



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

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Working Group on Trafficking in Persons

Vienna, 10–11 September 2020

Draft Report

Addendum

II. Recommendations (*continued*)

1. At its meeting held in Vienna from 10 to 11 September 2020, the Working Group on Trafficking in Persons adopted the recommendations presented below for consideration by the Conference.

A. General recommendations

Recommendation 1

States parties should establish and periodically review national frameworks, as well as implement policies aimed at protecting and assisting victims of trafficking in persons, including at the local level, by adopting a whole-of-government and whole-of-society approach.

Recommendation 2

States parties should ensure the proactive and timely identification of victims of trafficking in persons so as to allow the provision of the necessary protection and assistance, as well as the effective prosecution of the perpetrators of this crime.

Recommendation 3

States parties should consider providing for the availability of temporary residence permits for family members of victims of trafficking in persons.

Recommendation 4

States parties should cooperate to prevent and address the risk of retribution by traffickers against their victims by ensuring adequate protection of a victim of trafficking in persons and their family members, when such persons are in different countries.

Recommendation 5

States parties should strengthen partnerships with civil society organizations and other relevant stakeholders to support initiatives to build knowledge among



vulnerable populations of trafficking in persons as well as on the rights of trafficking victims.

Recommendation 6

States parties are encouraged to provide multi-agency and multidisciplinary training, including on organized crime, labour law and migration issues, for relevant stakeholders to improve national coordination and international cooperation in the global response to trafficking in persons.

Recommendation 7

States parties should strive to enhance international cooperation, including by simplifying mutual legal assistance processes in line with article 18 of the UNTOC, especially to facilitate the safe and preferably voluntary return of victims of trafficking in persons.

Recommendation 8

States parties should cooperate to identify and prosecute the full chain of perpetrators of trafficking in persons, especially the heads of criminal networks and members who have played a key role in the organization of the acts of trafficking, while striving to protect the rights and ensure the safety of victims.

Recommendation 9

States parties are encouraged to make enhanced use of international and regional police bodies, such as INTERPOL, with a specialized expertise on trafficking in persons, including with a view to facilitate the exchange of intelligence and information in the response to this crime.

Recommendation 10

States parties should cooperate in exchanging, in accordance with their domestic law, information on means and methods used by organized criminal groups for the purpose of trafficking in persons, including on the recruitment and transport of victims as well as on trafficking routes and connections between traffickers and other criminal groups.

Recommendation 11

States parties are encouraged to ensure the admissibility and use in court proceedings of digital evidence concerning trafficking in persons, in accordance with domestic law and their international obligations concerning human rights, privacy and due process.

B. Recommendations on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked.

Recommendation 12

States parties should consider a non-punishment principle, enshrined in domestic law, as an essential part of their commitment to protecting the human rights of victims of trafficking in persons.

Recommendation 13

States parties should provide, in line with their domestic law, that victims of trafficking in persons are not punished or prosecuted for acts that traffickers compelled them to commit, and encourage access to remedies if they are punished or prosecuted for such acts, such as assistance in clearing their criminal records through expungement or vacatur or shielding relevant records, and, accordingly, establish domestic laws, guidelines and policies that clearly espouse these principles.

Recommendation 14

States parties may consider the establishment of an international mechanism to support the development of common terminology, legal definitions and indicators for the identification of victims of trafficking in persons, including for the purpose of upholding the principle of non-punishment of victims of trafficking.

Recommendation 15

States parties should consider providing measures to safeguard victims of trafficking in persons, especially children, when any decision is made not to prosecute them.

Recommendation 16

States parties should provide support mechanisms for victims of trafficking in persons that encourage victims to leave their exploiters and provide them with the confidence to support prosecutions of traffickers.

Recommendation 17

States parties should ensure that investigators and prosecutors are trained to support effective implementation of the non-punishment principle, and in a trauma-informed approach to minimize retraumatization of victims of trafficking in persons and ensure an understanding of the impact of trauma on the individual victim to enable them to participate effectively in prosecutions of their perpetrators.

Recommendation 18

Further to implementation of the non-punishment principle, States parties should uphold the rights of victims of trafficking in persons by seeking to prevent revictimization, including through cooperation with civil society.

Recommendation 19

States parties should encourage relevant regional and international organizations to promote a victim-centred and trauma informed approach, including the proactive and timely identification of victims of trafficking in persons, and the non-penalization of these victims for unlawful acts that traffickers compelled them to commit.

Recommendation 20

States parties are encouraged to provide information on the implementation of the non-punishment principle, including their existing legislation, case law, the related challenges and good practices, for inclusion in the UNODC SHERLOC Database, to support the development of a global overview of the implementation of this principle and improve responses to victims of trafficking.

C. Recommendations on best practices in joint investigations and specialized prosecutions.

Recommendation 21

States parties should consider establishing dedicated prosecution units to consolidate and disseminate specialized anti-trafficking in persons expertise through partnering

with local prosecutors, and providing specialized and/or joint training for judges, prosecutors, and law enforcement.

Recommendation 22

State parties should strengthen their collaboration to more effectively combat trafficking in persons, and should consider going beyond formal mutual legal assistance agreements to develop coordinated trans-border information exchange, investigations and prosecutions.

Recommendation 23

States parties should promote specialized prosecution units, coordinated cross-border investigations, and regional collaboration, and consider exchange programmes for law enforcement officials to strengthen the effectiveness of criminal justice responses to trafficking in persons and share promising practices across jurisdictions.

Recommendation 24

States parties are encouraged to establish, whenever possible and relevant, joint investigation teams, including within the framework of existing international and regional coordination mechanisms, such as INTERPOL and Europol, in order to better respond to the crime of trafficking in persons and hold its perpetrators accountable.

Recommendation 25

States parties are encouraged to deploy specialized prosecutors with expertise in organized crime, international cooperation and victim vulnerabilities to work closely with investigators from the early stages of investigations, to provide direction and build strong prosecution cases.

Recommendation 26

States parties are encouraged to cooperate with United Nations entities and other relevant international organizations to facilitate international cooperation in the fight against trafficking in persons, in particular, to identify and address gaps in legislative frameworks that hamper effective, transnational cooperation in criminal matters, and to promote the harmonization of anti-trafficking in persons laws with a view to enabling the establishment of joint investigations.

IV. Organization of the meeting (*continued*)

B. Statements

2. With the Chair presiding, the discussion under item 3 was led by the following panellists: Ms. Bowen (United Kingdom), Mr. Nolan (United States).

3. Under agenda items 2 and 3, statements were made by representatives of the following parties to the Trafficking in Persons Protocol: Argentina, Australia, Bangladesh, Brazil, Egypt, France, Honduras, Indonesia, New Zealand, Singapore, Venezuela (Bolivarian Republic of).

4. The observer for the Islamic Republic of Iran also made a statement.

5. The Working Group also heard statements by the observers for the International Organization for Migration, INTERPOL, Mediterranean Parliamentary Assembly, United Nations Special Rapporteur on trafficking in persons, especially women and children.

D. Attendance

6. The following parties to the Trafficking in Persons Protocol were represented at the meeting: China, Iraq, Kenya, State of Palestine.
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