



Twelfth United Nations Congress on Crime Prevention and Criminal Justice

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Addendum

Consideration of agenda items in plenary meetings and by sessional bodies and action taken by the Congress

Agenda item 6. Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime; and Agenda item 10. Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families

Proceedings

1. At its 2nd, 8th, 9th and 10th plenary meetings, on 12, 15 and 16 April 2010, the Congress considered agenda item 6, entitled “Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime”, and agenda item 10, entitled “Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families”. For its consideration of the items, the Congress had before it the following documents:

(a) Working paper prepared by the Secretariat on criminal justice responses to the smuggling of migrants and trafficking in persons: links to transnational organized crime (A/CONF.213/7);

(b) Working paper prepared by the Secretariat on crime prevention and criminal justice responses to violence against migrants, migrant workers and their families (A/CONF.213/11);

(c) Discussion guide (A/CONF.213/PM.1);



(d) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

2. At the 7th plenary meeting, on 15 April 2010, the President of the Congress introduced the agenda items. Statements were made by the representatives of Slovakia, Bolivia (Plurinational State of), Chile, Japan, Switzerland, Saudi Arabia, Portugal, Norway, Germany, Finland, Indonesia, India, Oman, Canada and Viet Nam.

3. At the 8th plenary meeting, on 15 April 2010, statements were made by the representatives of Mexico, Algeria, the United Arab Emirates, France, China, Brazil, Morocco, Greece, Argentina, the Philippines, the Russian Federation, Thailand, the Republic of Korea, Colombia, the United States of America, the Dominican Republic and Lesotho.

4. At the 9th plenary meeting, on 16 April 2010, statements were made by the representatives of Australia, Romania, Cuba, South Africa, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Senegal and Brazil. Statements were also made by the observers for the International Organization for Migration, the League of Arab States, the Japan Federation of Bar Associations and the Global Alliance against Traffic in Women.

General discussion (item 6)

5. A representative of the Secretariat made an introductory statement reviewing the key issues outlined in the documents that had been prepared on agenda items 6 and 10.

6. A number of speakers pointed out that trafficking in persons and the smuggling of migrants were serious forms of organized crime, equally affecting countries of origin, transit and destination. Accordingly, a concerted approach balancing criminal justice with human rights was required.

7. Several representatives reported on measures taken in their countries to combat trafficking in persons and the smuggling of migrants, including ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime; and the adoption of legislation to prevent those crimes more effectively, protect the victims of trafficking in persons and the rights of smuggled migrants and prosecute offenders.

8. Other speakers informed the Congress of the adoption of national strategies, programmes and policies; the establishment of national mechanisms or coordinators; the establishment of specialized units; and the development of bilateral and regional frameworks and agreements. Several speakers noted that support mechanisms had been introduced in their countries to assist victims of trafficking in persons, ensure the rights of smuggled migrants and raise public awareness. Some speakers added that a comprehensive response to trafficking in persons should also address the demand side of trafficking in all its forms. Several speakers informed the Congress of measures responding to the needs of victims of trafficking and taking into consideration the rights of smuggled migrants. Among

those measures were to receive, where appropriate, repatriate, and reintegrate victims of trafficking and smuggled migrants, making sure that in the process the victims of trafficking were neither revictimized nor retrafficked. Some speakers highlighted the importance of seizing and recovering assets to provide support to those victims.

9. Several representatives emphasized the need to strengthen the coordination of efforts within States, as well as at the regional and international levels and with all relevant stakeholders. Some speakers specifically highlighted the need for increased cooperation in the areas of information exchange, witness protection programmes, repatriation procedures, and monitoring and follow-up of assistance for victims of trafficking. One representative encouraged the exchange of good practices on the implementation of the provisions of the Trafficking in Persons Protocol, in particular the provisions on the question of consent and on the reduction of demand.

10. Some speakers recognized that success in combating trafficking in persons and the smuggling of migrants depended on cooperation to prevent traffickers from escaping prosecution. Cooperation was required in the areas of mutual legal assistance, joint investigations and exchange of intelligence. For this purpose, specific measures were identified, such as greater adherence to bilateral and multilateral cooperation agreements; the harmonization of definitions of crimes in national legislation; encouragement of information-sharing at all levels; increased cooperation with police and judicial authorities, including in the freezing and confiscation of criminal proceeds; and increased training in special investigative techniques and the investigation and prosecution of ancillary crimes.

11. Speakers emphasized the importance of awareness-raising activities, the need to provide technical assistance through specialized training and exchange of good practices and the need to carry out targeted research and gather data on those crimes in order to develop knowledge-based responses.

12. Some speakers draw attention to new trends in crime, such as the use of the Internet by offenders; trafficking in organs, tissues and cells; links to organized crime; and specific links with the illegal fishing industry.

13. Some representatives proposed that the Trafficking in Persons Protocol be revised to bring it more in line with today's reality. One speaker suggested the development of a new international legal instrument on money-laundering, while another supported the development of a global plan of action on trafficking in persons. Other speakers, however, believed that existing international conventions and standards addressed the problems sufficiently. Some representatives stated that the Trafficking in Persons Protocol provided a road map for a comprehensive fight against trafficking in persons.

14. Speakers highlighted the role of UNODC and other international organizations. It was recommended that UNODC continue to report effectively on trends and patterns in trafficking in persons, especially new trends. Others made positive reference to the collaborative efforts of their Governments with UNODC.

15. Several speakers expressed support for the development of a mechanism to review the implementation of the Organized Crime Convention and its Protocols, thus assisting States in improving their criminal justice responses and ensuring that human rights were upheld.

General discussion (item 10)

16. Speakers stressed the need for the international community to collectively address crime prevention and criminal justice responses to violence against migrants, migrant workers and their families, especially in view of increasing globalization and mobility. Several speakers shed light on the different types of vulnerability, discrimination and forms of violence faced by migrants, migrant workers and their families, in particular by women and children, as well as the difficulties encountered in seeking to overcome those problems. Numerous speakers urged States to uphold the human rights of those individuals and provide them with the necessary safeguards.

17. Speakers reported on national, bilateral and regional efforts and initiatives to reduce the risks faced by migrants, migrant workers and their families. Several speakers reported that their Governments' public agencies, directly or through civil society and non-governmental organizations, were providing counselling, legal services and, where possible, education and health services. One speaker referred to labour mobility partnerships, which had facilitated legal migration in response to the market demands of other countries, while another speaker reflected positively upon the national migration management framework established for migrant workers abroad. Special reference was made to stateless people and their plight, as well as marriage migrants, whose human rights were to be carefully considered, particularly in the context of domestic violence.

18. Speakers acknowledged the need to develop a more accurate and effective response to violence against migrants, migrant workers and their families. Various proposals were mentioned, including empowerment such as through access to information, effective legal aid and assistance, as well as a complaints and witness protection system, education and training; and measures to be taken by States, such as the provision of health-care facilities, capacity-building and the training of public officials, a process of identification and registration, and positive awareness-raising.

Conclusions

19. A number of conclusions were reached for agenda items 6 and 10:

(a) It was important to have a comprehensive and multidisciplinary approach to trafficking in persons and the smuggling of migrants, as well as to violence against migrants, migrant workers and their families, balancing aspects of criminal justice response with human rights considerations;

(b) There was a need for increased cooperation between Member States, international, regional and non-governmental organizations and other stakeholders, such as the media or the private sector; cooperation with non-governmental organizations was important;

(c) There was a need to take into account the particular vulnerability of women and children;

(d) The current efforts towards the development of a mechanism to review the implementation of the Organized Crime Convention and its Protocols were important;

(e) There was a need for UNODC, in cooperation with relevant partners, to play a role in collecting and disseminating data and information on the root causes of violence against migrants, migrant workers and their families, and on patterns of migration;

(f) It was important that UNODC, in cooperation with relevant stakeholders, continue its technical assistance work in the area of combating trafficking in persons and the smuggling of migrants.
