

# **SPECIAL RAPPORTEUR ON TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN**

## **Concept Note**

### **Expert Meeting on Prosecution of Trafficking Cases Geneva, 4 July 2011**

#### **Overview**

Trafficking in persons has received increasing attention in recent years at the international level. As the Human Rights Council noted, trafficking in persons violates fundamental human rights and continues to pose a serious challenge to humanity. In this context, the mandate of the Special Rapporteur on trafficking in persons, especially women and children, was established in 2004 by the then Commission on Human Rights, to focus on the human rights aspects of trafficking in persons, especially women and children. The current mandate-holder, Ms Joy Ngozi Ezeilo, was appointed in June 2008.

The Special Rapporteur's mandate includes, among others, the promotion of measures to promote and protect the human rights of trafficked persons. To this end, the Special Rapporteur advocates a human rights-based approach to combating trafficking in persons, guided by international human rights law and standards including the Recommended Principles and Guidelines on Human Rights and Human Trafficking. As a framework of implementation of national laws, policies and measures, the Special Rapporteur stresses the importance of 5Ps (protection, prosecution, punishment, prevention, promoting international cooperation and partnership), 3Rs (redress, recovery and reintegration) and 3Cs (capacity, cooperation and coordination).

Following her previous thematic reports focusing on protection of trafficked persons (A/64/290), prevention of trafficking in persons (A/765/288), regional and sub-regional cooperation in combating trafficking in persons (A/HRC/14/32) and the right to an effective remedy for trafficked persons (forthcoming, 17<sup>th</sup> session of the Human Rights Council), the Special Rapporteur intends to focus on prosecution of traffickers, one of the key Ps, in her 2011 report to the General Assembly. In discharging her mandate, she observed that while the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime ("the Palermo Protocol") led to the adoption or amendment of legislation to specifically proscribe an offence of trafficking in persons and an increased political commitment to combat trafficking in persons in many States, the number of convictions still remains very low vis-à-vis the number of trafficked persons. Furthermore, the Special Rapporteur found that the human rights of trafficked persons often receive marginal attention in processes of investigating and prosecuting traffickers. Owing to the nature of the crime, prosecution of trafficking cases necessarily calls for measures to ensure that trafficked persons do not suffer from psychological harms, stigma or fears of reprisals. In practice, however, trafficked persons are often treated as instruments of criminal investigation, rather than as victims of human rights violations entitled to appropriate protection and remedies. In light of these concerns, it is envisaged that the Special Rapporteur's report examines good practices and challenges in effectively prosecuting trafficking cases while ensuring that prosecution processes and procedures are victim-centered and effectively contribute to the protection and promotion of human rights of trafficked persons.

### **Objectives and expected outcome**

In developing this report, the Special Rapporteur plans to convene a one-day expert meeting on 4 July in Geneva. The objectives of the meeting are as follows:

1. to build on thematic expertise on issues related to prosecution of trafficking cases;
2. to discuss case studies and identify good practices and lessons learnt in ensuring that prosecution of trafficking cases is victim-centered and effectively contributes to the protection and promotion of human rights of trafficked persons; and
3. to make proposals for recommendations to States and other actors, with a view to informing her report to the General Assembly.

The expected outcome of the meeting is to inform the Special Rapporteur's report to the General Assembly, with a view to offering guidance to States in developing and implementing judicial frameworks and policies that facilitate effective prosecution and punishment of traffickers, while respecting and protecting the human rights of trafficked persons.

### **Modalities**

The expert meeting will be structured in a one-day meeting. It is envisaged that the meeting will consist of 4 sessions which will address the following topics:

1. Global overview and progress so far in prosecuting traffickers;
2. Case studies on prosecution of traffickers – Good practices and lessons learnt in ensuring the effective prosecution and punishment of traffickers;
3. Human rights-based approach to prosecution – Key issues of concern and lessons learnt; and
4. Conclusions and recommendations.

About 12 experts with specific expertise on prosecution of traffickers at country level will be identified based on their professional experience to participate in this expert meeting. In determining the participants to this meeting, a geographical balance may be taken into account to ensure that experiences from different regions are effectively represented.

The working language for this meeting will be English. No simultaneous interpretation will be provided.