



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

28 July 2008

Excellency,

I wish to thank you for your participation in the thematic debate of the General Assembly on Human Trafficking, on 3 June 2008.

The speeches, panel discussions and the debate among the Member States, civil society and the private sector confirmed the urgency of dealing effectively with the increasingly wide-spread phenomenon of human trafficking.

Participants agreed that we need to create more effective partnerships involving all stakeholders – governments, lawmakers, media, businesses, non-governmental organizations, regional and international organizations –to create a common vision and a global alliance for action.

A summary of the debate is attached for your information.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Srgjan Kerim'.

Srgjan Kerim

All Permanent Representatives and
Permanent Observers to the United Nations
New York

SUMMARY OF THE GENERAL ASSEMBLY THEMATIC DEBATE ON HUMAN TRAFFICKING

New York, 3 June 2008

Introduction

The United Nations General Assembly held a thematic debate on human trafficking at the United Nations Headquarters, New York on 3 June 2008. The focus of the debate was on the prevention, protection and prosecution as defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

The debate consisted of an opening session and two interactive panels, one entitled “Enhancing multilateral cooperation to prevent trafficking in persons” and another “Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons”. Non-governmental representatives from regional organizations, the private sector, media, and civil society were active participants at the thematic debate.

Opening Session

1. **The President of the General Assembly** highlighted the special role of the General Assembly in setting an effective global normative framework and institutional mechanisms for combating trafficking in persons. However, despite the existence of a legal framework, he expressed concern about the worsening of the problem and urged Member States to become party to the relevant treaties, to speed up implementation, and to put into place a regular review mechanism to hold Member States and the UN system to account. As a threat to human security, he emphasized that human trafficking policy calls for comprehensive, integrated, and people-centred solutions at the crossroads of security, development and human rights. Nonetheless, solutions that address the causes of human trafficking, protect its victims and ensure effective prosecution of traffickers can only be achieved through close cooperation among all stakeholders.
2. **The Deputy Secretary-General** recalled the Universal Declaration of Human Rights, adopted sixty-years ago, which specifically prohibited the slave trade and all forms of slavery. Today, she said, millions of people are being coerced into human trafficking, which amounts to nothing more than a modern form of slavery. In order to combat human trafficking, she called for the universal ratification of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons and the inclusion of an additional “P” – partnership – to the three “P” agenda of prevention, protection and prosecution. She referred to the Global Initiative to Fight Human Trafficking (UN.GIFT) and the Vienna Forum held in 2008 when representatives from governments, parliaments, the media, the private sector, civil society and the entertainment industry joined their voices and issued a call to action that deserves a response.

Keynote Speakers

3. **The Minister of State for Foreign Affairs and Chairman of the National Committee to Combat Human Trafficking of the United Arab Emirates** stated his country's objective of bringing forward a multilateral vision to eradicate the crime of human trafficking. He acknowledged the UAE's share of this global problem and presented the legislative and policy measures it has taken, including the elaboration of a counter-trafficking strategy and a four pillared action plan covering: legislation, enforcement, victim support, as well as bilateral agreements and partnerships. He noted that the UAE's anti-human trafficking measures are fully in line with the UN priorities of raising awareness, promoting international partnerships and collectively addressing the problem. He also emphasized that while deterrence, legal punishment and international cooperation are important, addressing the underlying conditions which drive both supply and demand of human trafficking was also necessary.
4. **The actress and philanthropist, Ashley Judd** shared the life stories and experiences she witnessed in her capacity as a board member for Population Services International, and the Global Ambassador for YouthAIDs. She described through narratives of personal stories from across the world, how poverty, illness and gender inequality correlate to sex and labour slavery. She called for the legal, economic, educational and social equality of girls and women as a driving priority in order to address the root causes of human trafficking and other social ills. She stressed urgency of action and ensuring that the 4 "P"s become a reality on the ground. This can only be achieved through political will, increased funding for proven programs, such as the ones carried out by grassroots organizations working in the field, and thorough collaboration among all parties involved.

Panel 1: Enhancing multilateral cooperation to prevent trafficking in persons

5. The panel on multilateral cooperation to prevent trafficking in persons was moderated by **Mr. Antonio Maria Costa**, Executive Director of UNODC, and comprised the following panellists: **Ms. Kyung-wha Kang**, Deputy High Commissioner for Human Rights of the Office of the High Commissioner for Human Rights; **Ambassador Mark Lagon**, Director of the United States Department's Office to Monitor and Combat Trafficking in Persons; **Mr. Roger Plant**, Head of the Special Action Programme to Combat Forced Labour of ILO; **Ms. Marilyn Carlson Nelson**, Chairman and CEO from the Carlson Companies; **Mr. Tom Ehr**, Executive Director of the MTV Europe Foundation. The following are some of the views that were expressed:
6. Panellists addressed the first "P" prevention of the Trafficking Protocol and underscored the importance of **raising awareness** about the severity of the issue among all sectors of society. This is key for prevention from the supply and demand sides of human trafficking. Awareness raising campaigns can help prevent potential victims from falling pray to traffickers, empower young people, and educate consumers about the conditions under which products are manufactured so that they make more informed decisions. Despite existing efforts, the low level of awareness is still a contributing factor to human trafficking. The role of the media in maximizing public knowledge and awareness was emphasized as crucial in these efforts.

7. **Knowledge and research** about the human trafficking challenge must be improved in order to ensure that prevention efforts are well targeted and policy is evidence-based. Human trafficking can only be prevented with a better understanding of its nature, the underlying conditions, the profiles of victims and traffickers, the transit routes and the trends. Research and analysis of the demand side is equally important, including the examination of the ways in which the demand for products and services derived from human trafficking can be reduced. It is thus paramount to build a systematic body of knowledge with comparable data and to strengthen national capacity for the analysis of data, which are the cornerstones of sound policy-making against trafficking in persons.
8. A **human rights-based approach** must be at the forefront of policy to combat human trafficking. Human trafficking is a human rights violation and it is a breach of human dignity. The fundamental basic human rights, such as the right to life, to equality, to health, to freedom of movement, to freedom from violence and abuse, to freedom from want, and the right to be recognized as a person before the law must all be protected. The focus must be on ensuring the rights of the victims of trafficking; formulating comprehensive approaches to prevention that address gender-based discrimination and other human rights violations; and ensuring accountability that includes protection of victims in the criminal justice response, as well as effective prosecution of traffickers with serious penalties commensurate with the crime. Victims of trafficking must also be protected against re-victimization, which in itself a prevention mechanism against cases of re-trafficking.
9. As important as addressing the root causes that make people vulnerable to trafficking is tackling the **demand for all forms of exploitation**, including sex and labour trafficking. The problem of trafficking is not just a concern of countries of origin but inextricably linked to the demand in countries of destination. It was acknowledged that deficiencies in labour markets and recruitment systems can cause millions of vulnerable and ill-informed workers to end in situations of forced labour and debt bondage in places of destination. According to the ILO, there are over 12 million persons in forced labour around the world who generate profits of almost USD 32 billion annually for the organizers of trafficking. Beyond the moral imperative, there is recognition that forced labour and trafficking bring serious issues of risk management for industries with complex supply chains, operating in high risk sectors or making extensive use of migrant and seasonal workers.
10. The **private sector** has a critical role in prevention measures. Corporations that adhere to ethical principles and establish policies against trafficking in persons are viewed as being more compliant with the law than companies that fail to have a policy against it. The private sector can also support efforts to alleviate the root causes of trafficking by providing options of employment, and support training and other education opportunities. By cooperating with governments, the business community can increase the likelihood of shutting down unethical “job brokers” and put illegal practices out of business. Other measures cited to help curb human trafficking include using sophisticated and harmonized rating indices involving credible entities to enforce transparency and to educate consumers, and bringing industries together so that they can share the burden of driving change and reduce the short-term financial benefits of inaction.

Panel 2: Protecting victims of trafficking and cross-border cooperation in prosecuting traffickers in persons

11. The panel on protection and prosecution was moderated by **Ms. Maud de Boer-Buquicchio**, Deputy Secretary-General of the Council of Europe, and comprised the following panellists; **H.E. Mr. Fernando Bustamante**, Minister of Government for Internal Issues of the Republic of Ecuador; **H.E. Ms. Natalia Petkevich**, Deputy Head of the Administration of the President of the Republic of Belarus; **Ms. Ndioro Ndiaye**, Deputy Director General of the International Organization for Migration; **Ms. Ruchira Gupta**, Executive Director of Apne Aap Women Worldwide. The following are some of the views that were expressed:
12. The **protection of victims** is at the core of international and regional instruments to combat trafficking in persons. The Council of Europe Convention, for example, complements the Palermo Protocol as it provides clear measures concerning the protection of victims, such as the physical, psychological and social recovery of victims which are compulsory for Member States to the Convention. It also provides for a reflection period of at least thirty days for the victim to recover and escape from the influence of traffickers, regardless of their willingness to cooperate with the authorities in prosecution. The Council of Europe Convention also criminalizes the use of services provided by victims of trafficking.
13. In order to ensure adequate protection of victims the **broader issue of exploitation** must be addressed. There was a call for countries to challenge existing “trafficking-like practices” that are often described as traditional, such as forced marriage, and variations of bonded and forced labour. Countries should also challenge the selective application of labour laws to certain sectors, which have developed from an exploited work force - whether slavery, exploitative or bonded labour arrangements or the overworked and underpaid labour provided by irregular migrants. Labour laws must be strictly enforced, the capacity of labour inspectorates strengthened and all forms of exploitation must be recognized as a crime.
14. Measures to combat human trafficking must place the rights of victims at the centre. Trafficked persons, as victims of human rights violations, have **the right to adequate protection**, including being exempt from prosecution for any offenses that have occurred as a result of being trafficked. Governments should take strong precautions to ensure the physical safety of trafficked persons and victims should have the opportunity to seek remedies and redress human rights violations. To protect victims, the migration of women and men should not be prevented but rather they must have adequate information about their rights and how to protect them. Another important element to protect victims is that while human trafficking can be a transnational crime, there are victims of trafficking that do not cross borders, thus they often need protection in their own local communities.

15. There must be a closer collaboration between non-governmental organizations and law enforcement agencies in the identification and protection of victims. More cross-border cooperation is also needed between law enforcement authorities to investigate, arrest and prosecute traffickers. Countries must criminalize all forms of trafficking in persons through adequate anti-trafficking legislation and impose appropriate penalties on traffickers so that the costs of operations of human trafficking become untenable and the business models of traffickers disrupted. Thus **the protection of the victims and cooperation for the prosecution of traffickers** are two intrinsically linked elements of an anti-trafficking policy.
16. In addition to the topics already outlined above, the additional key messages emerging from the discussions were the following:
17. The United Nations has provided the **international normative framework** to combat human trafficking with the adoption in 2000, of the United Nations Convention against Transnational Organized Crime (UNTOC) and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other related instruments. These are complemented by regional instruments underscoring the importance of international and regional cooperation in efforts to combat human trafficking. Within the framework of the Convention against Transnational Organized Crime and its Protocols, there was a recommendation for the establishment of a regular review mechanism to monitor its implementation. This would enable the assessment of whether progress in anti-human trafficking efforts are being made and hold Member States and the United Nations system accountable.
18. Several speakers called for the development of a **United Nations strategy or global plan of action** to combat human trafficking, facilitated by the General Assembly, in order to provide a balanced, coherent, comprehensive and results-oriented framework. It was argued that this would ensure an effective international regime against trafficking in persons for the implementation of common commitments and coordination of partnerships among the different stakeholders. It was further recommended that discussions should continue, involving government and non-governmental stakeholders, with a view to adopt the strategy at a special session of the United Nations General Assembly.
19. Other Member States stressed that before the development of a United Nations strategy, it is important to look into all aspects, requirements and added value the strategy would provide to existing mechanisms and instruments. Other countries referred to the Palermo Protocol as “the UN strategy” and emphasized that priority should be given to improve its implementation and widen its adherence. There was a proposal to establish a working group to formulate the key elements of the proposed strategy and elaborate it further at the 4th Session of the Conference of the States Parties to the UNTOC.

20. Trafficking in persons calls for a global response, strong synergies among actors, and effective **international cooperation and coordination**. These are pre-requisites for successful anti-human trafficking responses and require the widest possible collaboration among Member States, relevant international organizations, civil society and the private sector. Despite existing efforts to improve international cooperation and coordination, it was recognized that additional efforts to promote cross-border cooperation and strengthen coordination structures were still needed in order to ensure a comprehensive response. Multilateral organizations were recognized as integral to facilitate cooperation and assist governments and civil society to meet international standards. They were encouraged to focus on their core competencies while ensuring that they create synergies with each other and with local efforts.

21. Member States also highlighted the importance of strengthening the work of the **Inter-Agency Cooperation Group (ICAT)**. There was a proposal that the work of ICAT be taken to the next level from information exchange to development of a coordinated approach among the member agencies with due regard to the Conference of the States Parties to the United Nations Convention against Transnational Organized Crime. It was also stressed that inter-agency cooperation has a certain cost which has to be incorporated into States' budget expenditures.