



Contribution to UNAFEI 172nd International Training Course, “Criminal Justice Responses to Trafficking in Persons and Smuggling of Migrants”.

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UNODC Session 2:

International Framework: Trafficking in persons and smuggling of migrants

Description:

On 13 May 2019, Palau acceded to the United Nations *Convention against Transnational Organized Crime (UNTOC)*, bringing the number of states parties to 190, and raising the high probability that this international treaty will soon achieve universal ratification within only two decades of existence. This significant milestone for the Convention and its protocols on human trafficking and migrant smuggling is in step with the increasing focus the multilateral community places on these issues. The past three years alone have seen the adoption of the *2030 Agenda for Sustainable Development* with three of its 17 Sustainable Development Goals (SDGs) explicitly targeting human trafficking, the *Security Council* adopting its first-ever resolutions on trafficking in persons, the adoption of the *Global Compact for Safe, Orderly and Regular Migration*, with two of its 21 objectives addressing trafficking in persons and smuggling of migrants, and *CEDAW* preparing its first-ever *general recommendation* on trafficking in women and girls.

Implementation of this widely-accepted international framework, however, remains at best uneven. In October, 2020, a review mechanism under the Conference of Parties to UNTOC will become operational, starting a process by which the implementation of all States parties of the Convention and its Protocols will be reviewed and reported on in little over a decade.

Human trafficking and migrant smuggling are complex crimes which national policy-makers and practitioners, globally, find challenging, with the development of the needed knowledge and expertise taking significant time and resources. Issues such as challenging legal concepts present hurdles not only for national actors, but to the possibility of cooperation between counterparts in different jurisdictions.

This session introduces key components of the existing international legal and policy frameworks addressing human trafficking and migrant smuggling, highlights select implementation challenges, as well as recent international developments regarding legal and policy frameworks and practice. This is done with a view to fostering discussion on the challenges, innovations and promising practices taken in national responses to both crimes.

Objectives:

Participants will be briefed on and discuss national responses to:

- The United Nations Convention against Transnational Organized Crime (UNTOC), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (TIP Protocol), and the Protocol against the Smuggling of Migrants by Land, Sea and Air (SOM Protocol);
- common implementation challenges globally, including:
 - legal concepts;
 - criminal justice capacity;

- awareness-raising;
- identification and referral;
- protection and assistance; and
- cooperation and coordination
- Recent developments regarding the international legal and policy framework and global practice

Participants will be encouraged to share and discuss characteristics and details of trafficking and smuggling frameworks and responses as they occur in their own local setting.

Agenda:

- UNODC presentation – UNTOC and the Protocols;
- Discussion – Legal and other frameworks at national and regional levels;
- UNODC presentation – Implementation challenges and recent international developments;
- Discussion – responses at the local, national and regional levels.

Key resource material:

- UNTOC, TIP Protocol and SOM Protocol
- UNODC Legislative Guides – UNTOC (2015); TIP Protocol (coming 2019); SOM Protocol (2004)
- Model Law against Trafficking in Persons, UNODC, late 2019
- Model Law against the Smuggling of Migrants, UNODC, October 2010
- International Framework for Action to Implement the Smuggling of Migrants Protocol, UNODC 2011
- International Framework for Action to Implement the Trafficking in Persons Protocol, UNODC, 2010
- UNODC’s Sherlock knowledge management portal, including the Human Trafficking and Smuggling of Migrants Case Law Databases.
- Case Digest - Evidential Issues in Trafficking in Persons Cases, UNODC, 2017

For other practitioner-oriented material, please see the ***Catalogue of Materials*** of UNODC’s Global Programmes against Trafficking in Persons & Smuggling of Migrants at (please note more than 80 specialised materials, in multiple languages, are hyperlinked through this document):

- https://www.unodc.org/documents/human-trafficking/2019/UNODC_Catalogue_of_Materials_May_2019.pdf

Post-session checklist:

- What is the ratification status of these three international instruments in your country?
- Does your country’s legal framework address all elements of the crimes of trafficking in persons and smuggling of migrants as set forth in the UN Protocols?
- Does your country’s legal framework address areas relevant to:
 - the prevention and prosecution of these crimes;
 - the protection and assistance of victims of trafficking and smuggled migrants; and;
 - the cooperation with other jurisdictions?
- Are you aware of the multilateral objectives, targets, commitments and/or obligations related to trafficking in persons and smuggling of migrants contained within:
 - General Assembly’s Global Plan of Action to Combat Trafficking in Persons;
 - Sustainable Development Goals of the 2030 Agenda;
 - Security Council resolutions 2331 and 2388; and
 - Global Compact for Safe, Orderly and Regular Migration?