



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

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Working Group on Trafficking in Persons

Vienna, 2–3 July 2018

Draft Report

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 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 United Nations Convention against Transnational Organized Crime 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. In its resolution 8/2, the Conference further 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. Also in resolution 8/2, 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. The Working Group recommended that the Conference of the Parties consider the following recommendations for adoption. States Parties should:

(a) Avoid placing victims of trafficking in persons in detention centres or camps and rather ensure the sufficient availability of shelters and safe houses;

(b) Ensure victims of trafficking in persons are explicitly informed of their rights as soon as they are identified, including to legal aid, and not criminalized or punished for offences committed as a result of their trafficked status;

(c) Provide victim protection measures in criminal justice proceedings, including by encouraging the use of international video testimony, as appropriate;

(d) Promote cooperation, training and information sharing between different types of actors such as states actors and civil society, including humanitarian agencies, NGOs, religious communities, schools, other survivors and the private sector;

(e) Conduct self-assessments to identify the most prevalent types of exploitation so as to develop targeted prevention measures;

(f) Issue travel alerts, and publicise avenues of assistance, including help lines, available to victims of trafficking in persons;

(g) Enhance efforts to counter trafficking in persons in humanitarian settings, including through development of indicators for use at the practical and policy levels;

(h) Consider the topics of the use of modern technology and data in preventing and combatting trafficking in persons, as well as reflection and recovery periods, in more detail at a future meeting of the Working Group.

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

8. The Working Group recommended that the Conference of the Parties consider the following recommendations for adoption. States Parties should:

(a) Develop coordinating systems for international returns and safeguarding for victims who either cannot stay in the country of destination, or choose to return to their country of origin, including monitoring upon return to avoid re-trafficking;

(b) Establish, and further develop, partnerships with embassies of victims of trafficking in persons;

(c) Ensure expert interpretation and language assistance is made available for victims of trafficking in persons, including through interpretation or language

units, in states of origin, transit and destination, and that those who provide linguistic assistance are entitled to protection from intimidation;

(d) Continue to improve international co-operation and sharing of best practice on the changing forms and nature of trafficking in persons and the impacts this has on the rights and needs of victims;

(e) Promote effective cooperation between destination countries and states of origin (including bilateral prosecutorial coordination) and transit (including monitoring and tracing cross-border movements of potential victims);

(f) Confiscate assets of traffickers and redirect proceeds gained to trust funds for victims of trafficking.

III. Summary of deliberations

9. At its 3rd and 4th meetings, 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”.

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

11. The discussion under agenda item 2 was facilitated by Alys Cooke, Head of the Adult Victim Policy of the Home Office in the United Kingdom 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 (NAPTIP) in Nigeria on behalf of the Group of African States; Simona Ragazzi, Judge at the Court of Catania in Italy on behalf of the Group of Western European and other States; Varamon Ramanghura, Judge at the Office of the President of the Supreme Court of Thailand; and María Fernanda Rodríguez, Undersecretary at the Ministry of Justice and Human Rights of Argentina on behalf of the Group of Latin American and Caribbean States.

12. Alys Cooke described the efforts of the United Kingdom to assist victims of trafficking. She added that cooperation with NGOs such as La Strada in countries of origin can ensure support to victims when they return to their home countries and make them less vulnerable to re-trafficking. She noted with concern that too many prosecutions rely on the testimonies of victims, who might fear for their safety, or simply do not identify as victims. In that regard, she explained that the United Kingdom has successfully convicted traffickers without victims’ testimonies, by focusing on other types of evidence such as illicit financial flows. She noted, however, that testimonies can be crucial in some circumstances, and presented a recent landmark case in which the victim in Nigeria testified via video in court in the United Kingdom, leading to the conviction of the traffickers.

13. Julie Okah-Donli delivered a presentation on her country’s experience in fighting trafficking in persons, and on the specific role of NAPTIP. She presented the legal framework of Nigeria pertaining to trafficking in persons, and its “5 P strategy”, namely prevention, protection, prosecution, partnership and policy. She highlighted that 13,005 victims of trafficking have been rescued so far, and 352 convictions handed down. She stressed that victims should not be criminalized for acts committed as trafficking victims. In the second part of her presentation, she warned of the sophistication of criminal networks, and stressed the urgent need to foster international cooperation. Finally, she emphasized the need to focus on the confiscation of assets.

14. Simona Ragazzi spoke about the efforts of Catania to fight trafficking in persons on the central Mediterranean route. She presented data regarding the profile of trafficking victims. She focused in particular on the Nigerian victims, the first country of origin of migrants arriving in Italy, and presented the structure as well as modus operandi of Nigerian criminal groups. She mentioned in particular a system

of regular referral to the competent authority as a good practice example, as well as the resort to other sources of evidence such as wiretapping of phone communications, electronic surveillance and shadowing during the investigation. She then presented the different partnerships that exist with local NGOs in the entire territory, to support victims. She concluded by noting with concern the issue of interpretation, not only for language issues but because of risks of intimidation. Finally, she mentioned the presence of a prosecutor from Nigeria in a Catanian court, who works side by side with local prosecutors to assist in trafficking in persons cases.

15. Following their presentations, the panellists exchanged additional information with the delegates in attendance in response to several questions and comments regarding specific measures of cooperation and good practices examples.

16. Many speakers emphasized the importance of establishing national focal points in every country to enhance and facilitate cooperation. The representative of Tunisia informed the Working Group of the existence of reference judge, beside the national referral mechanism, as a good practice example of her country. Furthermore, the Working Group highlighted the importance of not only relying on victims' testimony for the proceedings.

17. Several speakers presented good practice examples of assistance measures for victims. Furthermore, the length of reflection periods were discussed, and it was underlined that such periods should truly constitute a period in which victims can recover, receive counselling, and potentially get ready to speak in court. A discussion followed on safe houses and the different services provided. Moreover, many speakers shared their national experience dealing with interpretation and the lack thereof. It was suggested to set up some communication bridges at the international level to better identify interpreters and address language issues.

18. The link between trafficking in persons and the smuggling of migrants was discussed by several speakers, and different practices were described. The issue that some victims of trafficking have made an asylum request makes is at times delicate for countries of destination to cooperate with some countries of origin. In that regard, the chairperson encouraged States who have not yet done so to accede to the Protocol against Smuggling of Migrants.

19. The International Organization for Migration (IOM) highlighted the difficulty to find data, and the need to harness modern technology to assist with trafficking in persons cases.

20. Under agenda item 3, the Chair invited States to provide specific comments related to the draft questionnaire.

IV. Organization of the meeting

A. Opening of the meeting

21. The Working Group on Trafficking in Persons met in Vienna on 2 and 3 July 2018, holding a total of four meetings.

22. 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. 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

23. General introductory statements were made by the Secretariat under agenda items 2 and 3.

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

25. Under agenda item 2, statements were made by representatives of the following parties to the Trafficking in Persons Protocol: Algeria, Angola, Austria, Brazil, Egypt, the European Union, Fiji, France, Greece, Israel, Japan, Libya, Morocco, Nigeria, Panama, South Africa, Sudan, Tunisia, Turkey and the United States of America.

26. Under agenda item 3, statements were made by representatives of the following States signatories to the Trafficking in Persons Protocol:

27. The observer for the International Organization for Migration (IOM) [...] also made a statement.

C. Adoption of the agenda and organization of work

28. 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

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

30. 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, Yemen [...].

31. The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations High Commissioner for Refugees (UNHCR) were represented by observers.

32. The Sovereign Military Order of Malta, Other entity maintaining Permanent Observer Office, was represented by an observer.

33. The following intergovernmental organizations were represented by observers: Commonwealth of Independent States (CIS), Council of Europe, International Organization for Migration (IOM), INTERPOL, Organization for Security and Co-operation in Europe (OSCE), The Gulf Cooperation Council (GCC), World Food Programme (WFP) [...].

34. A list of participants is contained in document CTOC/COP/WG.4/2018/INF/1/Rev.1.

E. Documentation

35. 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 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ([CTOC/COP/WG.4/2018/CRP.1](#));

V. Adoption of the report

36. On 3 July 2018, the Working Group adopted the present report on its meeting.
