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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

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Item 3 of the provisional agenda*

**Finalization and approval of the additional international legal instrument
against trafficking in persons, especially women and children**

Proposals and contributions received from Governments

India: amendments to article 3, 5 and 7 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Article 3: Obligation to criminalize

Paragraph 2

1. Amend paragraph 2 (a) to read as follows:

“(a) Committing or attempting to commit an offence set forth in article 2 *bis* of this Protocol; and”

2. This amendment would make article 3 more comprehensive, enabling it to cover not only persons “attempting” to commit an offence set forth in article 2 *bis* but also persons actually committing the offence.

Paragraph 3

3. Amend paragraph 3 to read as follows:

“3. The knowledge, intent or purpose required to commit an offence set forth in article 2 *bis* of this Protocol or in paragraph 2 of this article may be inferred from objective factual circumstances.”

4. This amendment would make article 3 more comprehensive, enabling it to cover the offences defined in article 2 *bis*, including “trafficking in persons,” as well as the offences set forth in paragraph 2 of article 3.

* A/AC.254/35.

Article 5: Status of the victim in the receiving State

Paragraph 1

5. In paragraph 1, replace the words “, temporarily or permanently,” with the word “temporarily”, so that no avenues are created for illegal migration.

Article 7: Information and training measures for law enforcement

Paragraph 1

6. Paragraph 1 (c) should be amended to read as follows:
“ (c) The methods and means used by organized criminal groups and individuals for trafficking in persons, ...”
 7. Even an individual working alone and not necessarily as part of an organized criminal group should be covered by this clause.
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