

Human trafficking is a crime that strips people of their rights, exploits people's dreams of a better future, robs people of their dignity. It can cause physical and psychological damage. It can even kill.

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The Interactive Thematic Dialogue of the U.N. General Assembly on human trafficking: “Taking collective action to end human trafficking”

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United Nations Headquarters, New York

The President of the sixty-third session of the UN General Assembly, at the request of Member States, and in keeping with the priorities of the sixty-third session as outlined in the President’s inaugural address, is convening an interactive thematic dialogue on 13 May 2009 focusing on ending human trafficking. The thematic dialogue is organized in consultation with Member States who requested the dialogue and members of United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) and is entitled: “Taking collective action to end human trafficking”.

The day’s dialogue will build on progress achieved over the last two years, and draws upon last year’s thematic dialogue which focused on prevention of trafficking and protection of victims. The dialogue will use as a point of departure the Background paper of the Secretary-General on “Improving the coordination of efforts against trafficking in persons,” and will be organized into three separate, but interrelated, panels comprised of leading officials from UN.GIFT, civil society experts and prominent officials from various Member States.

The dialogue is intended to serve as a catalyst for GA discussion and action on a global plan of action to combat this heinous crime. Accordingly, the various panels will examine the regional initiatives already underway, and the proposals for scaling up efforts to a global level. Panelists will also offer specific recommendations for more effective action by Member States, the United Nations system and broader international community.

BACKGROUND 2008 Thematic dialogue on human trafficking and ongoing efforts to improve the coordination of efforts against human trafficking

There is growing awareness at the local, national, regional and international level of the scope of the problem of human trafficking. The world is waking up to this threat and increased public interest is evidenced by number of movies, novels, talk shows, and conferences focusing on this heinous crime. The first Global Report on Trafficking in Persons which was released by UNODC in February 2009, drew a harrowing—albeit incomplete—picture of this widespread problem which affects *all* Member States.

The United Nations General Assembly has during the last few years placed high emphasis on the topic of trafficking in persons and significant efforts have been made in establishing normative and institutional mechanisms for the elimination of trafficking in persons.¹

A turning point in international efforts to address human trafficking was the adoption in 2000 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (“the Protocol”), which built on other related conventions and instruments such as ILO convention 182, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women, precipitating intense activity to combat trafficking in persons. The Protocol provided a comprehensive definition of the crime, and legal tools for fighting this crime. Focusing on prevention, protection and prosecution, the Protocol entered into force on 25 December 2003, and to date has 128 parties.

In 2004, the Commission on Human Rights adopted a decision 2004/110 to appoint a Special Rapporteur on trafficking in persons especially women and children. This development highlighted the importance of a victims’ rights-based approach to combating trafficking in women and children.

In 2006 and pursuant to a request from the Economic and Social Council (resolution 2006/27)—reinforced by GA Resolution 61/180—the Inter-Agency Cooperation Group against Trafficking in Persons (ICAT)² was established following the initial meeting in Tokyo. ICAT’s aim is to foster coordination and cooperation among relevant United Nations agencies and other international organizations involved in combating human trafficking.

The launch of UN GIFT in March 2007 provided all anti-trafficking actors including the UN, governments and civil society organizations a global forum to share respective experiences.³ This initiative, launched by UNODC in partnership with ILO, OHCHR, UNICEF, Organisation for Security and Cooperation in Europe (OSCE), and IOM, further highlighted the need to collectively address human trafficking in a multi-faceted and holistic manner. On 13-15 February 2008 UN.GIFT organized a forum on trafficking in persons in Vienna (the “Vienna Forum”) which brought new and existing partners together in a broad-based effort to end trafficking in persons: i.e. governments, civil society, the private sector, the media, arts, trade unions, women leaders, and youth representatives. It took stock of what has already been done, and shared best practices with the broadest range of stakeholders.

Following the Vienna Forum, in June 2008 the General Assembly convened a thematic debate on human trafficking, bringing this issue to forefront and presenting Member States with a

¹ GA Resolutions 61/144 (2006) and 63/156 (2008) focused on trafficking in women and girls, and GA Resolutions 61/180 (2006) and 63/194 (2008) focused on improving coordination of efforts against trafficking in persons.

² ICAT includes the Division for the Advancement of Women of the Secretariat, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Office of the High Commissioner for Human Rights (OHCHR), UNODC, UNICEF, the United Nations Development Fund for Women (UNIFEM), UNFPA, UN High Commissioner on Refugees (UNHCR), the United Nations Fund for International Partnerships, the United Nations International Research and Training Institute for the Advancement of Women, ILO, the World Bank, IOM and INTERPOL.

³ Around the same time, an International Conference on Trafficking in Women and Girls took place at the UN Headquarters, New York, on 5 March 2007, in the framework of the United Nations Commission on the Status of Women.

framework for discussion concentrating on the “three P’s” (prevention, protection and prosecution).⁴

Building upon the conclusions from last year, this year thematic dialogue will use as its point of departure the Background paper of the Secretary-General on “Improving the coordination of efforts against trafficking in persons,” (“the Background paper”) which pursuant to General Assembly resolution 63/194 of 18 December 2008, summarizes the views of a broad and diverse group of Member States, International Organizations, and civil society stakeholders on a wide range of specific measures to ensure the full and effective implementations of all legal instruments relevant to trafficking in persons.

The Background paper also summarizes the responses by a significant number of Member States concerning the possible adoption of a Global Plan of Action on preventing trafficking in persons, prosecuting traffickers, and protecting and assisting victims of trafficking.

PANEL I **The State of Play: Where the UN Stands on a Global Plan of Action to End Human Trafficking**

A key recommendation that emerged from the thematic debate of 2008 was “to develop a global action plan, a comprehensive mechanism to counter-act human trafficking [and] a vehicle to put anti-trafficking treaties into practice.”⁵ The proposal for a GA plan of action was previously considered in GA Resolution 61/180 which invited “Member States to consider the advisability of a United Nations strategy or plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking.” (Paragraph 18)

Resolution 63/194 (2008), adopted in December of 2008 went one step further in “[i]nvit[ing] all Member States to accelerate the consideration of the advisability of a global plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking...” (Paragraph 11).

In discussing GA adoption and implementation of a global plan of action, it is necessary to examine recent advances and the existing normative framework, as well as identify the major gaps or constraints that UN agencies, international organizations and governments encounter on the ground. Despite recent gains, including the adoption of the Protocol and creation of coordination mechanisms and programmes, many States have yet to ratify the Protocol and many la in its effective implementation. Successful collective action against human trafficking would ensure that measures to prevent and combat trafficking in human beings are based on respect for human rights including protection of victims.

The Background paper identifies a number of impediments to effectively combat human trafficking, including the lack of political will by the international community. The paper also

⁴ Moreover, the Human Rights Council, in its resolution 8/12 took note of the Vienna Forum and the thematic debate of the General Assembly in 2008.

⁵ President of the General Assembly, “Concluding Remarks of at the Thematic Debate on Human Trafficking,” New York, 3 June 2008, online: <<http://www.un.org/ga/president/62/statements/concludinghumantrafficking030608.shtml>> (date accessed 1 May 2009).

highlights opportunities for progress in fighting this crime. According to a significant number of Member States, a global plan of action would constitute an important step for a more effective international response to trafficking in human beings.

Arguments for adoption of a global action plan focus on: its utility for ensuring effective implementation of relevant legal instruments by addressing key gaps in implementation; its contribution to raising awareness and enlisting commitment among partners such as the business community, civil society, and the international mass media; its role in ensuring international coordination of efforts against trafficking; and its ability to serve as a tool to establish a comprehensive, concerted and coordinated mechanism outlining general parameters for international efforts in providing technical assistance to countries in need.

Key questions that panelists will address include:

- Are the efforts currently exerted by the Member States, the UN system and different partners and players enough to combat trafficking in persons? If not, what should be done?
- Have the legal instruments and action plans, currently adopted at international, regional or national levels, and different machineries (Governmental or Non-Governmental) achieved the full coordination needed to address human trafficking? If not, what should be done?
- What are the merits of a global plan of action?

PANEL II **Articulating a Global Plan of Action: Drawing upon practice at the national and regional level**

Several important and successful initiatives and programmes at the local, regional and international level are already addressing the question of trafficking. In developing a global plan of action it is important to draw on best practices (including regional initiatives, instruments and cooperation) and focus on the critical elements for success in combating trafficking in persons and to ensure that a global plan of action supports and builds on regional and sub-regional plans of action, and complements on-the-ground efforts to implement the Protocol.

This panel will address ways to enhance the efforts already underway through a global plan of action.

Several responses to the Secretary-General's questionnaire used as the basis for the Background paper elaborate on the functions of a global plan of action. According to a significant group of Member States a Plan would:

- Coordinate between different mechanisms at national, regional and international level as its central task;
- offer a road map for the review of the implementation of the Protocol;
- include measures to encourage States to enact unified standards on prevention, prosecution and protection; provide incentives to businesses to take an active stand against human trafficking and could help stage mass media campaigns;

- develop thorough recommendations on victim identification and protection based on good practices in areas where legal instruments lacked detailed provisions;
- help establish consistent and sustained technical assistance for the protection of victims; provide the basis for the development of national plans of action against trafficking; help harmonize reporting on trafficking in persons by Member States;
- play an important role in identifying factors that lead to trafficking and, therefore, help reduce the demand in countries of origin and destination; ensure exchange of good practices among stakeholders and assist regional and international organizations involved in the provision of technical assistance at country, regional, and global levels.

A global plan of action would further benefit mainstreaming anti-trafficking activities into other international efforts, as it could provide an opportunity to consider the issue of trafficking in a comprehensive manner, creating an enabling context for addressing the problems of development, eradication of poverty, and human rights. In terms of reviewing implementation of the Protocol, a global plan of action could offer a road map of sorts on how such a process should proceed in respect of all international legal instruments pertaining to human trafficking.

A global plan of action would also serve as an important tool for ICAT. It could highlight the role of the Special Rapporteur on trafficking in persons, especially women and children; of the Special Rapporteur on the sale of children, child prostitution and child pornography; and the Special Rapporteur on contemporary forms of slavery, its causes and consequences, and their participation in the work of ICAT. Respondents suggested enshrining a two-level coordination system into the global plan, whereby the UN General Assembly would be in charge of overall conceptual coordination, and ICAT would be responsible for practical expert coordination.

Key questions that panelists will address include:

- What are the functions of a global plan of action?
- What models can be used in devising a plan of action (experiences from other fields; e.g., United Nations General Assembly Adopts Global Counter-Terrorism Strategy)?
- What are national/regional/international practices and experiences that can be helpful in devising a plan of action?
- How can national/regional/international processes benefit from a plan of action?

PANEL III **Scaling Up: Why the coordination needs to be Global and how to do it**

Once the question of a global plan of action is discussed, a broader question of ensuring full and effective international coordination of efforts against trafficking in persons should be addressed.

As indicated earlier, several important and successful initiatives and programmes at the local, regional and international level are already addressing the question of trafficking. A wide range of actors, including civil society and the private sector (as evidenced by the background of several panel participants), have engaged in this fight. However, efforts by different actors are, in certain cases, disjointed and performances are uneven.

Panelists will also explore ways that a global plan of action can contribute to addressing gaps in international coordination.

The panelists will address among other questions:

- What are the gaps at international coordination of anti-trafficking efforts?
- How would the global PoA fill these gaps and add value to existing regional plans?

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The President also wishes to express his sincere gratitude to the various partnering organizations: members of the UN.GIFT for pooling together their resources and expertise to assist in the planning and execution of this important event, and extend a special recognition to UNODC for offering to prepare a detailed summary of the day’s proceedings.