## **Call for written submissions: Report of the United Nations Special Rapporteur on trafficking in persons, especially women and children.**

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| Deadline: | **14 February 2021** |
| Issued by: | Special Rapporteur on trafficking in persons, especially women and children |
| Purpose: | To inform the SR's report to be presented to the 47th session of the Human Rights Council, June 2021 |

The United Nations Special Rapporteur on trafficking in persons, especially women and children, Ms. Siobhán Mullally, is preparing a report on the implementation of the non-punishment principle in the context of trafficking in persons. The purpose of this report is to identify the core human rights obligations of states, and to examine how forms of punishment such as deprivation of citizenship, detention, forced returns, as well as administrative and criminal sanctions, impact upon the human rights of victims / survivors of trafficking.

The report will highlight emerging trends, as well as good practices in implementation of the non-punishment principle.

The Special Rapporteur invites interested individuals and organizations, including experts and organizations affected, policymakers, practitioners and academics, to provide input for the preparation of the report, which will be delivered to the Human Rights Council in **June 2021.**

### **How to send your written submission to the Special Rapporteur?**

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| E-mail address: | **srtrafficking@ohchr.org** |
| E- mail subject line: | “Input for the report on the implementation of the non-punishment principle” |
| Accepted languages: | English, French or Spanish. |

Respondents are requested to limit their comments to a maximum of **2,000** words. Additional supporting materials, such as reports, academic studies, and other background materials may be annexed to the submission.

**All submissions will be posted on the mandate’s website. Should you wish to maintain confidentiality of your submission, kindly clearly indicate it at the moment of submission.**

**Key Questions and Issues to be addressed:**

This thematic report will build upon the preparatory work undertaken by my predecessor in the 2020 position [paper](https://www.ohchr.org/Documents/Issues/Trafficking/Non-Punishment-Paper.pdf) on the non-punishment principle.

While all submissions are welcome, the Special Rapporteur particularly invites comments and information that addresses the following issues:

* The gender dimensions of implementation of the non-punishment principle
* Examples of deprivation of citizenship as punishment against trafficked persons;
* Arrest, detention or other forms of custody of trafficked persons as punishment;
* Incidents of forced return to his or her country of origin as punishment.
* The limits or challenges on the application of the non-punishment principle, in law or in practice;
* Discriminatory provisions in the law or policy on the non-punishment principle or discrimination in practice in implementation.
* Information on laws and policies on the implementation the non-punishment principle, in particular **examples of good practice, including** specific legislation, policies or guidance adopted on the implementation of the non-punishment principle, and which has effectively prevented trafficked persons from being held liable under criminal, civil or administrative laws, including immigration offences, to the extent that such involvement is a direct consequence of their situation as trafficked persons.
* Specific information on **models of implementation,** in particular:
* Whether the principle is implemented through specific legal provisions on non-punishment within their domestic legislation;
* The criterion used to define the link between the commission of the unlawful act and the victim’s subjection to the influence of the trafficker (whether it is a causation link or a duress defence, in if the latter, how compulsion is interpreted);
* Whether the principle applies to all types of unlawful acts or its application is limited to certain acts only;
* At which stage of the investigation or prosecution can it be applied and by whom, and whether it is necessary that the victim has been formally identified.

**For more on information on the Special Rapporteur on trafficking in persons, especially women and children and the activities of the mandate please see:**

[**https://www.ohchr.org/EN/Issues/Trafficking/Pages/TraffickingIndex.aspx**](https://www.ohchr.org/EN/Issues/Trafficking/Pages/TraffickingIndex.aspx)

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