



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

Distr.: General
2 July 2012

Original: English

Sixth session

Vienna, 15-19 October 2012

Item 2 (b) of the provisional agenda*

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

Best practices for addressing the demand for labour, services or goods that foster the exploitation of others

Report of the Secretariat

I. Introduction

1. In its resolution 5/2, entitled “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”, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, aware of the fact that socioeconomic factors such as poverty, underdevelopment and lack of equal opportunity provided fertile ground for trafficking in persons, and reiterating that comprehensive crime prevention policies, together with social, economic, health, education, justice and human rights policies, must address the root causes of the crime of trafficking in persons, requested the Secretariat to submit to it, at its sixth session, a report compiling examples of best practices for addressing the demand for labour, services or goods that foster the exploitation of others, as defined in the Trafficking in Persons Protocol, and invited Member States to provide such examples, if available, to the Secretariat before the sixth session in order to facilitate that process.

2. Article 9, paragraph 5, of the Protocol requires States parties to adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the

* CTOC/COP/2012/1.



demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

3. On 10 October 2011, a note verbale was circulated to all Member States inviting them to submit information to the United Nations Office on Drugs and Crime (UNODC) by 1 February 2012 on best practices for addressing the demand for labour, services or goods that foster the exploitation of others, as defined in the Trafficking in Persons Protocol. On 21 February 2012, another note verbale requesting such information was circulated to Member States, with a deadline of 15 March 2012.

4. As at 25 May 2012, responses had been received from the following States: Andorra, Armenia, Australia, Belarus, Belgium, Bulgaria, Burkina Faso, Canada, China, Ecuador, El Salvador, France, Guatemala, Ireland, Israel, Japan, Latvia, Liechtenstein, Mauritius, Mexico, Nigeria, Oman, Peru, Portugal, Qatar, Spain, Sweden, Switzerland, Thailand, Togo, Turkmenistan, United Arab Emirates and United States of America.

5. The present report contains an analysis of the responses received from States, with a focus on good practices designed specifically to address, pursuant to the Trafficking in Persons Protocol, the demand for labour, services or goods that foster the exploitation of others.

6. States reported on general and specific legislative or other measures undertaken to support the implementation of the Trafficking in Persons Protocol, in particular article 11, paragraph 5. A thematic summary of these measures is provided in the present report.¹

II. Summary of responses

A. Legal framework

7. States reported on legislative measures taken to criminalize trafficking in persons in line with the Trafficking in Persons Protocol. These included adding the definition of trafficking in persons to national legislation, qualifying trafficking in persons as a serious crime in accordance with the definition of the United Nations Convention against Transnational Organized Crime, criminalizing domestic trafficking and defining aggravating circumstances linked to participation in a criminal organization.

8. Some States highlighted the extraterritorial character of their legislation as an important element in combating trafficking in persons abroad, in particular in the context of child sex tourism. Those States which reported on the extraterritoriality of their legislation indicated that it was an important element of their demand reduction strategy, especially in the case of trafficking in children for sexual exploitation.

¹ Additional information on trafficking in persons is found in the report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support 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 (CTOC/COP/2012/2).

9. Several States provided information on the labour laws and codes supporting the fight against trafficking in persons for forced labour. Some pointed out specific legislation regulating working conditions, especially for foreign workers.
10. Some States made reference to specific legislation put in place to address the issue of demand directly by establishing the responsibility of employers for the management of their supply chains.
11. A few States addressed the issue of demand by adopting national legislation prohibiting the advertisement of sexual services and criminalizing the purchase of sexual services. Those States highlighted that such legislation was aimed at eliminating the main pull factors in trafficking persons for sexual exploitation.
12. Several States highlighted the importance of addressing the issues of trafficking in persons and demand for labour, services or goods fostering the exploitation of others at the regional and international levels. In that regard, States referred to relevant regional and international instruments, such as the Organized Crime Convention and its Trafficking in Persons Protocol, the Convention on the Rights of the Child, the International Labour Organization (ILO) Convention concerning Forced or Compulsory Labour, the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Council of Europe Convention on Action against Trafficking in Human Beings and the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

B. National cooperation and coordination

13. In order to ensure the effectiveness of responses aimed at countering trafficking in persons, many States have taken steps to coordinate such activities at the national level. Several of the States that provided input for the present report adopted a structural approach by establishing anti-trafficking coordination units, with a view to enhancing effectiveness and reducing duplication of effort. Some States promoted coordination at the ministerial level by establishing interministerial committees for the coordination and implementation of comprehensive responses to trafficking in persons. In other States, the units were created at the police or prosecutorial levels. Some States created a series of specialized units in sectors, such as police, prosecution, immigration, health, asylum and labour inspection, in order to ensure their involvement in the fight against trafficking in persons.
14. Some States reported that one good method of ensuring the effectiveness of strategies, policies or national plans to counter trafficking in persons was to establish the office of a national rapporteur or other relevant mechanisms on trafficking in persons. Such mechanisms focused on monitoring and assessing implementation, providing recommendations for improvement at the operational level. Some of the mechanisms also reviewed legislation in order to establish whether it comprehensively addressed trafficking in persons in a context of ever-changing patterns and flows.
15. Another good practice identified by some States was the establishment of mechanisms such as a national rapporteur, an ombudsman or other industry regulatory bodies specifically dedicated to monitoring the rights of workers (foreign

or national) and the rights associated with the workplace and ensuring that vulnerable workers were being treated in accordance with labour law.

16. Some of the reported mechanisms also had a specific focus on, for example, the conditions of employment of women, youth and foreign workers hired on a temporary basis; assessing the authenticity of job offers, especially job offers for foreign workers, whether temporary or not; and ensuring the mandatory compliance of employers with the established rules and regulations of employment. Non-compliance was reported as having been penalized.

C. Capacity-building, research and awareness-raising

17. Most States highlighted as a good practice the training of criminal justice practitioners, labour inspectors, social authorities, policymakers, civil servants and consular officials on the issue of trafficking in persons. In order to address demand specifically, some States also recommended training or awareness-raising activities for employers and employees. Some specific categories of employers and employees were mentioned: employers in sectors of an industry that could be more vulnerable to trafficking in persons; and employers and employees who were responsible for supply chain management, especially for large-scale operations.

18. Some States provided input on good practices focusing on the criminal justice system. In addition to training on trafficking in persons in general, specific training on special investigative techniques, as well as financial investigations and asset seizure and recovery, was mentioned.

19. One of the good practices identified was the provision of programmes targeting different groups of professionals or different fields of work. Some States in particular referred to travel agencies, with a view to raising awareness about sex tourism. Some States mentioned the need to raise awareness in specific communities, including those enjoying privileges, immunities and facilities, such as the diplomatic community.

20. Several States highlighted as a good practice the sensitization of the general public and advocated outreach efforts at the local level, through schools, libraries and local communities. In addition, some States mentioned that the sensitization of the general public could be achieved through other activities, such as the specific labelling of products to ensure that the goods had been produced without exploiting children or the publication of a list of goods from countries where there were reasons to believe that child labour had been used.

21. Some States referred to their research activities on specific industries and groups where demand for labour, services or goods that fostered the exploitation of others could take place. Other States also mentioned research into demand for sexual services and the responsibility of the clients.

D. Prevention, protection and assistance

22. In order to discourage, pursuant to the Trafficking in Persons Protocol, the demand for labour, services or goods fostering the exploitation of others, several States have put forward good practices that address the issue of supply, as, in the

view of those States, cutting supply would indirectly influence demand. In addition to the awareness-raising measures mentioned above, some States established programmes to support the unemployed through the provision of opportunities for higher education, social support and unemployment benefits. Those measures were put in place to reduce the vulnerability of unemployed groups, especially women, to exploitation and trafficking in persons.

23. States highlighted as a good practice the protection of and the provision of assistance to victims of trafficking in persons as a way to reduce the vulnerability to re-trafficking and thus possibly reduce supply. Protection and assistance measures proposed by States included rehabilitation and reintegration programmes; legal, psychological and medical support to victims of trafficking in persons; and the establishment of standard operating procedures and referral mechanisms to ensure that the needs of victims of trafficking in persons were addressed comprehensively.

24. Some States referred to the provision of care for victims of trafficking in persons, emphasizing the importance of cooperation with service providers. The establishment of shelters for victims of trafficking was also highlighted as a good method of ensuring that victims were not re-trafficked. Some States had established specific funds to financially support the departments, services and non-governmental organizations providing support to victims in their country and to their nationals abroad.

25. Several States had put in place employer-accountability mechanisms, some of which allowed for the proactive monitoring of certain sectors of an industry identified as vulnerable to trafficking in persons. Such industries included construction, agriculture, tourism, domestic work and underground coal mining. Some States had established codes of conduct with travel agencies, especially in the context of child sexual exploitation and sex tourism. The issue of trafficking in persons at sea was mentioned, in particular the difficulty of monitoring it; one good practice proposed by States was the patrolling of coastal waters.

26. Some States reported as a good practice the monitoring at the national level of the supply of and demand for sexual services in the context of addressing the phenomenon of prostitution in general, where it was criminalized in national legislation. Those States had established other measures that focused on cutting the supply of sexual services through the prohibition of advertisement and the closing of premises used for such services.

27. Some States pointed out that the reduction of demand for labour, services or goods that fostered the exploitation of others could also be achieved through prevention and the strict monitoring of work permits for non-nationals. Furthermore, the establishment of procedures to support ethical procurement would ensure that goods were not produced through trafficking in persons for forced labour. In addition to supporting the management of the procurement and supply chain, some States mentioned as a good practice the auditing of suppliers.

28. Some States highlighted the need to protect the rights of foreign workers through the assessment of their situation in comparison with national workers and ensuring that they benefited from equal treatment. The specific case of private domestic workers was mentioned in the responses received, especially in the context of persons enjoying privileges, immunities and facilities. One good practice mentioned in that regard was the requirement by national authorities of the

existence of a written contract, an individual meeting with the worker and the establishment of minimum wage standards to be respected by the person(s) enjoying privileges, immunities and facilities. It was recommended that such contracts should include a maximum number of working hours per week, reference to the provision of appropriate accommodation, in line with the standard established by the national authorities, and the possibility for the domestic worker to change employer, to another employer with the same privileges.

29. Another practice mentioned, with regard to indirect influence on demand by addressing supply, was the establishment of hotlines for groups such as migrant workers, victims of trafficking in persons and foreigners. Such hotlines should be available in languages understood by the migrant communities concerned.

E. International coordination and cooperation

30. Most States pointed out the need to address the demand for labour, services or goods that fostered the exploitation of others, as defined in the Trafficking in Persons Protocol, in the context of regional and international cooperation. Several States highlighted the establishment of bilateral agreements and memorandums of understanding between countries of origin and destination.

31. Some States mentioned bilateral programmes that they had put in place to build capacity in origin countries. Those projects ranged from providing development aid and raising awareness about the rights of migrant workers to ensuring that awareness-raising material, leaflets, hotline numbers and information at the destination were in a language the migrant workers could understand. Other bilateral projects were implemented in the form of exchange/visitation programmes for relevant authorities, mostly criminal justice practitioners, to enhance information exchange and international cooperation skills.

32. Several States mentioned as a good practice the strengthening of international police cooperation, including through the placement of police attachés abroad and the sharing intelligence and other information.

33. The establishment of regional plans of action to combat trafficking in persons was highlighted as a good way to comprehensively implement policies and strategies to combat trafficking in persons. Also highlighted was the Luxor Protocol, a set of guidelines for companies to implement core points of the Athens Ethical Principles,² which is focused on policy, strategic planning, public awareness, supply-chain tracing, government advocacy and strengthened transparency.

III. Conclusion

34. The present report highlights the fact that important steps have been taken by a number of States to combat trafficking in persons in general and to address the demand for labour, services or goods that foster the exploitation of others, as defined in the Trafficking in Persons in particular. In the United Nations Global Plan

² For more information on the Athens Ethical Principles, see www.unglobalcompact.org/docs/issues_doc/human_rights/Resources/Luxor_Implementation_Guidelines_Ethical_Principles.pdf.

of Action to Combat Trafficking in Persons (General Assembly resolution 64/293), adopted in 2010, Member States committed to increasing and supporting prevention efforts by focusing on the demand that fosters all forms of trafficking and the goods and services produced as a result of trafficking in persons, as well as to promoting awareness-raising campaigns to discourage demand and disseminating best practices on the implementation of such campaigns. Furthermore, in the Global Plan of Action, States resolved to adopt and implement specific measures at the national level to combat trafficking for labour exploitation and strive to educate consumers on those measures. Most regional instruments, strategies and plans of action to combat trafficking similarly direct attention to discouraging demand.

35. The present report shows that, while States have taken steps to continue supporting the implementation of the Trafficking in Persons Protocol, there are few examples of concrete initiatives that have been undertaken to discourage demand compared with those intended to address supply. Only some States contributed to the report, and most States did not provide information about the impact of their activities aimed at addressing the demand for trafficking in persons.

36. Effective activities to reduce, pursuant to the Trafficking in Persons Protocol, the demand for labour, services or goods that fosters the exploitation of others can be designed by building upon the good practices provided by States to the Secretariat. Further research would support the work of States and relevant stakeholders in that area, as highlighted by several States that had undertaken research activities on, for instance, specific sectors of industry.

37. Most States encourage national cooperation and coordination, as well as regional and international cooperation. This provides a positive framework for further discussions and activities among countries of origin, transit and destination to address, pursuant to the Trafficking in Persons Protocol, the demand for labour, services or goods that fosters the exploitation of others.
