



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

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Report of the meeting of the Working Group on Trafficking in Persons held in Vienna on 2 and 3 July 2018

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 previous meetings of the Working Group were held on 14 and 15 April 2009, from 27 to 29 January 2010, on 19 October 2010, from 10 to 12 October 2011, from 6 to 8 November 2013, from 16 to 18 November 2015 and from 6 to 8 September 2017.

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 of the Parties, forwarding its reports and recommendations to the Conference, and encouraged the working groups of the Conference to consider meeting on an annual basis, as needed, and to hold their meetings consecutively, in order to ensure the effective use of resources.

3. In its resolution 8/2, the Conference decided to continue the process of establishing the mechanism for the review of the implementation of the Organized Crime Convention and the Protocols thereto based on the recommendations contained in the report on the intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for the Convention and the Protocols thereto held in Vienna on 6 and 7 June 2016. In the same resolution, the Conference also decided to elaborate specific procedures and rules for the functioning of the review mechanism for consideration and adoption by the Conference at its ninth session, which was to be guided by the principles and characteristics set out in Conference resolution 5/5.

4. Also in its resolution 8/2, the Conference decided that the review mechanism would progressively address all the articles of the Convention and the Protocols thereto for each of the instruments that States parties were parties to, grouped in thematic clusters in accordance with the content of their provisions and that, in order to review each thematic cluster of articles, the relevant working group would, in the following two years, with the assistance of the Secretariat, define a short, precise and focused self-assessment questionnaire.



5. In the same resolution, the Conference reaffirmed all relevant decisions of the Conference of the Parties regarding the existing questionnaires and requested all States parties to submit responses to the questionnaires on the implementation of the Convention and the Protocols thereto and to provide updated information and responses, including identifying technical assistance needs.

II. Recommendations

6. At its meeting held in Vienna on 2 and 3 July 2018, the Working Group on Trafficking in Persons adopted the recommendations presented below for consideration by the Conference.

A. General recommendations

7. 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.

B. Recommendations on international cooperation in cases of trafficking in persons: considering the needs and rights of victims

8. 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.

III. Summary of deliberations

9. At its 1st and 2nd meetings, on 2 July 2018, the Working Group considered agenda item 2, entitled “International cooperation in cases of trafficking in persons: considering the needs and rights of victims”.

10. The representative of the European Union issued a statement highlighting a new set of priority actions.

11. The discussion under agenda item 2 was facilitated by the following panellists: Alys Cooke, Head of the Adult Victim Policy, Modern Slavery Unit, Home Office of the United Kingdom of Great Britain and Northern Ireland, on behalf of the Group of Western European and other States; Julie Okah-Donli, Director General of the National Agency for the Prohibition of Trafficking in Persons in Nigeria, on behalf of the Group of African States; Simona Ragazzi, Judge at Catania Court, Italy, on behalf of the Group of Western European and other States; Varamon Ramangkura, Judge at the Office of the President of the Supreme Court of Thailand, on behalf of the Group of Asia-Pacific States; and María Fernanda Rodríguez, Under-Secretary at the Ministry of Justice and Human Rights, Argentina, on behalf of the Group of Latin American and Caribbean States.

12. Ms. Cooke described the efforts of the United Kingdom to assist victims of trafficking in persons. She added that cooperation with non-governmental organizations such as La Strada International in countries of origin could help ensure the provision of support to victims when they returned to their home countries and make them less vulnerable to re-trafficking. She noted with concern that too many prosecutions relied on the testimonies of victims, who might fear for their safety or simply did not identify as victims. She explained that the United Kingdom had successfully convicted traffickers without victims’ testimonies, by focusing on other types of evidence, such as illicit financial flows. She noted, however, that testimonies could prove crucial in some circumstances and presented a recent landmark case in which international cooperation had enabled victims in Nigeria and Germany to testify in court via video link in the United Kingdom, which led to the conviction of the traffickers.

13. Ms. Okah-Donli delivered a presentation on her country’s experience of combating trafficking in persons and on the specific role of the National Agency for the Prohibition of Trafficking in Persons. She presented the legal framework of Nigeria for trafficking in persons, and its “5P strategy”, namely, prevention, protection, prosecution, partnership and policy. She highlighted that 13,005 victims of trafficking in persons had been rescued so far and that 352 convictions had been handed down. She stressed that victims should not be criminalized for acts that they had committed as victims of trafficking. She warned of the sophistication of criminal networks and stressed that there was an urgent need to foster international cooperation. Lastly, she emphasized the need to focus on the confiscation of assets derived from trafficking in persons.

14. Ms. Ragazzi spoke about the efforts made in Catania to combat trafficking in persons through the central Mediterranean route. She presented data pertaining to the profiles of victims of trafficking in persons. She focused on victims from Nigeria, which was the country of origin of the majority of migrants arriving in Italy, and presented the structure and modus operandi of criminal groups operating in Nigeria. As examples of good practice, she mentioned a system in which cases were regularly referred to the competent authority and the use of other sources of evidence aside from victim statements, such as wiretapping, electronic surveillance and shadowing during the investigation. She then presented existing partnerships with the local non-governmental organizations in Italy that supported victims. She noted with

concern the issue of lack of interpretation to facilitate communication and to minimize risks of intimidation. Finally, she mentioned that a prosecutor from Nigeria was working in a court in Catania alongside local prosecutors to assist with trafficking in persons cases.

15. After those presentations, the panellists exchanged additional information with the participants in response to several questions and comments regarding specific measures of cooperation and examples of good practices.

16. Many speakers emphasized the importance of establishing national focal points in every country to enhance and facilitate cooperation. Citing an example of good practice in her country, the representative of Tunisia informed the Working Group of the existence of a reference judge, in addition to the national referral mechanism. Furthermore, the importance of not relying solely on the testimonies of victims to prosecute traffickers was highlighted.

17. Some speakers presented examples of assistance measures for victims. The length of reflection periods was also discussed, and it was emphasized that such periods should constitute a period in which victims could recover, receive counselling and prepare for potentially testifying in court. A discussion followed on safe houses and the different services provided. Many speakers shared their country's experience of dealing with interpretation services for victims and the lack thereof. It was suggested that international cooperation be expanded to help recruit interpreters and address language issues.

18. The link and distinction between trafficking in persons and the smuggling of migrants was discussed by several speakers, and different practices were described. The fact that some victims of trafficking in persons had made requests for asylum occasionally made cooperation between destination countries and countries of origin a delicate issue. The Chair encouraged States that had not yet done so to accede to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

19. The representative of the International Organization for Migration highlighted that one of the obstacles to developing responses to trafficking in persons and measuring the impact of such responses was the lack of high-quality and reliable data. He highlighted the need to harness modern technology to assist with trafficking in persons cases.

20. During the 2nd meeting, on 2 July, presentations by the panellists continued under agenda item 2. Ms. Ramangkura explained that Thailand encouraged the use of videoconferencing for the provision of victim testimonies in court, from both within the country and abroad, in accordance with the Human Trafficking Criminal Procedure Act of 2016. That law also allowed the judiciary to directly contact and sign memorandums of understanding with the judiciary of other jurisdictions.

21. Ms. Rodríguez outlined the comprehensive approach taken to tackling trafficking in persons in Argentina, which was supported by a coordinating central authority and guided by a victim-centred approach ensuring, for example, that victims were not criminalized and that they were given protection that was not conditional upon their participation in criminal proceedings. She outlined the need for a multidisciplinary, coordinated national approach that involved stakeholders such as the Ministry of Justice, the Ministry of Social Development, the Ministry of Labour, the Ministry of Security and the Office of the Special Prosecutor. A mechanism for the voluntary and safe return of victims was described, which included the exchange of information and coordination between the destination country and the country of origin. She gave two examples of cases that had posed specific challenges for international cooperation and how those had been overcome through strengthening international cooperation and using a gender-responsive, flexible approach that made provisions for the individual needs of victims.

22. After those presentations, the panellists exchanged additional information with the participants in response to several questions and comments put forward regarding specific measures of cooperation and examples of good practices.
23. Some participants mentioned the strong link between trafficking in persons and other organized crimes, including cases related to terrorism.
24. Some speakers stressed the importance of a victim-centred approach in the work of joint investigation teams, especially as regards victim protection, and shared best practice examples. They also discussed the different means of surveillance and investigation that could be used in some jurisdictions. It was stressed that the sharing of information should be done in a timely manner. The importance of tackling illicit financial flows was reiterated.
25. A large number of participants highlighted the key role that non-governmental organizations played in safeguarding the rights of victims before, during and after prosecution, including when they had returned to their home countries. Speakers shared experiences of different types of cooperation, from ad hoc and informal cooperation to legally mandated, formal cooperation. It was repeatedly stressed that whatever form that cooperation took, cooperation with civil society organizations was essential to ensure that the needs of victims were met.
26. It was stated that timely action by law enforcement officials was important as part of a victim-centred approach, in which victims' needs could be met promptly. In that regard, several speakers mentioned the relevance of strengthening the capacity of law enforcement officials, service providers and other relevant stakeholders.
27. Some speakers discussed the use of seized assets to compensate victims. One State had established a trust fund composed of assets seized in criminal proceedings and awarded to victims of trafficking in persons. That fund could also be used to support foreign victims who had already returned to their countries.
28. Several speakers remarked that when victims were not willing to return to their country, or were not able to do so safely, they could be given the option of remaining in the country if they met the relevant requirements.
29. At its 3rd meeting, on 3 July 2018, the Working Group considered agenda item 3, entitled "Preparation of the questionnaire to review the implementation of the Trafficking in Persons Protocol".
30. The Chair invited States to deliver general statements on the draft questionnaire. As there were none, the Chair opened the discussion from where it had been concluded at the Working Group's previous meeting, namely at question 45. The Chair stated that items that applied, mutatis mutandis, to the Convention could be assessed either as part of the current questionnaire or under the general questionnaire on the Organized Crime Convention. In the light of that, the Working Group recommended that questions 45 to 54 be excluded from the trafficking in persons questionnaire and that they be included instead in the questionnaire on the Organized Crime Convention. As such, those questions were not considered by the Working Group during that meeting.
31. The Working Group undertook a second reading of the questions in the questionnaire that had remained open following the previous meeting. That second reading began with question 1 and concluded at question 11, owing to time constraints. In those discussions, many speakers reiterated previous comments. However, others proposed new or alternative language. Many speakers stressed the need to ensure consistency with the language of the Trafficking in Persons Protocol, as well as the language contained in the questionnaires being prepared by other working groups. While the Working Group came to an agreement on a number of questions, no consensus was reached on others.
32. The issue of questions on mandatory and non-mandatory requirements was touched upon by a number of speakers. Several speakers supported grouping mandatory provisions under one section of the questionnaire and moving the

questions on optional, but equally important, requirements to another section or an annex. The Chair suggested identifying the questions on non-mandatory provisions and requesting the Conference of the Parties to decide how best to make use of that distinction, in line with the practice of other working groups. One speaker noted that, irrespective of whether a question was deemed to address a mandatory requirement or not, all questions ought to be answered. Several speakers stated that a set of questions regarding non-mandatory requirements could assist States in providing additional details on their national implementation procedures, which was information that could not be reflected in the responses to the closed questions.

33. Upon concluding the discussions, the Chair noted that, while progress had been made, a full review could not be completed within the given time frame. She noted that an additional opportunity would be available in the future to resume discussions.

34. Concluding the deliberations on agenda item 3, the Chair requested that the Secretariat prepare a new version of the draft questionnaire and, to that end, that it took into account the comments made in oral and written form and that the new version be circulated as a non-paper. The Chair also requested that the Secretariat make the text, as projected on-screen, available on the website of the Working Group for information and reference purposes.

IV. Organization of the meeting

A. Opening of the meeting

35. The Working Group on Trafficking in Persons met in Vienna on 2 and 3 July 2018. Four meetings were held.

36. The meeting was opened by Virginia Prugh (United States of America), Chair of the Working Group. She addressed the meeting and presented an overview of the mandate of the Working Group, its objectives and the subjects under its consideration.

37. At the opening of the meeting, a statement was made by the representative of the European Union on behalf of the States members of the European Union.

B. Statements

38. General introductory statements were made by a representative of the Secretariat under agenda items 2 and 3.

39. With the Chair presiding, the discussion under agenda item 2 was led by the following panellists: Alys Cooke (United Kingdom), Simona Ragazzi (Italy), Varamon Ramangkura (Thailand), Julie Okah-Donli (Nigeria) and María Fernanda Rodríguez (Argentina).

40. Under agenda items 2 and 3, statements were made by representatives of the following parties to the Trafficking in Persons Protocol: Algeria, Angola, Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Dominican Republic, Egypt, European Union, Fiji, France, Germany, Greece, India, Israel, Italy, Japan, Libya, Morocco, Namibia, Netherlands, Nigeria, Panama, Romania, Russian Federation, Singapore, South Africa, Sudan, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States and Venezuela (Bolivarian Republic of).

41. The observer for the Islamic Republic of Iran made a statement.

42. The observer for the International Organization for Migration also made a statement.

C. Adoption of the agenda and organization of work

43. At its 1st meeting, on 2 July 2018, the Working Group adopted by consensus the following agenda, as orally amended:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. International cooperation in cases of trafficking in persons: considering the needs and rights of victims.
3. Preparation of the questionnaire to review the implementation of the Trafficking in Persons Protocol.
4. Other matters.
5. Adoption of the report.

D. Attendance

44. The following parties to the Trafficking in Persons Protocol were represented at the meeting: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Canada, Chile, China, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czechia, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, European Union, Fiji, Finland, France, Germany, Greece, Hungary, India, Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Luxembourg, Malaysia, Malta, Mexico, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Uruguay and Venezuela (Bolivarian Republic of).

45. The following States that are not parties or signatories to the Trafficking in Persons Protocol were represented by observers: Iran (Islamic Republic of), Nepal, Pakistan and Yemen.

46. The Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees were represented by observers.

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

48. The following intergovernmental organizations were represented by observers: Commonwealth of Independent States, Council of Europe, Gulf Cooperation Council, International Criminal Police Organization (INTERPOL), International Organization for Migration, Organization for Security and Co-operation in Europe and World Food Programme.

49. A list of participants is contained in document [CTOC/COP/WG.4/2018/INF/1/Rev.1](#).

E. Documentation

50. The Working Group had before it the following:

- (a) Annotated provisional agenda ([CTOC/COP/WG.4/2018/1](#));

(b) Background paper prepared by the Secretariat entitled “International cooperation in cases of trafficking in persons: considering the needs and rights of victims” ([CTOC/COP/WG.4/2018/2](#));

(c) Non-paper containing a draft questionnaire for the review of the implementation of the Trafficking in Persons Protocol, in accordance with Conference resolution 8/2 (CTOC/COP/WG.4/2018/CRP.1).

V. Adoption of the report

51. On 3 July 2018, the Working Group adopted the report on its meeting ([CTOC/COP/WG.4/2018/L.1](#) and [CTOC/COP/WG.4/2018/L.1/Add.1–2](#)).
