



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

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## Working Group on Trafficking in Persons

Vienna, 6-8 September 2017

### 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 Organized Crime Convention, was the principal legally binding global instrument to combat trafficking in persons. The Conference further decided to establish an open-ended interim working group on trafficking in persons. The previous sessions of this working group were held from 14 to 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 and from 16 to 18 November 2015.

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 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 United Nations Convention against Transnational Organized Crime and the Protocols thereto based on the recommendations contained in the report on the open-ended 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. Furthermore, in resolution 8/2, the Conference 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 are 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 next two years, with the assistance of the Secretariat, define a short, precise and focused self-assessment questionnaire.



## II. Recommendations

5. At its meeting held in Vienna from 6 to 8 September, the Working Group on Trafficking in Persons adopted the recommendations presented below.

### A. General recommendations

6. States parties should consider taking the following actions:
- Build capacity within the private sector to identify victims, including resourcing and delivery of training;
  - Work to gather as broad a variety of evidence as possible, not solely relying on victims' testimony;
  - Bear in mind that transfer to shelters should occur as soon as possible;
  - Provide victims with work visas and suitable employment options;
  - Where possible, consider the implication that media involvement, including the timing of exposure, may have on victims as well as investigations;
  - Recommends considering prolonging reflection periods, without prejudicing the rights of defendants;
  - Consider establishing national databases for information-sharing between government agencies on trafficking in persons cases, subject to privacy considerations;
  - Promote the exchange of information between prosecutors regarding human trafficking cases.

### B. Recommendations on effective criminal justice responses to trafficking in persons centred on addressing the protection and assistance needs of different groups and types of victims, with particular reference to victims of trafficking within mixed migration movements

7. States parties should consider taking the following actions:
- Provide support for victims which is independent of their immigration status, or whether victims are supporting a criminal investigation or prosecution;
  - Ensure that measures are in place to protect victims from prosecution and penalties, including deportation, where there is evidence to suggest a person is a victim of trafficking and was compelled to commit an offence as a consequence of their trafficking situation;
  - Ensure protection of victims in shelters is gender-specific, taking into account the differing vulnerabilities of women, men and children, as well as providing specialist treatment for mental health issues;
  - Consider victims who cooperate with traffickers to be victims, remaining aware of the influence that traffickers can continue to have throughout;
  - Ensure interpretation is available into languages victims can understand, including specific local dialects and sign language;
  - Promote cross-border provision of protection and assistance between countries of origin, transit and destination;
  - Consider further strengthening capacities of diplomatic and consular personnel to be able to recognize, and provide assistance to, victims of trafficking in persons;

- Ensure measures are in place for the proper coordination of assistance and protection opportunities available to victims, including throughout the criminal justice process, and that all relevant stakeholders receive proper training regarding these measures;
- Further develop informative material for the purposes of explaining to victims their rights, avenues for assistance, and how the criminal justice process operates, in accessible terms;
- Develop capacity to identify victims of trafficking in persons, in a timely manner, within mixed migration flows;
- Ensure victims have access to legal representation, free of charge if necessary.

### **III. Organization of the meeting**

#### **A. Opening of the meeting**

8. The seventh meeting of the Working Group on Trafficking in Persons was held in Vienna from 6 to 8 September 2017. Five meetings were held during the session.
9. 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.
10. At the opening of the session, statements were made by the representatives of the European Union and Japan.

#### **B. Statements**

11. Under agenda item 1(b) adoption of the agenda, Norway and Mexico made interventions.
12. A general introductory statement was made by the Secretariat under agenda item 3.
13. Under agenda item 2, with the Chair presiding, the discussion was led by the following panellists: Mr. Sid Ahmed Mourad (Algeria), Mrs. Darlene Pajarito (Philippines), Ms Miriam Heredia Zertuche (Mexico), Ms. Dina Dominitz (Israel), Ms. Pam Bowen (United Kingdom of Great Britain and Northern Ireland).
14. Under agenda item 2, statements were made by representatives of the following parties to the Trafficking in Persons Protocol: Dominican Republic, Ecuador, Italy, Nigeria, Norway, Portugal, Thailand [...].
15. The observers for the signatory States [...] made statements.
16. The following States that are not parties or signatories to the Trafficking in Persons Protocol made a statement: [...].
17. The Working Group also heard statements by the observer for the [...].

#### **C. Adoption of the agenda and organization of work**

18. At its first meeting, on 6 September 2017, the Working Group adopted by consensus the following agenda:
  1. Organizational matters:
    - (a) Opening of the meeting;
    - (b) Adoption of the agenda and organization of work.

2. Effective criminal justice responses to trafficking in persons centred on addressing the protection and assistance needs of different groups and types of victims, with particular reference to victims of trafficking within mixed migration movements.
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**

19. The following States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime were represented in the Working Group: Afghanistan, Algeria, Angola, Armenia, Australia, Austria, Azerbaijan, Bahamas, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Burkina Faso, Canada, Chile, China, Croatia, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, Gambia, Georgia, Germany, Greece, Guatemala, Hungary, India, Indonesia, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Madagascar, Malta, Mexico, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Sierra Leone, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) [...].

20. The European Union, a regional economic integration organization that is a party to the Trafficking in Persons Protocol, was represented at the meeting.

21. The following States signatories to the Trafficking in Persons Protocol were represented by observers: Czechia [...].

22. The following States that are not parties or signatories to the Trafficking in Persons Protocol were represented by observers: Côte d'Ivoire, Cuba, Pakistan, Yemen [...].

23. The Office of the United Nations High Commissioner for Human Rights was represented by an observer.

24. The following intergovernmental organizations were represented by observers: International Centre for Migration Policy Development (ICMPD), International Organization for Migration (IOM), Organization of American States, Parliamentary Assembly of the Mediterranean (PAM), The Organisation of Islamic Cooperation (OIC), The Organization for Security and Co-operation in Europe (OSCE) [...].

25. A list of participants is contained in document CTOC/COP/WG.4/2017/INF.1/Rev.1.

#### **E. Documentation**

26. The Working Group had before it the following:

(a) Annotated provisional agenda (CTOC/COP/WG.4/2017/1);

(b) Background paper prepared by the Secretariat on the effective criminal justice responses to trafficking in persons centred on addressing the protection and assistance needs of different groups and types of victims, with particular reference to victims of trafficking within mixed migration movements (CTOC/COP/WG.4/2017/2);

(c) Draft questionnaire prepared by the Secretariat for the review of the implementation of the Trafficking in Persons Protocol, in accordance with Conference resolution 8/2 (CTOC/COP/WG.4/2017/3).

#### **IV. Adoption of the report**

27. On 8 September 2017, the Working Group adopted the present report on its meeting.

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