

PROPOSAL TO SUPPORT THE IMPLEMENTATION OF THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN

Conference of the Parties – Side event
Organized by the French Permanent Mission in cooperation with UNODC
Wednesday 15 October 2008
15:00 – 16:30
C.R. I

BACKGROUND

The adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the TOC Convention) constituted a historic step forward, and recognition that human trafficking could only be properly addressed through international cooperation.

The Trafficking Protocol was the first international legal instrument to define trafficking in persons and provide for a comprehensive approach to combat this problem. It provides the framework for countries to develop their national policies to combat trafficking in persons and guides regional policy frameworks and international cooperation in this field.

The Trafficking Protocol entered into force on 25 December 2003. Almost five years later (as at 14 October), 124 countries are parties to it. With the number of ratifications growing, more Member States are using the definition of the Protocol as the basis for their national legislation, policy discussions and State action. This definition is also used throughout the global anti-human trafficking community and is recognized as an international standard that allows parties with different responsibilities and expertise to find common ground and develop complementary work practices and programmes.

The Trafficking Protocol focuses on the need to adopt a comprehensive approach, addressing all aspects of trafficking, including balancing criminal justice concerns with the need to ensure the rights and protection of victims. On paper, the Protocol is a very useful instrument, but having the necessary supporting measures in place (including criminal justice institutions and actors, training programmes and victim support structures) is paramount for the Protocol's successful implementation and realization of its purpose, namely to prevent, suppress and punish trafficking in persons. It is inevitable that in view of the different levels of capacity of Member States to fully implement existing or planned measures, more concerted efforts have to be made to assist those States in need to develop effective and multidisciplinary anti-trafficking strategies (CTOC/COP/2006/6).

NEED FOR FURTHER ACTION

In recent years, United Nations Member States have consistently noted the need for an improved international response to trafficking in persons.

In its resolution 61/180 of 20 December 2006, entitled "Improving the coordination of efforts against trafficking in persons", the General Assembly recognized that trafficking in persons impaired the enjoyment of human rights, continued to pose a serious challenge to humanity and required a concerted international response. The General Assembly also invited Member States to consider the appropriateness in developing a strategy or plan of action to fight trafficking in persons.

During the thematic debate on human trafficking held by the General Assembly on 3 June 2008,

several States called for the development of a United Nations strategy or global plan of action to combat human trafficking, facilitated by the General Assembly, in order to provide a balanced, coherent, comprehensive and results-oriented framework.

With a view to supporting a comprehensive implementation of the Trafficking Protocol, supplementing the TOC Convention, the Government of France asked the United Nations Office on Drugs and Crime (UNODC) to provide its support and expertise to analyze all aspects of existing national and regional anti-human trafficking policy and coordination mechanisms in order to support improved implementation of the Trafficking Protocol supplementing the TOC Convention. It is hoped that the result of this work will provide a practical contribution to ongoing efforts to enhance the international response to trafficking in persons.

TAKING STOCK AND MOVING FORWARD: TOWARDS THE DEVELOPMENT OF A GUIDING TOOL

Within the first phase of this initiative, UNODC has undertaken a desk review of existing instruments, strategies, and plans of action (both national and regional) to combat trafficking in persons. In addition, UNODC has reviewed Member States' reports on the implementation of the Trafficking Protocol and reports of the Chief Executives Board on the role of the United Nations entities and other relevant organizations. The analysis is currently in its preliminary stages.

Based on a thorough analysis of the existing instruments and mechanisms, UNODC aims to develop detailed guidance for a more effective implementation of the provisions of the Protocol. The work will be based upon existing national and regional efforts, experiences and identified good practices, as well as complementary mechanisms in place at the national and/or regional level(s).

The development of a coherent framework for action will therefore support existing efforts to enhance the response to trafficking in persons at the national level. As a guiding tool, it will also recommend common goals and targets for the international community at large to be able to measure progress made globally towards the suppression of trafficking in persons through the implementation of the Trafficking Protocol.

This framework for action would be articulated around three levels:

Guiding principles: based on the provisions of the Protocol and the four Ps (Prevention, Prosecution, Protection, Partnership), they will form the conceptual framework;

Implementation plan: translating the guiding principles into concrete measures, setting priorities and targets;

Activities/tools: in view of the different levels of capacity of Member States, a wide range of activities and tools will be suggested in order to ensure compliance with the Protocol, sourced from good practices developed in all regions and by different actors of the fight against trafficking in persons.

The coherent framework for action will neither be a model national action plan nor a rigid instruction on how the Protocol should be implemented. It will allow space for recognition of what has already been done and for regional/national particularities. It will also provide Member States with details of a range of practical measures for consideration in turning national policy into action and results. Member States and the international community will be able to assess their progress towards full and concrete implementation of the Protocol and will find in this document the guidance and tools they need in order to do so.

VALUE OF THIS INITIATIVE

The framework for action, thus developed, will recall and reassert the commitments of the international community to the fight against trafficking in persons. It will include concrete and operational measures to:

- assist and guide Member States in their efforts to implement the Trafficking Protocol's articles and policies through provision of clarification thus supporting translation into concrete measures;
- ensure effective compliance with the Trafficking Protocol;
- identify existing implementation gaps and concrete measures to address them;
- reflect current international good practice and existing methodologies used by practitioners from around the globe;
- strengthen cooperation and coordination of all stakeholders; and
- facilitate the implementation of a comprehensive and integrated approach of responding to trafficking in persons.

The framework for action aims to support coherent and strategic national action while defining common priorities and performance indicators for the international community as a whole. Links between global target setting and national priority setting might be established to enhance an international response to a global issue.

This framework will also foster cooperation, partnerships and strengthen coordination within the United Nation system in order to avoid duplications at all levels make the most on the coordination role of the Inter-Agency Cooperation Group against Trafficking in Persons. It will facilitate Member States' action by building synergies among stakeholders of ongoing international efforts.

NEXT STEPS

As noted above, UNODC is currently in the process of collecting and analyzing existing national action plans, policies, tools and good practices developed to address trafficking in persons. A resulting draft framework for action will be completed for information to Member States by March 2009.

While UNODC will directly consult with a range of experts and practitioners in the course of undertaking this initial work, UNODC would welcome any Government interest in this initiative, especially the provision of information by Member States concerning identified national best practices. Interested parties can contact UNODC's Anti-Human Trafficking and Migrant Smuggling Unit at ahtu@unodc.org