcomes:

- ▶ Information exchange and sharing of best practices in the are of technical assistance projects and country assessments
- ▶ Identification of key areas to be tackled by technical assistance projects to best enable governments to fulfil the requirements set forth by the Trafficking Protocol
- ▶ Promotion of common standards with regard to a systematic process that reviews local circumstances in order to properly assess the existing human trafficking situation in a given State