Report on the meeting of the Working Group on Trafficking in Persons held in Vienna on 12 and 13 October 2021

I. Introduction

1. In its decision 4/4, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime acknowledged that the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, was the principal legally binding global instrument to combat trafficking in persons. In that decision, the Conference also decided to establish an open-ended interim working group on trafficking in persons.

2. In its resolution 7/1, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference decided, inter alia, that the Working Group on Trafficking in Persons would be a constant element of the Conference, forwarding its reports and recommendations to the Conference, and encouraged the working groups of the Conference to consider meeting on an annual basis, as needed, and to hold their meetings consecutively, in order to ensure the effective use of resources.

3. The Working Group met for the first time on 14 and 15 April 2009 and held a total of 10 meetings prior to the current meeting.

II. Recommendations

4. At its eleventh meeting, held in Vienna on 12 and 13 October 2021, the Working Group on Trafficking in Persons adopted the recommendations presented below.

A. Recommendations on successful strategies for addressing the use of technology to facilitate trafficking in persons and to prevent and investigate trafficking in persons

Recommendation 1

States parties should ensure that domestic legal frameworks provide for the effective investigation and prosecution of technology-facilitated trafficking in persons, including by being flexible enough to keep pace with technological developments and allowing for the effective use of electronic evidence, in line with the fundamental principles of their domestic law.
Recommendation 2

States parties are encouraged to seek to enhance operational responses to technology-facilitated trafficking in persons, especially women and children, including by:

(a) Strengthening the expertise and capacity of law enforcement agencies to use new technological tools to conduct efficient and lawful investigations and operations on digital devices and in cyberspace, including through the use of digital forensic tools and operations on the dark web;

(b) Establishing or developing specialized law enforcement functions with regard to cyber-enabled crime, including related trafficking in persons, and/or enhancing cooperation between existing cyber-related and anti-trafficking functions;

(c) Undertaking financial investigations of all trafficking cases, including online trafficking cases, to confiscate any proceeds of crime and property in a manner consistent with the Convention, and considering utilizing them to support victims of trafficking for their recovery;

(d) Providing for appropriate protection and assistance schemes for victims of trafficking in persons that take into account age, gender and the special needs of victims, as well as the harm caused by crime, including trauma, and that are informed by persons who are or have been victims of trafficking in persons.

Recommendation 3

States parties are encouraged to ensure that access to and use of technology by law enforcement authorities is consistent with domestic law and relevant and applicable international human rights obligations.

Recommendation 4

States parties should, consistent with domestic legal frameworks, aim to improve safety standards in cyberspace and in the digital services and products that children may use, to provide preventative age-appropriate education for children, youth and parents, to seek cooperation with Internet service providers and other relevant technology partners to lower the risks of recruitment and exploitation of children through the Internet and to encourage the companies to design and monitor their products with a view to improving safety and privacy online.

Recommendation 5

States parties should enhance subregional, regional and international cooperation to develop policies, share intelligence and conduct joint and parallel investigations to prevent and counter trafficking in persons enabled by information and communications technology, in accordance with their domestic law.

Recommendation 6

States parties should encourage, facilitate and expand, where relevant and appropriate, and in accordance with their domestic law, effective partnerships and cooperation between relevant stakeholders from the public sector, civil society and the private sector, especially technology companies, to harness innovation, strengthen cooperation and enhance the use of technology opportunities in preventing and combating trafficking in persons.

Recommendation 7

States parties should, in accordance with their domestic law, encourage technology companies and other service providers to:

(a) Develop tools to better detect and more efficiently analyse data concerning trafficking in persons activities online, including child trafficking;
(b) Report suspected incidents of trafficking in persons online to law enforcement in compliance with human rights obligations and the right to privacy in international law, and enable law enforcement agencies, acting with appropriate legal authority, to access the data;

(c) Ensure that material used for the online recruitment and exploitation of trafficked persons, including online sexual exploitation, is removed in a timely and accurate manner from online platforms to avoid revictimization and continuing exploitation.

Recommendation 8

With regard to research, States parties should consider supporting the efforts of the United Nations Office on Drugs and Crime to undertake data collection and analysis and capacity-building and to disseminate promising practices related to the use of modern technologies to address trafficking in persons.

Recommendation 9

Recalling article 30 of the Convention, which provides, inter alia, that States parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations, to enhance financial and material assistance to support the efforts of developing countries to fight transnational organized crime effectively and to help them implement the Convention successfully, and to provide technical assistance to developing countries and countries with economies in transition to assist them in meeting their needs for the implementation of the Convention, Member States are encouraged to provide the widest measure of technical assistance, within their means, particularly to developing countries upon their request and consistent with their needs and priorities.

B. Recommendations on measures to strengthen procurement policies at the national, regional and international levels

Recommendation 10

States parties are encouraged to work with public bodies and relevant regional and international organizations to prevent and address trafficking in persons in government procurement, for example by:

(a) Setting out all steps that public bodies might take throughout the commercial life cycle;

(b) Requiring the publication by companies of transparency statements and relevant reports concerning exploitation in supply chains and remedial actions taken in response, or requiring such documents as part of the procurement process;

(c) Ensuring that contractual clauses in tender processes advance responsible recruitment by prohibiting activities associated with trafficking in persons, such as charging workers recruitment fees, the confiscation of immigration documents, non-compliance with local labour laws and the use of misleading or fraudulent recruitment practices.

Recommendation 11

States parties are encouraged to consider, where appropriate, enacting measures which require commercial entities to establish and report on due diligence measures to prevent trafficking in persons from occurring in their procurement practices and supply chains, and to otherwise create incentives for the private sector to eliminate trafficking in persons in their supply chains.
Recommendation 12
States parties are encouraged to cooperate with trade unions to establish and monitor prevention plans to mitigate the risks of trafficking in persons in public as well as private sector procurement activities.

Recommendation 13
States parties are encouraged to develop relevant tools and provide gender-responsive and age-sensitive training to relevant stakeholders, including labour inspectors and law enforcement authorities, in partnership with the private sector, as appropriate, in order to build their capacity to respond to specific risks associated with trafficking in persons in supply chains and strengthen compliance with existing national regulations.

Recommendation 14
States parties are encouraged to consider establishing or strengthening mechanisms to enforce consumer protection laws, increase related compliance measures and publish information regarding sanctions against entities for trafficking-related violations associated with their procurement activities.

Recommendation 15
States parties are encouraged to seek to address trafficking in persons in global supply chains, including by developing common public procurement standards, compliance requirements or codes of conduct and by harmonizing frameworks, including those guiding anti-trafficking efforts and sustainable procurement.

Recommendation 16
States parties are encouraged to use existing international policy tools, such as the Inter-Agency Coordination Group against Trafficking in Persons issue brief on the role of public procurement in preventing trafficking in persons, to inform the development of their respective policies, strategies and legislation to strengthen procurement practices.

III. Summary of deliberations

5. The following summary of deliberations was prepared by the secretariat after the meeting, in close coordination with the Chair. It was not subject to negotiation and adoption during the meeting, and is, instead, a summary by the Chair.

A. Successful strategies for addressing the use of technology to facilitate trafficking in persons and to prevent and investigate trafficking in persons

6. At its 1st and 2nd meetings, on 12 October 2021, the Working Group considered agenda item 2, entitled “Successful strategies for addressing the use of technology to facilitate trafficking in persons and to prevent and investigate trafficking in persons”.

7. The discussion under agenda item 2 was facilitated by the following panellists: Juan Francisco Espinosa Palacios, Director for Migration in the Ministry of Foreign Affairs of Colombia, on behalf of the Group of Latin American and Caribbean States; Helga Gayer of the Federal Criminal Police Office of Germany, on behalf of the Group of Western European and other States; Alexandra Gelber, Deputy Chief for Policy and Legislation with the Child Exploitation and Obscenity Section in the Criminal Division of the United States Department of Justice, on behalf of the Group of Western European and other States; and Carina Sánchez Fernández, Deputy Prosecutor in the Specialized Unit for Combating Trafficking in Persons and the
Sexual Exploitation of Children and Adolescents of the Public Prosecutor’s Office of Paraguay, on behalf of the Group of Latin American and Caribbean States.

8. Mr. Espinosa Palacios detailed the trafficking situation in Colombia, where a very high number of cases had been detected between 2013 and 2020, with the majority of victims being women. He then elaborated on a recent application, called LibertApp, that had been launched in 2020 to facilitate the collection of information and reporting, including the facilitation of early victim identification and rescue based on an alert (“panic button”) function that helped law enforcement agencies to locate potential victims and respond promptly. The tool had been widely used in Colombia with great success and had led to the rescue of many victims, including children. Mr. Espinosa Palacios also noted that LibertApp was a useful tool to facilitate cooperation and coordination among authorities, including those of different countries.

9. Ms. Gayer presented the THB Liberi project (2018–2025), which was fighting the trafficking and exploitation of children and young people through a multidisciplinary approach in Germany. The project included a component on the recruitment of children through the Internet, as well as their advertisement on different websites. The responses offered under the project included networking, capacity-building, prevention measures, training courses and the testing and promotion of technical solutions and strategies that led to the identification of victims and the investigation and prosecution of perpetrators. The panellist finally stressed the importance of cooperating with Internet service providers to raise awareness in schools regarding the risk of recruitment of children through the Internet.

10. Ms. Gelber addressed the link between technology and child sex trafficking, underlining that social media, websites and messaging applications could be used to identify, recruit and control victims, especially during the coronavirus disease (COVID-19) pandemic. She further elaborated on the phenomenon of “virtual child sex trafficking” in the United States of America, whereby offenders paid traffickers in foreign countries to abuse children while the offenders watched on live video streams. To counter that crime, Ms. Gelber stressed the importance of enacting broad laws that allowed for the initiation of investigations regarding advertisements that facilitated sex trafficking, regardless of whether they did so explicitly. She also underlined the need for the cross-border sharing of evidence concerning technology-facilitated sex trafficking, as well as the need to protect victims and ensure adequate compensation.

11. Ms. Sánchez Fernández highlighted best practices in Paraguay in using technology to counter trafficking in persons. Noting that Paraguay was generally a country of origin for victims of trafficking, the panellist highlighted the importance of establishing effective communication tools so that authorities in different jurisdictions could better locate victims and effectively investigate and prosecute cases. She also elaborated on the benefits of technological tools for the investigation and prosecution of trafficking cases in Paraguay, including the use of videoconferencing tools for the provision of statements by witnesses in court proceedings in other countries, so as to avoid unnecessary transfers. Using technology, including communications technologies, according to Ms. Sánchez Fernández, also helped to successfully build trust among the different authorities involved, including across borders, while speeding up procedures. She further stressed the need to train investigators and prosecutors and build their know-how in harnessing the benefits of technology for the effective identification and rescue of victims, as well as for the proactive investigation of suspicious cases.

12. Following the presentations, delegates posed questions on specific challenges and recommended practices, including on partnering with the private sector and civil society and on responding to the challenges posed by anonymizing and encryption tools.

13. In the discussion that followed under the agenda item, speakers stressed the challenges posed by new technologies enabling trafficking in persons, especially the trafficking of children, including the increasing ability to maintain anonymity online.
Several speakers outlined their countries’ respective national efforts to harness technological tools, including communications technologies, to collect and share information on trafficking in persons cases so as to facilitate investigations and to detect and rescue victims.

14. Some speakers highlighted how the ongoing COVID-19 pandemic, beyond exacerbating the vulnerabilities of people to trafficking in persons, had also created additional challenges for responders, with many trafficking activities having moved online. In that context, speakers noted ways of using technology to overcome some of those challenges, including the creation of email addresses and portals to report potential cases, and the use of online communication platforms for conducting remote hearings and trials of trafficking cases.

15. In relation to technology and the prevention of trafficking, a speaker highlighted how technology-based public campaigns had proved to be an effective measure in her country. In addition, several speakers identified public awareness campaigns on the risks of online grooming and online sexual exploitation targeting children and young people as important measures to consider.

16. A speaker emphasized that legal frameworks needed to reflect technological advances and that gender- and child-sensitive approaches should be applied when using technology in trafficking in persons cases. Similarly, some speakers underlined the importance of respecting human rights, including the right to privacy, and having strong data protection safeguards in all technology-based interventions. Many speakers noted the need to strengthen the digital expertise of law enforcement and judicial authorities and other relevant stakeholders for a better use of technological tools. Finally, speakers stressed the need to reinforce international cooperation to better investigate and prosecute technology-facilitated trafficking, including its financial aspects, and the need to establish partnerships with the digital industry, academia and non-governmental organizations in order to develop and apply new tools to prevent and counter trafficking in persons.

B. Measures to strengthen procurement policies at the national, regional and international levels

17. At its 2nd and 3rd meetings, on 12 and 13 October 2021, the Working Group considered agenda item 3, entitled “Measures to strengthen procurement policies at the national, regional and international levels”.

18. The discussion under agenda item 3 was facilitated by the following panellists: Porter Glock, Procurement Analyst at the Office of Federal Procurement Policy in the Office of Management and Budget (United States), on behalf of the Group of Western European and other States; Dominique Lambert, Head Commander of the Central Office for Combating Illegal Labour (France), on behalf of the Group of Western European and other States; and Cecilia Alejandra Tello Guerrero, Director for the Promotion and Protection of Fundamental Labour Rights, General Directorate of Fundamental Rights and Labour Health and Safety, Ministry of Labour and Employment Promotion (Peru), on behalf of the Group of Latin American and Caribbean States.

19. Mr. Glock, in his presentation, stressed that Governments and regional and international organizations had an obligation to not contribute, directly or indirectly, to human rights abuses, including trafficking in persons, in their procurement activities, and he shared information about existing efforts to prevent, mitigate and address the risks of human trafficking in the supply chains of the United States Government. Those efforts included the implementation of statutes, regulations and policies related to procurement, including through contractual clauses, to prohibit trafficking in persons in government contracts and other closely associated practices in all tender processes (in both the pre-award and contracting stages) along the entire supply chain. He further highlighted the importance of compliance plans for large companies, entailing, among other things, employee awareness programmes,
recruitment and wage plans, reporting with safeguards against retaliation and procedures that placed the same requirements on subcontractors, as well as appropriate remedial and referral actions for identified cases of trafficking in their supply chains. Finally, he touched upon the need to address the role that recruitment agencies and recruitment fees for employees might play in facilitating trafficking in persons.

20. Mr. Lambert elaborated on the law on the duty of vigilance/due diligence enacted in France in 2017 to enforce corporate social responsibility standards for private companies, with a view to preventing serious risks of human rights, health and safety and environmental abuses. The law provided for the establishment of vigilance plans by companies throughout the whole chain of production and supply, detailing plans for risk mapping, risk assessment procedures, appropriate risk mitigation actions, alert procedures, and monitoring and evaluating the effectiveness of such measures, while protecting whistle-blowers. Civil proceedings and sanctions were provided for in cases of non-compliance. However, Mr. Lambert emphasized the need for the international harmonization of legislation to prevent circumvention and unfair competition, as well as the need for strengthened institutional cooperation, in order for such a law to be meaningful. He further stressed the need to engage trade unions in the development and assessment of prevention plans so as to increase awareness and enhance detection. Finally, Mr. Lambert underscored the need to strengthen training programmes for law enforcement agencies, labour directorates and social services in order to provide them with a better understanding of specific risks.

21. Ms. Tello Guerrero presented measures and initiatives undertaken in Peru to address trafficking in persons for forced labour in procurement and supply chains. For example, Peru had enacted provisions to guarantee standards of procurement, including respect for human rights and labour rights, and adopted national plans and policies for responsible business conduct, which required businesses to monitor their impact on human rights throughout all their subsidiaries, and was currently developing guidelines targeting different sectors. She also informed the Working Group that Peru had adopted provisions to criminalize dealing with assets resulting from crime, including trafficking and forced labour. In addition, she highlighted the need for States to protect vulnerable groups from trafficking in persons and to enhance criminal investigations and mechanisms to prevent and detect the crime. She also emphasized the need to promote consistency between national policies and procurement policies and to systematically engage civil society, including human rights organizations, and the private sector in order to make further progress in mitigating the risks of trafficking in procurement and supply chains.

22. Following the presentations, delegates posed questions to the panellists on specific challenges and recommended practices, including the use of contractual clauses, post-contract monitoring and penalties, to prevent or respond to trafficking in persons.

23. In the discussion that followed under the agenda item, speakers highlighted that procurement could play an important role in preventing and combating trafficking in persons and described related national and regional efforts, including the adoption of legislative frameworks, strategies and measures to enhance transparency and business compliance with a view to mitigating the risks of trafficking. Speakers noted that best practices might include the development of assessment tools for suppliers, e-learning courses for the public sector and the establishment of monitoring and reporting mechanisms on trafficking-related offences for both the private and public sectors.

24. Several speakers highlighted the enactment of measures to ensure responsible business conduct, due diligence and subsequent reporting, sustainable corporate governance and consumer protection. A speaker mentioned that a zero-tolerance approach should be applied when dealing with trafficking for forced labour and related offences in the context of tender processes, with all commercial entities committing such offences to be excluded from processes immediately.
25. A speaker mentioned the importance of increasing awareness among buyers of the risks associated with trafficking in persons in the purchasing of products and services. Some speakers also welcomed the work of the Inter-Agency Coordination Group against Trafficking in Persons, in particular its issue brief on the role of public procurement in preventing trafficking in persons, which provides policy guidance on the matter.

26. Finally, a speaker highlighted that, in order to combat trafficking in persons for the purpose of forced labour, including in supply chains, more efforts should be made to address the root causes, including poverty.

C. Other matters

27. At its 3rd and 4th meetings, on 13 October 2021, the Working Group considered agenda item 4, entitled “Other matters”.

28. Under agenda item 4, the Working Group considered options regarding the further consideration of the draft recommendations resulting from its tenth meeting and, further to the Chair’s proposal, agreed to defer any further discussion to the twelfth meeting of the Working Group, to be held in June 2022, with the aim of finalizing the recommendations for adoption by the Conference at its eleventh session.

29. Under the same item, some delegates also noted the challenges faced by experts connecting from different time zones when discussions were continued beyond the official meeting times.

IV. Organization of the meeting

A. Opening of the meeting

30. The Working Group on Trafficking in Persons met in Vienna on 12 and 13 October 2021, holding a total of four meetings.

31. The meeting was opened by Manizha Bakhtari (Afghanistan), Chair of the Working Group. She addressed the meeting and presented an overview of the mandate of the Working Group, its objectives and the subjects under its consideration.

B. Statements

32. With the Chair presiding, the discussion under agenda item 2 was led by the following panellists: Juan Francisco Espinosa Palacios (Colombia), Helga Gayer (Germany), Carina Sánchez Fernández (Paraguay) and Alexandra Gelber (United States).

33. With the Chair presiding, the discussion under agenda item 3 was led by the following panellists: Dominique Lambert (France), Cecilia Alejandra Tello Guerrero (Peru) and Porter Glock (United States).

34. Under agenda items 2 and 3, statements were made by representatives of the following parties to the Trafficking in Persons Protocol: Argentina, Armenia, Australia, Bahamas, Bahrain, Bangladesh, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, Egypt, El Salvador, European Union, Gambia, Guatemala, Honduras, Indonesia, Israel, Malaysia, Mexico, Morocco, Nigeria, Norway, Poland, Senegal, United Kingdom of Great Britain and Northern Ireland, United States and Venezuela (Bolivarian Republic of).

35. The observers for the Holy See, Iran (Islamic Republic of) and Pakistan also made statements under agenda items 2 and 3.

37. Under agenda item 4, statements were made by representatives of the following parties to the Trafficking in Persons Protocol: Canada, Colombia, Germany, Honduras, Israel, Mexico, Russian Federation and United States.

38. The observer for the Islamic Republic of Iran also made a statement under agenda item 4.

C. Adoption of the agenda and organization of work

39. At its 1st meeting, on 12 October 2021, the Working Group adopted by consensus the following agenda:

1. Organizational matters:
   (a) Opening of the meeting;
   (b) Adoption of the agenda and organization of work.

2. Successful strategies for addressing the use of technology to facilitate trafficking in persons and to prevent and investigate trafficking in persons.

3. Measures to strengthen procurement policies at the national, regional and international levels.

4. Other matters.

5. Adoption of the report.

40. As agreed by the extended Bureau of the Conference, the meeting was held in a hybrid format (in person and online), with a restricted number of participants present in the meeting room and all other participants connected remotely using an interpretation platform used under contract by the United Nations.

41. In order to make the best use of the time available, no general statements were made during the meeting. Delegations had the option of submitting general statements in writing. The texts of those statements are available on the website of the meeting. Delegations were also given the opportunity to publish on the website the statements that they made on the agenda items during the meeting.

D. Attendance

42. The following parties to the Trafficking in Persons Protocol were represented at the meeting, including those connected remotely owing to the specific format of the meeting in the light of the COVID-19 pandemic: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechia, Dominican Republic, Ecuador, Egypt, El Salvador, European Union, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iraq, Israel, Italy, Japan, Kuwait, Latvia, Lebanon, Libya, Lithuania, Malaysia, Malta, Mexico, Mongolia, Morocco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay and Venezuela (Bolivarian Republic of).

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43. The following States that are not parties or signatories to the Trafficking in Persons Protocol were represented by observers, including those connected remotely owing to the specific format of the meeting in the light of the COVID-19 pandemic: Bhutan, Iran (Islamic Republic of), Moldova, Pakistan and Yemen.

44. The Holy See, a non-member State maintaining a permanent observer mission, was represented by observers.

45. The Sovereign Order of Malta, an entity maintaining a permanent observer office, was represented by an observer.


47. A list of participants is contained in document CTOC/COP/WG.4/2021/INF/1/Rev.1.

E. Documentation

48. The Working Group had before it the following:

(a) Annotated provisional agenda (CTOC/COP/WG.4/2021/1);

(b) Background paper prepared by the Secretariat entitled “Successful strategies for addressing the use of technology to facilitate trafficking in persons and to prevent and investigate trafficking in persons” (CTOC/COP/WG.4/2021/2);

(c) Background paper prepared by the Secretariat entitled “Measures to strengthen procurement policies at the national, regional and international levels” (CTOC/COP/WG.4/2021/3);

(d) Thematic compendium prepared by the Secretariat containing a compilation of background papers of the Working Group on Trafficking in Persons since its first meeting (CTOC/COP/WG.4/2021/5).

V. Adoption of the report

49. At its 4th meeting, on 13 October 2021, the Working Group adopted sections I, II, IV and V of the present report.