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International cooperation in combating transnational crime

Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking

Report of the Secretary-General**

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** The submission of the present report was delayed so as to include a larger number of responses from Member States and international and non-governmental organizations.



I. Introduction

1. In its resolution 58/137 of 22 December 2003, entitled “Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking”, the General Assembly, condemning trafficking in persons as an abhorrent form of modern-day slavery and as an act that is contrary to universal human rights and convinced of the urgent need for broad and concerted international cooperation among all Member States, employing a multidisciplinary, balanced and global approach, invited Member States to provide assistance and protection to victims of trafficking in persons and to assist in their reintegration, to develop guidelines for their protection, and to set up mechanisms for coordination and collaboration between governmental and non-governmental organizations; and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the resolution.

2. Pursuant to that request, on 16 September 2004 the Secretary-General sent a note verbale to Governments inviting them to submit information to the United Nations Office on Drugs and Crime (UNODC) on their efforts to implement the resolution. The present report contains an analysis of the replies received from States and from competent entities of the United Nations system and other organizations. (Other information on trafficking in persons is to be found in the reports of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2005/6) and on review of the implementation of the Beijing Platform for Action and the outcome documents of the special session of the General Assembly entitled “Women 2000: gender, equality, development and peace for the twenty-first century” (E/CN.6/2005/2).)

II. Results of the survey

3. Replies were received from the following States: Algeria, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Croatia, Cuba, Denmark, Egypt, Finland, Germany, Japan, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Morocco, Nigeria, Oman, Pakistan, Philippines, Republic of Korea, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, Ukraine, Uzbekistan and Venezuela. Replies were also received from the American Society of Criminology, the International League for Human Rights, the National Council of German Women’s Organizations and Pax Romana.

4. The present report also draws on information that relevant United Nations entities and international organizations provided within the framework of the activities of the United Nations System Chief Executives Board for Coordination (CEB) concerning the measures taken to curb trafficking in human beings. Replies were received in that context from the Department of Peacekeeping Operations and the Division for the Advancement of Women of the Secretariat, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNODC, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the United Nations Development Fund

for Women (UNIFEM), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Interregional Crime and Justice Research Institute (UNICRI), the International Labour Office (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Association (ICAO), the World Health Organization (WHO), the International Criminal Police Organization (Interpol) and the International Organization for Migration (IOM).

A. Ratification and legal provisions

5. Respondents stressed the importance of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II), in the formulation of a consolidated global response to trafficking in persons. The responses received from Member States describe action taken with a view to ratification or accession and give examples of subsequent efforts to translate their obligations under the Protocol into national legislation and practice. However, action taken towards the criminalization of offences set forth in the Protocol—trafficking in persons in all its forms—and the fulfilment of other obligations has varied considerably. Of those Member States reporting that they had already ratified the Protocol,¹ not all had finished the process of drafting and adopting specific legislation.² Other Member States indicated that they were in the process of ratifying the Protocol.³ A number of States, while not yet having ratified the Protocol, indicated that their domestic legal system made provision for the specific criminal offence of trafficking in persons or for a set of offences corresponding to elements of that crime.⁴

6. Several States reported on the penalties imposed for trafficking in persons.⁵ Penalties were extremely varied, ranging from a fine to 15 years' imprisonment with or without confiscation of property. This indicates that the legislation of most but not all respondents reflected the requirements of the Protocol to treat trafficking in persons as a serious crime with corresponding penalties. In many jurisdictions, the criminal code contained provisions on aggravated forms of the offence of trafficking in persons. Typically this included cases where the crime was committed against a minor, with age limits varying from below the age of 19 years to below the age of 16 years. In addition, several States referred to other types of crime that would typically be prosecuted along with cases of trafficking in persons.⁶ Many States stressed in their responses that legislative measures were an integral part of a broader framework of prevention, suppression and support for victims.

B. Investigation

7. Replies from Member States reflect a growing awareness of the seriousness of trafficking in persons both among the general public and in the state agencies in charge of countering the crime. While respondents offered only limited general information on the trafficking situation in their countries and ongoing cooperation with other countries in the investigation of the transnational aspects of trafficking

offences,⁷ there was a clear indication that the number of investigations was increasing, including on the possible involvement of organized criminal groups, and that more often than in the past such investigations had actually resulted in the conviction of offenders.

8. In an effort to better respond to the specific challenges of trafficking in persons and to curb the impact of transnational organized crime, a number of States have introduced special investigative techniques and measures or are considering doing so. Australia, Belgium and Croatia reported that special investigative procedures were planned for cases of trafficking in persons. In Australia, specific measures to fight trafficking included legislative amendments to make interception of telecommunications available for investigating trafficking offences. In the case of Belgium, particular attention was being devoted to existing investigation techniques and the potential of targeting of goods and financial assets through existing procedures for seizure and confiscation. Denmark reported that legislative amendments had included a provision improving investigation possibilities, including interception of communications and extended possibilities for confiscation.

9. A number of States had responded to the increasing challenges to law enforcement posed by trafficking in persons by the creation of special police units to deal with cases of trafficking in persons. In Australia, a new 23-member Australian Federal Police mobile strike team, the Transnational Sexual Exploitation and Trafficking Team, had been set up to investigate trafficking and sexual servitude. In Azerbaijan, a Special Police Unit had also been created to deal with cases of trafficking. In Bosnia and Herzegovina, 19 focal points from police working to combat trafficking had been created, which established a link between police stations in the field, the Cantonal Ministry of the Interior, centres for public security and the State Coordinator. Denmark had created a framework within which police districts reported to the National Commissioner on Trafficking in Women. In Ukraine, special police units had been also set up to deal with trafficking cases.

10. Providing accurate figures or estimates on the scope of trafficking in persons continued to be a difficult task for many countries. This was due in part to the fact that the crime of trafficking in persons was not yet included in the criminal code and therefore only elements of trafficking were reported under other types of crime, that codification had not yet advanced or that the provisions were new and therefore figures for crime statistics not yet available. Thus, a number of States reported that their crime statistics did not cover some or all forms of trafficking in persons.⁸

11. Australia reported that it was committed to ending the trade in human beings, that 10 arrests had been made since a comprehensive range of measures had been announced in 2003 and that three federal prosecutions were ongoing.

12. Bosnia and Herzegovina reported on the successful prosecution of criminal cases of trafficking in persons.

13. Latvia reported that from the year 2000 until November 2004 60 criminal cases relating to a person being sent to another country for sexual exploitation, which was a crime associated with trafficking in persons under Latvian criminal law, had been investigated.

14. According to the data of the Police Department under the Ministry of the Interior of Lithuania, 42 investigations relating to trafficking in persons had been initiated in 1999-2002. Sixty-two persons had been prosecuted and 53 women had been recognized as victims. Ten cases had been referred to the courts and eight offenders convicted. In 2003, 15 pre-trial investigations had been initiated for trafficking in persons and 24 persons identified as suspects. Six criminal cases had been referred to the court: convictions had been issued in four cases and seven persons had been convicted.

15. Pakistan provided a detailed account of the results of the campaigns against human traffickers under the Prevention and Control of Human Trafficking Ordinance organized in 2002, 2003 and 2004. In 2002, 363 trafficking cases had been registered, 295 cases were under investigation and 61 cases had been brought before the courts. In that same year, 353 persons had been arrested and 6 convicted. Under the same Ordinance, in 2003-2004, 668 cases had been registered and 644 accused arrested, 368 cases were pending and 300 cases had been completed. Over the same period, 15 persons had been convicted and 10 acquitted.

16. In the Philippines, the Department of Justice reported that two cases involving trafficking in persons had been filed. One case was undergoing trial, while the other was undergoing preliminary investigation.

17. Serbia and Montenegro reported in 2002 that 60 women in catering facilities in the Republic of Serbia had been the victims of trafficking in persons for sexual exploitation. In 2003, following detailed interviews with women from Eastern European countries hired in catering facilities, 43 of the total number of foreign female citizens had been found to be victims of trafficking.

18. Slovakia reported that cases of trafficking in persons investigated in 2004 had involved sexual exploitation of the victims.

19. Slovenia reported that in 2003 the police had processed 21 cases related to trafficking in persons.

20. Turkey reported that, subsequent to a number of legal and administrative measures taken to counter trafficking in persons, six court cases had been opened in 2002-2003 under the provisions of the Turkish Penal Code on trafficking in persons. A total of 17 accused persons and 14 victims had been involved in those cases, two of which had already ended in acquittal. Investigations were under way against 40 businesses in the entertainment sector. Turkey also reported specifically on the prosecution of traffickers. By November 2004, 11 persons had been arrested and 9 sent to court. An investigation launched against three police officers had resulted in two of them being convicted, sentenced and dismissed from the police. In the first half of 2004, 20 lawsuits involving trafficking in persons had been concluded by the criminal courts. Some 49 suspects had been accused, 9 of whom had been imprisoned or had to pay a fine, while 40 victims had been identified.

21. Ukraine reported that, between March 1998, when a provision on trafficking in persons had first been introduced in the Criminal Code, and July 2004, a total of 785 crimes had been under investigation. Since the inception of the new provision, the number of investigations had steadily increased: 1998—2 cases; 1999—11 cases; 2000—42 cases; 2001—90 cases; 2002—169 cases; 2003—289 cases; First quarter of 2004—182 cases. Of 200 suspects, 99 had been charged with

trafficking. In 94 cases, the involvement of organized criminal groups had been reported. Fifteen organized criminal groups involved in trafficking in persons had been disbanded. Some 377 victims of trafficking, of whom 40 were minors, had been identified abroad and returned to Ukraine. Pre-trial investigations had been concluded in 65 cases, 59 cases had been referred to the courts and 6 cases had been closed. Based on the preliminary figures for 2004, a further strong increase in investigations was to be expected.

22. In Uzbekistan, between 2001 and 2003, more than 60 cases had been investigated involving the recruitment and transportation abroad of Uzbek nationals involving sexual or other types of exploitation. In those cases, more than 100 persons had been found to have been involved in committing this type of crime.

23. Australia, Azerbaijan, Belgium, Bosnia and Herzegovina, Croatia, Switzerland and Ukraine had engaged in specific activities focused on border control, including cooperation with neighbouring States. Some countries, such as Pakistan, also referred to efforts to improve document identification and other measures related to passport control and immigration.

C. Training and seminars

24. Training was highlighted by more than half of all respondents as a key to successfully countering trafficking in persons. New legal provisions enacted in line with international obligations needed to be translated into practical action. This meant increasing the knowledge base of professionals of all agencies that needed to address the trafficking issue, such as the police, border control agents, the judiciary and social and health workers. Countries reported on the preparation of curricula, training materials and past and ongoing training and seminars. Training efforts mainly targeted specific professional groups and the specificities of trafficking in persons. Most respondents indicated that specific training had been offered, often both in a general format for all police officers and as specific training for specialized units. Such training often also involved other departments and members of civil society. Training and seminars were mostly reported as ad hoc and not as regular activities.

25. Training events increasingly addressed the international aspects of trafficking and often included trainees from several countries, targeting regional cooperation and cooperation between countries of origin and destination. One very important benefit was a notable improvement in information exchange and practical cooperation in the investigation of trafficking cases. International training was often organized in cooperation with United Nations entities and other international and regional organizations. In addition, training and seminars supported efforts to provide a more comprehensive response to trafficking in persons. Several countries reported on different types of training course that had been organized for mixed groups, involving police officers, border police officers, social workers from social welfare centres and other persons working in expert teams, together with members of non-governmental organizations (NGOs), community and youth leaders and other members of civil society.

26. Austria reported that in 2003 a seminar for judges and prosecutors had been held on the topic of trafficking in human beings at which representatives of NGOs,

law enforcement agencies and the media had exchanged experience and discussed the special needs of victims and support strategies. Another seminar on the issue had been held in January 2005.

27. In Bosnia and Herzegovina, seminars organized for police officers, judges and prosecutors in 2003 had led to the preparation of a draft training manual, which would be used for further extending the education and increasing the expertise of those target groups.

28. Croatia reported that a number of training courses had been organized for police officers, border police officers, social workers and members of NGOs.

29. As part of a broader information campaign launched in 2002, Finland had organized three regional seminars intended for social and health-care professionals, border guards, customs officials, police, prosecutors and other practical workers in criminal justice and NGO representatives.

30. The German Federal Criminal Police Office regularly led special training seminars in trafficking in human beings for police department specialists, which had included orientation on the particular requirements in handling traumatized victims of trafficking. Police officers from other countries had participated in the training seminars and assistance had also been provided to law enforcement training efforts in third countries, including Belarus, Lithuania and the Russian Federation, and training in police work to combat trafficking in women from Central America. The main result of the various training measures had been a significant improvement in the flow of information, both qualitative and quantitative. The German Judicial Academy had started to offer judges and public prosecutors training on proceedings in international cooperation and on aspects of crime prevention.

31. Latvia reported that victims and witnesses of human trafficking were dealt with by specially trained police officers. Other training would be organized in cooperation with NGOs on support services for victims. Planned activities included the creation of a training system for employees of legal institutions, education establishments and social workers.

32. Lithuania reported on special courses for law enforcement officers dealing directly with victims of trafficking in persons.

33. Mauritius indicated that training sessions on human trafficking issues had been offered for future trainers as well as community and youth leaders.

34. Pakistan reported on the new training programmes based on modern techniques that had been organized to improve and reinforce the professional skills of police officers.

35. Slovakia reported on curriculum development by police training institutions, such as the Police Academy, including psychological training in addressing the needs of victims of trafficking and other measures to raise the awareness of the police force. Further education and training of police officers had been carried out at training courses, seminars and workshops, including at the international level.

36. In Thailand, training sessions had been organized for senior officials as well as relevant other professional groups such as police, social workers and medical staff.

37. Turkey reported that seminars had been organized by the Turkish International Academy against Drugs and Organized Crime. The curricula of the Turkish Police Academy also included trafficking in persons.

D. Prevention and awareness-raising

38. Uzbekistan reported that law enforcement agents had taken part in various local and international conferences and training seminars, often organized in cooperation with international organizations, NGOs and other institutions. Examples included training on investigation and prevention organized by the Organization for Security and Cooperation in Europe (OSCE) and an international seminar on judicial protection for trafficking victims organized within the framework of a project with IOM.

39. Awareness-raising and information campaigns were the main activities organized by States in the field of prevention. They were mentioned by many of the Member States that responded, who described the activities undertaken in that field.⁹ Those campaigns were considered by many respondents to be key elements of a comprehensive national strategy. Campaigns were often organized in cooperation with NGOs or international and regional institutions to raise public awareness in general or regarding specific vulnerable target groups. Those campaigns had an educational purpose as well as a preventive one. Awareness-raising efforts included media campaigns (television, radio and print), but also advertisement campaigns and information at the grass-roots level, often provided by NGOs and members of civil society. Such campaigns largely addressed groups at risk in countries of origin. More recently, campaigns to address reduction in the demand for the services provided by victims of trafficking had started to attract increased attention.

40. A number of countries, including Austria, Belgium and Germany, indicated that they had organized or supported awareness-raising in countries of origin. Some countries, such as Austria, had run campaigns through their embassies and consulates abroad.

41. Sweden mentioned a joint campaign with the Nordic and Baltic countries as a contribution to international efforts to stop trafficking in human beings. The overall objective of the Swedish campaign was to increase awareness and knowledge about prostitution and global trafficking in human beings through provision of information to, and education and training of, government and other public authorities, NGOs, the media and the public.

E. Protection of witnesses and victims

42. One main recurring theme in the responses received was the importance of providing full protection to victims and of avoiding double victimization of the victim of trafficking in investigations and criminal proceedings. Minimizing the exposure of the victim to potentially harmful encounters and providing opportunities for well-coordinated support (“one-stop” services) were strategies pursued by several respondents. Several Member States indicated that their legislation included a witness protection law and/or a law on the protection of

victims of trafficking.¹⁰ Such laws contained provisions such as the protection of anonymity for victims and witnesses, the possibility of video-link interviews or similar protective measures in criminal proceedings, cost-free legal counselling for victims and safe accommodation for witnesses and victims. Some States had established specific coordination units to deal with issues relating to victims of trafficking. For example, a rapporteur had been appointed by the Ministry of Social Affairs of Denmark to clarify the needs of victims of trafficking. Denmark had also established a particular system of referral to services, which involved organizing multi-professional cooperation. Serbia has established a central coordinating body to assist victims of trafficking in human beings, directing them to appropriate types of assistance.

43. A number of Member States highlighted the importance of offering a broad range of assistance to victims of trafficking such as safe accommodation in shelters and reception centres or medical and psychological assistance. Such assistance needed to reflect the specific needs and traumas of victims, be they children, victims of sexual exploitation or others. Many Member States mentioned that victim assistance related to health, psychological support and counselling was provided by networks of NGOs. Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Germany, the Philippines, the Republic of Korea, Serbia and Montenegro, Switzerland and Venezuela mentioned special refuges, reception centres, shelters or consultation centres as components of the help offered to victims of trafficking. Other types of assistance ranging from legal aid to psychological support had reportedly been given to victims of trafficking in Australia, Austria, Azerbaijan, Croatia, Germany, Lithuania, the Philippines, the Republic of Korea, Slovakia, Slovenia, Sweden, Turkey and Venezuela.

44. Measures taken to protect victims included provision of temporary or permanent visas and residence permits. While in most of the respondent States the issuance of a temporary visa was linked to the victim's willingness to cooperate in legal proceedings, some States issued visas irrespective of the choice of the victim. Australia, Austria, Belgium, Croatia, Denmark, Germany, Serbia and Montenegro, Slovakia and Sweden indicated that victims of trafficking could qualify for temporary visas. Austria specified that permits to stay on humanitarian grounds were issued even if the victims were unwilling to cooperate. In Serbia and Montenegro, temporary residence permits for victims of trafficking were issued for three months and were extended to six months if the victim cooperated. In Belgium and Germany, work permits could be delivered in parallel to temporary visas for those victims who chose to cooperate.

45. Several respondents stressed the importance of providing support to victims of trafficking both in repatriation and upon their return to their country of origin or residence. This was particularly important to avoid the re-victimization of victims. Australia, Denmark, Germany, the Republic of Korea, Turkey and Ukraine mentioned repatriation and rehabilitation assistance to victims of trafficking. In Denmark, victims threatened in their country of origin might be granted asylum. Denmark had also developed a model programme to prepare female trafficking victims living in Denmark for return. The Philippines had designed a Manual of Operations in the Recovery, Rehabilitation and Reintegration of Survivors of Trafficking.

46. Denmark reported on the establishment of a hotline for victims of trafficking, but also for potential customers of prostitutes, who might identify victims of trafficking and want to assist them in finding a way out. The general public was also provided with information on the possibilities for support and the rights and regulations concerning the issue.

F. Coordination mechanisms

47. Coordinating the broad range of measures required to counter trafficking in persons through a national mechanism was identified as a key issue and most respondent States indicated that such a mechanism was in place. In the majority of countries responding, the roles of such coordination mechanisms, and of the various ministries and other departments, were defined in a national strategy document, often accompanied by a plan of action. Those documents typically outlined provisions on the legal framework, victim protection, training, internal and international cooperation and coordination among agencies and with third parties, including NGOs.¹¹ The majority of States indicated that specific units to combat trafficking in persons had been created to coordinate all related initiatives. Some respondents reported that they had developed national plans focusing specifically on the protection of children and/or adolescents.¹²

48. In Azerbaijan, a National Coordinator had been appointed to organize the activities described in the National Plan of Action.

49. Belgium reported that an Interdepartmental Coordination Unit to Combat Trafficking in Human Beings, responsible for directing an integrated policy between the various departments involved and promoting information exchange, had been created by a royal decree originating from the Ministry of Justice and the Ministry of the Interior.

50. In Bosnia and Herzegovina, the Office of the State Coordinator for Anti-Trafficking and Illegal Migration coordinated the implementation of the National Plan of Action. A Strike Force for Anti-Trafficking had been set up and was composed of representatives of the Prosecutor's Office, the State Borders Service, the State Information and Protection Agency, the Ministry of Internal Affairs, tax administration inspectors and the Financial Police. It aimed to establish and enhance cooperation and to coordinate activities at the highest possible level.

51. Croatia had established the National Committee for Control of Trafficking in Human Beings, headed by the Deputy Prime Minister in charge of social activities and human rights.

52. Denmark had set up a cross-ministerial working group on domestic violence and trafficking in human beings with representatives from the ministries of justice, integration, the interior and health, as well as of social affairs and gender equality.

53. In cooperation with the states, the Federal Government of Germany had established a Federal Working Group on Trafficking in Women, composed of 14 public authorities and others, to coordinate the measures taken by them.

54. Nigeria had established the National Agency for the Prohibition of Traffic in Persons and Other Related Matters, which was responsible for adopting measures to

eradicate trafficking in persons; coordinating and enforcing all related laws; collaborating with other agencies to implement measures to ensure the eradication of the root causes of trafficking in persons, with a view to its elimination; and strengthening and enhancing effective legal means for international cooperation in such criminal matters.

55. The Philippines reported that the Inter-Agency Council against Trafficking was in full operation and that the Department of Justice had created a National Task Force in Trafficking in Persons composed of special prosecutors. A Joint Task Force would soon be operational in international and local airports, seaports and land transportation terminals for effective coordination among agencies involved in the interception, arrest and prosecution of traffickers.

56. Serbia and Montenegro reported on separate coordination mechanisms. Both Serbia and Montenegro had nominated a National Coordinator and established a national team to combat trafficking in human beings. In Serbia, the team was made up of representatives from all relevant government bodies (departments of foreign and home affairs, justice, welfare and education), international organizations (OSCE, UNICEF and IOM) and foreign and domestic NGOs. In Montenegro, a Project Committee to combat trafficking in human beings had also been formed, consisting of national coordinators for the fight against trafficking in human beings and for gender relations, government representatives, representatives of international organizations (OSCE, IOM, UNICEF and the Council of Europe) and two NGOs (Save the Children and the International Catholic Migration Commission).

57. In Slovenia, an Inter-ministerial Work Group had been established in 2002. Its members were representatives of various competent ministries, NGOs and intergovernmental international organizations. The National Coordinator, who was appointed by the Government, headed the group.

58. In 2002, Switzerland had established the Coordination Service against Trafficking in Persons and Smuggling of Migrants. The Service was part of the Federal Police Office and had established the structures and networks necessary to guarantee efficiency in the fight and prevention of trafficking in persons and smuggling of migrants.

59. In Thailand, a Subcommittee to Combat Transnational Trafficking in Children and Women had been established. It consisted of experts, representatives of government departments and NGOs, as well as representatives of international organizations. It was responsible for the national coordination of action related to trafficking.

60. In Turkey, the Ministry of Foreign Affairs was responsible for national coordination of issues related to trafficking in human beings. The Ministry chaired the National Task Force on Combating Trafficking in Human Beings, which was composed of experts from the Human Rights Presidency of the Prime Minister's Office, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Labour and Social Security and the Directorate General of the Status and Problems of Women.

61. The Interdepartmental Coordination Council on counteracting trafficking in human beings established under the Cabinet of Ministers of Ukraine aimed to

streamline and coordinate efforts by public authorities and NGOs. Regional permanent commissions had been set up in all regions of the country to deal with coordination and exchange of information relating to trafficking in human beings and to provide information, consultation and legal assistance to citizens going abroad.

62. An Inter-Agency Commission for the Prevention of Trafficking in and Exploitation of Persons had been set up in Uzbekistan. Its members were drawn from a number of relevant ministries and agencies.

G. International cooperation

63. The replies clearly demonstrated the considerable efforts made by Governments to increase international cooperation against trafficking in persons. These included measures to establish and further improve cooperation mechanisms at the bilateral, regional and international levels in line with international treaty obligations. International and regional organizations were identified as playing an important role in further advancing that process. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime and other treaty bodies were seen as important mechanisms to develop a compatible international approach.

64. The majority of States reported that they had taken a series of initiatives to increase cooperation with their neighbouring countries, as well as with the main countries of origin of the victims found in their territories, addressing the whole range of issues involved, including prevention, police and legal cooperation, victim support and reintegration. This was often done within the framework of international instruments, through regional instruments—some currently under development—bilateral agreements, memoranda of understanding and in the context of activities of international and regional organizations.¹³ In that context, respondents mentioned several international instruments on which they had also based some of the measures undertaken to counteract trafficking and protect victims in accordance with the United Nations Convention on Transnational Organized Crime (General Assembly resolution 55/25, annex I) and its Trafficking in Persons Protocol. They referred to other international instruments such as the International Convention for the Suppression of the Traffic in Women and Children of 1921, the International Convention for the Suppression of the White Slave Traffic of 1910, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,¹⁴ the Convention on the Rights of the Child¹⁵ and its Optional Protocol on the sale of children, child prostitution and child pornography (resolution 54/263, annex II), the Convention concerning the Abolition of Forced Labour,¹⁶ the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention No. 182),¹⁷ the European Convention for the Protection of Human Rights and Fundamental Freedoms¹⁸ and its Protocols, and framework decision 2004/68/JHA of the Council of the European Union on combating sexual exploitation of children and child pornography.¹⁹

H. Inter-agency cooperation

65. In 2004, the heads of United Nations entities launched an important initiative for a consolidated United Nations approach towards trafficking in persons. In its discussion of a system-wide response to counter transnational organized crime, CEB made a number of recommendations addressing the issue of trafficking in persons.²⁰ The United Nations entities concerned identified focal points to be responsible for following up on the CEB recommendations and reported on measures taken, including action in the area of trafficking in persons.²¹ Their responses, and updates thereof, as well as responses of a number of other United Nations entities, are reflected below.

66. In February 2005, the CEB consultation process focused on proposals for the establishment of a United Nations coordination mechanism related to transnational organized crime.²² More specifically and given the particular challenges of the subject area and the number of issues and agencies involved, the establishment of a formal United Nations inter-agency mechanism on trafficking in persons and migrant smuggling was proposed. It was understood that the mechanism should include bodies outside the United Nations system, such as IOM. Such a mechanism would aim to strengthen international coordination to combat trafficking in persons and smuggling of migrants and collaboration in support of implementing the relevant United Nations and other related international instruments, to avoid undue duplication and to ensure effective and efficient use of existing resources. In addition, CEB recommended specific system-wide action in countering trafficking in persons, in particular:

- (a) Strengthening of existing mechanisms for data collection and analysis;
- (b) Improvement of inter-agency coordination, coordination of technical assistance and encouragement of joint project initiatives;
- (c) Establishment of field-level coordination;
- (d) Consideration of the possibility of organizing system-wide application of international instruments;
- (e) Organization of joint training activities, establishment of referral systems to improve care of victims and efforts to formulate joint prevention and awareness-raising strategies.

67. UNODC, as custodian of the Organized Crime Convention and the Trafficking in Persons Protocol, would have to play a key role in the implementation of the recommendations within the United Nations inter-agency mechanism on trafficking in persons. The Office would act as coordinator/clearing house for information on the activities of the United Nations system in relation to transnational organized crime, including trafficking in persons. The information provided to CEB by United Nations entities and other international organizations focused on the following five subjects:²³ mandates; activities; gaps; coordination mechanisms and joint projects; and research and assessments. In their responses, organizations explained how measures to combat trafficking fitted within the framework of their respective mandate, whether directly or indirectly.

68. A majority of the organizations engaged in activities to combat trafficking in persons grouped them into three categories: criminal justice responses,²⁴ victim protection and assistance²⁵ and prevention.²⁶ While the range of activities and assistance offered was quite impressive, several organizations stressed the limitations of human and financial resources in the face of a very serious global problem and an increasing demand for assistance.²⁷

69. In the area of criminal justice responses, UNODC reported on the promotion of the ratification and implementation of the Organized Crime Convention and its Protocols, including the Trafficking in Persons Protocol, and on the technical assistance offered with a view to increasing the capacity of law enforcement and criminal justice systems to counter trafficking in persons. Several other organizations reported on similar work they had carried out with respect to other international instruments (see para. 76 below) in their own primary area of competence. UNODC had also contributed to efforts led by the Department of Peacekeeping Operations to formulate anti-trafficking policies for peacekeeping operations, and, in cooperation with UNAIDS and other organizations, to initiate responses to the possible link between trafficking in persons and HIV/AIDS. Further, most of the respondent organizations reported on training they had provided in that area. Internal training for their own staff members was mentioned by UNHCR and the Department of Peacekeeping Operations, while external training for law enforcement officers was an activity that several of the entities undertook in their respective areas of competence. Other activities had included review and assessment of existing laws, advocacy and assistance in the drafting and adoption of legislation to fight trafficking and support for improved cooperation between institutions involved in countering trafficking in countries of origin and destination.

70. Most of the activities reported by the international bodies in terms of victim protection and assistance were similar to those described by Member States. Through technical assistance projects they had provided victims with legal, physical and psychological support and with temporary shelter in destination areas. Such assistance was also provided indirectly by activities of prevention such as training of law enforcement officers with a view to early detection of cases of abuse and to ensure that victims were not treated as perpetrators. Activities reported also covered the support of voluntary return and assistance in reintegration. Prevention activities carried out by the international bodies ranged from awareness-raising, advocacy work, different types of training and capacity-building activity to support of civil society networks, community-based responses and development of life skills.

71. Several entities had developed guidelines, manuals and handbooks on specific issues that could be used as models by other bodies. As far as criminal justice response was concerned, Interpol had developed a manual for investigators, which had been translated into seven languages and which was available to member States of Interpol for training in trafficking matters. UNODC was preparing a toolkit of best and promising practice and had developed training tools in the context of technical assistance projects in Africa and Asia. As regards victim protection, in order to standardize its direct assistance to victims of trafficking and to ensure the same quality of services to all beneficiaries worldwide, IOM had produced a Counter-Trafficking Handbook. UNICEF had developed Guidelines for Protection of the Rights of Children Victims of Trafficking in South-Eastern Europe, which described good practices for Governments, international organizations and NGOs to

help them develop procedures for protecting and assisting children victims of trafficking. UNICEF also reported that it would launch a guide for parliamentarians on child trafficking in April 2005. WHO had compiled Ethical and Safety Recommendations for Interviewing Trafficked Women.

72. All respondent entities described activities involving inter-agency cooperation. Most reported that they undertook thorough needs assessment prior to and within the framework of their projects in order to avoid overlap and ensure good coordination. At the same time, they clearly identified the need for better information exchange and improved coordination among bodies involved in the field, a situation that was attributed in part to insufficient knowledge about actions undertaken by other bodies.²⁸ In addition to the CEB recommendations on strengthening overall coordination within the United Nations system, entities gave examples and made a number of proposals on how to strengthen coordination and improve inter-agency cooperation. UNICRI suggested that bodies working to combat trafficking should improve dissemination of information and data exchange through regular meetings. ILO advocated the pooling of information and research methodologies to enhance the knowledge base and facilitate the design of targeted awareness-raising programmes and other direct interventions. ILO and UNESCO supported the idea of organizing joint training activities in each agency's field of competence. ILO also proposed such a mechanism for capacity-building activities. While many bodies had carried out research on different aspects of trafficking in persons, they identified a serious gap related to the need for more reliable data, in particular on the root causes of trafficking, and called for an improved and well-coordinated data management system.²⁹ IOM suggested that joint programmes to counter trafficking should be envisaged and that a worldwide coordination mechanism for such activities should be established by creating an inter-agency permanent working group on trafficking.

73. UNAIDS, UNFPA, OHCHR and UNICEF gave specific examples of existing mechanisms that could be used to improve the coordination of activities to counter trafficking. UNAIDS suggested that the United Nations country-level theme groups could offer an important mechanism for inter-agency work. UNFPA reported that, at the regional level, it was one of the 20 international bodies, including several entities of the United Nations system and a number of NGOs, that had gathered to tackle the problem of trafficking in the Mekong subregion collectively with the support of the United Nations Foundation. OHCHR had recently appointed a Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, whose task was to develop a work plan and to integrate inter-agency cooperation. UNICEF suggested using mechanisms already established by other bodies, such as the ILO Convention on the Worst Forms of Child Labour (see para. 64 above), which offered a practical mechanism for inter-agency initiatives.

74. From among the large group of NGOs supporting activities to combat trafficking, four reported on their activities. The American Society of Criminology indicated that it fostered academic research and scientific exchange on the issue of trafficking in persons among its members, many of whom were educators, researchers and government employees in the criminal justice sector. The International League for Human Rights underlined its readiness to partner with member States and grass-roots organizations working in the field of trafficking. The

National Council of German Women's Organizations and Pax Romana had participated in the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, continued to lobby for their implementation and supported related initiatives.

I. Lessons learned and new challenges

75. As stressed by many States, good coordination and the specialization of services handling issues of trafficking in persons were critical factors for success in prevention, protection and prosecution. National action plans and strategic plans provided a framework for action. Key elements in developing well-targeted and comprehensive measures included the establishment of special police teams or task forces, as well as coordination among a variety of actors. Involving a broad spectrum of agencies and civil society created an environment conducive to facilitating mutual exchange of information and expertise between various legal, police, social, education and rehabilitation institutions, NGOs and sometimes even representatives of the private sector. Compilations of best and promising practices helped to transfer knowledge and experience. NGOs were further identified as crucial partners in the fight against trafficking in persons. Respondents repeatedly acknowledged their role and importance in the implementation of measures to protect victims, raise awareness and prevent such crime.

76. The importance of NGOs was exemplified by Germany's multi-agency and multi-partner Working Group on Trafficking in Women and its role in information exchange and coordination, leading to a reduction in the number of overlapping activities.

77. Latvia's response indicated a measurable impact of the work of the State Police, the criminal justice system and other state and municipal institutions in the prevention of trafficking in persons, including children.

78. Making use of the measures provided for in the Organized Crime Convention had proved to be of great relevance for effective law enforcement and criminal justice action. In that context, several Member States³⁰ mentioned the confiscation and forfeiture of assets as specific means to more successfully address the economic aspects of trafficking in persons.

79. Several States reported on their experience with changing trafficking patterns. Some countries that initially had only been countries of origin or transit, had in turn become countries of destination. Others, such as Bosnia and Herzegovina, indicated that there were increasing indications of internal trafficking in women. It appeared that currently no procedure regulated assistance to local trafficking victims, which presented a new challenge and often required quick and off-the-cuff responses. It further underlined the need for close monitoring of the development of trafficking patterns and routes and for broad and comprehensive strategies and a readiness for countries and their respective services to adapt quickly to changing crime patterns.

III. Concluding remarks

80. The present report highlights that important steps have been taken by a number of Member States to combat trafficking in persons. It may be too early to judge the long-term impact and success of the measures taken, but information on promising and best practices is increasingly available. In that context, the Commission on Crime Prevention and Criminal Justice may wish to consider the issues mentioned below.

81. A considerable number of States have ratified or acceded to the Trafficking in Persons Protocol, many of which have adopted legislation translating their obligations under the Protocol into national law. In addition, regional organizations have followed up with regional instruments and action plans. Nevertheless, in a considerable number of States, implementing legislation is lacking or only certain aspects of the Protocol are being addressed. As more than half of Member States have not yet ratified the Protocol, the promotion of ratification continues to remain an important issue. The challenge for States parties to the Protocol will be to ensure effective fulfilment of its obligations at the national level, including the provisions concerning international cooperation. The work of UNODC in relation to the promotion of ratification and implementation of the Protocol, as well as the activities of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, are summarized in the report of the Secretary-General of 14 March 2005 on the United Nations Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2005/6).

82. Although there has been a significant increase in information on trafficking in persons in recent years, such information generally relates to individual cases or has been prepared for advocacy purposes. Reliability of data remains a major problem with most of the data sources. A lack of any systematic collection of data makes it hard to establish the magnitude of trafficking, whether on a national or a global scale. Joint efforts by Member States and international organizations will be required to address the issue.

83. Even with legislation in place, many Governments do not yet have the necessary knowledge or capacity to address trafficking in persons in its multidimensional aspects, in particular as it relates to the transnationality of such crimes. Only a limited number of Governments have adopted national action plans, created inter-agency coordination mechanisms or ombudspersons, addressed demand reduction or identified the role of all of the different departments concerned in countering trafficking crimes in a coordinated multidisciplinary way.

84. So far, only some national services have the necessary expertise and training to investigate and prosecute transnational crimes, including human trafficking, properly and convictions for such crimes are still rare. It is essential that the professional skills of police, border control, prosecutors and judges be developed or strengthened within this specific area. Moreover, there is a strong need for curriculum development, the preparation of training tools and training at the national, bilateral and international levels, the gathering and sharing of police intelligence and coordination of investigations and prosecutions, including in relation to issues such as asset forfeiture, extradition and mutual legal assistance.

85. In a number of countries, increased awareness of the seriousness of violations of the human rights victims of trafficking has led to the creation of victim protection and assistance schemes in line with the requirements of the Trafficking in Persons Protocol. As yet, most countries still have to establish proper victim protection schemes.

86. Effective responses to trafficking in persons will also need to address the root causes of such trafficking, such as poverty, gender inequalities, unemployment and other socio-economic factors, which were major issues highlighted by a number of respondents.

87. Coordination mechanisms and international cooperation are critical in counteracting the crime of trafficking in persons. Requests to all international bodies, including UNODC, for technical assistance are many and can be expected to increase further. Member States and international organizations will have to consider introducing measures to better coordinate the assistance provided so as to maximize limited resources. A large number of United Nations entities and international organizations, bilateral initiatives and NGOs within their respective mandates address different aspects of trafficking in persons. In line with the 2004 recommendations of CEB, inter-agency coordination, joint policy formulation and joint action are top priorities, at both senior and working levels at headquarters and in the field.

88. Apart from the need to secure proper funding for initiatives to combat trafficking in persons, the readiness of all actors concerned, countries of origin, transit and destination alike, to cooperate closely among themselves and with all relevant agencies and with civil society will be key to countering trafficking in persons more effectively in the future.

Notes

- ¹ Algeria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Croatia, Denmark, Egypt, Latvia, Lithuania, Mauritius, Mexico, Nigeria, the Philippines, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine and Venezuela.
- ² Algeria, Azerbaijan (reform of the Criminal Code was under way), Belarus (working on the drafting of a decree on some measures to counteract trafficking in persons), Belgium (legislation under way) and Mexico. While this was not reflected in the note verbale received in November 2003 from Japan, the Secretariat was made aware of the subsequent adoption of a National Action Plan by the Government of Japan.
- ³ Australia, Finland, Germany and the Syrian Arab Republic.
- ⁴ Australia, Austria, Cuba, Finland, Germany, Morocco, Pakistan, the Republic of Korea, Switzerland and Uzbekistan. Of these countries, Australia, Austria, Finland and Germany indicated specifically that the ratification process was under way.
- ⁵ On this issue, respondent Member States were Algeria, Finland, Latvia, Lithuania, the Philippines, Spain, Sweden, Turkey and Ukraine.
- ⁶ Where Member States indicated having a set of laws, the most common elements of the crime identified were incitement to debauchery; slavery and forced labour; procurement; purchase or sale of a child; gaining from the prostitution of another person; coercion into sexual intercourse; and abduction. In the majority of replies from Member States, Governments indicated that their focus was still on trafficking in women for the purpose of sexual exploitation and trafficking in children, although forced labour and removal of organs were also mentioned.

- ⁷ Less than half of the responses offered detailed information on the numbers of trafficking cases investigated and prosecuted. The figures provided did not make it possible to put the number of trafficking cases into perspective in the respective countries.
- ⁸ For example, Egypt reported that the official statistics of the Ministry of the Interior did not indicate any case involving the sale of children with the intention of exploiting them in prostitution or in pornography over the Internet, in sex tourism or in other child trafficking crimes. Official records in Mauritius showed that there were no reported cases of trafficking in persons.
- ⁹ Australia, Azerbaijan, Bosnia and Herzegovina, Croatia, Denmark, Finland, Lebanon, Lithuania, Mauritius, the Philippines, Slovakia, Slovenia, Sweden, Thailand, Turkey and Venezuela mentioned awareness-raising or educational campaigns in their replies.
- ¹⁰ Those States are Azerbaijan, Bosnia and Herzegovina (which had drafted a Rulebook on the Protection of Alien Victims of Trafficking), Croatia, Germany, Lithuania, Morocco, the Republic of Korea, Serbia and Montenegro, Slovakia, Spain, Sweden, Thailand and Venezuela.
- ¹¹ Examples include Australia, Azerbaijan, Bosnia and Herzegovina, Croatia, Denmark, Finland, Latvia, Lithuania, the Philippines, Serbia and Montenegro, Slovenia, Sweden, Thailand and Turkey.
- ¹² Cuba and Mauritius.
- ¹³ Bodies mentioned included OHCHR, UNODC, UNICEF, UNHCR, WHO, IOM, Interpol, OSCE, the European Union, the Council of Europe, the European Police Office, the International Centre for Migration Policy Development, the South-East European Cooperative Initiative, the Task Force on Trafficking in Human Beings of the Stability Pact for South-Eastern Europe, the European Institute for Crime Prevention and Control, affiliated with the United Nations, the Council of Baltic Sea States and the Bali Process.
- ¹⁴ United Nations, *Treaty Series*, vol. 96, No. 1342.
- ¹⁵ *Ibid.*, vol. 1577, No. 27531.
- ¹⁶ *Ibid.*, vol. 320, No. 4648.
- ¹⁷ *Ibid.*, vol. 2133, No. 37245.
- ¹⁸ *Ibid.*, vol. 213, No. 2889.
- ¹⁹ European Union, *Official Journal*, L 13/44.
- ²⁰ See CEB/2004/HLCP/I-S/CRP.3.
- ²¹ Replies were received from OHCHR, the Division for the Advancement of Women, UNODC, the Department of Peacekeeping Operations, UNCTAD, UNESCO, UNICRI, UNHCR, UNIFEM, UNFPA, UNAIDS, UNDP, ILO, UNICEF, WHO, IOM, ICAO and Interpol.
- ²² As a follow-up to the decisions of the CEB High-Level Committee on Programmes, specifically those on curbing transnational crime, eight interconnected areas for cross-sectoral joint work were identified: implementation of relevant international legal instruments; system-wide information collection, analysis and reporting; developing a preventive approach within the United Nations system; enhanced cooperation with identified external agencies; raising awareness of the United Nations system's response; promotion of best practices; inclusion in United Nations country-level interventions; and joint activities and projects (see CEB/2005/HLCP/IX/CRP.7, annex A).
- ²³ For the purpose of the present report, the analysis of the answers focused on measures to combat trafficking in persons undertaken by the organizations. A more extensive analysis of the role of the organizations can be found in the report to CEB (see CEB/2004/HCLP/VIII/CRP.4, annex B).

²⁴ UNODC, UNESCO, Interpol, UNAIDS, IOM, UNICRI, ILO, UNIFEM, UNICEF, UNHCR, OHCHR and UNDP described criminal justice responses to counter trafficking in persons.

²⁵ UNODC, UNAIDS, IOM, UNICRI, ILO, UNFPA, UNIFEM, UNICEF, UNHCR and UNDP reported on victim protection activities.

²⁶ UNODC, UNESCO, Interpol, UNAIDS, IOM, WHO, UNICRI, ILO, the Department of Peacekeeping Operations, UNFPA, UNIFEM, UNICEF, UNHCR and UNDP reported on prevention activities.

²⁷ UNHCR and UNIFEM.

²⁸ UNODC, ILO, UNICRI, IOM, UNAIDS, UNESCO and UNHCR.

²⁹ UNAIDS, IOM, UNICRI, ILO, OHCHR and UNDP.

³⁰ Belgium, Bosnia and Herzegovina, Croatia, Denmark, Germany, Latvia and Slovakia.