



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

Distr.: General
18 July 2008

Original: English

[Start]

Fourth session

Vienna, 8-17 October 2008

Item 2 (d) of the provisional agenda*

**Review of the implementation of the United Nations
Convention against Transnational Organized Crime and
the Protocols thereto: expert consultation on the
implementation of the Protocol to Prevent, Suppress and
Punish Trafficking in Persons, Especially Women and
Children, supplementing the United Nations Convention
against Transnational Organized Crime**

Work done by the United Nations Office on Drugs and Crime to promote the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Report of the Secretariat

1. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, at its third session, adopted decision 3/3 on implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,¹ and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.² In that decision, the Conference requested the United Nations Office on Drugs and Crime (UNODC) to develop practical guidelines and to collect and make available to States parties

* CTOC/COP/2008/1.

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

² *Ibid.*, vol. 2241, No. 39574.



successful practices in a number of specific areas of the Protocols, with a view to furthering their implementation by States. The present report includes information on work done by UNODC in response to those requests.

I. Guidelines for the identification of victims of human trafficking for the purpose of labour exploitation

2. In its decision 3/3, the Conference requested the secretariat to intensify cooperation, subject to the availability of extrabudgetary resources, with the International Labour Organization (ILO), the International Organization for Migration (IOM) and other relevant international organizations, with a view to developing practical guidelines for the identification by national authorities of victims of trafficking in persons for the purpose of labour exploitation.

3. In 2007, UNODC held a series of expert consultations to develop advanced level anti-human-trafficking training modules. Representatives of ILO, IOM, the International Criminal Police Organization (INTERPOL), the International Centre for Migration Policy Development, the Organization for Security and Cooperation in Europe (OSCE) and other international organizations participated in the consultations. One of the outcomes of the consultations was a leaflet on human trafficking indicators, published by UNODC. The leaflet was designed so that it could be folded to become smaller than a credit card and so that it could be used by members of the general public and by personnel of national authorities. The leaflet aims to raise awareness about human trafficking and to provide practical advice on how to identify whether people have been trafficked. It includes general human trafficking indicators and specific indicators for five particular forms of exploitation: exploitation of children, domestic servitude, sexual exploitation, labour exploitation and begging and petty crime. With respect to labour exploitation, the leaflet indicates that people trafficked for that purpose may, inter alia, live in groups in the same place where they work and leave those premises infrequently, if at all, have no employment contract and be disciplined through fines. It is emphasized in all UNODC material on victim identification that indicators are not in and of themselves proof of trafficking but constitute a signal that trafficking may be occurring or may have occurred. The presence of an indicator should lead to further enquiries.

4. In addition, a recently updated UNODC toolkit to combat trafficking in persons provides practical help to Governments, policymakers, police forces, non-governmental organizations and others to enable them to tackle human trafficking more effectively. The toolkit makes many current best practices available for immediate use and adaptation in countries worldwide. The best practices included in the toolkit were identified by reviewing the work of and consulting with numerous institutions and bodies, including the Office of the United Nations High Commissioner for Human Rights, the World Health Organization (WHO), IOM and OSCE. The toolkit contains a range of tools, including checklists and guidelines, currently in use throughout the world to help identify victims of trafficking. The toolkit not only contains guidance on how to identify such victims, but also on the procedures to follow once a victim has been identified. It emphasizes that the early identification of a person as having been trafficked is a prerequisite for recognizing him or her as a victim and, consequently, for enabling him or her to receive

assistance and protection. In the toolkit, the non-criminalization of victims of trafficking is discussed, issues to be considered before victims are identified are raised and an overview of a typical initial interview is presented.

II. Successful practices in investigating human trafficking and providing assistance to victims

5. In decision 3/3, the Conference also requested the secretariat, subject to the availability of extrabudgetary resources, to collect and make available to States parties successful practices with respect to investigations of offences covered by the Trafficking in Persons Protocol and the provision of protection and assistance measures to victims of trafficking in persons, as well as measures related to the repatriation of such victims.

6. UNODC has developed and will publish, in late 2009, an advanced level anti-human-trafficking training manual on the protection of victims, the investigation of trafficking offences and the prosecution of traffickers, co-funded by the Global Initiative to Fight Human Trafficking (UN.GIFT). The main objective of the training manual is to strengthen the technical, judicial and law enforcement capacity of Member States that receive anti-human-trafficking assistance from UNODC to identify and protect victims of trafficking, investigate trafficking offences and prosecute offenders. The specialized training material contained in the manual, together with curricula, tools and training to test the material, will be provided to selected law enforcement officers, prosecutors and judges in States that have signed or ratified the Trafficking in Persons Protocol and that have an adequate normative framework.

7. The material used in the development of the advanced level training manual was gathered through a series of meetings of working groups of experts attended by a wide range of practitioners from law enforcement, prosecution and other judicial authorities. In terms of investigative techniques, the manual will reflect current best practices and cutting edge techniques in investigating cases of trafficking in persons. It will include modules on investigation, risk assessment, international cooperation, joint investigation techniques, information and intelligence in trafficking cases, surveillance, undercover agents, communications data and interception, the use of informants, financial investigations, crime scene and physical evidence examination and document recognition. Due to the sensitivity of the information, circulation of the law enforcement modules will be restricted.

8. The manual will also include the most up-to-date information available on best practices for identifying and protecting victims of trafficking, including modules on human trafficking indicators, the psychological reactions of victims of trafficking, methods used by traffickers to control victims, interviewing of victims who might act as witnesses, interviewing child victims, the role of interpreters in human trafficking cases, protection and assistance to victims who act as witnesses, compensation for victims of trafficking and the rights of victims.

9. In the advanced training manual, the utmost importance of coordination and communication among agencies, non-governmental organizations and other stakeholders for successfully investigating human trafficking cases will be emphasized. It will also be suggested that investigators work closely with

prosecutors to secure corroborating testimony from trafficking victims and witnesses and that they consult with specialized non-governmental organizations that provide services and advocacy for trafficked persons.

10. In 2007, the UNODC Regional Office for South Asia published the *Compendium on Best Practices on Anti-Human Trafficking by Law Enforcement Agencies* in India. In the publication, information is provided (in many cases for the first time) on police practices in the prosecution of traffickers and the protection of victims of trafficking. Information is also provided on proactive prevention practices.

11. The updated toolkit to combat trafficking in persons also provides guidance, tools and best practices for investigating trafficking cases, providing protection and assistance to victims of trafficking and repatriating victims. The information in the updated toolkit suggests that an effective response to trafficking depends on the participation of all levels of society, from local communities and non-governmental organizations to migration officials and prosecutors.

12. With regard to the repatriation of victims of trafficking, the updated toolkit provides States with tools to address the challenges faced in returning victims of trafficking, the obligations of States, the human rights considerations involved in the return and repatriation of victims, the deportation of victims, mechanisms for safely returning and repatriating victims, the return and repatriation process, the protection of refugees who are victims of trafficking and the return and repatriation of children. In the toolkit, it is emphasized that return is often a difficult process during which victims of trafficking face psychological, family-related, health, legal and financial problems. Victims also have difficulty reintegrating into their families and communities. Reintegration assistance should be an integral part of voluntary return programmes, so as to address the full consequences of trafficking and avoid having the same victims trafficked again after they have returned by empowering victims in the State of origin.

13. UNODC has also been developing and, at the time of drafting the present report, is finalizing a comprehensive model law against trafficking in persons for use in both civil and common law jurisdictions. The model law is designed to assist States in drafting national legislation on trafficking in persons in compliance with the Trafficking in Persons Protocol. It contains all the provisions that States are required or recommended to introduce into their national legislation, taking into account the successful practices of States that have already implemented legislative and other measures to prevent and combat trafficking in persons and to protect and assist victims. The model law includes a chapter on victim and witness protection, assistance and compensation, with required and recommended provisions on child victims and witnesses, protection of data and privacy, identification of victims of trafficking in persons, rights and entitlements of victims of trafficking in persons, victim assistance, information for victims, right to participation in the criminal justice process and many other provisions that will serve as important guidelines for States parties wishing to draft or improve anti-human-trafficking legislation. The model law also includes chapters on jurisdiction, provisions specific to trafficking and other related crimes, immigration and return, and prevention, training and cooperation.

14. In the framework of UN.GIFT and in partnership with the Inter-Parliamentary Union, UNODC has produced a handbook for parliamentarians on the appropriate legal response to combating trafficking in persons, to be published by the end of 2008.

III. Successful practices in investigating cases of migrant smuggling and in providing assistance to smuggled migrants

15. In its decision 3/3, the Conference further requested the secretariat, subject to the availability of extrabudgetary resources, to collect and make available to States parties information on successful practices with respect to the investigation of offences covered by the Migrants Protocol and the provision of protection and assistance measures to persons who have been the object of conduct set forth in article 6 of that Protocol (criminalization).

16. The work of UNODC to counter the smuggling of migrants has been limited by the lack of regular and extrabudgetary resources.

17. Some steps are being taken to develop a model law against the smuggling of migrants in order to assist States in drafting or amending national legislation in compliance with the Migrants Protocol. National laws that have, to date, best enabled the investigation of such smuggling offences and the provision of protection and assistance to smuggled migrants will be used in developing the model law. Work is also being done to develop training modules for law enforcement officers based on best practices in preventing and combating the smuggling of migrants.

18. In the framework of two projects funded by the European Commission to assist States in North and West Africa in preventing and combating the smuggling of migrants, UNODC is currently preparing training modules for law enforcement officers on preventing and combating the smuggling of migrants, in cooperation with the European Police Office (Europol), INTERPOL and the Serious Organised Crime Agency of the United Kingdom of Great Britain and Northern Ireland.

IV. Successful practices in training, capacity-building and awareness-raising strategies to combat trafficking in persons and smuggling of migrants

19. In its decision 3/3, the Conference further requested the secretariat, subject to the availability of extrabudgetary resources, in cooperation with States parties and other relevant international organizations, to make available successful practices in the areas of training, capacity-building and awareness-raising strategies and campaigns, with a view to enhancing efforts to identify and assist victims of trafficking in persons or persons who have been the object of conduct set forth in article 6 of the Migrants Protocol.

20. As noted above, the updated toolkit to combat trafficking in persons provides guidance, tools and best practices on training and on building the capacity of entities involved in fighting human trafficking, as well as best practices in prevention and awareness-raising. In addition, the advanced level training manual

draws on the experience and expertise of those consulted specifically for the development of the manual and on the experience accumulated over the past decade in anti-human-trafficking training sessions and capacity-building activities in more than 60 countries in the framework of the Global Programme against Trafficking in Human Beings of UNODC. In its anti-human-trafficking work, UNODC emphasizes the need for a victim-centred approach that balances the needs of the criminal justice system in bringing traffickers to justice with the requirements and rights of those victimized by human traffickers.

21. A key international event on trafficking in persons was the Vienna Forum to Fight Human Trafficking, organized by UNODC from 13 to 15 February 2008 in the framework of UN.GIFT. The objective of the Vienna Forum was to raise awareness and facilitate cooperation and partnership among various stakeholders.³ UN.GIFT has promoted a successful campaign in the fight against trafficking in persons and the Vienna Forum has enabled a wide range of experts and other interested parties to share information and best practices in training, capacity-building and awareness-raising campaigns. At the Vienna Forum, 28 panels, workshops, special sessions and side events were organized to explore the themes of vulnerability, impact and action and to offer an opportunity for dialogue on preventing and combating trafficking in persons. In addition, special exhibits held throughout the city of Vienna as part of the Forum raised the visibility of the issue of human trafficking among the public. Over 150 journalists were accredited to attend the Forum and over 6,000 articles were written, many of them by leading international and national news organizations, including the British Broadcasting Corporation, Al-Jazeera, The Washington Post, Newsweek, The Times of India and the International Herald Tribune. A publication entitled *The Vienna Forum Report: a Way Forward to Combat Human Trafficking*, which contains information on the discussions, activities and accomplishments of the Forum, is available at <http://www.ungift.org/docs/ungift/pdf/vf/ebook2.pdf>.

V. Opportunities to mainstream efforts to combat trafficking in persons and smuggling of migrants into the work of United Nations entities that are lead agencies in humanitarian crises or emergency situations

22. Finally, in its decision 3/3, the Conference requested the secretariat to identify opportunities to mainstream its work related to the furtherance of the objectives of the Trafficking in Persons Protocol and the Migrants Protocol into relevant United Nations entities that are lead agencies in humanitarian crises or emergency situations.

23. Following an initial pilot project in Slovenia, UNODC has supported non-governmental organizations in Bosnia and Herzegovina and Croatia in

³ See *The Vienna Forum Report: a Way Forward to Combat Human Trafficking*, the report of the Executive Director of UNODC on the Global Initiative to Fight Human Trafficking (E/CN.15/2008/10), the report of the Secretary-General on improving the coordination of efforts against trafficking in persons (A/63/90) and the report of the Secretary-General on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking (E/CN.15/2008/6).

implementing a project against human trafficking and sex and gender-based violence involving asylum seekers. The main objectives of the project are to empower persons and groups at particular risk of being trafficked by providing them with specific information and to identify, protect and assist victims of trafficking within or outside national asylum procedures. Building on those activities, UNODC is organizing a joint initiative with the Office of the United Nations High Commissioner for Refugees and OSCE targeting countries in the western Balkans.

24. With regard to peacekeeping and military operations, UNODC has supported a training school of the North Atlantic Treaty Organization (NATO) through the development of training materials to combat trafficking in persons, including distance-learning modules. UNODC also assists NATO member States and Partnership for Peace countries in the delivery of anti-human-trafficking training.

25. UNODC has developed a project proposal (as yet unfunded) with the Department of Peacekeeping Operations of the Secretariat and NATO to carry out research in order to assess and strengthen the capacity of peacekeeping operations to prevent trafficking in persons.
