



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

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Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

Australia, Belarus, Brazil, Canada, European Union*, France, Honduras, Kyrgyzstan and United States of America: revised draft resolution

Effective 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

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

Recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,¹ pursuant to which the Conference was established to improve the capacity of States parties to promote and review the implementation of the Convention, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,²

Recalling also its decision 4/4 of 17 October 2008 and its resolution 5/2 of 22 October 2010, recalling further General Assembly resolutions 61/144 of 19 December 2006, 61/180 of 20 December 2006, 63/194 of 18 December 2008, 64/178 of 18 December 2009, 67/190 of 20 December 2012, 68/192 of 18 December 2013, 70/179 of 17 December 2015, 71/167 of 19 December 2016, 72/1 of 27 September 2017, 72/195 of 19 December 2017, 73/189 of 17 December 2018 and 74/176 of 18 December 2019, Commission on Crime Prevention and Criminal Justice resolutions 20/3 of 15 April 2011, 23/2 of 16 May 2014, 25/1 of 27 May 2016 and 27/2, 27/3 and 27/4 of 18 May 2018, Economic and Social Council resolutions 2013/41 of 25 July 2013, 2015/23 of 21 July 2015 and 2017/18 of 6 July 2017,³ and having considered the reports of the Secretariat concerning efforts to prevent and

* Also on behalf of the States members of the European Union.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² Ibid., vol. 2237, No. 39574.

³ Taking note of the pertinent provisions of Security Council resolutions 2331 (2016), 2368 (2017), 2388 (2017) and 2482 (2019).



combat trafficking in persons and the reports submitted by the Chair of the Working Group on Trafficking in Persons on the activities of the Working Group,

Welcoming the twentieth anniversary of the adoption of the Organized Crime Convention and the Trafficking in Persons Protocol, which provides an opportunity to reflect on our progress and focus on gaps and implementation challenges that need to be addressed,

Bearing in mind that the Trafficking in Persons Protocol, which enjoys near universal ratification, with 178 parties at present, includes the first internationally agreed definition of trafficking in persons, and provides a comprehensive framework to prevent and combat trafficking in persons, protect and assist the victims and promote cooperation,

Highlighting the impact of the Protocol over the last 20 years on anti-trafficking efforts within the United Nations system, including the establishment of the Special Rapporteur on trafficking in persons, especially women and children, and the Global Programme against Trafficking in Persons of the United Nations Office on Drugs and Crime, the United Nations Global Plan of Action to Combat Trafficking in Persons, the Inter-Agency Coordination Group against Trafficking in Persons and the Blue Heart Campaign,

Recalling article 6, paragraph 1, of the Protocol, on the protection of the privacy and identity of victims of trafficking in persons, without prejudice to relevant national laws or bilateral and multilateral agreements that include provisions on the protection of personal data,

Highlighting the role of the Protocol in inspiring anti-trafficking treaties and action plans, such as those of the Association of Southeast Asian Nations, the Economic Community of West African States, the Economic Community of Central African States, the Council of Europe, the Organization of American States, the Organization for Security and Cooperation in Europe, the Commonwealth of Independent States, the European Union and many others, which have enhanced information exchange, technical assistance and public-private partnerships,

Acknowledging with appreciation the central role and work of the United Nations Office on Drugs and Crime in its tireless efforts to promote the effective implementation of the Convention and the Protocol through its Global Programme against Trafficking in Persons, the development of tools, issue papers and training materials, its *Global Report on Trafficking in Persons* and the impact of the *Global Report* on improving the global understanding of the nature, scope and impact of trafficking in persons, its coordination support to the Secretary-General, the Inter-Agency Coordination Group against Trafficking in Persons and the United Nations Voluntary Trust Fund for Victims of Human Trafficking, and its Blue Heart Campaign against Human Trafficking, aimed at fostering greater public awareness of trafficking in persons,

Taking note with appreciation of the issue papers published by the Office containing analysis of the key concepts of the definition of trafficking in persons provided in the Protocol, including abuse of a position of vulnerability, consent and exploitation, which have enhanced the understanding of Member States and informed the recent revisions of the *Model Law against Trafficking in Persons*⁴ and the *Legislative Guide for the 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*,

Recognizing the role and mandates of United Nations Office on Drugs and Crime in preventing and countering trafficking in persons, including in the light of the progress made towards the implementation of the Mechanism for the Review of the

⁴ United Nations publication, Sales No. E.09.V.11.

Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Recalling General Assembly resolution [64/293](#) of 30 July 2010, and the United Nations Global Plan of Action to Combat Trafficking in Persons annexed to that resolution, noting its six objectives, and expressing its view that the Global Plan of Action will promote increased ratification and implementation of the Trafficking in Persons Protocol, and taking note with appreciation of the appraisal of the Global Plan of Action by the General Assembly in 2013 and 2017, and looking forward to the next appraisal, in 2021,

Recalling also that the United Nations Global Plan of Action institutionalized the Inter-Agency Coordination Group and the *Global Report on Trafficking in Persons*, and established the United Nations voluntary trust fund for victims of trafficking in persons, especially women and children,

Taking note of the 2018 *Global Report on Trafficking in Persons*, which found, inter alia, a continued global challenge in holding accountable the perpetrators of the crime, despite progress achieved in other anti-trafficking efforts,

Recognizing the contributions of the Inter-Agency Coordination Group in fostering coordination and cooperation in efforts to prevent and combat trafficking in persons, within the existing mandates of its United Nations and regional organization members and partners, as well as the development of various issue papers on current topics having an impact on global anti-trafficking efforts, and encouraging further engagement on the part of regional organizations in relation to joining and co-chairing the Inter-Agency Coordination Group,

Reaffirming that one of the main purposes of the Conference is to improve the capacity of States parties to prevent and combat trafficking in persons, welcoming the forthcoming launch of the Implementation Review Mechanism, noting with appreciation the efforts of the Working Group on Trafficking in Persons, as well as the Working Group on International Cooperation, the Working Group on Technical Assistance, the Working Group on the Smuggling of Migrants and the Working Group on Firearms, to provide the benefits of their expertise to the development of the self-assessment questionnaires for the Mechanism, and welcoming the outcomes of the intergovernmental expert group established in accordance with Conference resolution 9/1, with the input of these working groups, in completing and harmonizing the self-assessment questionnaires and the blueprints for the list of observations and the summaries,

Welcoming the work of the Working Group on Trafficking in Persons, and taking note with appreciation of the more than 250 recommendations resulting from its nine meetings held since April 2009 to assist States parties in enhancing the implementation of the Trafficking in Persons Protocol,

Noting the tenth meeting of the Working Group, which was held during the coronavirus disease (COVID-19) pandemic in a hybrid format, and underscoring that the traditional meeting format will resume once the health and safety situation allows,

Recalling the adoption by the General Assembly of resolution [70/1](#) of 25 September 2015, containing the 2030 Agenda for Sustainable Development, including its goals and targets relevant to trafficking in persons,

Recalling also that, according to the 2018 *Global Report on Trafficking in Persons*, more than 70 per cent of the detected victims of trafficking are women and girls, who are particularly vulnerable to and disproportionately affected by trafficking for the purpose of sexual exploitation,

Expressing solidarity with and compassion for individuals who are or have been victims of trafficking in persons by encouraging the integration of a victim-centred approach, which takes into account the age, gender and physical, mental and special needs of victims, and incorporating this approach into national responses to

preventing and combating trafficking in persons, with full respect for the human rights of victims of such crime,

Recognizing the multifaceted nature of trafficking in persons and the central role of Governments in effectively preventing and combating this crime and protecting its victims, and recognizing also the importance of States parties fostering partnerships, as appropriate, with all relevant stakeholders, with a view to reviewing, developing and implementing comprehensive anti-trafficking measures, including social and economic initiatives to prevent and combat trafficking in persons, relying upon sound research, whenever possible, to inform such measures,

Recognizing also the fundamental role that effective international cooperation plays in the efforts to prevent and combat trafficking in persons, and to this end underlining the importance of addressing, tackling and effectively responding to international challenges and barriers that undermine the ability of States to cooperate and access the necessary information and other resources to counter this crime,

1. *Urges* Member States that have not yet done so to, as a matter of priority, consider acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

2. *encourages* Member States, where appropriate and in accordance with domestic law, to adopt an integrated strategy to better address the distinct and very often interrelated components of trafficking in persons and smuggling of migrants, which are recognized as crimes that in some cases may share some features and that in many cases require complementary, legal, operational and/or policy responses, taking into account the important role of States parties to both protocols in the fight against these crimes;

3. *Calls upon* the United Nations Office on Drugs and Crime to continue to perform its mandate to further support Member States in their implementation of the Trafficking in Persons Protocol, including through the provision of tailor-made, accessible and effective technical assistance, upon request;

4. *Encourages* States to develop or amend, as appropriate, national laws and other measures that criminalize all forms of trafficking in persons, in accordance with article 3 of the Trafficking in Persons Protocol and relevant provisions of the Convention, including article 34, paragraph 2, relating to the implementation thereof;

5. *Urges* Member States to develop or amend, as appropriate, national laws to ensure that trafficking in persons in all its forms is liable to sanctions that take into account the gravity of the offence and, depending on the gravity of the offence, subject to a long statute of limitations period, as appropriate, and to maximize the effectiveness of criminal justice systems in holding traffickers accountable, including legal persons, if applicable, and also those who intentionally obstruct justice or abuse their position of trust, further deterring the commission of trafficking in persons offences;

6. *Requests* the Office to continue its work on the analysis of key concepts of the Trafficking in Persons Protocol through the preparation of issue papers and similar technical tools to assist States' criminal justice response proceedings and identify good practices among States parties;

7. *Encourages* Member States to establish or strengthen prevention efforts as well as activities to support, protect and empower victims with a view to supporting their long-term social inclusion, where appropriate and in accordance with domestic laws, as well as establish or strengthen multidisciplinary cooperation and coordination at the national, regional and international levels among competent authorities, law enforcement agencies and other relevant agencies involved in combating trafficking in persons, including by increasing, where necessary, efforts to cooperate on, investigate and prosecute cases of trafficking in persons as defined in article 3 of the Trafficking in Persons Protocol, including enhancing, in particular, measures in areas

such as mutual legal assistance, law enforcement cooperation and joint investigations, where applicable and in accordance with the provisions of the Organized Crime Convention and their domestic law, and to identify national points of contact to further streamline coordination and cooperation;

8. *Encourages* States parties to make every possible effort to improve the exchange of information, including on the methods used by organized criminal groups involved in trafficking in persons, as set forth in article 10, paragraph 1, of the Trafficking in Persons Protocol, and to consider developing standard operating procedures to allow law enforcement, immigration or other relevant authorities of States parties, as appropriate, to promptly send official information about identified victims to the destination countries, countries of origin and transit countries, including information on the acts and means used for the purpose of trafficking in persons in order to initiate a joint investigation, in accordance with national law;

9. *Invites* Member States to develop, enact or amend, as appropriate, national anti-money-laundering legislation that applies to the widest range of predicate offences and treats trafficking in persons as a predicate offence of money-laundering, consistent with the Organized Crime Convention and the Trafficking in Persons Protocol;

10. *Encourages* Member States to regularly exchange, as appropriate, information and best practices based on national and international experiences on new methods used by traffickers to recruit victims of trafficking in persons or advertise victims to other perpetrators, such as the illicit use of information and communications technologies, in order to monitor trends and develop efficient methods to combat this crime;

11. *Encourages* States to strengthen national laws or take other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, aimed in particular at such new recruitment and advertising methods, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking;

12. *Calls upon* States to enhance their capacity to proactively identify, investigate and prosecute all forms of exploitation, including cases of trafficking for the purpose of forced labour, in order to address the consistently low number of prosecutions of such cases, and in this regard requests the United Nations Office on Drugs and Crime to provide technical assistance to Member States, upon request;

13. *Encourages* States, where appropriate, in accordance with domestic law and taking into account best practices or other promising measures developed in response to emerging trends in trafficking in persons, to:

(a) Support, protect and empower victims with a view to promoting their long-term social inclusion, while engaging directly with victims through an inclusive and participatory process, for example by promoting their skills acquisition, including through formal education, professional and vocational training, and by facilitating their access to the labour market and microcredit;

(b) Train and establish specialized investigation and prosecutorial units composed of personnel with advanced expertise in identifying victims and investigating and combating complex cases of trafficking in persons using a victim-centred and human rights-based approach, which takes into account age, gender and physical, mental and special needs, and the impacts of trauma;

(c) Consider taking measures to establish as a criminal offence the use of services which are the object of exploitation as referred in article 3, paragraph (a), of the Protocol with the knowledge that the person is a victim of trafficking in persons;

(d) Undertake proactive parallel financial investigations, including through collaboration with public and private financial institutions, as a good practice when investigating and prosecuting trafficking in persons, with a view to identifying vulnerabilities with regard to the further tracing, freezing and confiscation of proceeds

acquired through this crime, while considering directing part of such proceeds, where possible, to programmes supporting victims of trafficking, and request the United Nations Office on Drugs and Crime to provide technical assistance to Member States to establish such systems upon request;

(e) Incorporate the voices of individuals who have been victims of trafficking in persons, as defined by national law, into the development and application of victim-centred policies, programmes and other anti-trafficking measures, which take into account age, gender and physical, mental and special needs, including through consultative platforms made up of members of civil society and/or individuals who have been victims of trafficking in persons, as defined by national law;

(f) Establish effective protection mechanisms for the victims' families in their country of origin, transit countries, and/or destination countries, as appropriate under national law;

(g) Consider providing, in accordance with their domestic law, that victims of trafficking in persons are not inappropriately punished or prosecuted for acts they commit as a direct consequence of being trafficked and, where appropriate, provide access to remedies if they are punished or prosecuted for such acts and, accordingly, establish, as appropriate, domestic laws, guidelines or policies that espouse these principles;

(h) In designing, monitoring and evaluating anti-trafficking programmes, incorporate, where possible, rigorous and scientific baseline and end-line data collection, which may include prevalence measurements, to determine if the programmes are having the intended impact, and invite the United Nations Office on Drugs and Crime to support Member States in developing such measurements, as needed and upon request;

(i) Analyse and adapt to technological advancements and new schemes or methods that traffickers use to recruit victims and facilitate their exploitation by advertising them to other perpetrators, and take measures to develop new, or use existing, targeted awareness-raising campaigns and training tools, including for law enforcement agencies, front-line service providers, such as social workers, education staff and health-care providers and at-risk industries, to identify and respond to indicators of trafficking in persons, and to develop or use existing specialized training for law enforcement officers, criminal justice practitioners and other first responders, including civil society service providers, and invite the United Nations Office on Drugs and Crime to consider opportunities to support Member States in these actions, as needed and upon request;

(j) Encourage the private sector to conduct due diligence with respect to their supply chains, including through measures to regulate, license and monitor public and private recruitment and employment agencies, including prohibiting recruitment fees being charged to employees, to help ensure that such agencies are not used to facilitate trafficking in persons;

(k) Develop and implement national policies, in line with their national laws, to prevent trafficking in persons in government procurement and global supply chains, including prohibiting recipients of government funding from engaging in practices known to facilitate trafficking in persons, such as charging workers recruitment fees or confiscating or denying workers access to their identity documents, mandating that recipients of government contracts inform their employees about protections and grievance mechanisms, and providing remedies in government contracts if recipients violate such policies;

14. *Requests* that the Working Group on Trafficking in Persons build upon the experience and outcomes of its tenth meeting and make every possible effort towards agreeing on recommendations during its future meetings, in line with usual practice;

15. *Requests* the secretariat, within existing resources and in consultation with States parties, to prepare and submit to the Conference of the Parties, for consideration

at its eleventh session, a report on effective national criminal justice responses leading to the conviction and sentencing of perpetrators of trafficking in persons, including on specialized investigation and prosecution units, the tracing of illicit financial flows related to proceeds of crime covered by the Convention and concurrent financial investigations, victim-centred approaches, which take into account age, gender and physical, mental and special needs, including restitution and compensation for victims, access to remedies for victims wrongly punished or prosecuted, and other similar measures;

16. *Encourages* States parties to respond to the self-assessment questionnaires for the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto in accordance with the designated timeline and through broad consultations at the national level with all relevant stakeholders, including, where appropriate, the private sector, individuals and groups outside the public sector, non-governmental organizations and academia, taking into consideration the specificities of the Convention and the Protocols thereto and in a manner consistent with the procedures and rules of the Implementation Review Mechanism, and encourages the United Nations Office on Drugs and Crime to facilitate active input and participation across the Secretariat in the course of implementing the Implementation Review Mechanism, within its mandate and as called for in the procedures and rules for the functioning of the Mechanism, including by providing, upon request, advice to States parties during country reviews and, drawing on the specialized technical expertise available within the Office, providing assistance to States parties participating in the review process;

17. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.
