

A Global Plan of Action against Trafficking in Persons: Possible goals and elements.

The present paper is intended to launch the discussion at the first meeting of the process of consultations. It provides a background of the efforts by the General Assembly to combat trafficking in persons (Section I) and outlines some possible goals for the Global Plan of Action (Section II) as well as possible elements (Section III). These possible goals and elements have been identified by the Facilitators from the Background paper of the Secretary General, prepared for the thematic debate of the General Assembly on trafficking in persons of May 2009. The Facilitators would appreciate to have, at the first meeting, preliminary comments from Member States and Observers to this selection of possible goals and elements for a Global Plan of Action. The Facilitators would like to encourage all delegations to participate actively in these consultations and underline their readiness to take into account all the views expressed. To this effect, a deadline to submit written contributions and comments will be established at the first consultations meeting.

I- Background:

During the last decade, the United Nations General Assembly has often discussed the topic of trafficking in persons¹ and significant efforts have been made in establishing normative and institutional mechanisms for the prevention and combat of trafficking in persons.

In the Millennium Declaration, adopted in September 2000, Member States resolved to intensify efforts to “fight transnational crime in its entire dimension including trafficking as well as smuggling in human beings”. A turning point in international efforts to address human trafficking was the adoption, by the General Assembly in **November 2000**, of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 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 for the first time an internationally agreed definition of the crime and identified 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 135 parties.

In **2004**, the Commission on Human Rights decided, in resolution 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. Since then, the Special Rapporteur has reported on an annual basis to the General Assembly on the human rights aspects of the victims of trafficking in persons.

In **2005**, the General Assembly adopted the **World Summit Outcome Document** (par.111-112) that expressed the concerns of MS at the negative effects on development, peace and security and human rights posed by trafficking in persons, recognized that trafficking in persons continues to pose a serious challenge to humanity and requires a concerted international response and urged all States to devise, enforce and strengthen effective measures to prevent, suppress and punish trafficking in persons and to protect victims.

¹ GA Resolutions 61/144 (2006) and 63/156 (2008) focused on trafficking in women and girls, and GA Resolutions 61/180 (2006); 63/194 (2008) and 64/178 (2009) focused on improving coordination of efforts against trafficking in persons.

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. This initiative, launched by UNODC in partnership with ILO, OHCHR, UNICEF, Organization 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, UN agencies, 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 trafficking in persons, bringing again this issue to its agenda and giving Member States a framework for discussion concentrating on the “three P’s” (prevention, protection and prosecution).

Building upon the conclusions from the previous year, the thematic dialogue held in May 2009 used as its point of departure the “Background paper” of the Secretary-General on “Improving the coordination of efforts against trafficking in persons,” which pursuant to General Assembly resolution 63/194 of 18 December 2008, summarized 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 summarized 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. The 2009 debate was a step forward in the discussion of a Global Action Plan and the President of the General Assembly appointed two facilitators (the Permanent Representatives of Cabo Verde and Portugal) to “start the process of informal consultations of Member States to draw up a UN global plan of action against human trafficking.” The resolution entitled “Improving the coordination of efforts against trafficking in persons” took note of the appointments of the two facilitators and the President of the General Assembly reconfirmed these nominations in a letter dated 21 December 2009.

Relevant paragraphs of GA resolutions concerning a Global Plan of Action:

GA resolution 63/194 entitled “Improving the coordination of efforts against trafficking in persons”, in its OP11, called upon the SG “to collect the views of all stakeholders, including Member States and regional and international organizations, on how to achieve the full and effective coordination of efforts against trafficking in persons of all Member States, organizations, machineries, treaty bodies and all other partners within and outside the United Nations system, including civil society, and to ensure the full and effective implementation

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.

of all legal instruments relevant to trafficking in persons, particularly the United Nations Convention against Transnational organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, without prejudice to the mandate of the working group established by the Conference of the Parties to the Convention, and submit, no later than 1 June 2009, a background paper to the General Assembly at its sixty-third session;”

GA resolution 64/178 also entitled “Improving the coordination of efforts against trafficking in persons” in its OP8 “Takes note with appreciation of the decision of the President of the sixty third session of the General Assembly to appoint the co-facilitators to start consultations and consideration by Member States of a United Nations global plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking, and stresses the need for the consultations to be held in an open, inclusive and transparent manner, taking into account all the views expressed by Member States;”

Some relevant documents:

- “Background paper” of the Secretary General distributed for the thematic debate of 13 May 2009:
<http://www.un.org/ga/president/63/letters/SGBakgroundpaper.pdf>
- Summary of the thematic debate dialogue of the GA on the 13 May 2009
- Report of the SG to the 64th session of the GA (A/64/130)
- Report of the Special Rapporteur on trafficking in persons to the 64th session of the GA (A/64/290)
- International Framework for action to implement the Trafficking in Persons Protocol:
http://www.unodc.org/documents/human-trafficking/Framework_for_Action_TIP.pdf
- Global Report on Trafficking in persons (UNODC, Vienna -February 2009)

II- The possible goals of a Global Plan of Action on Trafficking in Persons³

- a) A Global Plan of Action should be a tool for the international community to reiterate and reinforce its **political will** to combat trafficking in persons whilst raising national and international awareness to this crime. It would encourage Member States, the civil society, regional and international organizations to take an active stand against human trafficking.
- b) Framed by international standards and commitments, a Global Plan of Action will help Member States to advance implementation of their commitments to prevent and combat trafficking in persons. A Global Plan of Action can **promote universal ratification and effective implementation of relevant legal instruments**⁴. Therefore, a Global Plan of Action **should and would not duplicate** the existing legal instruments or divert the attention of Member States from their commitments regarding these instruments which remain of paramount importance.
- c) A Global Plan of Action can help to take stock of achievements made and support **efforts to identify and address challenges in the prevention and combat** against trafficking in persons; wherever necessary, a Global Plan of Action could help make recommendations to the relevant competent bodies or organizations regarding a way forward.
- d) A Global Plan of Action can contribute to **raising awareness** within the UN system but also among States and other stakeholders such as the business sector, civil society and the international mass media with a view to prevent trafficking, to protect victims and witnesses and to prosecute perpetrators.⁵
- e) A Global Plan of Action can advocate and contribute to the development of **national plans of action** against trafficking, the promotion of coordination of efforts across governmental departments and the promotion of relevant legislative reforms. It could also help **harmonize reporting on progress achieved** by Member States and could play an important role in identifying factors that lead to trafficking and, therefore, reduce the demand.⁶
- f) A Global Plan of Action would encourage **international coordination** of efforts against trafficking. A Global Plan of Action could *i)* encourage exchange of information on good practices and cross fertilization of experiences among stakeholders and *ii)* promote further cooperation between regional and international organizations involved in the provision of technical advice and assistance at country, regional, and global level⁷ and *iii)* could encourage the **collection and sharing of reliable data** on trafficking in persons.
- g) A Global Plan of Action can help to establish **consistent and sustained protection and assistance to the victims**. A Global Plan of Action could help *i)* to take stock of the existing principles and guidelines on human rights of trafficked persons and *ii)* to promote efforts to protect, assist and provide redress to victims that could be used by States and international organizations.

³ The possible goals (section II) and the possible elements (section III) for a Global Plan of Action have been identified from the contributions made by Member States to the **Background paper of the Secretary-General** entitled "Improving the coordination of efforts against trafficking in persons" - May 2009

⁴ The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), the UN Convention against Transnational Organized Crime, the Convention for the Elimination of Discrimination against Women, the Convention of the Rights of the Child (1989) and its Optional Protocols on sale of children, child prostitution and child pornography (2000) and on the involvement of children in armed conflict (2000) and ILO Convention n°182 concerning the Prohibition and immediate action for the Elimination of the Worst Forms of Child Labour (1999).

⁵ Ibid. Part II (F), pg 21.

⁶ Ibid., Part II(F), pg 22.

⁷ Improving the coordination of efforts against trafficking in persons, Background Paper of the Secretary-General, Part II (F), pg 22.

III – Possible elements to be included in a Global Plan of Action:

Guided by the relevant international standards and commitments, a Global Plan of Action could include encouragements and pledges such as:

- a) to reinvigorate the **political will and determination** of the international community to prevent and combat effectively trafficking in persons: the means to foster such will and determination will have to be identified and employed. The adoption by the General Assembly of a Global Plan of Action would be one concrete way to create the necessary political environment to ensure an effective international response to “*a crime that shames us all*” – trafficking in persons.
- b) to **promote universal ratification and effective implementation of all legal instruments relevant to trafficking in persons**. A particularly important commitment would be to **achieve universal ratification** to the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children which is crucial to effectively combat trafficking in persons.⁸
- c) to address the **Prevention** of trafficking, the **Protection** of victims and the **Prosecution** of perpetrators in the light of the **international definition by the Palermo Protocol** and other relevant standards, including the Convention on the Rights of the Child and ILO Convention n° 182 so that the multi-dimension of trafficking may be taken in account. Effective criminalization of trafficking in persons is essential. Criminalization of activities that facilitate, are associated with or are related to trafficking in persons should not be overlooked and the protection of victims should be effectively safeguarded.⁹
- d) to better tackle trafficking in persons: **trafficking is a covert activity** and, as such, it is difficult to understand and measure the magnitude of the phenomenon. Qualitative **disaggregated data** and information, systematically collected and analyzed, can enhance international, regional and national responses to prevent trafficking and protect persons at risk. A recommendation could be foreseen to increase our capacity to **collect basic data** which is, currently, very often lacking.¹⁰
- e) to mainstream efforts and strategies to combat trafficking into programmes aimed **at development, poverty eradication, natural disaster and post-conflict reconstruction** since the root causes and contributing factors to trafficking in persons include poverty, inequality, gender discrimination, and a culture of tolerance towards violence against women.¹¹
- f) to **prevent victimization and re-victimization and to discourage demand** through education and awareness raising, effective involvement of **mass media** as well as promotion of public events and association of personalities to promote information and social mobilization campaigns directed at the general public and vulnerable groups.¹²
- g) to **provide** at the national level **appropriate training** of professionals working with victims of trafficking, especially women and children, and **needed resources** to the relevant sectors and institutions.

⁸ Ibid, Part I(A), pg 5.

⁹ Ibid., Part I(B), pg 6.

¹⁰ Ibid., Part I(G), pg 13.

¹¹ Ibid., Part II(C), pg 18.

¹² Improving the coordination of efforts against trafficking in persons, Background Paper of the Secretary-General, Part I(C), pg 7.

- h) **to ensure** the promotion and protection of the human rights of trafficked persons: human rights of the victims should be at the centre of all efforts to prevent and combat trafficking in persons and to protect, assist and provide redress to victims¹³.
- i) **to eliminate obstacles to the protection of victims** and to their access to assistance which are, *i.a.* lack of victim identification, insufficient victim cooperation with law enforcement including fear of police, lack of awareness of their status as victims and their legal rights, uncertainty about outcome of detection, fear of reprisal from traffickers and fear of stigmatisation in their communities of origin.¹⁴ Special attention should be given to children who are victims - or at risk of- trafficking and that should be identified as such and be provided with appropriate assistance and protection.
- j) **to end impunity**; although the **number of convictions of traffickers** is increasing, impunity remains a significant problem. To date, two-fifths of Parties to the Trafficking Protocol have not reported a conviction for trafficking.¹⁵
- k) **to enhance efforts** to investigate alleged cases of trafficking, to prosecute perpetrators and to publicize convicted cases.
- l) **to strengthen international police cooperation** to enable the detection of complete trafficking chains and to exchange liaison officers among states of origin, transit and destination in the area of **border controls**.¹⁶
- m) **to encourage effective coordination of efforts at the international, regional and national level:** *i)* Bilateral, regional and international agreements have been developed to strengthen efforts to prevent and combat trafficking in persons *ii)* Regional and international organizations have promoted programs and good practices concerning trafficking that could be shared to enhance collaboration and maximize the effectiveness of the fight against trafficking.
- n) **to promote synergies** across the UN, intergovernmental and non-governmental organizations with a view to promoting a better coordination of efforts and to maximizing the effectiveness of actions to prevent and combat trafficking in persons.¹⁷ The process could benefit from lessons learned from coordinating efforts across UN agencies.
- o) **to enhance synergies** by establishing greater linkages and promoting exchange of information and experiences between the Conference of the Parties of UNTOC, United Nations human rights treaty bodies and mechanisms.

¹³ Recommended principles and guidelines on HR and human trafficking, 2002 (OHCHR)

¹⁴ Improving the coordination of efforts against trafficking in persons, Background Paper of the Secretary-General, Part I(E), pg 10.

¹⁵ Ibid., Part I(D), pg 8.

¹⁶ Ibid., Part II(A), pg 15.

¹⁷ Ibid., Part II(B), pg 17.