1 Concept Note
Special Rapporteur on Trafficking in Persons, especially in women and children
Consultations on regional and sub-regional cooperation
Dakar, 4-5 October 2010

1. Background

The 2010 report of the Special Rapporteur (SR) to the 14th session of the Human Rights Council (HRC) in June 2010 focuses on the role of regional and sub-regional organizations in international effort to counter human trafficking (A/HRC/14/32). It analyzes the current activities undertaken by these organizations, with the intention of highlighting good practices and initiatives that promote a human rights-based approach to combating trafficking.

A number of these organizations have already embarked on regional cooperation activities in this area. However, as the report indicates, challenges remain as many of the current initiatives still do not fully or effectively integrate a victim-centred and human rights-based approach to combating trafficking.

In the process leading to the finalization of her report, the SR started a dialogue with these organizations seeking information on their respective activities in this field. The Special Rapporteur continued this dialogue with regional and sub-regional organizations by convening a consultation on 4 and 5 October 2010 in Dakar.

2. Summary of the Special Rapporteur’s report on regional and sub-regional cooperation

The report of the Special Rapporteur (SR) reviews a number of regional cooperation mechanisms and initiatives by highlighting how such mechanisms may contribute to fighting human trafficking at the national and international level and the challenges that they face. The report concludes with several recommendations to optimize the added value of these mechanisms and initiatives.

In this report, the SR suggests that 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. She identifies added values of regional mechanisms that facilitate the inclusion of regional action plans and specific measures and strategies to guide States in developing their national strategies, and set out common strategies and actions to be taken within a region. According to the SR, the creation of such mechanisms has proved to be a key step to providing a sound platform on which States may shape their national policies on trafficking and which promotes a unified vision to fight human trafficking within a region, while at the same time ensuring coherence as national strategies will be developed with similar approaches. Further, the report encourages the establishment of regional monitoring bodies which meet regularly and review the degree of implementation of normative instruments and related work plans.

In addition, the cooperation mechanisms within regional organizations have played an essential role as catalysts and advisers in promoting the adoption of national plans of
action (NPAs). 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. Regional bodies have a role in promoting the establishment of national multidisciplinary monitoring bodies, which are key to the success of NPA. It sets forth the case for enhanced promotion of cooperation with diverse actors including civil society, private sector and international organizations. The report finally acknowledges that a number of these cooperation mechanisms do not sufficiently address the trafficking phenomenon in a comprehensive manner, failing to take a victim-centred and human rights-based approach to combating human trafficking. The report makes several recommendations aimed at addressing some of the shortcomings of the cooperation mechanisms.

3. Objectives and expected results of the consultation

The objectives of this consultation are as follows:
1. To deepen the discussion around the main findings of the SR’s report to the 14th session of the Human Rights Council and the follow-up to the recommendations contained in the report;
2. To share information on current trends and good practices that can be drawn from anti-trafficking activities of regional and sub-regional organizations;
3. To explore how regional and sub-regional organizations can more systematically integrate a human rights-based approach to combating trafficking into their activities and programs;
4. To provide an opportunity for participating organizations’ anti-trafficking specialists to meet with each other and create networks that will promote better sharing of information and good practices.

As a result of the consultation, the Special Rapporteur will produce a report which will be shared with the participants.

4. Modalities

This consultation will be structured in a two-day meeting, with a number of thematic panels which may include but not limited to topics such as regional cooperation in the judicial response, effective prosecution of traffickers and appropriate legal remedies for victims, the role of regional mechanisms in promoting the rehabilitation and reintegration of victims and others. The detailed agenda will be circulated at a later stage.

The participants will be representatives of a number of regional and sub-regional organizations involved in anti-trafficking work within their respective organizations. Representatives of UN agencies and international intergovernmental organizations will also be invited.

The working language for the consultation will be English and French. To this end, interpretation to both languages will be provided.
Preliminary list of invited participants

1. The Association of Southeast Asian Nations (ASEAN), Jakarta, Indonesia
2. The Bali Process, Wellington, New Zealand
3. The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), Bangkok, Thailand
4. The South Asian Association for Regional Cooperation (SAARC), Kathmandu, Nepal
5. The African Union, Addis Ababa, Ethiopia
6. The Economic Community for Central African States (ECCAS), Libreville, Gabon
7. The Economic Community of West African States (ECOWAS), Abuja, Nigeria
8. The Southern Africa Development Community (SADC), Gaborone, Botswana
9. The Council of Europe (CoE), Strasbourg, France
10. The European Union (EU), Brussels, Belgium
11. The Organization for Security and Co-operation in Europe (OSCE), Vienna, Austria
12. The Organization of American States (OAS), Washington, USA
13. The League of Arab States (LAS), Cairo, Egypt
14. Mercado Común del Sur, Mercosur, Montevideo, Uruguay
15. UN agencies based in Dakar will be invited to participate as observers

5 Excerpt from the recommendations of the SR’s report to the HRC (A/HRC/14/32).
Reference is made here to the main conclusions and recommendations based on the analysis of the Special Rapporteur of several regional mechanisms that she engaged in the preparation of the report;

106. Whenever possible, regional or sub-regional 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 action 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, an 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 actions 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 actions 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 guidelines.

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 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 the 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.