



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

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Working Group on Trafficking in Persons
Vienna, 29 and 30 June 2022

Report on the meeting of the Working Group on Trafficking in Persons held in Vienna on 29 and 30 June 2022

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. The Working Group on Trafficking in Persons met for the first time on 14 and 15 April 2009 and held a total of eleven meetings prior to its meeting in 2022.

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 of the Parties 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.

II. Recommendations

3. At its meeting held in Vienna on 29 and 30 June 2022, the Working Group on Trafficking in Persons adopted the recommendations presented below.

A. Recommendations on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked

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

Recommendation 1

States parties are encouraged to consider providing, in accordance with their domestic law, that victims of trafficking in persons are not to be inappropriately punished or prosecuted for acts that traffickers compelled them to commit or that they committed



as a direct consequence of being trafficked and, where appropriate, provide access to remedies if they are punished or prosecuted for such acts and, accordingly, establish, as appropriate, domestic laws, guidelines or policies that espouse these principles.

Recommendation 2

States parties should make efforts to provide and promote victim-centred support, with a trauma-informed approach to trafficking victims, that protects their lives, liberties and security, and that builds trust between law enforcement and victims and supports their effective participation in prosecutions of traffickers, noting that the provision of support to victims should not be conditional on such participation.

Recommendation 3

States parties should make efforts to provide specialized training for all criminal justice practitioners, including investigators, prosecutors and other front-line officers, as well as providers of social services, bearing in mind the non-punishment principle and the need for trauma-informed support for trafficking victims, taking into account different factors, including age, gender, culture and disability, and special needs, noting that such training can minimize their retraumatization and ensure an understanding of the impact of trauma on the individual person.

Recommendation 4

States parties are encouraged to assess their policies and procedures with a view to eliminating any practices that might contribute to revictimization, and in this regard should consult, as appropriate, with a wide range of relevant stakeholders, including non-governmental organizations, other relevant organizations and other elements of civil society, such as individuals who have been victims of trafficking in persons.

Recommendation 5

States parties, in accordance with the fundamental principles of their domestic law, should consider taking steps to develop and integrate a victim-centred approach to enhance the proactive and timely identification of trafficking victims and promote such practices through regional and international organizations.

Recommendation 6

States parties may wish to provide information on the application of the non-punishment principle, case law where relevant, and related challenges, good practices and lessons learned, for inclusion in the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal of the United Nations Office on Drugs and Crime (UNODC).

Recommendation 7

State parties, bearing in mind article 6 of the Trafficking in Persons Protocol, should:

(a) Consider implementing measures to provide access to free legal assistance to trafficking victims, where appropriate, in connection with both criminal and non-criminal justice proceedings;

(b) Ensure, in accordance with their domestic law, that processes are established for victims to seek access to relevant documents and information in connection with such proceedings;

(c) Ensure that their domestic legal systems contain measures that offer victims the possibility of obtaining compensation for damages suffered.

B. Recommendations on best practices in joint investigations and specialized prosecutions

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

Recommendation 8

States parties, in accordance with their domestic law, should promote, consolidate and disseminate specialized anti-trafficking in persons expertise, including by establishing, as appropriate, dedicated prosecution units and by providing specialized training for professionals in the criminal justice system, such as judges, prosecutors, law enforcement personnel and other relevant actors.

Recommendation 9

States parties are encouraged to promote coordinated cross-border investigations and regional and international collaboration to strengthen the effectiveness of criminal justice responses to trafficking in persons and the sharing of good practices, including, as appropriate, by appointing liaison officers, magistrates or prosecutors or promoting exchange programmes for law enforcement officials between countries of origin, transit and destination, and to encourage regional and international organizations to support States parties' efforts in this regard, when requested.

Recommendation 10

States parties should consider establishing, in accordance with their domestic law, joint investigative teams and, as appropriate, parallel investigation teams, including by making use of existing international and regional coordination mechanisms, in order to improve the investigation and prosecution of trafficking in persons cases, while protecting and assisting trafficking victims, with full respect for their human rights and due process guarantees.

Recommendation 11

States parties are encouraged to consider, within their means, deploying in the early stages of investigations specialized prosecutors with expertise in victim-centred and trauma-informed approaches, organized crime, international cooperation and victim identification to work closely with investigators, to provide direction and build strong prosecution cases, with full respect for human rights and due process guarantees.

Recommendation 12

States parties are encouraged, in accordance with the fundamental principles of their domestic law, to cooperate with United Nations entities and other relevant international and regional organizations to facilitate international cooperation in the fight against trafficking in persons, including, upon request, to identify and address gaps in legislative frameworks that hamper effective international cooperation in criminal matters and to strengthen anti-trafficking in persons laws, guidelines and policies, to better prevent and combat this crime.

Recommendation 13

States parties should encourage collaboration between specialized networks of prosecutors and specialized law enforcement networks to facilitate information exchange, including in the framework of joint investigation teams, to prevent and combat trafficking in persons.

C. Recommendations on matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

6. The Working Group recommended that the Conference of the Parties consider the following recommendation for adoption:

Recommendation 14

States parties, if they have not done so, are urged to nominate, without undue delay, their focal points and governmental experts for participation in the review process of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, within the timetable indicated in its procedures and rules and in the guidelines for conducting the country reviews, as well as to ensure the accessibility and availability of the nominated focal points and governmental experts.

III. Summary of deliberations

7. The following summary of deliberations was prepared by the secretariat after the meeting, in close coordination with the Co-Chairs of the Working Group. The summary of deliberations was not subject to negotiation and adoption during the meeting and is, instead, a summary by the Co-Chairs.

A. Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked

8. At its 1st and 2nd meetings, on 29 June 2022, the Working Group considered agenda item 2, entitled “Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked”. The discussion under item 2 was facilitated by Hilary Axam, Director, Human Trafficking Prosecution Unit, Department of Justice (United States of America).

9. Ms. Axam described her country’s implementation of the principle of non-punishment as well as its relevance. She underscored that criminal records could disrupt lives and raise the risk of revictimization, for example by preventing access to housing, noting that that ran counter to the Trafficking in Persons Protocol and its requirement to protect victims. She explained how a victim-centred approach was a step towards integrating the non-punishment principle into anti-trafficking responses and described some of the offences commonly perpetrated by victims as a consequence of their being trafficked, such as using false documents, engaging in commercial sex acts and distributing narcotics. A major challenge, she further stressed, was that evidence of unlawful acts, such as the use of false documents, was more apparent than evidence of trafficking, especially in cases where traffickers controlled their victims through subtle means such as fear. As a result, victims of trafficking faced a higher likelihood of being arrested for such offences than being detected as victims of trafficking. Other challenges included a lack of trust in the authorities and dependence on traffickers. She concluded that the successful implementation of the non-punishment principle depended on the capacity of law enforcement personnel to detect and identify trafficking victims. She described how the issue of punishment was dealt with by courts and how decisions were made as to what constituted “appropriate” punishment in some cases. Lastly, she described measures designed to exclude victims from criminal liability.

10. In the ensuing discussions, States described their national efforts to implement the non-punishment principle, noting that it should be applied at all stages of the

criminal justice process and that more efforts should be made to ensure access to justice. Other speakers noted that the principle was irregularly implemented across the world, despite a growing acceptance of its importance, with some speakers requesting additional exchanges and assistance to clarify the concept and train relevant criminal justice actors. In addition, several speakers stressed the key role of civil society organizations in a holistic approach that placed victims at the centre. A speaker underlined the stigma attached to victims who were punished for acts they had been compelled to commit. While some speakers stressed the importance of fully exonerating victims who had been compelled to commit crimes, others mentioned the importance of giving all victims, including victims of the crime committed by the trafficked person, a sense of accountability and justice, including through the imposition of an “appropriate” punishment.

11. Some speakers detailed cases of offences committed by trafficked persons during armed conflict and the lack of understanding of their specific circumstances by the judiciary. One delegate requested the Working Group to dedicate a future session to that issue. In concluding the discussion, the Co-Chairs acknowledged that the thematic agenda for future meetings of the Working Group was not yet settled, and they recommended that States parties make their proposals to the extended Bureau, in line with the established procedure.

B. Best practices in joint investigations and specialized prosecutions

12. At its 1st, 2nd and 3rd meetings, on 29 and 30 June 2022, the Working Group considered agenda item 3, entitled “Best practices in joint investigations and specialized prosecutions”.

13. The discussion under item 3 was facilitated by the following panellists: Alda Hrönn Jóhannsdóttir, Head of Prosecution Unit, Sudurnes Police District (Iceland), Ana Esther Serrano, Attorney General’s Office (El Salvador), and Hilda Sirec, Commander, Australian Centre to Counter Child Exploitation and Human Exploitation of the Federal Police (Australia).

14. Ms. Sirec highlighted forced marriage and domestic servitude as the main forms of trafficking identified in Australia, and she described challenges encountered by victims of trafficking in Australia that might hinder their effective participation in investigations and prosecutions. She also stressed the importance of a victim-centred approach to human trafficking cases. In addition, the panellist elaborated on the Federal Police’s efforts in reaching out to populations and emphasized that community engagement liaison teams were essential to cooperating with the community and with women leaders, and that they were particularly effective in preventing forced marriage.

15. Ms. Jóhannsdóttir gave an overview of the trafficking in persons situation in Iceland and encouraged a comprehensive, systematic approach to trafficking in persons that involved all relevant stakeholders in the response to the crime. She called upon States to establish functional systems, including an appropriate national referral mechanism, and to strengthen mutual legal cooperation.

16. Ms. Serrano, whose statement was read by a delegate from the Permanent Mission of El Salvador to the United Nations (Vienna), described forms of trafficking in persons affecting El Salvador, such as forced labour, forced marriage and servitude, with women, children and LGBTIQ+ persons being particularly vulnerable to those types of exploitation. She added that the recognition of vulnerability to human trafficking was a pillar of the criminal justice approach taken in her country. In addition, she described measures that guaranteed adequate investigations and prosecutions of cases, as well as victim support. The panellist stressed the need to build trust in law enforcement as a critical element in realizing effective human trafficking prosecutions, as well as the importance of measures to reduce the risk of revictimization.

17. Following the presentations, questions were raised regarding, among other topics, specific examples of international cooperation in investigating and prosecuting trafficking in persons, addressing challenges where victims were not willing to participate in the prosecution of cases and countering the narrative that trafficking in persons did not exist in a particular country. Some speakers mentioned examples of building relationships of trust between victims and law enforcement authorities, and the importance of victim-centred and trauma-informed investigations was highlighted.

18. Many speakers shared information about their respective efforts to address trafficking in persons through international cooperation, for example in conducting joint or parallel investigations and prosecutions, and described the work of specialized networks of practitioners, such as the Ibero-American Network of Specialized Prosecutors against Trafficking in Persons and the Smuggling of Migrants. Some speakers highlighted that focal points or liaison magistrates deployed in other countries had enhanced cooperation with those countries.

19. A speaker emphasized the importance of the timely communication of cases detected in countries as critical to facilitating joint investigations and prosecutions, as well as the importance of forming joint teams to ensure that cases of trafficking in persons were swiftly investigated and prosecuted. Finally, speakers also referred to the important role of United Nations entities and international organizations, such as the International Criminal Police Organization (INTERPOL), in fostering cooperation.

C. Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

20. At its 3rd meeting, on 30 June 2022, the Working Group considered agenda item 4, entitled “Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”.

21. A representative of the secretariat made a presentation on the progress and status of the review process of the Mechanism, sharing updates and data on the reviews and addressing challenges encountered so far in the review process. The secretariat had offered bilateral briefings on the Mechanism on the margins of the meetings of the working groups to increase awareness among the participants of their countries’ involvement in the review process. In that regard, some speakers thanked the secretariat for its efforts in supporting the review process of the Organized Crime Convention.

22. Several speakers highlighted the importance of the Mechanism for strengthening normative responses to transnational organized crime, aligning legislation with best practices and enhancing inter-agency and international cooperation.

23. Best practices related to the coordination of participation in the Mechanism at the national level were discussed, and the establishment of a comprehensive national committee working on issues relating to the implementation review was mentioned as a good practice. As noted in the example brought to the attention of the Working Group, such a national committee might be comprised of competent national authorities, as well as representatives of civil society and indigenous groups and regional-level representatives, who would be encouraged to take on an active role in the review process. In that regard, a number of methods for the engagement of civil society, academia and other relevant stakeholders at the national level were discussed.

24. The issues related to the process of nominating focal points and governmental experts, as well as the subsequent delays in the progress of the reviews, were discussed. In that regard, several speakers underscored the need to expedite nominations in order to ensure respect for the timeline established for the Mechanism.

25. The selection of a language or languages for the review process was highlighted as one of the impediments to the progress of some reviews, and several speakers underscored best practices, challenges and opportunities in that area.

26. The importance of the broad participation of non-governmental stakeholders in the constructive dialogues and the need for inclusivity in the review process were highlighted by several speakers. The objection to the participation of some non-governmental organizations raised prior to the constructive dialogues was thus regretted, although the grounds for that objection were also reiterated.

D. Other matters

27. At its 4th meeting, on 30 June 2022, the Working Group considered agenda item 5, entitled “Other matters”.

28. Numerous speakers raised concerns about the use of the Indico platform and the fact that registration on the platform currently constituted the point of reference for the establishment of the official list of participants in the meetings of the Working Group. They suggested that their concerns be relayed to the Conference of the Parties through appropriate channels, and added that notes verbales were the official communications used to inform the secretariat of the composition of delegations, with the Indico platform serving only as a technological tool.

IV. Organization of the meeting

A. Opening of the meeting

29. The Working Group on Trafficking in Persons met in Vienna on 29 and 30 June 2022, holding a total of four meetings. As agreed by the extended Bureau of the Conference of the Parties, the meeting was held in a hybrid format, with a restricted number of participants present in the meeting room and all other participants connected remotely using an interpretation platform procured by the United Nations.

30. The meeting was opened by Esther Monterrubio Villar (Spain) and Virginia Prugh (United States), Co-Chairs of the Working Group. The Co-Chairs addressed the meeting and presented an overview of the mandate of the Working Group, its objectives and the subjects under its consideration.

B. Statements

31. With the Co-Chairs presiding, the discussion under item 2 was led by Hilary Axam, Director, Human Trafficking Prosecution Unit, Department of Justice (United States).

32. With the Co-Chairs presiding, the discussion under item 3 was led by the following panellists: Alda Hrönn Jóhannsdóttir, Head of Prosecution Unit, Sudurnes Police District (Iceland), Ana Esther Serrano, Attorney General’s Office (El Salvador), and Hilda Sirec, Commander, Australian Centre to Counter Child Exploitation and Human Exploitation of the Federal Police (Australia).

33. Under agenda items 2 and 3, statements were made by representatives of the following parties to the Trafficking in Persons Protocol: Algeria, Angola, Armenia, Australia, Bangladesh, Brazil, Canada, Chile, China, Democratic Republic of the Congo, Egypt, European Union, France, Guatemala, Indonesia, Israel, Jordan, Malaysia, Mexico, Morocco, New Zealand, Paraguay, Russian Federation, Sri Lanka, State of Palestine, Sudan, Türkiye, United Kingdom of Great Britain and Northern Ireland, United States and Uruguay.

34. The observers for the Islamic Republic of Iran also made a statement.

35. The observer for the Holy See also made a statement.
36. The Working Group also heard a statement by the observer for INTERPOL.
37. Under agenda item 4, statements were made by the representatives of Angola, Armenia, Azerbaijan, Canada, China and New Zealand.
38. Under agenda item 5, statements were made by the representatives of Chile, China, Colombia, Cuba, the Democratic Republic of the Congo, Guatemala, Honduras, Mexico, Thailand and Venezuela (Bolivarian Republic of).
39. The observer for the Islamic Republic of Iran also made a statement under agenda item 5.

C. Adoption of the agenda and organization of work

40. At its 1st meeting, on 29 June 2022, 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. Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked.
 3. Best practices in joint investigations and specialized prosecutions.
 4. Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
 5. Other matters.
 6. Adoption of the report.

D. Attendance

41. 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 coronavirus disease (COVID-19) pandemic: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, European Union, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libya, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Suriname, Switzerland, Thailand, Tunisia, Türkiye, Ukraine, United Kingdom, United States, Uruguay, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe.
42. 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: Iran (Islamic Republic of), Pakistan and Yemen.

43. The Holy See, a non-member State maintaining a permanent observer mission, was represented by an observer.
44. The Sovereign Order of Malta, an entity maintaining a permanent observer office, was represented by an observer.
45. The following intergovernmental organizations and United Nations entities were represented by observers, including those connected remotely owing to the specific format of the meeting: Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Regional Support Office), Commonwealth of Independent States, Cooperation Council for the Arab States of the Gulf, Economic Community of West African States, European Institute for Crime Prevention and Control, affiliated with the United Nations, European Union Agency for Criminal Justice Cooperation (Eurojust), International Centre for Migration Policy Development, International Civil Aviation Organization, International Development Law Organization, INTERPOL, League of Arab States, Migration, Asylum, Refugees Regional Initiative, Office of the Special Representative of the Secretary-General on Violence against Children, Office of the United Nations High Commissioner for Refugees, Organization for Security and Cooperation in Europe and Organization of American States.
46. A list of participants is contained in document [CTOC/COP/WG.4/2022/INF/1/Rev.1](#).

E. Documentation

47. The Working Group had before it the following:
- (a) Annotated provisional agenda ([CTOC/COP/WG.4/2022/1](#));
 - (b) Background paper prepared by the Secretariat containing guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked ([CTOC/COP/WG.4/2022/2](#));
 - (c) Background paper prepared by the Secretariat on best practices in joint investigations and specialized prosecutions ([CTOC/COP/WG.4/2022/3](#));
 - (d) Conference room paper containing a note by the Secretariat on the status of the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto ([CTOC/COP/WG.6/2022/CRP.1/Rev.1](#));
 - (e) Background paper prepared by the Secretariat in 2020 on guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked ([CTOC/COP/WG.4/2020/2](#));
 - (f) Background paper prepared by the Secretariat in 2020 on best practices in joint investigations and specialized prosecutions ([CTOC/COP/WG.4/2020/3](#));
 - (g) Conference room paper containing the comments of States parties and observers on the outcome of the tenth meeting of the Working Group on Trafficking in Persons ([CTOC/COP/2020/CRP.2](#)).

V. Adoption of the report

48. At its 4th meeting, on 30 June 2022, the Working Group adopted chapters I, II, IV and V of the present report.