

Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols Thereto
Sixth session (15-19 October 2012)

Agenda item 2(b): Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Trafficking in Persons Protocol

17 October 2012

Thank you Madame Chair,

The Global Alliance Against Traffic in Women, the World Society of Victimology, the International Commission of Catholic Prison Pastoral Care, the Academic Council on the United Nations System and the Vienna Alliance of NGOs welcome this opportunity to discuss the implementation of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

States do not and cannot work alone to end human trafficking, a situation that was recognised by the negotiators of the UN Trafficking Protocol. Non-governmental organisations (NGOs) and other elements of civil society are named as actors in the Protocol.¹ As a recognised part of the anti-trafficking response, these non-State actors – whose roles range from direct service providers for survivors of trafficking to facilitators of multi-stakeholder initiatives – must also be meaningfully included in the process to review the implementation of the Protocol. This is not about “naming and shaming” States. This is about accountability. Accountability of all the actors named in the Trafficking Protocol and of all actors who are in receipt of funds to deliver benefits to survivors of trafficking. This is a call to ensure we have the opportunity to identify good practices and challenges from whichever stakeholder they come from. This is about improving the efficacy of anti-trafficking initiatives.

The need for international cooperation in fulfilling our collective duties has been recognised by States. We respectfully remind States that at the 19th session of the UN Commission on Crime Prevention and Criminal Justice in Vienna in May 2010 they adopted a resolution that made explicit the vital role of civil society in “*effectively countering the threat of trafficking in persons*”:

Recognizing also that broad international cooperation between Member States and relevant intergovernmental and non-governmental organizations is essential for effectively countering the threat of trafficking in persons and other contemporary forms of slavery,²

¹ Specifically, Articles 6(3): Assistance to and protection of victims of trafficking in persons; 9(3): Prevention of trafficking in persons, and 10(2): Information exchange and training.

² Resolution 19/4, *Measures for achieving progress on the issue of trafficking in persons, pursuant to the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World*, E/CN.15/2010/L.12/Rev.1, 21 May 2010, para.17, http://www.unodc.org/documents/commissions/CCPCJ_session19/Draft_report/E2010_30eV1054137.pdf, retrieved 13 February 2012

This confirmation was reiterated in the same year, at the 12th UN Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil.³ The Salvador Declaration clearly recognises the importance of civil society participation in crime prevention efforts and specifically, in the work to end human trafficking.⁴ In particular:

Paragraph 33. We recognize that the development and adoption of crime prevention policies and their monitoring and evaluation are the responsibility of States. We believe that such efforts should be based on a participatory, collaborative and integrated approach that includes all relevant stakeholders including those from civil society.

Madame Chair,

In 2010, the Global Alliance Against Traffic in Women (GAATW) published the report *Feeling Good about Feeling Bad: A Global Review of Evaluation in Anti-Trafficking Initiatives* in which we found that anti-trafficking responses are not sufficiently evaluated across the board.⁵ Critically this research demonstrated that evaluations of anti-trafficking responses almost universally fail to include trafficked persons' and affected groups' as stakeholders in their impact analysis. There are myriad reasons for this gap, including: failure to offer meaningful spaces for policy engagement; top down rather than bottom up anti-trafficking programming and evaluation; and protectionist policy responses to trafficking. We urges States not to repeat this omission in the terms of reference for the review mechanism.

The inclusion of evidence from survivors of trafficking is not just a call made by NGOs. A decade ago, the UN recognised, in the UN High Commissioner for Human Rights' *Recommended Principles and Guidelines on Human Rights and Human Trafficking*,

³ *Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World*. Adopted at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, 12–19 April 2010, Salvador, Brazil. Available at http://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/Salvador_Declaration/Salvador_Declaration_E.pdf, retrieved 13 February 2012.

⁴ Also, paragraphs 31, 36 and 43:

Paragraph 31. We call on civil society, including the media, to support the efforts to protect children and youth from exposure to content that may exacerbate violence and crime, particularly content depicting and glorifying acts of violence against women and children.

Paragraph 36. We urge Member States to consider adopting legislation, strategies and policies for the prevention of trafficking in persons, the prosecution of offenders and the protection of victims of trafficking, consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. We call on Member States, where applicable, in cooperation with civil society and non-governmental organizations, to follow a victim-centred approach with full respect for the human rights of the victims of trafficking, and to make better use of the tools developed by the United Nations Office on Drugs and Crime.

Paragraph 43. We endeavour to take measures to promote wider education and awareness of the United Nations standards and norms in crime prevention and criminal justice to ensure a culture of respect for the rule of law. In this regard, we recognize the role of civil society and the media in cooperating with States in these efforts. We invite the United Nations Office on Drugs and Crime to continue to play a key role in the development and implementation of measures to promote and develop such a culture, in close coordination with other relevant United Nations entities.

⁵ Available at

http://www.gaatw.org/publications/GAATW_Global_Review.FeelingGood.AboutFeelingBad.pdf

...the important contribution that survivors of trafficking can, on a strictly voluntary basis, make to developing and implementing anti-trafficking interventions and evaluating their impact.⁶

The first of those principles and guidelines addresses the primacy of human rights and specifically declares that:

The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.⁷

This must hold true for the review mechanism if it is truly to benefit the survivors of trafficking.

And this call for a victim-centred approach does not come solely from the UN's human rights bodies. At the 5th Conference of Parties to the UNTOC, in 2010, States adopted a resolution which:

Encourages States to consider: Integrating a victim-centred approach into their national responses to combating trafficking in persons, with full respect for the human rights of victims of such trafficking;⁸

As the Special Rapporteur on trafficking in persons reminded us yesterday – trafficking cannot be tackled by a single stakeholder. To find solutions we need a multi-stakeholder review mechanism.

It would be harmful to our work to end trafficking in persons and contradictory to UN principles and practice, and to the objectives and guiding principles of this new process, to exclude civil society from participating fully in the review mechanism. Finally, if the review mechanism is aiming to identify best practices in the efforts to end trafficking in persons, it needs to listen to and learn from those who are impacted the most by anti-trafficking initiatives – that is, the intended beneficiaries, the survivors of trafficking – it needs to ask the experts.

Thank you Madam Chair.

⁶ *Recommended Principles and Guidelines on Human Rights and Human Trafficking, Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council*, UN document E/2002/68/Add.1, 20 May 2002, Guideline 3, para.6

⁷ *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Principle 1.

⁸ Resolution 5/2: *Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, para.8(a), adopted at the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, fifth session, held in Vienna from 18 to 22 October 2010, CTOC/COP/2010/17, 2 December 2010.