

Facilitators' Proposals  
(with African Group's Proposal for Para 71)

We the States Members of the United Nations, determined to put to an end to the heinous crime of trafficking in persons, especially women and children, and determined to prevent and combat trafficking in persons, protect and assist victims of trafficking, prosecute crimes of trafficking in persons and promote partnerships to strengthen coordination and cooperation, resolve to translate our political will into concrete actions by adopting an action plan to:

1. Consistently and strongly condemn trafficking in persons, as it constitutes a criminal activity violating human dignity and has negative effects on development, peace and security, and human rights;

2. Ensure that the human rights of trafficked persons are at the centre of all efforts to prevent and combat trafficking in persons and to protect, assist and provide redress to victims.

3. Take urgent action to prevent trafficking in persons, protect its victims and prosecute its offenders and strengthen partnership to these ends by promoting and attaining universal ratification and effective implementation of the United Nations Convention against Transnational Organized Crime (hereinafter "UNTOC") and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter "the Trafficking Protocol") as well as other relevant international instruments, including ILO convention 29 on Forced Labour; ILO Convention 182 on the Worst Forms of Child Labour; Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956; the Convention on the Rights of the Child; its Optional Protocol on the sale of children, child prostitution and child pornography; its Optional Protocol on the involvement of children in armed conflict; and the Convention on the Elimination of All Forms of Discrimination against Women;

4. Recognize that, in accordance with Art.32 of UNTOC, the Conference of Parties to the Convention is established to improve the capacity of States Parties to promote and review the implementation of the Convention, including the Trafficking Protocol;

5. Encourage the Conference of the Parties to the UNTOC Convention to establish an appropriate and effective review mechanism to monitor the implementation of the Convention and Protocols thereto;

6. Take into account the activities and recommendations of the open-ended interim Working Group on Trafficking in Persons established by the Conference of the Parties to the UN Convention against Transnational Organized Crime;

7. Support the Human Rights Council and contribute to its work on the question of the promotion and protection of human rights for all in the fight against trafficking in persons;

8. Support the role of the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Special Rapporteur on violence against women, its causes and consequences, Special Rapporteur on the sale of children, child prostitution and child

pornography, Special Representative to the Secretary-General on Violence Against Children and other relevant Special Rapporteurs and Representatives. The mandate holders should assist States by offering concrete advice, making country visits, liaising with the United Nations and regional organizations, and reporting on these issues;

9. Reaffirm the central role of the United Nations Office on Drugs and Crime (UNODC) in combating trafficking in persons and providing technical assistance to implement UNTOC and the Trafficking Protocol, by making use of existing capacity building tools, lessons learned and expertise available in international organizations, including inter alia, the International Framework for Action to Implement the Trafficking in Persons Protocol;

10. Note the important work of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF), the International Labor Organization, and the International Organization for Migration (IOM) in the global fight against trafficking in persons;

11. Make a commitment to address all forms of trafficking in persons that occur within and across national borders, including as a result of conflict, instability or humanitarian emergencies;

12. Mainstream the issue of trafficking in persons into policies and programmes aimed at addressing economic and social development, human rights, rule of law, good governance, education, natural disaster and post-conflict reconstruction;

13. Address the underlying root causes of trafficking in persons that make people vulnerable to exploitation by this serious crime, such as poverty, inequality, armed conflicts, gender discrimination, social exclusion and marginalization as well as a culture of tolerance towards violence against women, young people and children, including sexual violence in conflict;

14. Adopt and implement comprehensive policies and programmes at the national and regional levels and other measures to prevent all forms of trafficking in persons that are in line with relevant policies and programmes on migration, education, employment, empowerment of women, and crime prevention in accordance with international human rights standards;

15. Conduct research and collection of disaggregated data by types of trafficking in persons, sex and age and data collection into the nature and extent of all forms of trafficking in persons, including root causes, trends of trafficking, information on traffickers, demand for exploitative services and labour and on the gaps and shortcomings in anti-trafficking policies and programmes;

16. Develop or strengthen processes for the identification of victims such as those developed by UNODC and other organizations, including appropriate and non-discriminatory measures that help to identify trafficked victims among vulnerable populations;

17. Promote awareness-raising campaigns to discourage the demand that fosters exploitation of persons, especially women and children, that leads to trafficking and inform persons at risk of being trafficked and the general public through education and effective involvement of mass media, non-governmental organizations and the private sector and monitor the effectiveness of such campaigns;

18. Increase prevention efforts in countries of destination and transit by focusing on the demand for trafficked labour and the goods produced as a result of such labour;

19. Adopt specific measures at the national level to combat trafficking for labour exploitation, require producers of goods to abide by these measures and educate consumers on these measures;

20. Strengthen the capacity of law enforcement, immigration, education, social welfare, labour and other relevant officials in the prevention of trafficking in persons, taking into account the need to respect human rights and child-and gender-sensitive issues and encourage cooperation with civil society, non-governmental organizations and other relevant organizations;

21. Encourage the United Nations to intensify work with Member States and relevant international, regional and sub-regional organizations to identify and share best practices to prevent trafficking in persons;

22. Reaffirm that the promotion and protection of human rights for all and effective measures to respond to trafficking in persons are complementary and mutually reinforcing;

23. Stress the need to promote and protect the rights of victims of trafficking in persons and to (re-) integrate victims into the community, in line with the Office of the High Commissioner for Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking and the UNICEF Guidelines on the Protection of Child Victims of Trafficking;

24. Ensure that national legislation recognizes trafficked persons as victims of crime and that such legislation effectively criminalizes all forms of trafficking, regardless of the type of exploitation or the characteristics of the victim;

25. Review existing national services available to victims of trafficking, according to Article 6 of the Trafficking Protocol and strengthen those services where needed as well as support the establishment or strengthening of national referral mechanisms;

26. Strengthen the capacity of service providers and others likely to encounter and identify possible victims of trafficking, such as law enforcement personnel, border control officers, labor inspectors, consular embassy officials, judges and prosecutors and peacekeepers, and ensure the availability of needed resources to the relevant sectors and institutions, including those of civil society;

27. Prevent re-victimization in the context of investigations, in the judicial system and in victim assistance programmes, including by adopting appropriate measures to ensure that victims of trafficking are not penalized for engaging in illicit activities as a direct result of being trafficked or as a result of coercion;

28. Protect the privacy, identity, and safety of victims of trafficking in persons and their families before, during and after criminal proceedings;

29. Protect victims and witnesses from retaliation or intimidation, including by ensuring their physical safety;

30. Provide assistance and services for the physical, psychological and social recovery of trafficked persons and their rehabilitation in cooperation with non-governmental organizations, relevant organizations and sectors of civil society;

31. Consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases, as stipulated by the Trafficking Protocol;

32. Ensure that countries of origin accept their nationals back and guarantee such return is conducted with due regard for safety and shall preferably be voluntary as stipulated by the Trafficking Protocol;

33. Adopt labour laws that provide legal rights and protections for workers at high risk of being trafficked;

34. Provide specialized services to identified victims of trafficking in persons, in line with Article 6 of the Trafficking Protocol including access to comprehensive health services, such as access to HIV prevention, treatment, care and support services, taking into account that human trafficking for the purposes of sexual exploitation has serious, immediate and long term implications for health, including sexual and reproductive health;

35. Provide appropriate assistance and protection in the best interest of the child to children who are victims of trafficking or at risk of being trafficked, including for purposes such as the removal of organs or adoption for the purpose of exploitation, including ensuring appropriate services and measures to guarantee the physical and psychological well-being of trafficked children as well as their education and reintegration in coordination with existing child protections systems;

36. Urge the General Assembly to establish a United Nations trust fund for the rehabilitation and compensation of victims of the most serious forms of trafficking in persons, with a special focus on women and children, and request the Secretary-General to entrust UNODC with managing the trust fund;

37. Delete

38. Adopt measures to ensure that victims can seek compensation for the damage suffered as stipulated by Article 25 paragraph 2 of UNTOC and Article 6 of the Trafficking Protocol;

39. Acknowledge the important role of civil society organizations in providing assistance and empowerment to victims of trafficking and help them to seek redress as well as facilitate the care of and provision of appropriate services to victims, including meaningful engagement and coordination with law enforcement officials;

40. Ensure that domestic legal or administrative systems include measures to provide information to victims in a language they understand regarding their rights, the relevant court and administrative proceedings and assistance to enable their views and concerns to be presented and considered at appropriate stages of such proceedings;

41. Provide presumed victims of trafficking in persons with a reflection period in order for them to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities, during which period it shall not be possible to enforce any order to expel the presumed victim from the State's territory;

42. Implement all relevant legal instruments that criminalize trafficking in persons;

43. Prosecute crimes of trafficking that encompass all forms of exploitation, which shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs and all types of victims as stipulated in the Trafficking Protocol;

44. Enact and enforce legislation and strengthen existing legislation that criminalizes trafficking in persons, especially that of women and children, as reflected in the Trafficking Protocol, the Convention on the Elimination of All Forms of Discrimination Against Woman and the Convention on the Rights of the Child and its Optional Protocols;

45. Adopt legislative and other measures necessary to establish as criminal offences:

- a. Attempting to commit an offence
- b. Participating as an accomplice in an offence
- c. Organizing or directing other persons to commit an offence

As stipulated by Article 5 of the Trafficking Protocol;

46. Ensure the criminalization of trafficking in children without any requirement to establish the means as set forth in the Trafficking Protocol and the Convention on the Rights of the Child and its Optional Protocols;

47. Combat and prosecute organized criminal groups engaged in trafficking in persons;

48. Ensure liability of all categories of offenders, including the liability of legal persons;

49. Enhance efforts to investigate alleged cases of trafficking, strengthening means to combat trafficking, including through more systematic use of freezing assets for the purpose of eventual confiscation, according to the provisions of Article 12 of UNTOC, and prosecuting perpetrators, ensuring that penalties are proportionate to the gravity of the crime and to publicize convicted cases with full respect for human rights;

50. [merged with paragraph 49]

51. Make use of available technical assistance provided to strengthen the criminal justice response to trafficking in persons, including inter alia, by UNODC;

52. Promote the more systematic use of freezing and confiscating assets of traffickers as an effective means to fighting this criminal activity;

53. In line with the United Nations Convention against Corruption, and UNTOC, investigate, prosecute, and punish corrupt public officials who engage in or facilitate the trafficking of persons, and promote a zero tolerance policy against corrupt officials;

54. Strengthen coordination and cooperation among States in combating crimes that might be connected with trafficking in persons, including money laundering, corruption, smuggling of migrants and all forms of organized crime;

55. Encourage law enforcement, immigration or other relevant authorities of States to cooperate with one another by exchanging information with full respect for data protection laws and standards, in accordance with domestic law, including cooperation among states of

origin, transit and destination in order to enable joint investigations, prosecutions, and the detection of trafficking networks;

56. Encourage effective cooperation and coordination of efforts at the national, regional and international level, especially among countries of origin, transit and destination and take advantage of the networks provided by relevant organizations to share best practices in capacity-building for responding to and combating trafficking in persons, while stressing the importance of regional approaches to facilitate mutual legal assistance and the exchange of information with full respect for data protection laws and standards including operational information, programs and good practices in supplementing UNTOC and the work done by the Conference of the Parties to that Convention;

57. [merged with paragraph 56]

58. [merged with paragraph 56]

59. Conclude and implement mutual legal assistance and extradition agreements to ensure the apprehension and prosecution of perpetrators of trafficking in persons, in accordance with the relevant provisions of national and international law;

60. Promote cooperation among governments, civil society, and the private sector in order to strengthen prevention, protection and prosecution policies and programmes;

61. Strengthen cooperation between law enforcement agencies regionally and internationally;

62. Endeavour to coordinate with all stakeholders involved in the fight against trafficking in persons at the national level, including government institutions, non-governmental organizations, the private sector, including the media, and workers and employers organizations;

63. Intensify international and regional cooperation to combat trafficking in persons as well as technical assistance for countries of destination and transit aimed at strengthening their ability to prevent trafficked labour and the goods produced as a result of such labour;

64. Promote exchange of information and experiences between the Conference of the Parties of UNTOC and United Nations human rights treaty bodies and mechanisms;

65. Encourage UNODC, other UN Agencies, Funds and Programs as well as other international organizations to continue to assist Member States, upon request, to strengthen policy making, legislative arrangements, border-control and law enforcement cooperation, public awareness campaigns and capacity building; and to disseminate best practices in assisting victims of trafficking;

66. Further encourage United Nations Agencies, Funds and Programmes to continue to improve the coherence and efficiency of technical assistance delivery in the field of trafficking in persons in coordination with the efforts of the Working Group on Technical Assistance established by the Conference of the Parties to UNTOC;

67. Request the Secretary-General as a matter of priority to strengthen the capacity of UNODC to collect information and periodically report on trafficking in persons patterns and

flows at the national, regional and international levels, as well as share best practices and lessons learned from regional initiatives and mechanisms;

68. Promote coordination and cooperation across the United Nations, especially amongst existing entities focusing on trafficking in persons, including via the Inter-Agency Coordination Group against Trafficking in Persons;

69. Urge the Secretary-General to expedite the strengthening of the United Nations Inter-Agency Coordination Group against Trafficking in Persons under the coordination of UNODC, in order to ensure overall coordination and coherence in the United Nations system's efforts to respond to trafficking in persons;

70. Encourage Member States to consider making voluntary contributions to United Nations anti-human trafficking work, and to explore additional sources of funding in this regard, including reaching out to the private sector for contributions;

### **Implementation of the Global Action Plan**

Adopts the present Plan of action and its annex as the UN Global Plan on Trafficking in Persons; and

71. *Decides*, without prejudice to the continuation of the discussion within the UN System of the agenda items related to trafficking in persons, to undertake the following steps for the effective follow-up of the Plan of Action:

- a. To launch the Plan of Action at a high-level segment of its sixty-fifth session;
- b. To examine in three years progress made in the implementation of the Plan of Action;
- c. To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Plan of Action;
- d. To encourage Member States, the United Nations and other appropriate international, regional and subregional organizations to support the implementation of the Plan of Action, including through mobilizing resources and expertise;
- e. To further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Plan of Action.