



# Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: General  
22 August 2006

Original: English

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Second session  
Vienna, 10-21 October 2005  
Agenda item 6  
**Technical assistance activities**

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**Working paper prepared by the Secretariat**

**Addendum**

## **Annex I**

### **Summary of technical assistance activities relevant to the United Nations Convention against Transnational Organized Crime and the Protocols thereto by international entities**

#### **C. Legal technical assistance carried out by members of the Inter- Departmental Group to Implement the Action Plan “An Era of Application of International Law”**

##### **6. Office of the United Nations High Commissioner for Refugees**

1. Despite the lack of a direct mandate with respect to trafficking in persons and smuggling of migrants, the protection mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) deriving from the Statute of the Office of the United Nations High Commissioner for Refugees (General Assembly resolution 428 (V), annex), as further elaborated particularly in the 1951 Convention relating to the Status of Refugees<sup>a</sup> and the 1967 Protocol relating to the Status of Refugees,<sup>b</sup> extends to both trafficking and smuggling in so far as the victims of those crimes are persons in need of international protection.

2. For example, the Agenda for Protection (A/AC.96/965/Add.1) includes the following concrete suggestions relevant to the instruments:



(a) States to consider acceding to the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air (General Assembly resolution 55/25, annex III) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Assembly resolution 55/25, annex II);

(b) States to ensure that their own asylum processes are open to receiving claims from individual trafficked persons, especially women and girls who can base their claim to asylum on grounds which are not manifestly unfounded;

(c) States to publicize penalties for those engaged in smuggling of and trafficking in people;

(d) UNHCR to explore the convening of a meeting of experts focusing on the protection needs of trafficked children.

3. UNHCR activities relevant to the implementation of the Trafficking in Persons Protocol and the Migrants Protocols include, but are not limited to, the following:

(a) *Prevention:*

(i) Information campaigns to raise awareness among refugees of the risks of irregular migration, including trafficking and smuggling;

(ii) Efforts to improve the quality of protection in first countries of asylum as a means of reducing the pull factors that drive onward secondary movement, which is often characterized by trafficking and smuggling;

(iii) Support to research projects of direct relevance to trafficking and smuggling in the refugee setting;

(b) *Victim protection and assistance:*

(i) Advocacy with States to ensure access of trafficked and smuggled persons to refugee status determination procedures;

(ii) Involvement in referral and support mechanisms designed to respond to the protection and assistance needs of victims;

(c) *Criminal justice responses:*

(i) Training for UNHCR staff on trafficking and smuggling issues in the context of the UNHCR mandate on refugee protection;

(ii) Contribution to external training to ensure that refugee protection concerns are given sufficient importance in the context of criminal justice responses to combat trafficking and smuggling.

4. Emphasizing the importance of coordination and cooperation among stakeholders, UNHCR also reported its active participation in the Intergovernmental Organization Contact Group on Human Trafficking and Migrant Smuggling, as well as its leading role in the Global Migration Group.

#### *Notes*

<sup>a</sup> United Nations, *Treaty Series*, vol. 189, No. 2545.

<sup>b</sup> *Ibid.*, vol. 606, No. 8791.