

Advance Edited Version

Distr.
GENERAL

A/HRC/14/32
4 May 2010

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Fourteenth session
Agenda item 3

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Report submitted by the Special Rapporteur on trafficking in persons, especially
women and children, Joy Ngozi Ezeilo***

* Late submission.

Summary

This report is submitted in accordance with Human Rights Council decision 8/12. It covers the period from April 2009 until March 2010.

The present report by the Special Rapporteur is an analysis of the current activities undertaken by regional and subregional organizations in the fight against trafficking in persons, with the intention of highlighting good practices and initiatives that promote a human rights-based approach to combating human trafficking.

Chapter 1 provides an overview of the activities undertaken by the Special Rapporteur during the last year. Chapter 2 provides a description of the main regional and subregional anti-trafficking cooperation mechanisms that exist in different regions of the world, followed by an analysis of their main achievements and the main challenges they are facing. Finally, Chapter 3 contains the Special Rapporteur's conclusions and recommendations.

Contents

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION.....		1-4
II. ACTIVITIES CARRIED OUT BY THE SPECIAL RAPPORTEUR		5-12
III. REGIONAL AND SUBREGIONAL COOPERATION IN PROMOTING A HUMAN RIGHTS-BASED APPROACH TO COMBATING TRAFFICKING IN PERSONS		13-105
A. FRAMEWORK FOR INTERNATIONAL COOPERATION IN COMBATING TRAFFICKING IN PERSONS		13-16
B. DESCRIPTION OF MAIN REGIONAL AND AND SUBREGIONAL COOPERATION MECHANISMS		17-33
1. Africa		17-19
2. Latin America and the Caribbean		20-22
3. Asia-Pacific.....		23-26
4. Europe and Central Asia		27-31
5. Middle East and North Africa.....		32-33
C. MAIN ACHIEVEMENTS AND CHALLENGES		34-105
1. Main achievements		34-95
2. Main challenges		96-105
IV. CONCLUSIONS AND RECOMMENDATIONS.....		106-137

I. INTRODUCTION

1. In her first report to the Human Rights Council, the Special Rapporteur indicated her intention to enhance cooperation with international and regional mechanisms as one of her main strategies. In this context, the present report by the Special Rapporteur is an analysis of the current activities undertaken by regional and subregional organizations in the fight against trafficking in persons, with the intention of highlighting good practices and initiatives that promote a human rights-based approach to combating human trafficking.

2. While the role of international organizations in mobilizing efforts to fight trafficking is better known, for example as a result of the joint work they undertake under the umbrella of the United Nations Global Initiative to Fight Human Trafficking (UNGIFT), the contribution of regional and subregional mechanisms in combating trafficking has received less attention. However, the Special Rapporteur is convinced that they play a key role in providing a response that is both multilateral and sufficiently close to countries' realities and specificities within a certain region.

3. In order to prepare this report, the Special Rapporteur sent letters requesting information to the relevant regional mechanisms. She wishes to thank the Association of Southeast Asian Nations (ASEAN), the Bali Process, the Council of Europe (CoE), the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), the League of Arab States (LAS), the Economic Commission for Africa, the Economic Commission for Latin America, the European Union (EU), the Nordic Council, the Organization of American States (OAS), the Organization of the Islamic Conference (OIC), the Organization for Security and Co-operation in Europe (OSCE), and the South Asian Association for Regional Cooperation (SAARC) for the responses received. She regrets not having yet received a response from the Andean Community of Nations (CAN), the African, Caribbean and Pacific Group of States, the African Union (AU), the Commonwealth of Independent States (CIS), the Commonwealth Secretariat, the Economic Commission for Europe, the Economic Community for Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Economic and Social Commission for Asia and the Pacific, the Economic and Social Commission

for Western Asia, the International Organization of la Francophonie, the Mercado Común del Sur (MERCOSUR), the Organization for Eastern Caribbean States (OECS) and the Southern Africa Development Community. She remains interested in receiving information from these organizations.

4. After a brief description of the activities the Special Rapporteur has undertaken from March 2009 until March 2010, the present report describes the main existing regional and subregional anti-trafficking cooperation mechanisms around the world. It thereafter highlights their main achievements and main challenges, and provides a number of recommendations in conclusion.

II. ACTIVITIES CARRIED OUT BY THE SPECIAL RAPPORTEUR

5. With regard to the activities carried out from April to August 2009, the Special Rapporteur makes reference to her latest report to the General Assembly, which includes detailed information (A/64/290, 12 August 2009.)¹., Her activities from September 2009 onward are briefly outlined here below.

6. From 9 to 10 September 2009, the Special Rapporteur participated in a high-level panel at the Group of Eight (G-8) International Conference on Violence Against Women, held in Rome. Thereafter, from 14 to 15 September, she attended an International Conference on "Prevention of Modern Slavery" in Vienna, organized by OSCE.

7. On 9 October 2009, the Special Rapporteur participated in the launch of the International Framework for Action to Implement the Trafficking Protocol in New York, at the 64th session of the General Assembly. From 19 to 20 October, she participated in the EU Ministerial Conference "Towards EU Action Against Trafficking In Human Beings" in Brussels, where she participated as a panellist for the session on "Partnerships to Protect Children from Trafficking in Human Beings"

8. On 22 October 2009, she took part in the special event "Giving Voice to the Victims and Survivors of Human Trafficking", together with the High Commissioner for

Human Rights, the Secretary-General and victims of trafficking from different regions of the world. On 23 October, she presented her report, which provides an analysis of the issue of the identification, protection and assistance to victims of trafficking, to the General Assembly.

9. On 2 November 2009, she delivered a Keynote Address at the Fourth Annual Symposium on “Trafficking in persons as a form of violence against women” organized by the Protection Project, at the Paul H. Nitze School of Advanced International Studies (SAIS) at the Johns Hopkins University, Washington DC.

10. From 8 to 10 December 2009, she participated in the International Summit “The courage to lead: a human rights summit for women leaders” in Geneva, where she acted as a panellist and joined the mentoring programme for young women leaders.

11. On 18 January 2010, the Special Rapporteur held consultations in Bangkok with intergovernmental and non-governmental organizations working on human trafficking in the region. From 20 to 22 January, she attended the Senior Officials Meeting of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) in Bagan, Myanmar.

12. Finally, from 16 to 19 February 2010, she delivered a keynote address at a Gender-Based Violence and Trafficking in Persons workshop organized by the United States Agency for International Development (USAID) in Washington, addressed to United States of America Government representatives.

III. REGIONAL AND SUBREGIONAL COOPERATION IN PROMOTING A HUMAN RIGHTS-BASED APPROACH TO COMBATING TRAFFICKING IN PERSONS

A. FRAMEWORK FOR INTERNATIONAL COOPERATION IN COMBATING TRAFFICKING IN PERSONS

13. In 2000, the General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), an international legal instrument that specifically addresses trafficking in persons. It puts cooperation at the centre of the anti-trafficking response, by stating in Article 2 that the purposes of the Protocol are to prevent and combat trafficking in persons, to protect and assist the victims, and to promote cooperation in order to meet these goals.

14. Among the core human rights instruments, the Convention on the Rights of the Child promotes the establishment of cooperation mechanism in this field, by calling upon States parties to take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form (article 35).

15. Numerous cooperation mechanisms already exist at the international level, with international organizations such as the United Nations Office on Drugs and Crime (UNODC), the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the Office of the High Commissioner on Human Rights (OHCHR) and the International Organization for Migration (IOM), carrying out research, awareness-raising activities and training, developing legal instruments and guidelines and funding field projects. However, efforts at that level are not sufficient. They need to be complemented and adapted to a regional perspective, which provides a better setting for closer cooperation, facilitated by a stronger feeling of ownership and greater adaptability to local approaches and realities on the ground.

16. In this context, a number of regional organizations have embarked on regional cooperation activities in this area, with very different modalities. In some cases, organizations created with broad cooperation objectives decided to include the fight against trafficking in their activities. In other cases, new regional cooperation mechanisms have been created solely for the purpose of combating trafficking in persons. However, a number of them still do not address the trafficking phenomenon in a comprehensive manner, failing to take a victim-centred and human rights-based approach to combating human trafficking.

B. DESCRIPTION OF MAIN REGIONAL AND SUBREGIONAL COOPERATION MECHANISMS

1. Africa

17. African States have started taking coordinated action both at the regional and subregional levels. At the level of the AU, the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children was adopted by Ministers of Foreign Affairs, Migration and Development from Africa and the EU in November 2006, at the Africa-EU Ministerial Conference on Migration and Development, held in Tripoli in the framework of the Africa-EU Strategic Partnership. The Action Plan provides specific recommendations to be implemented by Regional Economic Communities (RECs) and Member States based on a three-pronged strategy: prevention of trafficking, protection of victims of trafficking and prosecution of those involved in the crime of trafficking.

18. At the subregional level, ECOWAS member States proclaimed their commitment to the eradication of trafficking in persons in 2001, with the adoption of the “Declaration on the fight against trafficking in persons”. At the same time, the ECOWAS Initial Plan of Action against Trafficking in Persons for the period 2002 – 2003 was adopted. Since then, subsequent Plans of Action against Trafficking in Persons have been adopted every triennium, the latest in 2009.

19. ECOWAS and ECCAS decided to combine their efforts and, in July 2006, adopted a joint biregional plan of action for the period 2006-2008, together with a resolution and a multilateral cooperation agreement. This bi-regional plan of action reaffirms the ECOWAS Initial Plan of Action and extends efforts to combat trafficking into the Central African region. It emphasizes that member States should ensure the ratification and implementation of relevant international instruments, and sets out seven strategies in the following priority areas: legal framework and policy development; victim assistance and protection; prevention and awareness-raising; collection and analysis of information; training and specialized capacity-building; travel and identity documents; monitoring and evaluation of implementation.

2. Latin America and the Caribbean

20. In this region, the commitment to promote effective measures to combat human trafficking was reaffirmed by the member States of a number of regional and subregional organizations, in particular OAS, MERCOSUR, CAN, the Union of South American Nations (UNASUR), and the Central American Integration System (SICA).

21. OAS is strongly engaged in combating human trafficking in the American continent. At the political level, the OAS General Assembly has adopted resolutions that express the commitment of Member States in this regard. At the level of the Secretariat, the OAS Anti-Trafficking in Persons Unit provides specialized training and assistance to member countries to implement the Palermo Protocol and the recommendations stemming from the OAS Meetings of National Authorities on Trafficking in Persons. The Secretariat primarily focuses on awareness raising, provision of training, dissemination of international legal frameworks and the sharing of good practices to enable States to combat trafficking more effectively, taking both a human-rights and a gender perspective.

22. The Montevideo Declaration against Trafficking in Persons in MERCOSUR and Associated States was adopted in 2005. More recently, in 2008, the First International Congress of MERCOSUR and Associated States on Trafficking in Persons and Child Pornography was held, followed by the adoption of the "Conclusions and Recommendations" of the Congress.

3. Asia-Pacific

23. A number of initiatives have been launched to combat human trafficking in the Asia-Pacific region. ASEAN has adopted the "ASEAN Declaration Against Trafficking in Persons, Especially Women and Children" (2004), followed by the adoption of a Work Plan to implement the Declaration. The main objectives of the Work Plan are to facilitate the exchange of information and experience on trafficking, strengthen regional and international cooperation to prevent and combat trafficking, and facilitate donor coordination. The Working Group on Trafficking in Persons, established under the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC), is in charge of monitoring the implementation of the Work Plan. ASEAN launched its first programme, Asian Regional Cooperation to Prevent People Trafficking (ARCPPT) (2003-2006),

which was implemented by the Australian Government. The Project focused on criminal justice responses to trafficking in partner countries. Following its success, the Project was extended to 2011 as the Asia Regional Trafficking in Persons Project (ARTIP).

24. In the Mekong region, six Governments (Cambodia, China, Lao People's Democratic Republic, Myanmar, Thailand, and Viet Nam) established the COMMIT Process in 2004. The COMMIT Subregional Plan of Action for 2008-2010 contains eight key activities: Training and Capacity Building; National Plans of Action; Multilateral and Bilateral Partnerships; Legal Frameworks, Law Enforcement, and Justice; Victim Identification, Protection, Recovery and Reintegration; Preventive Measures; Cooperation with the Tourism Sector; and Coordination, Monitoring and Evaluation. Activities are being implemented in partnership between relevant government departments and non-government entities, whether United Nations agencies or non-governmental organizations (NGOs). The United Nations Inter-Agency Project on Human Trafficking (UNIAP), which was established in 2000 with a mandate to facilitate a stronger and more coordinated response to trafficking in persons in the Mekong region and beyond, acts as Secretariat to COMMIT.

25. SAARC, established in 1985 by Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, adopted a Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution in January 2002. The Convention calls for cooperation amongst member States in dealing with various aspects of prevention, prohibition and suppression of trafficking in women and children for prostitution, and repatriation and rehabilitation of victims.

26. Finally, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, a consultative mechanism launched in 2002 by the Ministers of over 50 countries in the Asia-Pacific region and beyond, works on practical anti-trafficking and anti-smuggling measures in the region, through the following key approaches: promotion of cross-agency responses; developing model legislation to address human trafficking; training of law enforcement officers on the provision of protection and assistance to victims of trafficking, particularly women and children; enhancing operational techniques relating to child sex tourism.

4. Europe and Central Asia

27. Since the late 1980s, the CoE has raised awareness and encouraged action in the field of human trafficking in a number of recommendations. In 2005, it went further by adopting a legally binding instrument, the CoE Convention on Action against Trafficking in Human Beings (CoE Convention), which entered into force in 2008. While other international instruments already existed in the field, the CoE Convention is the only comprehensive treaty focusing on the protection of victims of trafficking. The Parliamentary Assembly of the CoE is also involved in the fight against trafficking, through its Sub-Committee on Trafficking in Human Beings. Besides the adoption of various resolutions, the Parliamentary Assembly adopted a Handbook for Parliamentarians on the CoE Convention.

28. The work of the EU on anti-trafficking has become an important part of its agenda in the last ten years, notably with the adoption in 2002 of the Framework Decision on combating trafficking in human beings (which is currently being revised) and the 2004 Directive on the residence permit issued to Non-EU member Country nationals who are victims of trafficking in human beings and who cooperate with the competent authorities (Council Directive 2004/81/EC). An Expert Group on Trafficking in Human Beings was established in 2003, and the action plan on strengthening the EU external dimension on action against trafficking in human beings was adopted in 2009. Amongst the main tasks of the EU are the development of policies and legislation, the provision of financial and political support for anti-trafficking projects and the provision of guidelines and technical assistance at the national level.

29. OSCE has addressed trafficking in persons as a major concern since 2000, when the first Ministerial Council Decision on enhancing the OSCE's Efforts to Combat Trafficking in Human Beings was taken. In 2003, the OSCE Action Plan to Combat Trafficking in Human Beings was adopted, and in 2006 the Special Representative and Coordinator for Combating Trafficking in Human Beings was appointed. In 2007, a Platform for Action against Human Trafficking was adopted, which focuses on six priority areas: encouraging action at national level and establishing national anti-trafficking structures; promoting evidence-based policies and programmes; stepping up

efforts to prevent trafficking in human beings; prioritizing action against child trafficking; addressing all forms of trafficking in human beings; promoting effective assistance and access to justice for all victims.

30. Finally, the Nordic Council, a political organization composed of parliamentarians from Denmark, Finland, Iceland, Norway and Sweden, has adopted various recommendations on prevention, assistance to victims, trafficking for sexual exploitation and trafficking for labour exploitation, which have been implemented by the Nordic Council of Ministers.

31. In Central Asia, in 2005, CIS member States adopted the Agreement on the Cooperation of the CIS Member States in Combating Trafficking in Persons, Human Organs and Tissues, followed by the adoption in 2006 of the Decision on the Programme of Cooperation of the CIS Member States in Combating Trafficking in Persons for 2007-2010. Finally, a CIS draft Programme of action for 2007-2010 was adopted, to support the implementation of the 2005 Agreement and facilitate efficient cooperation at regional level for the prevention and suppression of trafficking in persons and the rehabilitation of victims.

5. Middle East and North Africa

32. Within the framework of the LAS, the Council of Arab Justice Ministers has adopted a decision to launch “The Arab initiative for building national capacities to combat human trafficking”. The initiative will be launched in Doha, Qatar on 22 and 23 March 2010, in collaboration with the UNODC Regional Office in Cairo and with the support and sponsorship of Qatar. This initiative aims to combat trafficking in persons through developing the criminal justice system in Arab States, for example by building the capacity of law-enforcement bodies, prosecutors, members of the judiciary and the media.

33. The Gulf Cooperation Council (GCC) is also taking initiatives to curb human trafficking in the subregion. In 2007, a workshop was held in the United Arab Emirates on human trafficking legislation, in order to share experiences and promote

collaboration to fight human trafficking among the GCC countries. The GCC is also in the process of drafting guiding principles to combat trafficking in the subregion.

C. MAIN ACHIEVEMENTS AND CHALLENGES

1. Main achievements

34. The aim of this review is to highlight how some initiatives taken by regional cooperation mechanisms can bring added value to the fight against human trafficking at the national and international level. Only a few selected initiatives are highlighted under each thematic section, due to space limitations, while many more could have been included.

- Incorporating a human rights-based approach in the institutional and normative framework

35. A solid, comprehensive normative and institutional framework, whereby the commitment to tackling trafficking is expressed at the highest level, is an essential starting point for building an effective response to human trafficking. From analysis of the information collected, the Special Rapporteur noted that several organizations have adopted a formal international agreement in the form of a Convention, an Agreement or a Memorandum of Understanding (MOU), while others base their work on a document of a declaratory nature. For example, COMMIT was established by a MOU adopted at the Ministerial level, which has proved to be a solid foundation for its work.

36. Other regional bodies have adopted declarations as their reference legal instruments, which can also be an effective solution when followed by a specific plan of action, as has been the case for ASEAN and ECOWAS. Other regional mechanisms have gone as far as adopting conventions, legally binding instruments which not only confer rights and duties on Governments, but also entitle individuals within their jurisdiction to claim the rights contained therein before the courts. A notable example is the CoE Convention, which is an excellent example of using a rights-based approach to combating trafficking in persons. While it also aims at preventing trafficking and prosecuting traffickers, it is the only regional international treaty in this area that

primarily focuses on the rights of the victims. Importantly, the Convention is open to ratification by States which are not members of the CoE.

37. SAARC has also adopted a legally binding instrument. However, its scope is not as broad as the CoE Convention, since it primarily focuses on judicial cooperation for the prosecution of traffickers, and to a lesser extent on the protection of victims.

38. The EU has also adopted a binding instrument to regulate its action to combat trafficking in persons, the 2002 Council Framework Decision on Combating Trafficking in Human Beings, followed by an action-oriented paper. These instruments explicitly refer to the adoption of a human rights-based approach, where the rights of the victims are placed at the centre and where special attention is given to certain groups, such as women, children, members of minorities and indigenous peoples. The EU went a step further and ratified the Palermo Protocol as a regional economic integration organization.

39. Similarly, OSCE's anti-trafficking work conducted by its Special Representative has always striven to incorporate an approach that is human rights-based, specifically gender- and child-sensitive and non-discriminatory, taking as a starting point that trafficking is a grave violation of human rights and human dignity.

40. Finally, OAS has adopted a system whereby it hosts regular gatherings of the highest level national government officials responsible for combating human trafficking, through a political process called the "Meetings of National Authorities on Trafficking in Persons", the most recent of which was held in March 2009 in Argentina. Further to these meetings, the "Conclusions and Recommendations of National Authorities on Trafficking in Persons" have been approved and shared with OAS member States.

Plans of action and monitoring bodies

41. One of the added values of regional mechanisms is the adoption of a common workplan at the regional level, setting out common strategies and actions to be taken within a region. This has proved to be a key step to providing a sound platform on which States may shape their national policies. As opposed to formal agreements or declarations establishing regional mechanisms, which are more general, regional action

plans include specific measures and strategies to guide States in developing their national strategies. Moreover, a common action plan promotes a unified vision to fight human trafficking within a region: on that basis, national strategies will be developed with similar approaches. Practically all existing regional mechanisms have developed their regional action plans. The Arab initiative for building national capacities to combat human trafficking is due to be launched at the end of March 2010.

42. Another key element appears to be the establishment of regional monitoring bodies to meet regularly and review the degree of implementation of normative instruments and related workplans. For example, SAARC established a Regional Task Force in 2006, which meets yearly to monitor and assess the implementation of the Convention. OSCE created the mandate of the Special Representative, who publishes annual reports providing an assessment of the Action Plan's implementation, the activities conducted and the related achievements. The CoE has established a monitoring mechanism based on two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA), composed of independent experts, and a Committee of the Parties, a political body. GRETA reviews the implementation of the Convention by the Parties and publishes recommendations to the Committee of the Parties, which also makes recommendations on measures to be taken by Parties to implement GRETA's conclusions.

43. In addition, regional organizations have an essential role as catalysts and advisers in promoting the adoption of national plans of action (NPAs). In many instances, regional mechanisms have been able to guide States in the development of NPAs, also with the objective that countries of a same region would adopt similar national plans, in order to better cooperate and share information and experiences. For example, as a result of the CoE LARA Project designed to support the reform of criminal legislation in South-Eastern Europe (2002–2003), nearly all the participating countries have adopted NPAs against trafficking in human beings covering prevention, prosecution of traffickers and protection of the victims.

44. Furthermore, regional bodies have a role in promoting the establishment of national multidisciplinary monitoring bodies, which are key to the success of NPAs. For

example, OSCE, COMMIT and the EU encourage States to establish such structures, which they designate as National Rapporteurs or Task Forces. These would be governing bodies with implementation, coordination and oversight responsibility, consisting of representatives from the relevant ministries - including police, justice, social welfare, labour and women's affairs - in charge of evaluating achievements and challenges in the country's implementation of their commitments, managing data collection and information sharing, taking decisions with regard to the need to revise strategies and coordinating overall efforts at the national level. International organizations and NGOs should be involved in these mechanisms. The OSCE Special Representative's 2008 Annual Report focused specifically on these national coordination mechanisms, outlining efforts taken by participating States to establish national coordinators and interagency coordinating bodies.

45. In the Mekong region, each of the six COMMIT countries has established a multi-disciplinary COMMIT Task Force, in charge of carrying out systematic assessments of NPA implementation, for example through regional workshops to review and identify practices for improving national inter-agency cooperation information exchange. Furthermore, UNIAP, COMMIT's secretariat, provides assistance on the development of national implementation plans for NPAs.

- **Bilateral cooperation**

46. Regional mechanisms have a key role in facilitating the development and strengthening of bilateral cooperation mechanisms between countries of the same region. In this regard, ASEAN has facilitated the conclusion of bilateral meetings to combat trafficking between countries, in particular between Thailand and the Lao People's Democratic Republic and between Cambodia and Viet Nam. COMMIT, when assisting countries in the development of bilateral mechanisms on human trafficking, particularly insists on the inclusion of effective implementation and monitoring mechanisms, and follows up with the organization of regional seminars to that effect. It also insists on the importance of integrating the agreement into governmental mandates and budgets.

47. Another possible approach is the development by regional organizations of bilateral relations with third countries or organizations. An interesting initiative in this

regard is set out in the EU Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings. It provides that where human trafficking is of particular mutual concern between the EU and key third countries or regions, the parties could set up specific Anti-Trafficking in Human Beings Partnerships or specific agreements. The partnerships should be based on an assessment of needs, inter alia from the perspective of a victim-centred and human rights-based approach, and opportunities for practical operational cooperation. This is an innovative type of bilateral agreement that would allow for a partnership between a regional organization and a country that is not a member, and also between subregional mechanisms, on a case-by-case basis depending on needs.

48. Similarly, the EU Action Oriented Paper provides that, in response to a new trend or pattern, for instance a noticeable increase in the number of victims of trafficking from a similar area or travelling route, it may deem it necessary to develop a joint effort in partnership with a third country, region or organization². For this purpose, Swift Action Teams (SATs) may be established, composed of experts from Europol and FRONTEX.³ A SAT can be deployed to support a specific third country, region or international organization, for example to assist third countries in identifying victims of trafficking at airports before they board and providing training on the identification of victims and forged identity papers.

49. Another notable approach is the development of bilateral relations between regional mechanisms. A good example in this regard is the decision taken by ECOWAS and ECCAS in 2006 to adopt a joint resolution, multilateral cooperation agreement and bi-regional plan of action in order to combine their efforts in this area.

- **Establishment of specialist counter-trafficking units**

50. In addition to establishing national coordination bodies, some regional mechanisms have promoted the establishment of specialist counter-trafficking units

² The fight against trafficking constitutes one of the priorities of several bilateral European Neighbourhood Policy Action Plans of the EU, for example with Egypt, Ukraine and Moldova. The EU also supports regional initiatives such as COMMIT or the Ouagadougou Action Plan.

within law-enforcement structures. In this regard, the ASEAN Asia Regional Cooperation to Prevent People Trafficking (ARCPPT) criminal justice project achieved significant outcomes, including the establishment of Specialist Counter-Trafficking Response Units in almost all 10 ASEAN countries and biannual meetings between the Heads of these Units, comprising three senior police officers from each country. These measures have enhanced expertise and cooperation between the police services of each country.

51. COMMIT has also established specialist units or focal points in key provinces or hotspots in several countries, in order to bring a specialist response to the areas where it is most needed.

52. The Ouagadougou Action Plan also invites its member States to consider creating special anti-trafficking units within law-enforcement structures and establishing special national focal points. Direct channels of communication between special units and focal points in different countries should be established, with joint training for border patrols.

- **Assistance in drafting legislation**

53. Regional organizations have also successfully provided assistance to countries in drafting national anti-trafficking legislation. For example, COMMIT in the Mekong region has been particularly active in promoting the establishment of national legal frameworks to criminalize trafficking, provide for appropriate penalties, protect victims and support witnesses.

54. In addition, regional mechanisms have developed tools such as model laws and handbooks, and convened workshops at the regional level to operationalize these tools. For example, LAS adopted an “Arab guiding law on fighting human trafficking” in 2005, and organized a workshop on “The mechanisms to combat human trafficking in Arab legislation” in Cairo in 2007. The conference provided first-hand information on how far countries have progressed through legal action in combating trafficking in

³ EU agency that coordinates operational cooperation between Member States in the field of management of external borders;

persons. Similarly, the Bali Process cooperates with countries on anti-trafficking legislation, using a model law developed by China and Australia.

55. The CoE has also produced a Handbook for Parliamentarians on the CoE Convention, which comprises a description of the main provisions of the CoE Convention and is intended as a practical tool that suggests approaches for elected representatives who wish to propose or amend legislation on trafficking.

- **Practical guidelines**

56. A comprehensive legal framework is an essential tool for law-enforcement officers and members of the judiciary to properly handle trafficking cases. However, guidelines which offer concrete examples and share good practices are often a key tool to assist with the enforcement of these texts.

57. For example, in 2009 the SAARC Regional Task Force developed a Standard Operating Procedure to implement various provisions of the SAARC Convention on Preventing and Combating Trafficking in Women and Children. Other organizations have developed guidelines on specific topics of concern. For example, ASEAN has developed the Practitioner Guidelines on Criminal Justice Responses to Trafficking in Persons (2007) to provide guidance to criminal justice practitioners on investigation and prosecution of trafficking cases as well as on regional cooperation in this regard. Also, the 2009 ASEAN Handbook on International Cooperation on Trafficking in Persons provides criminal justice officials with an introduction to the key tools of international cooperation, specifically mutual legal assistance and extradition in relation to trafficking cases.

58. OAS has developed "Guidelines for the Repatriation of Trafficking Victims" and a toolkit which includes a manual, a video and an interactive CD-Rom, for developing specific model training for diplomats and consular officers. On victim protection, in 2009 ECOWAS adopted a regional Policy for Protection and Assistance to Victims of Trafficking in Persons in West Africa. Similarly, regional guiding principles on victim protection and labour recruitment have been adopted by COMMIT in the Mekong region.

- **Promotion of international cooperation**

59. Regional mechanisms are also an effective means for countries within a region to cooperate with international organizations. In addition to international legal instruments, international organizations develop numerous tools, guidelines, model laws and studies that can be extremely useful to regional organizations, once adapted to their local context. By using them in this manner, regional mechanisms provide a distinctive way for countries to benefit from these tools.

60. International organizations also provide their technical expertise, together with financial or logistical support, for projects and events, such as workshops or campaigns, organized at the regional level, as is the case for the Initiative against Trafficking, launched by AU in June 2009 (AU.COMMIT Campaign). The majority of regional mechanisms work closely with international organizations. In the case of COMMIT in the Mekong region, UNIAP is directly providing secretarial services to the Process.

61. The Inter-Parliamentary Union also works with regional organizations, briefing parliamentarians on anti-trafficking policies. For example, the Regional Seminar for the Twelve Plus Group of the IPU on human trafficking was held in February 2010 with the participation of the CoE, EU and OSCE.

- **Promotion of cooperation with civil society**

62. Civil society is an important actor in anti-trafficking work. The CoE Convention, for example, explicitly recognizes the significant role that civil society plays in preventing trafficking and protecting and assisting victims and encourages cooperation between public authorities and members of civil society in this field. Similarly, in the COMMIT Process, government, the United Nations and civil society all work from one workplan, creating a truly collaborative partnership.

- **Promotion of cooperation with the private sector**

63. Only a few organizations have started a dialogue with the tourism sector and the media at a regional level. The Bali Process includes within its priority areas the

enhancement of operational techniques relating to child sex tourism. In this context, it organized workshops on combating child sex tourism in 2005 and 2006.

64. COMMIT in the Mekong region has also started addressing this concern. Its efforts have focused on identifying private tourism sector partners active in the region and involving them in the implementation of the regional plan of action. Current efforts focus on the adoption of a regional strategy on cooperation with the tourism sector to combat human trafficking.

- **Training**

65. Improving the capacity of all stakeholders, both governmental and non-governmental, to implement a human rights-based approach to trafficking is of paramount importance. Regional mechanisms, because of their capacity to collect information from numerous countries within their region and analyze it by highlighting good practices and challenges that are relevant for the entire region, are well placed to deliver training at the regional level and to provide model training to be adapted and implemented by countries at the national level.

66. OAS has been very active in the provision of training on human trafficking. Through its programmes, consular officers, diplomats, peacekeepers, public security officers and migration officials, together with personnel from various government ministries and civil society in Latin American countries have had the opportunity to analyze different scenarios to prevent and combat trafficking and learn about the profiles of victims of trafficking, including gender and age as determining factors. Interest was expressed by participants regarding the inclusion of the training materials in the curricula of diplomatic academies. As a result, in 2009 nine countries have confirmed the inclusion of OAS training materials in the curricula of their diplomatic academies.

67. The OAS Secretariat gave training in 2009 to Uruguayan and Argentine security forces to be deployed on United Nations peacekeeping missions. As a direct result, Uruguay's training centre has trained more than 7,000 peacekeepers in the prevention of trafficking and the identification and protection of victims. Also, as a result of the OAS Secretariat's training conducted in Ecuador in 2009 for officers from various ministries,

the ministries have agreed on a protocol for victim assistance, identifying the responsibilities of each institution.

68. Finally, in the Mekong region, COMMIT conducts training needs assessments, in order to monitor training needs and assess the impact of training. It also looks into developing distance learning tools. Meanwhile, UNIAP, at the request of governments, has translated training manuals into local languages and adapted them to the national contexts, and organized training of trainers.

- **Collection of data**

69. While the collection of credible statistical information on trafficked persons is essential to the understanding of all facets of the problem and to informing appropriate action, trafficking remains underreported and underdocumented.

70. The EU has launched several initiatives aimed at designing a standardized system for the collection of qualitative and quantitative data and analysis of human trafficking. While this is still in progress, its intention is that, once completed, the system would be shared with a view to developing a common or at least comparable template in the EU and third countries for the collection of data relating to all aspects of trafficking. In this regard, a Ministerial Conference on “Guidelines for the Collection of Data on Trafficking in Human Beings, Including Comparable Indicators” was held on 23-24 February 2009 by the Austrian Ministry of the Interior, IOM and the EU.

- **Prevention**

71. Prevention encompasses multiple aspects, from awareness raising to training, research and development projects. In its latest Work Plan (COMMIT SPA II (2008-2010)), COMMIT in the Mekong region has centred its prevention policy on the risks linked to unsafe migration. It includes activities such as research on formal versus informal recruitment of migrant workers, developing regional guidelines, taking direct measures to reduce vulnerabilities in source areas, in the migration and recruitment processes and in workplaces, and promote closer cooperation between sending and receiving countries in monitoring working conditions of migrant workers. COMMIT also promotes the inclusion of trafficking training in secondary school curricula.

72. Awareness raising for persons vulnerable to trafficking and action aimed at discouraging demand are among the prevention measures adopted by the CoE. In this context, it launched the anti-trafficking campaign "Human beings - not for sale" (2006-2008). Forty-one (41) countries participated in the 11 awareness-raising seminars, which aimed to highlight the type of preventive measures that can be taken. The CoE also published a comic strip "You're not for sale" in 17 languages, aimed at raising awareness of the dangers of trafficking among young people. Finally, in 2007 it prepared a study entitled "Trafficking in human beings: Internet recruitment" on the misuse of the internet for the recruitment of victims of trafficking.

73. Similarly, the AU.COMMIT Campaign aims at curbing both the supply and demand for human trafficking, in partnership with several United Nations agencies. The Campaign included the production of television advertisements, the distribution of 1,000 copies of the Ouagadougou Action Plan, of 1,000 T-shirts with the slogan "AU.COMMIT: Stop Trafficking" and of 1,000 copies of pamphlets, pins, posters etc. In line with the three main strategies of the Ouagadougou Plan of Action, the AU.COMMIT Campaign will be implemented in three phases, focusing in 2009-2010 on prevention of, and response to, trafficking, in 2010-2011 on protection of victims and in 2011-2012 on prosecution of traffickers.

- **Protection**

74. In terms of protection, proper identification of victims is the first and fundamental step. However, it is probably the most difficult, for which considerable capacity-building efforts are required. On this issue, the EU joined forces with ILO to launch the DELPHI method to establish indicators for each type of trafficking. This is a valuable tool to assist law-enforcement officials in the identification of victims. Moreover, the EU Commission developed "Recommendations on the identification and referral to services of victims of trafficking in human beings". Since training is crucial in this area, a seminar was held under the Austrian EU Presidency with experts from governments and NGOs at which best practices in the field of identification and support for victims were discussed.

75. Another essential step in guaranteeing the protection of victims is the establishment of adequate referral mechanisms. OSCE has been very active in this regard, promoting the establishment of national referral mechanisms and victim assistance systems at the national level, in order to ensure that all victims have access to support services tailored to the individual victim's needs, from the point of identification up to that of reintegration in society. In this regard, OSCE has developed a practical handbook on "National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons".

76. Also, in April 2009, ECOWAS Ministers adopted a Regional Policy for Protection and Assistance to Victims of Trafficking in Persons in West Africa, which aims at establishing a supportive environment in the subregion where victims of trafficking have equitable access to protection and assistance. SAARC recommended the establishment of regional uniform toll-free numbers for information on the issues relating to trafficking in women and for violence against children in member States. Within the framework of the Bali Process a number of workshops have been organized on the provision of support to victims of trafficking.

77. Finally, the CoE Convention sets out a wide range of assistance measures, including physical and psychological assistance and support for the reintegration of victims of trafficking into society. Medical treatment, counselling and information as well as appropriate accommodation are all among the measures provided. Victims are entitled to a minimum of 30 days to recover and escape the influence of the traffickers and to take a decision regarding their possible cooperation with the authorities. A renewable residence permit may be granted if their personal situation so requires or if they need to stay in order to cooperate in criminal investigations.

- **Rehabilitation and recovery**

78. The Ouagadougou Action Plan contains specific measures on rehabilitation aimed at establishing a minimum standard for the rehabilitation of victims in the region. It calls upon States to establish rehabilitation centres to assist victims of human trafficking, to ensure their safety and facilitate their recovery and social reintegration, and to exchange documentation on lessons learned regarding recovery, repatriation and reintegration.

Importantly, it also calls upon States to develop programmes for the rehabilitation and social reintegration of children trafficked in order to become child soldiers.

79. The CoE Convention establishes measures concerning repatriation of victims, providing in essence that repatriation should be carried out with due regard to their rights, safety and dignity⁴ Most importantly, this requirement concerns both the party returning the person and the party to which the person is returned. Furthermore, parties should favour the reintegration of victims into society, including reintegration into the education system and the labour market, in particular through the acquisition and improvement of professional skills.

- **Prosecution and punishment**

80. Encouragingly, regional cooperation has been developing in this area. However, in several cases the focus is not victim-centred and traffickers still get away with very light punishment upon conviction.

81. ASEAN supports cross-border investigations and has developed practical tools in this regard, as mentioned above. In addition, it has undertaken activities directed at promoting cooperation between the criminal justice process and victim support agencies, through working groups, workshops and conferences. This is extremely relevant, since protection and assistance to victims and witnesses is essential, not only to protect the human rights of victims, but also to achieve results in the investigation. Only victims and witnesses who feel protected and assisted will be in a position to provide useful information and testimony.

82. The Ouagadougou Action Plan underlines some major issues with regard to the participation of victims in judicial proceedings. In particular, while encouraging victims of trafficking to testify in the investigation and prosecution, States are urged to give due consideration to the safety and security of victims and witnesses at all stages of legal proceedings, in particular with regard to children. It also calls upon States to adopt specific measures to avoid criminalization of victims of trafficking, as well as the

⁴ Article 16, COE Convention

stigmatization and the risk of re-victimization. Finally, it invites States to consider legislation to provide for administrative, civil or criminal liability of legal persons or their representatives for trafficking offences in addition to the liability of natural persons.

83. COMMIT in the Mekong region, through its Secretariat, conducts case monitoring and analysis to identify lessons learned and address barriers to appropriate investigative, prosecutorial and judicial responses to trafficking. On that basis, it develops handbooks that include practical guidance and standard operating procedures, with a focus on the protection of victims as well as on cross-border cooperation. Another focus is the creation and strengthening of specialist Anti-Trafficking Units for investigation and prosecution, and the promotion of cross-border cooperation between these Units. For these purposes, targeted training for law-enforcement officials is being conducted at the regional level and assistance provided for national level training in local languages.

84. Finally, among the important added values of the CoE Convention is the requirement that the private life and the safety of victims of trafficking be protected throughout the course of judicial proceedings. It also provides for the possibility of not imposing penalties on victims for their involvement in unlawful activities if they were compelled to do so by their situation, and the possibility of criminalizing those who use the services of a victim if they are aware that the person is a victim of trafficking.

- **Redress**

85. Access to an effective legal remedy and compensation by a court is an important aspect of redressing the human rights violations endured by victims. However, these aspects have received attention from only a few regional organizations.

86. The right of trafficked victims to redress is recognized by the Palermo Protocol, which states that “Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.” (art. 6.6). The OHCHR Guidelines also recommend that “States shall ensure that trafficked persons are given access to effective and appropriate legal remedies (Principle 17), and that “States shall, in appropriate cases,

freeze and confiscate the assets of individuals and legal persons involved in trafficking. To the extent possible, confiscated assets shall be used to support and compensate victims of trafficking” (Principle 16).

87. The right to effective remedy focuses on redress and access to justice to ensure that the wrongs suffered by the victim are remedied. The vast majority of regional cooperation mechanisms focus their criminal justice efforts on the prosecution and punishment of traffickers, while the provision of restorative justice and compensation to victims is not addressed, despite its fundamental importance within the international human rights law framework.

88. The right to access effective legal remedies including compensation for victims of trafficking is dealt with for the first time in a regional legally binding instrument in article 15 of the CoE Convention. This article stipulates that victims should have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings in a language which they can understand. They should also have access to free legal aid. This article also recognizes the right of victims to compensation and requests States parties to adopt legislative and other measures to guarantee compensation for victims. These measures can include the establishment of a fund for victim compensation and measures or programmes aimed at social assistance and integration of victims, which could be funded by confiscated traffickers’ assets and proceeds. In 2008, OSCE also published a study on “Compensation for Trafficked and Exploited Persons in the OSCE Region”.

89. COMMIT in the Mekong region is working on strengthening legal frameworks to include provisions on the right to support and protection for all identified victims of trafficking within judicial proceedings. It is working to fully support victims as witnesses, together with families, witnesses and informants. It will also hold a regional seminar on measures to freeze and confiscate assets of perpetrators and provide compensation to victims.⁵

⁵ See COMMIT Sub-Regional Plan of Action (SPA II 2008-2010), available at http://www.no-trafficking.org/reports_docs/commit/commit_spa2_final.pdf

90. Finally, the Ouagadougou Action Plan calls upon States to adopt legislative provisions for the confiscation of instruments and proceeds of trafficking and related offences and to consider legal measures which would offer victims of trafficking the possibility of obtaining compensation for damage suffered.

- **Gender-sensitive perspectives and child-centred approaches**

91. Aware of the fact that women and children are more exposed to the risks of trafficking, a number of regional mechanisms have taken steps to address their special situation and include gender mainstreaming and a child-centred approach in developing their strategies.

92. The Ouagadougou Action Plan recognizes that the empowerment of women and girls through national policies is an important part of combating trafficking, and that a gender perspective should be applied when adopting and implementing measures to prevent and combat trafficking in persons. In that context, it calls upon States to promote the empowerment of girls and women in their national policies, and to take measures to eliminate harmful customs and traditional practices and to counter cultural stereotypes, which can lead to trafficking in persons. Moreover, it invites them to provide viable employment or other livelihood opportunities for youth, particularly for young women at risk, especially in regions prone to trafficking.

93. Similarly, the SAARC Convention calls upon its States Parties to promote awareness, inter alia through the use of the media, of the problem of trafficking in women and children and its underlying causes, including the projection of negative images of women. Also active on gender mainstreaming in relation to trafficking, COMMIT in the Mekong region has taken the stance of involving both women and men in decision-making concerning counter-trafficking policies. On that basis, UNIAP works to ensure that every level of its work, from high-level forums with senior officials to community-based initiatives, includes both women and men, and that women are represented in positions of leadership and responsibility. The OAS Secretariat promotes the inclusion of a gender perspective in all aspects of its work, and encourages OAS member States to send an equal number of male and female participants to all training provided or supported by OAS.

94. The CoE Convention, in addition to requiring the use of gender mainstreaming in the development, implementation and assessment of anti-trafficking measures, also contains special measures for children. These include measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them, and also on the identification and representation of child victims, on the protection of the private life and identity of child victims, on the issue of residence permits for child victims in accordance with the best interests of the child, and on non-return of child victims to a State if there is any indication that return would not be in the best interests of the child. Furthermore, repatriation programmes for child victims should include enjoyment of the right to education and measures to secure adequate care or reception by the family or appropriate care arrangements. One of the aggravating circumstances to be considered when determining the penalty for the offence of trafficking is when the offence is committed against children. Special protection measures are afforded to child victims during and after investigation and prosecution. Lastly, during Court proceedings special care should be taken of children's needs and their right to special protection measures.

95. Finally, in her 2009 annual report, the OSCE Special Representative makes the protection of children from trafficking her first priority. She posits the process of best interest determination⁶ as a central tool in ensuring that all aspects of the child's situation are considered, insisting that this process must especially be made a prerequisite before a child is returned or repatriated.

2. Main challenges

96. Cooperation efforts at the regional level have been successful in a number of areas and have demonstrated the added value of tackling anti-trafficking problems from both collective and local perspectives. However, many challenges still lie ahead and would require to be addressed by regional mechanisms.

- Victim-centred and human rights-based approach

⁶ For a comprehensive explanation of this process, see the UNHCR *Guidelines on Determining the Best Interests of the Child*, May 2008.

97. In some regions, cooperation efforts are mainly focused on investigating and prosecuting trafficking crimes. While this is welcome, efforts should be made to prioritize protection and assistance to victims. Efforts oriented at adopting new criminal laws and enhancing cross-border judicial cooperation to prosecute traffickers are necessary but not sufficient in themselves. Adopting a human rights-based approach to combating trafficking allows countries to tackle this phenomenon in a comprehensive and effective way⁷, putting the rights of the victims at the centre of the process in accordance with international human rights law. A human rights-based approach also allows for effective prosecution of traffickers, putting the emphasis on the right to effective remedy for the victim. The right to access effective legal remedies and the right to compensation for victims of trafficking have received attention only from a few regional and subregional mechanisms.

- **Gender perspective and the situation of men**

98. In addition to addressing the particular risks faced by women and children, a gender-based approach also requires all stakeholders to consider the specific situation of men. Gender misconceptions often lead authorities not to consider men as possible victims of trafficking. As a consequence, men as victims of trafficking tend to be discriminated against in access to protection and assistance. This is reflected in the fact that a number of regional cooperation initiatives only cover trafficking in women and children, while trafficking in men and boys is not addressed.

99. COMMIT in the Mekong region has taken relevant steps to include men and boys in the COMMIT national plans, anti-trafficking laws and MOUs that previously focused solely on women and children, thereby reinforcing certain myths and stereotypes about the issue. It has encouraged member States who are also parties to the Palermo Protocol to adopt its definition, which covers trafficking of all persons, including men, and in all its forms, including trafficking for labour exploitation, which in some sectors, such as

⁷ See the OHCHR Guidelines

agriculture or fishing, predominantly affects men⁸. Furthermore, it acknowledges the differential risks to exploitation in sex-division of labour and addresses gender-based vulnerabilities to trafficking in persons.

100. In this context, regional organizations have a key role to play in promoting the elimination of gender-based misconceptions that prevent authorities from providing appropriate protection and assistance to all victims of trafficking, women and men, girls and boys.

- **Cooperation with civil society**

101. Civil society actors, particularly NGOs that have acquired specific expertise, have a role to play in the development, implementation and evaluation of anti-trafficking policies and programmes. In some cases, they are very well-placed to provide services to victims or inputs into governmental policies. In this regard, the OHCHR Guidelines include various recommendations on the way NGOs and other civil society organizations should be involved in the efforts to fight trafficking, as key partners. Regional organizations have a role to play in promoting effective partnerships between governments and civil society, and between themselves and civil society. Building such effective partnerships remains a challenge.

- **Cooperation with the private sector**

102. Cooperation with the private sector, particularly the tourism sector, with regard to sexual tourism, has not been identified by many organizations as a potential way to combat human trafficking from a prevention perspective.

- **The use of new information technologies**

103. The CoE is one of the few organizations that has addressed the impact of new information technologies on human trafficking, issuing a report on the “Impact of the use of new information technologies on trafficking in human beings for the purpose of sexual exploitation”. The fact that both the demand for, and the recruitment of, victims

⁸ In 2002, UNIAP and UNIFEM produced a Briefing Kit, *Trafficking in Persons: A Gender and Rights Perspective*, which covers a number of gender issues linked to trafficking.

are increasingly being channelled through technologies such as the Internet, poses completely new challenges in terms of prevention and law-enforcement responses to trafficking. Regional cooperation in the conduct of studies and the development of recommendations in this area could be instrumental.

- **Collection of data**

104. Without information and statistics, it is difficult to determine the extent of trafficking in persons and to develop appropriate policies. Regional organizations, because of their broader perspective, could take a leading role in collecting data in order to gain a clearer understanding of the root causes, factors in countries of destination facilitating trafficking, current trends with regard to victims, traffickers and criminal networks, their *modi operandi*, travel routes and different forms of exploitation.

- **Funding**

105. Some regional mechanisms lack the necessary financial capacity to provide the support and technical and legal assistance to countries in their region to mainstream international human rights standards into their anti-trafficking laws. For example, LAS indicated that countries in its region are keen to receive support in that regard, but that LAS lacked the necessary funds to provide it.

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on her analysis, the Special Rapporteur puts forward the recommendations set out in the following paragraphs.

106. Whenever possible, regional or subregional cooperation mechanisms should be established to promote a coordinated approach to combat human trafficking within a region where complementarities and synergies for joint work exist.

107. Regional mechanisms should develop standards that reflect a human rights-based approach to trafficking, based on relevant international instruments such as the Palermo Protocol and the OHCHR Guidelines. These standards should be developed in regional legal instruments, regional and national action plans, bilateral agreements, and further set out in practical guidelines, standard operating

procedures or practitioners' handbooks. Furthermore, regional mechanisms should provide assistance to countries in operationalizing these standards at the national level through capacity building activities, most importantly training and workshops. Finally, they should be active in monitoring and evaluation, collecting data on achievements and challenges, and sharing the results of their evaluation, including good practices, with countries in their region.

108. Regional cooperation instruments and plans of actions should promote the ratification of international human rights law instruments, including the Palermo Protocol. In particular, they should contain a commitment by all countries to adopt the Palermo Protocol definition of human trafficking, which covers trafficking of all persons, women, children and men, and in all its forms, including for sexual exploitation, labour exploitation, slavery or practices similar to slavery, organ transplantation and other exploitative reasons.

A. With regard to the regional mechanisms' institutional frameworks, these should include:

109. A sustained high-level commitment from relevant ministries or establishments that focus on human trafficking.

110. A solid foundation to build from, such as a Convention, a MOU or a Declaration, followed by a comprehensive regional workplan.

111. The establishment of a regional monitoring body to meet regularly to review the degree of implementation of normative instruments and workplans and provide recommendations to countries.

B. Regional mechanisms should carry out the activities set out in the following paragraphs, which have a specific added value.

112. Assist in the development of NPAs.

113. Assist in the establishment of a national coordination body or a national task force with implementation, coordination and oversight responsibility, consisting of representatives from the relevant ministries - including police, justice, social

welfare, labour and women's affairs - to be responsible for evaluating achievements and challenges in the country's implementation of NPAs, managing data collection and information sharing, taking decisions with regard to the need to revise strategies and coordinating efforts at the national level.

114. Assist in the establishment of anti-trafficking units and special national focal points within national law-enforcement structures, and promote the creation of direct channels of communication between special units and focal points in different countries, as well as joint-trained border patrols.

115. Facilitate the establishment of a strong regional network of counter-trafficking practitioners that will favour cross-border cooperation in various areas, through the organization of regular regional training and workshops.

116. Assist in the development and strengthening of bilateral cooperation mechanisms between countries of the same region.

117. Assist in the creation of partnerships between governments on one hand and international organizations and civil society organizations on the other. All partners should work on the basis of one workplan, where each has clearly assigned responsibilities.

118. Establish or improve mechanisms for data collection and information exchange.

119. Conduct regular regional training courses, assist in developing and improving curricula for national level training, collect and compile information on existing training programmes at the regional and national level, and conduct regular training needs assessments.

120. Promote the provision of gender-sensitive responses which adequately address the needs of both women and men as victims.

121. Promote the participation of both women and men in decision making concerning counter-trafficking policies, at every level and notably in positions of leadership.

122. Conduct studies and develop recommendations on how to address the challenges posed by the increasing use of communications technologies such as the Internet to channel demand and recruit victims.

123. Establish contacts and possibly a partnership with the tourism sector and develop a regional strategy in order to raise awareness within that sector on trafficking for sexual tourism.

C. With regard to prevention, regional mechanisms should take the action set out in the following paragraphs.

124. Provide technical and financial support to countries for raising public awareness at all levels regarding human trafficking. Regional mechanisms should themselves develop and implement public awareness campaigns, in partnership with international organizations, civil society and the media.

125. Promote the inclusion of human trafficking information into school curricula at all levels of education.

126. Develop regional guidelines on good practices on the recruitment of migrant workers, and promote bilateral cooperation between sending and receiving countries in monitoring the recruitment and working conditions of migrant workers.

127. Promote bilateral cooperation between countries and between regional organizations and countries aimed at adopting measures to reduce vulnerabilities in source areas.

D. With regard to protection, recovery and reintegration, regional mechanisms should take the action set out in the following paragraphs.

128. **Develop minimum standards at the regional level on support and services to be provided to victims of trafficking in order to enhance the level of protection, assistance and recovery. Special attention should be given to victim identification, repatriation, access to shelter, medical and psychosocial assistance, and rehabilitation, in line with the standards set out in international instruments and guidelines⁹.**

129. **Develop and promote the adoption by governments of regional practitioners' guidelines on protection, including victim identification, repatriation, access to shelter and medical and psychosocial assistance, and rehabilitation, and provide assistance in their operationalization at the national level, through training and workshops at the regional and national levels.**

E. The role of regional organizations is also to promote an effective prosecutorial and judicial response, with a victim-centred approach. To that effect, regional organizations should:

130. **Promote the establishment of national legal frameworks to criminalize trafficking, putting the protection of victims (and witnesses) and their access to effective legal remedies and compensation at the centre of the prosecutorial and judicial response.**

131. **Promote the creation and strengthening of specialist anti-trafficking units in prosecution offices, and promote cross-border and internal cooperation between these units.**

132. **Provide specialized training to law-enforcement officials (particularly police, prosecutors and judges).**

133. **Establish case monitoring and analysis systems to identify lessons learned and address barriers to effective responses to human trafficking. On that basis, develop**

⁹ In addition to the OHCHR Guidelines, reference can be made to the IOM Handbook on Direct Assistance to Victims of Trafficking.

handbooks or guidelines that include standard operating procedures on how to investigate and prosecute trafficking cases.

134. Promote the adoption of extradition and mutual legal assistance agreements that incorporate trafficking-related crimes.

F. On the right of victims to redress and compensation, regional mechanisms should ensure that at national level:

135. Mechanisms are in place that allow victims to safely exercise their right to access legal remedies.

136. Victims who act as witnesses are fully supported and protected.

137. Mechanisms to provide compensation to victims are established and made operational, based for example on the confiscation of perpetrators' assets or on any other suitable mechanism.

G. The international community should explore ways to financially support regional mechanisms in their effort to provide assistance to countries in developing their human rights-based anti-trafficking strategies. National governments should for their part ensure adequate budgetary allocation for implementation of their national plans on anti-trafficking derived from regional mechanisms and cooperation initiatives.
