



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*)

A. General recommendations

Recommendation 1

States Parties should request UNODC, as needed, to provide technical assistance to facilitate international cooperation on trafficking in persons.

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

Recommendation 2

States Parties should ensure that prosecutors and law enforcement officials are appropriately trained on human rights and on victim-centred, gender- and age-sensitive and trauma-informed approaches when interacting with victims and survivors.

III. Summary of deliberations (*continued*)

1. Several speakers highlighted the importance of a victim-centred approach to upholding the rights of victims of trafficking in persons, and to avoid revictimization, including by applying the non-punishment principle.
2. One speaker noted the importance of ensuring the application of the non-punishment principle from an early stage of investigations and throughout the entire criminal proceeding, with special protection measures put in place for victims. Others highlighted the importance of removing obstacles to the pursuit of civil remedies by victims.
3. At its 2nd and 3rd meeting, on 10 and 11 September 2020, the Working Group considered agenda item 3, entitled “Best practices in joint investigations and specialized prosecutions”, and agenda item 4, entitled “Other matters”.
4. With the Chair presiding, the discussion under agenda item 3 was led by the following panellists: Pam Bowen, Senior Policy Advisor, Crown Prosecution Service (United Kingdom), on behalf of the Group of Western European and other States, William Nolan, Special Litigation Counsel, Human Trafficking Prosecutions Unit,



Civil Rights Division, United States Department of Justice (United States), on behalf of the Group of Western European and other States, and Carina Sánchez Fernández, Specialized Unit in the Fight against Trafficking in Persons and Sexual Exploitation of Boys, Girls and Adolescents (Paraguay), on behalf of the Group of Latin American and Caribbean States.

5. Ms. Sánchez Fernández described examples of cooperation in criminal matters to counter trafficking in persons between Paraguay and a number of countries, including Spain and France, which led, throughout the years, to carrying out joint operations leading to sentencing of several traffickers and the rescuing of victims of the crime. More recently, Paraguay established a joint operation with Brazil, from which Ms. Sánchez Fernández was able to highlight both some of the challenges and critical lessons learned. Language barriers, and a lack of formalized agreements posed challenges in the operations, as well as differences in criminal procedural codes. She described how challenges could be overcome, in particular through the enhancement of bilateral contacts amongst law enforcement and criminal justice agencies of both countries, also through the Southern Common Market (MERCOSUR) framework to facilitate bilateral cooperation, as well as the Ibero-American network of specialized prosecutors on trafficking in persons and smuggling of migrants (REDTRAM), which led to the establishment of points of contact and joint research teams at the regional level and amongst practitioners to advance cooperation and expedite anti-trafficking operations. In conclusion, Ms. Sánchez Fernández stressed the importance of facilitating the establishment of joint investigative teams by building adequate legislative instruments to enable such critical cooperation.

6. In the discussion under agenda item 3 that followed, many speakers outlined the effectiveness of law enforcement cooperation in responding to trafficking in persons to address the transnational nature of the crime. Several speakers highlighted the need for a victim-centred and human-rights based approach in protecting identified victims. One speaker mentioned the importance of reducing reliability and dependency of investigations on the victim's testimony, and instead focusing on building a case through the elements surrounding the victim. Other speakers stressed the need for specialized prosecution units/teams, highlighting the importance for teams of law enforcement officers and prosecutors to be multi-jurisdictional and, above all, multi-disciplinary in order to involve all relevant units and experts, including cyber experts to address the multifaceted nature of the crime. Other speakers added the importance of including financial investigators in joint prosecution units. Speakers also elaborated on the impact of the COVID-19 pandemic on the conduct of investigation and trans-border prosecutions, highlighting how the crisis slowed progress with the closure of borders. Other speakers noted, as a result of the pandemic, the increase in domestic trafficking and the rapid adaptation of perpetrators to new means of exploitation. The most significant impact was in the delay in court trials, which generated a significant backlog of cases, in some instances estimated at three years, with consequent difficulties in maintaining the engagement of victims along the process. Others have noted the challenges experienced in conducting cross-border investigations due to limitations in funding.

IV. Organization of the meeting (*continued*)

B. Statements

7. With the Chair presiding, the discussion under item 3 was led by the following panellists: Ms. Sánchez Fernández (Paraguay).

8. Under agenda items 2 and 3, statements were made by representatives of the following parties to the Trafficking in Persons Protocol: Chile, China, Guatemala, Iraq, Kyrgyzstan, South Africa, Tunisia.

9. The Working Group also heard statements by the observers for the Organization of Security and Cooperation in Europe (OSCE).