



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Other matters

Recommendations adopted by the Working Group on Trafficking in Persons at its first eight meetings

Background paper prepared by the Secretariat

The present background paper has been prepared as a complement to the index of recommendations adopted by the Working Group on Trafficking in Persons at its first eight meetings ([CTOC/COP/WG.4/2019/4](#)), prepared for the ninth meeting of the Working Group. It contains all the recommendations adopted by the Working Group at its first eight meetings, held from 2009 to 2018, and is organized chronologically.

* [CTOC/COP/WG.4/2019/1](#).



I. First meeting, Vienna, 14 and 15 April 2009

1. With regard to the overall mandate of the Working Group outlined in Conference decision 4/4, the Working Group recommended that States adopt a comprehensive and balanced approach to combating trafficking in persons, inter alia, through mutual cooperation, in recognition of States' shared responsibility as countries of origin, destination and transit.
2. With regard to achieving universal adherence to and effective implementation of the minimum requirements outlined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime¹ as an initial step toward combating trafficking in persons, States that have not yet done so should become parties to the United Nations Convention against Transnational Organized Crime² and the Trafficking in Persons Protocol.
3. In order to achieve a better understanding of the obstacles that States, in particular signatories to the Trafficking in Persons Protocol, may have in becoming parties to the Trafficking in Persons Protocol, the Conference should consider the inclusion of an optional question, on the status of the ratification process, in the assessment checklist on the implementation of the Organized Crime Convention and its Protocols.
4. With regard to the adoption of adequate national legislation, the Secretariat should step up its legislative assistance activities to respond to the needs of requesting States.
5. States parties should:
 - (a) Criminalize conduct that facilitates and supports trafficking in persons;
 - (b) Enact legislation for the implementation of the Organized Crime Convention, in particular legislation that criminalizes participation in an organized criminal group and corruption, and establish trafficking in persons as a predicate offence for the laundering of the proceeds of crime.
6. With regard to the definition of concepts that might require further clarity, the Secretariat should prepare, in consultation with States parties, issue papers to assist States parties in better understanding and interpreting key concepts of the Trafficking in Persons Protocol, especially legally relevant definitions in order to assist criminal justice officers in penal proceedings.
7. With regard to prevention and awareness-raising, States parties should:
 - (a) Consider the inclusion of trafficking in persons in public education curricula;
 - (b) Launch awareness-raising campaigns directed at the general public, at specific groups and at communities vulnerable to being trafficked, taking into account local contexts. In doing so, they should consider making effective utilization of mass media (radio and television programmes, including soap operas able to reach vulnerable groups, and the press) and of important public events or personalities;
 - (c) Consider discussing plans for awareness-raising campaigns with the Secretariat and other States parties that have launched similar campaigns;
 - (d) Explore modalities to reinforce the educating and awareness-raising of users or potential users of sexual services and the products of forced labour and of other types of exploitation and to increase their understanding of trafficking in persons and violence against women and children.

¹ United Nations, *Treaty Series*, vol. 2237, No. 39574.

² *Ibid.*, vol. 2225, No. 39574.

8. With regard to training, States parties should provide training to front-line law enforcement officials (police officers, labour inspectors, immigration officers and border guards), soldiers involved in peacekeeping missions, consular officers, prosecutorial and judicial authorities, medical services providers and social workers, involving relevant non-governmental organizations and civil society representatives, where appropriate and in line with national legislation, in order to enable national authorities to respond effectively to trafficking in persons, especially by identifying the victims of such trafficking.
9. The Secretariat should step up the provision of capacity-building activities to requesting States by organizing training courses and seminars.
10. With regard to trafficking for labour exploitation, States parties should:
 - (a) Strengthen partnerships with the private sector in order to effectively combat trafficking for labour exploitation;
 - (b) Discourage the demand for exploitative services and the products of forced labour by ensuring that Governments first properly identify exploitative services and products of forced labour and then raise public awareness of such services and products.
11. With regard to ensuring the non-punishment and non-prosecution of trafficked persons, States parties should:
 - (a) Establish appropriate procedures for identifying victims of trafficking in persons and for giving such victims support;
 - (b) Consider, in line with their domestic legislation, not punishing or prosecuting trafficked persons for unlawful acts committed by them as a direct consequence of their situation as trafficked persons or where they were compelled to commit such unlawful acts.
12. With regard to victim protection and assistance, States parties should:
 - (a) Adopt a human rights-based approach to victim protection and assistance that is not contingent on the citizenship and immigration status of the victim;
 - (b) Develop and apply minimum standards for the protection and assistance of victims of trafficking in persons;
 - (c) Ensure victims are provided with immediate support and protection, irrespective of their involvement in the criminal justice process. Such support may include the right to stay temporarily or, in appropriate cases, permanently in the territory where they are identified;
 - (d) Ensure that appropriate procedures are in place to protect the confidentiality and privacy of victims of trafficking;
 - (e) Develop, disseminate to practitioners and systematically use criteria for the identification of victims;
 - (f) Ensure that national legislation against trafficking in persons criminalizes the threat or intimidation of victims of such trafficking or of witnesses in related criminal proceedings;
 - (g) Address the need for a more effective allocation of funds for assisting victims;
 - (h) Ensure that responses to child trafficking at all levels are always based on the best interest of the child.
13. With regard to the compensation for victims of trafficking, States parties should consider the possibility of establishing appropriate procedures to allow victims to obtain compensation and restitution.

14. With regard to the protection of victims as witnesses, States parties should ensure measures for the protection of victims, including the provision of temporary and safe shelter and witness protection procedures, where appropriate.

15. The Secretariat should evaluate whether its work on good practices for the protection of witnesses in criminal proceedings involving organized crime could be supplemented by additional work in the area of countering trafficking in persons.

16. With regard to the coordination of efforts at the national level, States parties should:

(a) Establish national coordinating bodies or interministerial task forces composed of officials from relevant Government ministries (dealing with justice, internal affairs, health and welfare, labour, immigration, foreign affairs etc.), to counter trafficking in persons. Such mechanisms could develop comprehensive and coordinated policies against trafficking in persons while promoting better cooperation, monitoring the implementation of national action plans and promoting research on trafficking in persons, taking into account the work of relevant national non-governmental organizations;

(b) Develop coordination mechanisms at the local or district level, including non-governmental service providers whenever possible.

17. With regard to data collection, research and analysis, the Conference should:

(a) Explore the advisability of developing a real-time online tool to assess trends and patterns in trafficking in persons;

(b) Consider the advisability of having the United Nations Office on Drugs and Crime (UNODC) continue to produce the *Global Report on Trafficking in Persons*, based on the information collected through existing data collection mechanisms;

(c) Request States parties to contribute national data to a database administered by the Secretariat to measure the response to trafficking in persons.

18. With regard to the provision of technical assistance to implement the Trafficking in Persons Protocol, the Secretariat should:

(a) Continue to provide technical assistance to States parties, upon request, to assist them in implementing the Organized Crime Convention and its Protocols;

(b) Prepare a list of cost-efficient measures and tools, in consultation with States parties, to respond to trafficking in persons;

(c) Develop, disseminate and systematically use criteria for the identification of victims, in consultation with States parties.

19. With regard to the role of the Conference of the Parties in coordinating international action against trafficking in persons, the Conference should consider:

(a) Establishing an online real-time mechanism to update the information submitted by States parties through the self-assessment checklist on the implementation of the Organized Crime Convention and its Protocols;

(b) Requesting the intergovernmental meeting of experts referred to in Conference decision 4/1 to pay attention to ways and means of achieving and measuring progress as well as to define needs for technical assistance in implementing the Trafficking in Persons Protocol;

(c) Establishing greater linkages and increasing exchange of information with other United Nations treaty bodies and the Special Rapporteur on trafficking in persons, especially women and children;

(d) Requesting the Secretariat to continue coordinating the Inter-Agency Cooperation Group against Trafficking in Persons and report on its activities.

20. With regard to the adoption of a regional approach to combat trafficking in persons, the Conference should consider and encourage regional cooperation in responding to trafficking in persons and promoting the implementation of the Trafficking in Persons Protocol, while avoiding duplication of effort in that regard.

21. The Secretariat should exchange more information with regional and other international organizations involved in fighting trafficking in persons.

22. With regard to international cooperation at the operational level, the Secretariat should establish a network of national contact points for efforts to counter trafficking in persons based on existing available contact points with which work could be done to promote timely regional and international cooperation.

23. States parties should:

(a) Utilize those provisions of the Organized Crime Convention that facilitate the use of joint investigation teams and special investigative techniques in the investigation of cases of trafficking in persons at the international level;

(b) Utilize the Organized Crime Convention and other multilateral legal instruments to develop and strengthen international judicial cooperation, including with regard to extradition, mutual legal assistance and confiscation of the proceeds of trafficking in persons;

(c) Organize and participate in training sessions for central authorities and others involved in judicial cooperation at the regional or interregional level, especially involving States parties connected through trafficking flows as countries of origin, transit or destination for trafficking in persons.

II. Second meeting, Vienna, 27 to 29 January 2010

1. States parties should make better use of tools and materials produced by UNODC and those produced by other organizations, such as the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the United Nations High Commissioner for Human Rights,³ which were produced to support the implementation of the Trafficking in Persons Protocol.
2. With regard to developing a comprehensive, multidimensional response to trafficking in persons, States parties should apply a victim-centred approach, with full respect for the human rights of victims of such trafficking.
3. States parties should consider developing guidelines for law enforcement officials on culture-, gender- and age-sensitive responses to victims of trafficking in persons, including standards and procedures for identifying and interviewing victims of trafficking in persons and methods for advising such victims of their rights.
4. States parties were encouraged to note the important role of civil society in the fight against trafficking in persons and should seek to effectively integrate civil society into national, regional and international strategies to prevent such trafficking, as well as into strategies to protect and care for victims of such trafficking, in accordance with domestic regulations.
5. States parties should consider providing, where appropriate, legal, medical and social assistance to all potential victims of trafficking in persons, including legal representation and assistance to victims of such trafficking who are minors, in accordance with article 6, subparagraph 2, of the Trafficking in Persons Protocol.
6. Noting the low rate of convictions for trafficking in persons globally, as reported in the *Global Report on Trafficking in Persons* published by UNODC in 2009, States parties should increase their efforts to investigate and prosecute cases involving trafficking in persons, including by making timely use of financial investigation techniques, special investigative techniques and other tools designed to combat other forms of organized crime.
7. States parties should increase cross-border criminal justice action through enhanced use of joint investigations, information-sharing and confiscation of assets, in line with their domestic legislation.
8. States parties should take into account the recommendations contained in paragraph 17 of the report of the Working Group on its meeting held in Vienna on 14 and 15 April 2009 (CTOC/COP/WG.4/2009/2), and establish national coordination mechanisms, also at the level of investigation and prosecution.
9. With regard to coordination, States parties should increase efforts to enhance cross-border criminal justice action, including, where appropriate, by making increased use of joint investigations, special investigative techniques, information-sharing and the transfer of knowledge regarding the use of those measures.
10. States should make use of joint investigations as a practical means of offering technical assistance to other States and strengthening a transnational criminal justice response to trafficking in persons. In particular, joint operations should be undertaken between countries of origin and destination.
11. States parties should acknowledge the importance of developing partnerships between as well as within countries, recognizing the important role that civil society plays when working in partnership with government at all levels.
12. States parties were encouraged to develop partnerships with the private sector in their efforts to combat trafficking in persons.

³ E/2002/68/Add.1.

13. With regard to training programmes, States parties should involve all stakeholders, including law enforcement agencies, victim service providers, prosecutors and consular representatives, and should seek to involve judges.
14. In addition, in view of the tools and materials developed by UNODC at the global level, States parties were encouraged to develop country-specific training materials, with UNODC providing any required technical assistance on request.
15. Further to the recommendations contained in paragraph 19 of the report on the 2009 meeting of the Working Group, UNODC should continue to provide technical assistance, on request, to assist in the enhancement of regional coordination and cooperation, including capacity-building in that area in States and regions.
16. With regard to research, the Conference should consider requesting UNODC to continue compiling and regularly producing the *Global Report on Trafficking in Persons*, including through the use of a computerized database for which information could be submitted on a regular basis. The Conference should also consider requesting UNODC to compile good practices in preventing and combating trafficking in persons, especially in the areas of prosecution and victim protection.
17. States parties should, further to the recommendations contained in paragraph 18 of the report on the 2009 meeting of the Working Group, consider supporting more extensive research into all forms of trafficking in persons, including labour exploitation.
18. States parties should support research into profiling the crime of trafficking in persons, developing typologies and analysis regarding methodologies and offenders.
19. UNODC should continue to provide technical assistance to Member States, upon request, to improve the collection of data on trafficking in persons.
20. States parties should consider conducting research on the factors that make certain events, locations, communities, countries and regions more likely to be a place of origin of trafficked persons or a transit area or a destination used for trafficking in persons. States parties should also consider further research on socioeconomic factors and how those factors affect markets, focusing in particular on the demand for trafficking in persons.
21. States parties should monitor and evaluate the results and impact of measures undertaken at the national level. Member States should consider establishing an institution (such as a national rapporteur or committee, which could be independent) to carry out such evaluation and monitoring and to make recommendations for further action at the national level.
22. In accordance with the recommendation of the meeting of experts on possible mechanisms to review implementation of the Organized Crime Convention, the Conference should create an open-ended working group on the implementation of the Convention and its Protocols with a view to exploring options regarding an appropriate and effective mechanism to assist the Conference in the review of the implementation of the Convention and the Protocols thereto, as soon as feasible, taking into account the importance of the matter to all Member States.
23. To avoid duplication of effort, States parties should take advantage of existing experience at the regional level.
24. With regard to those concepts in the Trafficking in Persons Protocol on which States parties might require clarification:
 - (a) The Conference should provide guidance to States parties on those concepts;
 - (b) Further to the recommendations contained in paragraph 7 of the report of that Working Group on its 2009 meeting, the Secretariat should prepare, in consultation with States parties, issue papers to assist criminal justice officers in penal proceedings, on subjects such as consent; harbouring, receipt and transport; abuse of

a position of vulnerability; exploitation; and transnationality. In addition, the Secretariat should ensure that any new concepts were integrated into existing tools and materials.

25. In applying the definition of trafficking in persons under the Protocol and consistent with the Protocol, States parties should ensure that:

(a) Where deception, coercion or other means as stipulated in article 3, subparagraph (a), of the Protocol, were present, the consent of the victim was irrelevant to establishing trafficking in persons;

(b) Trafficking in persons could be established before an act of exploitation had occurred.

26. In accordance with article 3, subparagraph (a), of the Protocol, States parties should pay close attention to the acts of trafficking (recruitment, transportation, transfer, harbouring or receipt of persons) and recognize that the presence of any of those acts could mean that the offence of trafficking in persons had been committed, even in the absence of transit or transportation.

27. With regard to the implementation of the Trafficking in Persons Protocol, States parties should interpret the Protocol in the context of the Organized Crime Convention.

28. In view of the fact that the Protocol did not provide model legislative provisions, States parties should draft or amend national legislation in line with their domestic circumstances.

29. States parties should acknowledge the importance of voluntary victim-witness cooperation in seeking convictions for trafficking in persons. In conformity with article 25 of the Organized Crime Convention, States parties should adopt measures to assist and protect victims, regardless of whether or not they cooperated with the criminal justice authorities. The absence of testimony would not rule out the provision of assistance.

30. States parties might use the provisions of article 26, paragraphs 2 and 3, of the Organized Crime Convention to secure the testimony of members of an organized criminal group in investigations and prosecutions of cases involving trafficking in persons, for the purpose of prosecuting other members of the organized criminal group.

31. States parties were encouraged to consider the issues of supply and demand to be interconnected and should take a holistic approach in their responses to trafficking in persons, in order to address both phenomena.

32. States parties should view the reduction of demand for exploitative services as requiring an integrated and coordinated response.

33. States parties should develop responses to the demand for all types of services where trafficking victims were exploited, including but not limited to sexual services.

34. Further to the recommendations contained in paragraph 11 of the report on the 2009 meeting of the Working Group, in order to more forcefully discourage the demand for goods and services produced by victims of trafficking, States parties should consider adopting measures to discourage the use of such goods and services.

35. The Conference should continue its examination of the demand for exploitative services in relation to trafficking in persons, retaining the relevant agenda item.

36. States parties should develop awareness-raising initiatives for employers and consumers with the goal of rendering socially unacceptable the use of goods and services provided under exploitative circumstances by victims of trafficking.

37. States parties should adopt and strengthen practices aimed at discouraging demand for exploitative services, including considering measures to regulate, register and license private recruitment agencies; raising the awareness of employers to ensure

their supply chains were free of trafficking in persons; enforcing labour standards through labour inspections and other relevant means; enforcing labour regulations; increasing the protection of the rights of migrant workers; and/or adopting measures to discourage the use of the services of victims of trafficking.

38. With regard to conducting research into demand for the services and products of trafficked persons, States parties should consider collecting relevant data, including on the socioeconomic factors increasing the demand and on the consumers of goods and services provided by trafficked persons, disaggregated by the form of exploitation, such as labour or sexual exploitation or trafficking in persons for the removal of organs and trafficking in human organs.

39. States parties were encouraged to share information on the impact on trafficking in persons of legislation criminalizing, decriminalizing or legalizing prostitution.

40. The Secretariat should compile and distribute examples of good practices for addressing the demand for exploitative services, including research into all forms of exploitation and the factors underpinning demand and measures to raise public awareness of products and services produced by exploitative and forced labour. To facilitate that process, States parties should provide such examples to the Secretariat.

41. States parties should conduct campaigns targeting potential victims of trafficking in persons in vulnerable groups and regions and the potential users of goods or services provided by victims of trafficking, in order to raise awareness of the illegality of traffickers' actions and the criminal nature of trafficking in persons.

42. States parties should ensure that demand reduction strategies included anti-trafficking training for all the relevant segments of society.

43. With regard to ensuring the non-punishment and non-prosecution of trafficked persons, the Working Group reaffirmed that States parties should implement the recommendations contained in paragraph 12 of the report on the 2009 meeting of the Working Group.

44. States parties should ensure that, provisions for the non-punishment and non-prosecution of trafficked persons contained in domestic legislation, guidelines, regulations, preambles or other instruments were clearly stated. In doing so, States parties are encouraged to make use of technical assistance tools such as the UNODC Model Law against Trafficking in Persons⁴ and principles and guidelines such as the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the United Nations High Commissioner for Human Rights, as well as any other regional standards and guidelines.

45. States parties should respect human rights standards in all measures concerning victims of trafficking in persons.

46. States parties should ensure that acts and procedures of their criminal justice systems did not cause secondary victimization.⁵

47. States parties should acknowledge and support the important role played by civil society in protecting and assisting victims and supporting the criminal justice process.

48. States parties should provide specialized training to criminal justice practitioners, including law enforcers and prosecutors, on trafficking in persons and the human rights abuses that the victims might have suffered, and should seek to involve judges. The Conference should consider requesting UNODC to continue providing to States, on request, technical assistance in the training of criminal justice practitioners.

⁴ United Nations publication, Sales No. E.09.V.11.

⁵ In accordance with the UNODC Model Law against Trafficking in Persons, secondary victimization refers to victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim.

49. States parties should endeavour to ensure the availability of a compensation fund or similar mechanism for victims of crimes, including trafficking in persons.
50. The Secretariat should compile and disseminate:
 - (a) Good practices regarding provisions for the non-prosecution or non-punishment of victims in national legislation against trafficking in persons;
 - (b) Best practices in relation to victim identification, protection and assistance.
51. To support that process, States parties should provide to the Secretariat information regarding national practices so that others could learn from their experiences.
52. States parties should endeavour to ensure that case management approaches covered all phases of the criminal justice process related to trafficking in persons, with appropriate follow-up, from the point of interception to the point of reintegration. States parties should ensure that case management systems were knowledge-based by regularly reviewing processes in the light of changing situations and circumstances.
53. States parties should take measures to ensure that anti-trafficking responses were coordinated and consistent at all levels.
54. States parties should ensure that specialized staff in law enforcement agencies and other parts of the criminal justice system received necessary training and support, including psychological care, as required.
55. States parties should ensure that special training was provided for criminal justice practitioners. Such training should also be extended to all court staff and victim service providers and should include sensitization to trauma and appropriate gender, age, cultural and other considerations.
56. The Conference should consider the advisability of requesting UNODC to collect best practices in the management of trafficking in persons cases that incorporated a cooperative approach between and among law enforcement agencies and other specialized services such as victim service providers, with the aim of, inter alia, providing clear procedures and policies and written agreements to avoid delays and secondary victimization of trafficking victims; incorporating a gender-, age- and culture-sensitive approach that also addressed the special needs of children; language assistance for potential victims from the point of interception to the point of reintegration; and health and psychological assistance in consideration of the particular challenges faced by victims of trafficking.
57. The Secretariat should consider compiling a roster of anti-trafficking training courses and United Nations experts to support States parties in their efforts to train their criminal justice practitioners.
58. The Secretariat should assist States parties, on request, in increasing their capacity to collect, analyse and share data on the situation with regard to trafficking in persons and responses to such trafficking.

III. Third meeting, Vienna, 19 October 2010

The recommendations proposed during the third meeting of the Working Group on Trafficking in Persons were subsequently endorsed by the Working Group at its fourth meeting, held from 10 to 12 October 2011.

IV. Fourth meeting, Vienna, 10 to 12 October 2011

1. Coordination among United Nations entities with regard to efforts against trafficking in persons for the purpose of removal of organs should be encouraged.
2. States parties should encourage relevant United Nations entities, including the United Nations Office on Drugs and Crime (UNODC), to gather evidence-based data on trafficking in persons for the purpose of organ removal, including the root causes, trends and *modi operandi*, with the aim of facilitating better understanding and awareness of the phenomenon, while recognizing the difference between trafficking in organs, tissues and cells.
3. States parties should make better use of the Organized Crime Convention and the Trafficking in Persons Protocol in combating trafficking in persons for the purpose of removal of organs, especially for joint investigations and intelligence-gathering.
4. States parties should take measures to ensure the full and effective implementation of the applicable provisions of the Trafficking in Persons Protocol and the Organized Crime Convention relating to trafficking in persons for the purpose of removal of organs.
5. States parties should, in the course of a comprehensive approach to preventing trafficking in persons, develop measures to raise awareness in particular among vulnerable groups, including potential victims of trafficking in persons for the purpose of organ removal.
6. States parties should encourage relevant entities responsible for preventing and combating trafficking in persons to coordinate with the relevant representatives of the health sector, including health service providers, to ensure better guidance for all actors in identifying and responding to trafficking in persons for the purpose of removal of organs.
7. The use of public-private partnerships in the context of preventing trafficking in persons for the purpose of removal of organs should be encouraged.
8. UNODC should develop a training module on trafficking in persons for the purpose of removal of organs and related conduct and begin to provide technical assistance, especially with regard to investigation, the exchange of information and international legal cooperation.
9. States parties should continue to support the work of UNODC to combat trafficking in persons by providing information to UNODC identifying examples of abuse of power or of a position of vulnerability and how those concepts are addressed and applied in domestic law or jurisprudence, recognizing that those concepts may vary from country to country according to their legislation and jurisprudence.
10. UNODC should be requested to carry out an assessment of factors that make people vulnerable to trafficking in persons (such as age, cultural aspects, ethnicity, economic situation, academic background, gender, migration status/administrative situation, mental and physical health and humanitarian emergencies, including armed conflicts and natural disasters), taking into consideration the fact that abuse of power or of a position of vulnerability can occur at all stages of the process of trafficking in persons.
11. States parties should elaborate the various factors in their jurisdictions that can render persons subject to abuse of a position of vulnerability in order to enhance awareness of the full scope of the crime while recognizing that application of that concept may vary from country to country according to domestic legislation and criminal justice systems.
12. States parties could focus on the action of the offenders and their intention to take advantage of the situation of the victims, for example by focusing on the means by which offenders do so.

13. States parties should raise awareness among their relevant national authorities, including, where appropriate, through training to facilitate identification of situations in which there has been abuse of power or of a position of vulnerability and, on that basis, take appropriate measures for the protection of, and the provision of assistance to, victims to ensure the appropriate response to their trauma.
14. States parties should raise awareness among State and non-State victim service providers of the factors that make people vulnerable to trafficking in persons so as to better assist and support trafficked persons.
15. States parties should seek to reduce vulnerability to trafficking in persons by increasing equal opportunities for women and men, including by ensuring equal access to higher education and development for women and children and equal access for women to the labour market, as well as by increasing the opportunities for women to access decision-making positions.
16. States parties should take measures to combat trafficking in persons occurring through the abuse of the vulnerability of children.
17. States parties may consider the relevant guidance provided in regional instruments and measures, including the Explanatory Report on the Council of Europe Convention on Action against Trafficking in Human Beings, and the recommendations contained in the official document of the Ibero-American Association of Public Prosecutors entitled the “Santiago Guidelines”, concerning the duty of such entities to facilitate access to justice for vulnerable victims, in particular its chapter devoted to victims of human trafficking.
18. States parties should consider whether to define “victim of trafficking” in their domestic legal frameworks.
19. States parties are encouraged to develop a proactive and systematic approach to the identification of victims of trafficking in persons and the provision of assistance, support and protection in accordance with the provisions of the Trafficking in Persons Protocol.
20. States parties should consider developing and disseminating tailor-made indicators for different practitioners, taking into consideration the need for a multi-stakeholder approach and the specific roles of potential actors in combating trafficking in persons. Such potential actors who could identify victims include law enforcement, the judiciary, victim service providers, the private sector, health and social work professionals and other relevant actors. States parties should also periodically assess the relevance of those indicators.
21. States parties should endeavour to ensure that actors who could identify victims of trafficking in persons are made aware of relevant and specific information likely to expedite the identification of victims of trafficking.
22. States parties are encouraged to raise awareness of the control methods of traffickers and their potential impact on victims, making use, as appropriate, of technical assistance tools such as the UNODC Anti-Human Trafficking Manual for Criminal Justice Practitioners.
23. States parties should create a safe environment for victims, with the full involvement of civil society, that is designed to rehabilitate victims and return to them a sense of dignity.
24. States parties should consider providing a sufficient period of time during which victims may receive appropriate assistance, to decide about their possible cooperation with law enforcement and their participation in a judicial process.
25. States parties should acknowledge the concept of shared responsibility in implementing measures to counter trafficking in persons, thus bringing together countries of origin, transit and destination in the development of evidence-based strategies and activities, including awareness-raising.

26. States parties should consider assessing, improving, simplifying and expanding their international legal cooperation efforts in cases involving trafficking in persons, where appropriate.
27. States parties should consider rendering criminal acts as defined in the Trafficking in Persons Protocol extraditable, irrespective of whether the laws of the requesting and requested States parties define the acts constituting the offence within the same category of offences, denominate the offence by the same terminology or define or characterize it in the same way.
28. States parties should increase their efforts with respect to exchanging information and law enforcement intelligence, where appropriate, to determine trafficking routes regionally, subregionally and transregionally and to combat transnational organized crime.
29. States parties should consider taking measures to contribute to the full implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, recognizing its six objectives and expressing their view that the Global Plan of Action will promote increased ratification and implementation of the Trafficking in Persons Protocol.
30. States parties that have not yet contributed to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, should consider doing so.
31. States parties should consider joining the Group of Friends United against Trafficking in Persons.
32. States parties should provide exhaustive and objective information for inclusion in the Global Report on Trafficking in Persons, which is being prepared by UNODC for publication in 2012.
33. States parties should use new technologies to raise awareness of trafficking in persons through activities such as virtual teaching, thus reaching a wider audience and increasing the possibility of exchanges of good practices.
34. States parties should consider making use of the signs of the Blue Heart and Blue Blindfold campaigns and include them in their awareness-raising campaigns as symbols of the fight against trafficking in persons.
35. States parties should consider mainstreaming measures to counter human trafficking when they create or amend laws, strategies, programmes and policies of general application.
36. States parties should consider the possibility of implementing measures to prohibit the dissemination, through any means of communication, of advertisements and publications that promote the exploitation of persons, in particular children, especially sexual exploitation, in order to prevent trafficking in persons and combat sociocultural patterns that sustain gender inequality and discrimination against women.
37. States parties should cooperate with countries of origin, including with civil society, in order to provide appropriate protection, assistance and rehabilitation for victims of trafficking in persons and assist with their reintegration upon return, where appropriate.
38. States parties should consider carrying out capacity-building activities for law enforcement, prosecutorial and judicial officials and consular staff from countries of origin, transit and destination.
39. States parties should ensure that multidimensional measures are put in place to support coordination and cooperation at both the national and international levels, taking into consideration the local specificities and needs identified on the ground, to address both supply and demand.

40. States parties should take measures to advance poverty alleviation and employment programmes, with a view to addressing the demand and supply sides of trafficking in persons as a contribution to the implementation of the Trafficking in Persons Protocol.

41. The Working Group on Trafficking in Persons should continue its work in advising and assisting the Conference in the implementation of its mandate with regard to the Trafficking in Persons Protocol.

42. The Conference should encourage States to send experts to share experiences and good practices, as well as invite representatives from other United Nations entities to present relevant initiatives against trafficking in persons so as to integrate the work of the United Nations system into the work of the Working Group on Trafficking in Persons and UNODC.

43. The Conference should encourage States parties and UNODC to inform the Working Group on the implementation of the recommendations approved by the Working Group and endorsed by the Conference.

44. The Conference should call upon States parties to support and submit cases to the UNODC human trafficking case law database, in order to review and identify new trends and good practices from those cases.

45. The Working Group recommends to the Conference that the following topics, inter alia, be considered for future sessions of the Working Group:

(a) Continued focus on key concepts of the Protocol, including consent, abuse of power and deception, with reference also to related international instruments;

(b) Crimes connected to trafficking, especially money-laundering and corruption, as well as responses, including confiscation of assets;

(c) Different actors related to trafficking, for instance military, peacekeeping and humanitarian personnel;

(d) Different forms of labour exploitation, especially domestic servitude, with particular reference to domestic servitude involving diplomatic personnel;

(e) Forms of exploitation not specifically mentioned in the Protocol but that have arisen in national, regional or international contexts or practice;

(f) How to reduce demand, including by fostering public-private partnerships and identifying factors that drive trafficking;

(g) Liability of legal persons as described in paragraph 44 of General Assembly resolution [64/293](#);

(h) Links between gender-based violence and trafficking in persons, both in supply and demand;

(i) Links between trafficking in persons and other forms of organized crime;

(j) Trafficking in children, particularly the phenomenon of parents who sell or rent their children for an exploitative purpose, such as begging or forced marriage;

(k) Trafficking in persons for the removal of organs.

46. The Working Group endorsed, as orally amended the following recommendations that had been proposed by the Chair of the Working Group at its meeting held in Vienna on 19 October 2010:

(a) Trafficking in persons and smuggling of migrants should be recognized as different crimes that require distinct legal, operational and policy responses;

(b) States parties should clearly define trafficking in persons in their national law and policy in order to enable the full and effective implementation of the Trafficking in Persons Protocol, including its provisions on criminalization and, in

particular, to ensure that victims of that crime have access to justice, including the ability to seek restitution or compensation;

(c) In accordance with article 6, paragraph 6, of the Trafficking in Persons Protocol, States parties should ensure that their domestic legal systems contain measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered;

(d) In accordance with article 6, paragraph 2, of the Trafficking in Persons Protocol, States parties should ensure that information on relevant court and administrative proceedings is provided, in appropriate cases, to victims of trafficking in persons, and that access to compensation is provided to victims of trafficking in persons;

(e) States parties should facilitate the provision of legal assistance and information regarding legal assistance to victims of trafficking in order to represent their interests in criminal investigations, including in order to obtain compensation;

(f) At the beginning of a penal investigation, States parties should endeavour to integrate a section dedicated to property and the possibility of seizing and confiscating goods obtained by criminal means. States parties should also be vigilant to protect themselves against all forms of organized insolvency;

(g) States parties should ensure that the immigration status of the victim, the return of the victim to his or her home country or the absence of the victim from the jurisdiction for other reasons does not prevent the payment of compensation;

(h) States parties should consider means of ensuring the availability of compensation, independent of a criminal case and regardless of whether the offender can be identified, sentenced and punished;

(i) In fulfilling the requirements of article 6, paragraph 6, of the Trafficking in Persons Protocol, States parties should adopt at least one of the following options offering the possibility of victims obtaining compensation:

(i) Provisions allowing victims to sue offenders or others for civil damages;

(ii) Provisions allowing criminal courts to award criminal damages (that is, to order that compensation be paid by offenders to victims) or impose orders for compensation or restitution against persons convicted of offences;

(iii) Provisions establishing dedicated funds or schemes whereby victims can claim compensation from the State for injuries or damages suffered as a result of a criminal offence;

(j) States should consider that court-ordered and/or state-funded compensation may include payment for or towards:

(i) Costs of medical, physical, psychological or psychiatric treatment required by the victim;

(ii) Costs of physical and occupational therapy or rehabilitation required by the victim;

(iii) Lost income and wages due according to national law and regulations regarding wages;

(iv) Legal fees and other costs or expenses incurred, including costs related to the participation of the victim in the criminal investigation and prosecution process;

(v) Payment for non-material damages resulting from moral, physical or psychological injury, emotional distress and pain and suffering of the victim as a result of the crime committed against him or her;

(vi) Any other costs or losses incurred by the victim as a direct result of being trafficked, as reasonably assessed by the court or state-funded compensation scheme.

V. Fifth meeting, Vienna, 6 to 8 November 2013

1. States parties shall recognize the role of civil society, in accordance with domestic law, as partners in developing and implementing activities to prevent and combat trafficking in persons and, in particular, to protect and assist victims of trafficking in persons.
2. The United Nations Office on Drugs and Crime (UNODC) should continue its work on key concepts of the Trafficking in Persons Protocol in cooperation with Member States, the Inter-Agency Coordination Group against Trafficking in Persons and the Special Rapporteur on trafficking in persons, especially women and children.
3. UNODC should continue its work on the interlinkages between crimes, including between trafficking in persons and corruption.
4. States parties may consider a wider range of investigative techniques and criminal justice responses to trafficking in persons by making use of related offences, so that, for example, law enforcement and prosecutors could be trained on the range of offences for which they can prosecute traffickers, such as offences under tax law and labour law, to ensure that training on investigative techniques and criminal justice responses to trafficking in persons is comprehensive.
5. States may consider using administrative tools and regulations to prevent and combat trafficking in persons.
6. States parties should consider reviewing their legislation in order to ascertain that it is in compliance with the requirements of the Trafficking in Persons Protocol, paying attention, in particular, to issues such as the irrelevance of victims' consent, and should amend their legislation as appropriate.
7. States parties should clarify and improve their legislation on the key concept of consent, where necessary, to reflect values of human dignity and so that practitioners can approach cases with confidence.
8. States parties are encouraged to consider good practices in relation to consent identified by some States, including: defining the key concept of consent, including actual or intended consent to exploitation; focusing in their legislation on the means used by the perpetrator, rather than on the victim developing guidelines for the police, for prosecutors and for other competent authorities; and paying particular attention in their legislation to the special vulnerabilities of various populations, such as children and people with diminished capacity, in relation to consent.
9. States parties should raise awareness among their relevant national authorities and other stakeholders, including, where appropriate, through training, in order to facilitate understanding of the irrelevance of consent in the identification of potential victims and the prosecution of suspected traffickers.
10. States parties should adopt comprehensive strategies to address the vulnerability of victims of trafficking in persons, including economic, social, educational and psychological vulnerability, as this may have an impact on the issue of consent.
11. States parties should consider taking into account the issue paper prepared by UNODC in order to clarify the key concept of abuse of a position of vulnerability and abuse of power, which are closely linked with the issue of consent.
12. States parties should research the root causes of trafficking in persons and address them with relevant measures, such as reducing the lack of equal opportunities, paying particular attention to persons vulnerable to trafficking, especially women and children, and opening up more employment and practical training opportunities.
13. States parties should adopt a multidisciplinary, comprehensive, human rights-based and targeted approach to reduce demand for all types of services and goods through which trafficking victims are exploited, including but not limited to exploitative sexual services, involving all relevant sectors at the national level, including relevant national non-governmental organizations, and supported by

cooperation at the regional and international levels, involving relevant international and regional organizations.

14. States parties are encouraged to adopt a holistic approach to discourage demand for all types of services and goods through which trafficking victims are exploited, integrating in this approach awareness-raising campaigns and thorough assessments of the national situation, with the involvement of civil society.

15. States parties should encourage public-private partnerships bringing together national authorities, businesses and civil society, and share examples of good practices.

16. States parties, in their participation in the working group, are encouraged to take into account, as appropriate, the relevant experience of civil society.

17. States parties should consider taking measures to enforce labour and human rights standards through labour inspections and other relevant means, such as the development of ethical codes of conduct, including for supply chains; to cooperate with labour unions; to establish national or regional business coalitions; and to strengthen partnership with civil society.

18. States parties should consider taking measures to regulate, register, license and monitor private recruitment and employment agencies, including prohibiting recruitment fees being charged to employees, to ensure that such agencies are not used to facilitate trafficking in persons.

19. States parties are encouraged to share information on good practices in reducing demand for all types of goods and services through which trafficking victims are exploited.

20. States parties are encouraged to develop, with the assistance of UNODC, targeted capacity-building programmes for government authorities and criminal justice practitioners, including members of law enforcement services and security forces, as well as training on their role in contributing to the reduction of demand for all types of goods and services through which victims of trafficking are exploited.

21. States parties should make timely use of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime, including provisions, on witness protection, mutual legal assistance and extradition, to successfully combat trafficking in persons and, in particular, to reduce derived demand for all types of goods and services through which trafficking victims are exploited, by prosecuting suspected traffickers effectively.

22. States parties are encouraged to ensure that the assets derived from offences covered by the Trafficking in Persons Protocol or used to commit the crime are seized and the proceeds of the crime are confiscated, for example by adding trafficking in persons as a predicate offence for money-laundering in national law and, where appropriate and in accordance with domestic legislation, using such proceeds to assist and compensate victims.

23. States parties should adopt measures that are demand-driven, such as penalizing persons who engage in the sexual exploitation of children abroad and educating the young generation.

24. States are encouraged to consider establishing jurisdiction in line with article 15 of the United Nations Convention against Transnational Organized Crime to prosecute instances of human trafficking committed by their nationals abroad.

25. States parties should review policies and procurement practices and, as appropriate, adopt new measures to prevent demand for labour, services or goods that foster the exploitation of others.

26. States parties should take into consideration in their measures to reduce demand the links between trafficking in persons and other crimes, such as corruption and other related offences.

27. States parties should ensure confidentiality in order to protect victims of trafficking in persons, in accordance with domestic law.
28. States parties should ensure that measures are in place to provide victims with sufficient information to make them aware of their actual condition and to prevent revictimization.
29. States parties should take into consideration new methods of recruiting victims of trafficking in persons and take measures to develop targeted awareness-raising campaigns and specialized training for law enforcement and criminal justice practitioners on issues such as the use of the Internet by traffickers, in particular to recruit children.
30. States parties are encouraged to improve preventive measures and discourage the demand that fosters exploitation in all its forms and leads to trafficking in persons, with a view to the elimination of that demand, and accordingly to raise awareness of the negative impact of clients, consumers or users of trafficking in persons, inasmuch as it is they who are responsible for generating demand.
31. States parties are encouraged to consider among other measures, within the framework of their respective national laws, the application of sanctions to consumers or users who intentionally and knowingly use the services of victims of trafficking in persons for any kind of exploitation.
32. States parties should impose sentences in cases of trafficking in persons that are commensurate with the seriousness of the crime, in order to deter criminals.
33. Recalling the tenth anniversary of the entry into force of the Organized Crime Convention and the Protocols thereto and taking into consideration articles 32 and 37 of the Convention, States parties and UNODC should continue to promote the full implementation of the Convention and of the Trafficking in Persons Protocol, with a view to identifying existing gaps, challenges and priorities.
34. States parties, in consultation with the private sector and civil society, are encouraged to enact legal and appropriate measures to combat trafficking in persons and ensure protection and assistance to victims.
35. States parties are encouraged to ensure, in line with their domestic legislation, that victims of trafficking are not penalized for unlawful acts committed by them in the course of, or in relation to, being trafficked.
36. States parties are encouraged to consider defining exploitation in their national legislation.
37. States parties are encouraged to have necessary guidelines for victim rescue, with a view to guiding law enforcement authorities to take necessary measures, avoiding revictimization and harmonizing criteria for action.
38. In addressing forms of exploitation that are not mentioned in the Trafficking in Persons Protocol, States parties are encouraged to keep in mind the principles of mutual legal assistance and extradition, which require dual criminality, and to explore ways for requesting States to engage in informal consultations with requested States to ensure that this does not generate legal challenges in addressing trafficking in persons.
39. States parties are encouraged to increase their knowledge of forms of exploitation not mentioned in the Trafficking in Persons Protocol through researching the cultural, social, economic and development factors that may foster exploitation, including by taking into account the work of the Special Rapporteurs on trafficking in persons, especially women and children, and on contemporary forms of slavery, and to inform UNODC of instances of trafficking in persons involving forms of exploitation that are not mentioned in the Protocol, in consultation with relevant partners, as appropriate.

40. UNODC should allocate sufficient attention to reports by Member States on forms of exploitation not mentioned in the Trafficking in Persons Protocol in its biennial global report on trafficking in persons and in its relevant publications.
41. The Working Group on Trafficking in Persons requested the Secretariat to prepare and maintain a consolidated record of all the recommendations adopted by the Working Group.
42. The Working Group on Trafficking in Persons proposed that States parties continue to do their best to implement the pertinent recommendations of the Working Group as adopted by the Conference of the Parties.
43. The Working Group on Trafficking in Persons recommended to the Conference that the topic of the role of recruitment agencies and recruitment fees in trafficking in persons be considered at future meetings of the Working Group.
44. The Working Group on Trafficking in Persons recommended that the Conference of the Parties, at its seventh session, should consider initiating discussions regarding the possibility that the Working Group develop and follow a workplan for its future meetings, bearing in mind the proposals for future work already adopted by the Working Group ([CTOC/COP/WG.4/2011/8](#), sect. II.A.5, Proposed areas for future work).

VI. Sixth meeting, Vienna, 16 to 18 November 2015

1. States – whether countries of origin of or destination for migrant workers – should enact legislation and administrative measures to combat fraudulent recruitment, and regulate, register, license and monitor private recruitment agencies, including through considering, as appropriate, the establishment of a dedicated public institution in that regard.
2. States should consider prohibiting charging workers fees, directly or indirectly, for their recruitment and placement and reviewing public procurement practices in order to avoid trafficking in persons.
3. In an effort to reduce the victimization of migrant workers, States should develop awareness campaigns and disseminate information materials on the rights of such workers in accordance with applicable domestic laws and regulations. States should also consider establishing a grievance mechanism or hotline and relevant agencies for migrant workers, to enable the reporting of cases of exploitation or abuse.
4. States should consider requiring recruitment agencies and employers to provide contracts or, where possible, an explanation of contracts to migrant workers in a language they understand; prohibiting the switching of contracts that may create a climate of trafficking in persons; ensuring that workers are not denied access to their identity documents; requiring employers to pay for transportation expenses for workers to return to their home countries upon completion or early termination of their contract; and giving workers the right to complain. In accordance with their obligations under the Vienna Convention on Consular Relations, States should give workers access to consular offices in case of problems.
5. States should encourage employers to hire migrant workers directly where possible, or to use only the services of registered and authorized agencies, or through approved agencies, to prevent fraudulent and exploitative recruitment practices.
6. States should foster State-to-State cooperation to prevent and combat trafficking in persons and the exploitation of migrant workers, including, where appropriate, through bilateral and multilateral agreements.
7. States should encourage cooperation between the public and private sectors and encourage businesses to act with due diligence in the recruitment of migrant workers, in accordance with internationally recognized standards to prevent trafficking in persons.
8. States should foster multi-stakeholder cooperation, including between labour inspectors and trade unions, if applicable, to prevent and combat trafficking in persons and the exploitation of migrant workers.
9. States should also implement capacity-building to prevent and combat trafficking in persons, through appropriate training programmes for labour inspectors, health-care workers, social service providers, educators and law enforcers and practitioners who may come into contact with victims of trafficking in persons.
10. States may consider instructing and training, where needed, their relevant diplomatic and/or consular staff and may consider, where possible, establishing a network of specialized attachés to prevent trafficking in persons.
11. States should enhance their efforts to increase the availability and quality of statistical data, to analyse such data and to produce comparable information to be shared at the local, regional and global levels. Such information should identify trends and patterns, support best practices, identify needs for technical assistance and contribute to the formulation of policies, including the adoption of measures that discourage the demand for all forms of exploitation, and programmes and other related measures to prevent and combat trafficking in persons.
12. In establishing or strengthening national coordination mechanisms, States should consider involving a broad range of stakeholders responsible for, among

others, justice, law enforcement, immigration, finance, taxation, social services, media, gender equality, legal services, health, foreign affairs, asylum, education, academia, business and labour, as well as relevant civil society and survivors of trafficking in persons.

13. Parties should consider carrying out an analysis of the effectiveness and functions of their national coordination mechanisms to prevent and combat trafficking in persons, in order to identify technical assistance needs.

14. The topic of the effectiveness and functions of different national coordination mechanisms should be considered at future meetings of the Working Group.

15. The Conference should consider all options to ensure that reliable and consistent information about the effective implementation of the Convention and the Trafficking in Persons Protocol is provided by States, with a view to identifying gaps and needs for technical assistance and highlighting successful experiences and good practices.

16. States should consider the possibility of enhancing their efforts to establish appropriate measures, including, where appropriate, the participation of relevant civil society, to monitor through appropriate indicators national policies and plans to prevent and combat trafficking in persons.

17. States should design multidisciplinary and evidence-based policies and programmes, action plans, guidance and other strategies in order to effectively prevent and combat trafficking in persons, with the input of relevant civil society and survivors of trafficking in persons, whenever possible.

18. States should consider developing an integrated national or regional database on trafficking in persons that includes data on cases, trends and patterns, best practices and modus operandi, with a view to helping analyse the situation on the ground, identifying challenges and gaps and formulating a comprehensive policy on combating trafficking in persons.

19. States are encouraged to clearly define key concepts to establish the parameters of what constitutes the crime of trafficking in persons in their national legislation, which should be flexible enough to capture the various forms of trafficking, but not make the crime unduly onerous to establish. States should train all relevant stakeholders accordingly, in order to facilitate a common understanding and consistent implementation of such key concepts, including, but not limited to, abuse of a position of vulnerability, consent and exploitation.

20. The Secretariat should continue the further development and dissemination of tools to clarify key concepts and collect legislation, case law and guidelines on such concepts, including in the United Nations Office on Drugs and Crime (UNODC) Human Trafficking Case Law Database and in the knowledge management portal known as the Sharing Electronic Resources and Laws on Crime (SHERLOC). In addition, the Secretariat should develop a list of indicators on different forms of exploitation, building upon existing tools.

21. States parties shall endeavour to fully implement the existing international and regional legal frameworks pertaining to trafficking in persons and related offences.

22. States should consider a gender approach and the best interests of the child when applying key concepts of the Trafficking in Persons Protocol.

VII. Seventh meeting, Vienna, 6 to 8 September 2017

1. The Working Group recommended that the Conference of the Parties consider the following recommendations for adoption:

(a) Support collaboration, where possible, with the private sector and other relevant stakeholders, to raise awareness on activities related to human trafficking, especially the identification of victims;

(b) Work to gather relevant and corroborative evidence, for example, by means of proactive investigations, as opposed to relying solely on victim testimony, with the aim of reducing the burden on victims as the only source of evidence;

(c) Place victims in safe and secure shelters or other suitable accommodation without delay, unless circumstances indicate that doing so might affect the security and safety of the victims;

(d) Consider options, where possible, to provide victims with suitable employment, educational and training opportunities, according to domestic law, in accordance with article 6, paragraph 3 (d) of the Protocol;

(e) Where possible, consider the implications that media involvement, including the timing of exposure of investigations, may have on both victims and investigations;

(f) Reiterate its previous recommendation for States parties to consider providing a sufficient period of time during which victims may receive appropriate assistance to make a decision about their possible cooperation with law enforcement authorities and their participation in a judicial process;

(g) Consider establishing national databases for information-sharing between government agencies on trafficking in persons cases, subject to privacy considerations;

(h) Promote the appropriate exchange of information, domestically and internationally, among criminal justice practitioners, including prosecutors, investigators, police officers, judges and task forces, regarding human trafficking cases;

(i) Where possible, lend support to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons;

(j) Take into account the value of regional groupings that include source, transit and destination countries as a means of enhancing cross-border cooperation in trafficking in persons cases.

2. The Working Group recommended that the Conference of the Parties consider the following recommendations for adoption:

(a) Provide support for victims which is independent of their immigration status and of whether victims are supporting a criminal investigation or prosecution;

(b) Consider, in line with their domestic legislation and prosecutorial discretion, not punishing or prosecuting trafficked persons for unlawful acts committed by them as a direct consequence of their situation as trafficked persons or in cases where they were compelled to commit such unlawful acts;

(c) Ensure that the protection of victims in appropriate housing is gender-specific, taking into account the differing vulnerabilities of women, men and children, and where necessary, the provision of appropriate psychological assistance, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society;

(d) Ensure the availability of interpretation into languages victims can understand, including, to the extent possible, specific local dialects and sign languages, when providing assistance to victims, when necessary, in collaboration

with the diplomatic representation of the country of the victim, and promote support to guarantee that persons with disabilities have a full understanding of their legal rights and of the judicial processes they participate in;

(e) Promote the cross-border provision of protection and assistance among countries of origin, transit and destination;

(f) Consider further strengthening the capacities of diplomatic and consular personnel to be able to recognize, and provide assistance to, victims of trafficking in persons;

(g) Ensure that measures are in place for the proper coordination of assistance and protection opportunities available to victims, including throughout the criminal justice process, and that all relevant stakeholders receive proper training regarding these measures;

(h) Further develop informative material for the purposes of explaining to victims their rights, avenues for assistance, and how the criminal justice process operates, in accessible terms;

(i) Develop the capacity of front-line responders, including humanitarian personnel, to identify victims of trafficking in persons, in a timely manner, within mixed migration flows;

(j) Ensure that victims have access to legal representation, including pro bono legal representation;

(k) Ensure that national authorities devote further attention to addressing trafficking in persons in conflict and humanitarian emergencies, in coordination and in cooperation with relevant stakeholders, including by enhancing the capacity of front-line workers and other relevant officials to identify victims;

(l) Take into account all victims' perspectives in policymaking and ensure equal access to assistance and protection measures and services;

(m) Consider establishing networks of interpreters who could be called upon throughout the criminal justice process;

(n) Consider measures to address cases of involvement in trafficking in persons by terrorist groups, including measures to protect and assist victims, in order to further develop effective criminal justice responses;

(o) Recognize trafficking in persons and smuggling of migrants as different phenomena that require different legislation and policy responses.

VIII. Eighth meeting, Vienna, 2 and 3 July 2018

1. States parties should:

(a) Discourage the use of detention centres and camps for the housing of victims of trafficking in persons; those countries that refer trafficking in persons victims to detention centres or camps should ensure that such victims remain housed in those facilities for the shortest possible period of time;

(b) Consider informing victims of trafficking in persons as soon as practicable once they have been identified of their rights in line with domestic legislation, including, where appropriate, their right to legal aid, information, including access to consular assistance for foreign victims when requested, and due consideration for compensation;

(c) Consider, in line with domestic legislation and prosecutorial discretion, not punishing or prosecuting trafficked persons for unlawful acts committed by them as a direct consequence of their situation as trafficked persons or in cases where they were compelled to commit unlawful acts;

(d) Provide victim protection measures in criminal justice proceedings, including by encouraging the use of video testimony, where appropriate and in line with domestic legislation;

(e) Promote cooperation, training and the sharing of information among State authorities, civil society, survivors of trafficking in persons, humanitarian agencies and the private sector, where appropriate and in line with domestic legislation;

(f) Conduct self-assessments to identify the most prevalent and emerging forms of exploitation so as to develop targeted prevention measures;

(g) Raise awareness about risks and publicize avenues of assistance, including helplines, available to victims of trafficking in persons;

(h) Enhance efforts to counter trafficking in persons in humanitarian settings, including by developing indicators that can be used at the ground and policy levels;

(i) Consider the role of modern technology and data in preventing and combating trafficking in persons, including during the reflection and recovery periods; at a future meeting of the Working Group, the issue of how States identify victims and use confiscated proceeds of offences involving trafficking in persons should be considered;

(j) Request that, resources permitting, the United Nations Office on Drugs and Crime provide requesting countries with technical assistance and resources for capacity-building so that they can conduct comprehensive needs assessments on preventing and combating trafficking in persons;

(k) Review and amend, where necessary, domestic laws and other measures to provide assistance and support to victims of trafficking in persons, including to victims who are non-nationals;

(l) Integrate trauma-informed and gender-, age- and human rights-sensitive approaches to measures aimed at protecting victims of trafficking in persons that take into account the multifaceted effects of such trafficking on different groups in society, and the specific vulnerabilities of women and children;

(m) Strengthen the capacity of front-line actors, through the provision of adequate resources and training, to identify victims of trafficking in persons;

(n) Ensure that victims' needs, including medical care, counselling and shelter, are appropriately prioritized;

(o) Respect the rights of all victims, in particular children and those who have been subjected to physical and/or psychological trauma, and ensure that measures are

in place to address their needs, including measures to support their participation, where necessary, in criminal proceedings;

(p) Train law enforcement officers to identify victims of trafficking in persons and recognize the importance of victim assistance and protection as critical aspects of the criminal justice response, regardless of whether an investigation and/or prosecution takes place;

(q) Take measures to identify possible links between trafficking in persons and other types of organized crime, including cases related to terrorism.

2. States parties should:

(a) Develop processes to coordinate the return and protection of victims who either cannot stay in the country of destination or choose to return to their country of residence, including, as far as possible, monitoring or providing support for reintegration to avoid re-trafficking;

(b) Establish and further develop partnerships with the diplomatic missions of the country of residence of victims of trafficking in persons;

(c) Endeavour to provide expert interpretation and language assistance to victims of trafficking in persons, including through international cooperation where necessary, and endeavour to protect those who provide linguistic assistance from threats and intimidation, when required;

(d) Ensure that persons with disabilities who are victims of trafficking in persons are offered support so that they are made aware of their rights and their role in any relevant procedures;

(e) Continue to improve international, regional, subregional and bilateral cooperation, whether formal or informal, share best practices to address the emerging trends in and nature of trafficking in persons and the impact that it has on the rights and needs of victims, and avoid action that could discourage international cooperation;

(f) Promote effective cooperation and the exchange of information on services, including protection services, and prevention measures on a timely basis between countries of origin, transit and destination, including appropriate bilateral or multilateral coordination of law enforcement authorities and cross-border authorities, in line with domestic law, and measures on the recruitment and transportation of victims;

(g) Where appropriate, facilitate the provision of culturally and linguistically appropriate protection services to victims of trafficking in persons as well as to their immediate family members;

(h) Where appropriate, take measures to reunite victims of trafficking in persons with their immediate family members, especially in the case of child trafficking victims, taking into consideration the best interests of the child.
