



THESSISMUN 2007

THESSALONIKI INTERNATIONAL STUDENT
MODEL UNITED NATIONS

United Nations Economic and Social Council Topic Area A

*Transnational organized crime and human trafficking: Evaluation of
the existing structures and proposals for further action.*



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1. ECOSOC: general information

The Economic and Social Council (ECOSOC) was created under Article 7 of the United Nations Charter in 1945.

ECOSOC has 54 Member States, elected by the General Assembly for three year time. Seats on the Council are allotted based on geographical representation with 14 allocated to African States, 11 to Asian States, 6 to Eastern European States, 13 to Western European and 10 to Latin America. USA, Russian Federation, UK, France and China are represented in permanent basis.

ECOSOC coordinates the work of the 20 UN specialized agencies (International Labour Organization ILO, Food and Agriculture Organization of the United Nations FAO, United Nations Educational, Scientific and Cultural Organization UNESCO, World Health Organization WHO, The World Bank Group, International Bank for Reconstruction and Development IBRD, International Development Association IDA, International Finance Cooperation IFC, Multilateral Investment Guarantee Agency MIGA, International Centre for Settlements of Investment Disputes ICSID, International Monetary Fund IMF, International Civil Aviation Organization ICAO, International Maritime Organization IMO, International Telecommunication Union ITU, Universal Postal Union UPU, World Meteorological Organization WMO, World Intellectual Property Organization WIPO, International Fund for Agricultural Development IFAD, United Nations Industrial Development Organization UNIDO, World Tourism Organization WTO), 9 functional commissions (the Statistical Commission, the Commission on Population and Development, the Commission on Social Development, the Commission on the Status of Women, the Commission on Narcotic Drugs, the Commission on Crime Prevention and Criminal Justice, the Commission on Sustainable Development, the Commission on Science and Technology for Development and the United Nations Forum on Forests) and 5 regional commissions (the Economic Commission for Europe, the Economic and Social Commission for Western Asia, the Economic and Social Commission for Asia and the Pacific, the Economic Commission for Africa, the Economic and Social Commission for Latin America and the Caribbean), 4 Standing Committees (Committee for Program and Coordination, Committee on Human Settlements, Committee on Non-Governmental Organizations, Committee on Negotiations with Intergovernmental Agencies), 1 Ad hoc Body (the



Ad Hoc Open- ended Working Group on Informatics) and receives reports from 14 UN funds and programs (International Trade Center UNCTAD/WTO ITC, United Nations Human Settlements Programme UN-HABITAT, United Nations Volunteers UNV, United Nations Capital Development Fund UNCDF, United Nations Drug Control Programme UNDCP, United Nations Children's Fund UNICEF, United Nations Conference on Trade and Development UNCTAD, United Nations Fund For Women UNIFEM, United Nations Development Program UNDP, United Nations Environment Program UNEP, Office of the United Nations High Commissioner for Refugees UNHCR, United Nations Population Fund UNFPA, United Nations Relief and Works Agency for Palestine Refugees in the Near East UNRWA, World Food Program WFP) and issues policy recommendations to the UN system and the Member States.¹

ECOSOC consults with member states, other UN organs, academic institutions, NGOs and the private business sector representatives in the observation and decision making processes².

It's highest responsibilities is to promote better standards of living, full employment, economic and social progress, identification of solutions to the international economic, social and health problems, and to facilitate international cultural and educational cooperation. Its role in encouraging the protection of human rights and fundamental freedoms was also remarkable.

ECOSOC's contemporary role is considered to be highly crucial, by taking into consideration the efforts for a new economical order and for international social stability. Its role is also important since it constitutes the link between United Nations and specialized agencies.

¹ Information from ECOSOC, Economic and Social Council, www.un.org



2. Crime Prevention and Criminal Justice³

The recent increase in the scope, intensity and sophistication of crime around the world threatens the safety of citizens everywhere and hampers countries in their social, economic and cultural development. The dark side of globalization allows multinational criminal syndicates to broaden their range of operations from drug and arms trafficking to money laundering and trafficking in human beings.

Member States recognize that they must cooperate in order to counter international crime successfully.

Crime Programme

Established in 1997, the Centre for International Crime Prevention (CICP) is the United Nations office responsible for crime prevention, criminal justice and criminal law reform. The CICP works with Member States to strengthen the rule of law, to promote stable and viable criminal justice systems and to combat the growing threats of transnational organized crime, corruption and trafficking in human beings. Since October 2002, the Centre for International Crime Prevention (CICP) has been renamed the UNODC Crime Programme.

Criminal Justice Reform

Fair and effective criminal justice systems which ensure respect for the human rights of all those involved are a prerequisite for combating criminality, both national and trans-national, and for building societies based on the rule of law. The Criminal Justice Reform Unit assists States in developing strategies to reform all the aspects of their criminal justice systems, with particular emphasis on vulnerable groups. The Unit also prepares assessment tools and manuals in all areas of criminal justice reform and based on the set of United Nations standards and norms in crime

³ Information from: <http://www.unodc.org/>



prevention and criminal justice, with particular emphasis on the needs of vulnerable groups and of post-conflict and transitional societies.

The Commission on Crime Prevention and Criminal Justice

The 40-member UN Commission on Crime Prevention and Criminal Justice formulates international policies and recommends activities in the field of crime control. The Commission offers nations a forum for exchanging information and to settle on ways to fight crime on a global level. It also provides substantive direction for the periodic UN Congresses on the Prevention of Crime and the Treatment of Offenders.

The Commission is a subsidiary body of the Economic and Social Council. Priority areas mandated by the Council when it established the Commission in 1992 are:

- international action to combat national and transnational crime, including organized crime, economic crime and money laundering
- promoting the role of criminal law in protecting the environment
- crime prevention in urban areas, including juvenile crime and violence
- improving the efficiency and fairness of criminal justice administration systems.

The Commission formulates draft resolutions for action by the Economic and Social Council. These resolutions eventually direct the work of the Centre for International Crime Prevention



3. Transnational Organized Crime

DEFINITION⁴: An organized criminal group is a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit. By “serious crime” is meant “conduct constituting a criminal offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty”. According to the Convention, an offence is transnational if (a) It is committed in more than one state; (b) It is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state; (c) It is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state; or (d) It is committed in one state but has substantial effects in another state”. It is important to note that the diversity of the topic had made the definition of transnational organized crime very difficult.

Overview⁵

Transnational organized crime is considered as one of the major threats to human security, impeding the social, economic, political and cultural development of societies worldwide. It is a multi-faceted phenomenon and has manifested itself in different activities.

As globalization has expanded international trade, so the range of organized crime activities has broadened and diversified. The traditional hierarchical forms of organized crime groups have diminished; replaced with loose networks who work together in order to exploit new market opportunities. For example organized crime groups involved in drug trafficking are commonly engaged in smuggling of other illegal goods. The links between drug trafficking and other forms of transnational organized crime calls for a more integrated approach to address this nexus.

⁴ definition from: GLOBAL PROGRAMME AGAINST TRANSNATIONAL ORGANIZED CRIME Results of a pilot survey of forty selected organized criminal groups in sixteen countries **September 2002**

⁵ Information from: : GLOBAL PROGRAMME AGAINST TRANSNATIONAL ORGANIZED CRIME Results of a pilot survey of forty selected organized criminal groups in sixteen countries **September 2002**
<http://www.unodc.org/>

A more secure world, Our shared responsibility- United Nations Department of Public Information (2004)



One of the core activities of organised criminal groups –drug trafficking- has major security implications. It is estimated that criminal organisations gain \$300 to \$500 billion annually. In some regions, the huge profits generated through this activity even rivals some countries' GDP, thus threatening State authority, economic development and the rule of law. It has contributed to the increase in intravenous heroin use, which has led to an alarming spread of the HIV/AIDS virus.

According to an analysis introduced by UNDOC, transnational organized crime groups seem to be keenly diversified by considering several variables such as structure, size, activities, identity, violence, corruption, political influence, co-operation with other groups etc.

More specifically, the same report concludes that:

The most common characteristics of organized crime groups assessed by the survey are thus as follows:

- Two thirds of the groups have a classical hierarchical type of structure while one third is more loosely organized.
- The majority of the groups are of moderate size, with between 20-50 participants.
- Violence is essential to the undertaking of their activities for the majority of the groups.
- Under half of the groups do not have a strong social or ethnic identity while ethnic-based organizations represent less than a third of the organized crime groups.
- The largest number of groups engaged in only one primary criminal activity. In the majority of cases groups are engaged in criminal activities in multiple countries.
- The vast majority of the groups make use of corruption, either extensively or occasionally.
- Just under half of the groups are said to have no political influence, while one third of the groups have an influence at the local/regional level.
- Under half of the groups have extensively penetrated the legitimate economy.
- The largest number of groups cooperates with other organized criminal groups, largely as a source of illicit commodities.
- The vast majority of groups make use of corruption, either extensively or occasionally.



States and international organizations have reacted to slowly to the threat of organized crime and corruption. Statements about the cruelty of the threat have rarely been matched by action. Three basic problems stand in the way of effective response to the issue: insufficient cooperation among States, weak coordination among international agencies and inadequate compliance by many States.

International policies- International Law

In recent years, Member States have monitored developments with growing concern

- The United Nations Convention against Transnational Organized Crime and its Protocols (The Protocol against Trafficking in Persons ,The Protocol against the Smuggling of Migrants)
- UNODC activities against translational organized crime (TOC)

The signing of the United Nations Convention against Transnational Organized Crime in 2000 was a historic step forward in countering this threat.

The United Nations Convention against Transnational Organized Crime, which entered into force in September 2003, is the main international instrument to counter organized crime. The Convention commits states to introduce a range of measures, including the creation of domestic criminal offences to counter the problem; the adoption of new frameworks for mutual legal assistance; extradition; law enforcement cooperation; technical assistance and training.

UNODC works closely with national governments, organizations and civil society to enhance international cooperation to counter the pervading influence of organized crime.

In spite of the fact that the Commission of Crime Prevention and Criminal Justice is a subsidiary body of ECOSOC, the latter has not shown a lot of interest to the issue yet, displacing its responsibilities to the United Nations Office on Drugs and Crime.



The United Nations Convention against Transnational Organized Crime and its Protocols (Summary)⁶

The purpose of this Convention is to promote cooperation to prevent and combat transnational organized crime more effectively.

The convention includes

General rules for:

- Criminalization of participation in an organized criminal group
- Criminalization of the laundering of proceeds of crime
- Measures to combat money-laundering
- Measures against corruption
- Measures for jurisdiction
- Extradition
- Transfer of sentenced persons
- Mutual Legal Assistance
- Joint investigations
- Transfer of criminal proceedings
- Maintain database of criminal's and activities

Protecting witnesses (and victims)

Measures to:

- enhance cooperation with law enforcement authorities

⁶ The full text of the convention can be found at: <http://untreaty.un.org/>

source of the overview presented in the study guide: original convention and International and UN context: Overview of existing Law & Policy By Jan Van Dijk -UN ODCCP



- Effective protection from potential retaliation or intimidation of WITNESSES or relatives and VICTIMS

Co-operation

- Law enforcement cooperation
- Collection, exchange and analysis of information on the nature of organized crime
- Training and technical assistance
- Prevention
- Other measures

Protocol against smuggling of migrants

Criminalization, when it is transnational and committed by organized crime, for:

- smuggling of migrants, falsification of identification documents, possession of false documents furtherance of smuggling
- Protection of Vessel and Passengers

Illicit Trafficking of Migrants by Sea

Member States believing vessel is used for smuggling can expect assistance:

- to determine registry of vessel
- Receive authorization to board and search
- searched and secured



UNODC activities against transnational organized crime (TOC)⁷

UNODC assists governments in the efforts to ensure there is a comprehensive response to combating transnational organized crime and drug trafficking by:

Assisting Member States in the ratification and implementation of the TOC Convention;

- Monitoring the implementation of the Convention;
- Developing and promoting best practice in countering organized crime across the globe;
- Improving the exchange of information; judicial cooperation and mutual legal assistance between law enforcement officials and;
- Determining the most effective method for collecting information on organized crime from a regional and global perspective and ensuring that such information is available to policymaking and technical assistance projects.

What else?

Transnational organized crime networks are often told to be connected with corrupted governments. The problem of acquiring standardized information on the social phenomenon across a number of societies is clear.

States should regularly review their laws governing criminal offences, jurisdiction, and international cooperation, as well as their measures dealing with law enforcement training and crime prevention, to ensure that the special problems created by transnational organized crime and terrorism are effectively addressed. Money-laundering and Cyber- crime need to be examined in greater detail too.

Many recommendations have been introduced concerning the adoption of new instruments and adhering to International Standards. Better international regulatory frameworks need to be established: Member States that have not signed or ratified the Convention and Protocols should do

⁷ From: <http://www.unodc.org/>



so, and all Member States should establish a central authority to facilitate the exchange of evidence among national judicial authorities, mutual legal assistance among prosecutorial authorities and the implementation of extradition requests.

International cooperation in many sectors (even in education) could contribute to prevention of the problem and its consequences. The enforcement of law channels could also be a productive measure. In dealing preventively, sanctions could be a useful tool too.



4. Human trafficking

DEFINITION: Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs⁸.

Overview⁹

Every year hundreds of thousands of men, women and children are trafficked illegally all over the world.

The trafficking victim is totally enslaved. The trafficker deprives the basic human rights of the victim. Victims are usually tricked and lured by false promises or physically forced. These people are often economically, sexually and physically exploited.

Economic and sexual slavery is a highly lucrative global industry controlled by powerful criminal organizations. These groups often make use of electronic technology to expand their networks in both developed and developing nations.

Trafficked persons usually come from the poorer regions of the world, where opportunities are limited and are often from the most vulnerable in society (especially in post-conflict situations, such as Kosovo and Bosnia and Herzegovina), though they may also come from any social background, class or race.

Women, who form the majority of trafficking victims, are particularly at risk from criminals who exploit lack of opportunities, promise good jobs, and then force the victims to be prostitutes. The main motives of a woman (and in some cases an underage girl) to accept an offer from a

⁸ Article 3, paragraph (a) of the [Protocol to Prevent, Suppress and Punish Trafficking in Persons](#), especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime

⁹ Information from: <http://www.un.org/docs/ecosoc/>, <http://www.wikipedia.org/>



trafficker is for better financial opportunities for themselves or their family. Many women are forced into the sex trade after answering false advertisements and others are simply kidnapped. The women are often so poor that they can not afford things like food and health care. Sometimes they are forced to have abortions. They work 24 hours a day. Women are dumped on the street or killed when the captors no longer see them as useful.

Men are also at risk of being trafficked for unskilled work predominantly involving hard labour. Other forms of trafficking include bonded and sweatshop labour, forced marriage, and domestic servitude.

Children are also trafficked for both labour exploitation and sexual exploitation. On a related issue, children are forced to be child soldiers. Thousands of children are sold into the global sex trade every year. Often times they are kidnapped or orphaned, and sometimes they are actually sold by their own families. These children often come from Asia, Africa, and South America..

Most victims of trafficking today come from three populations. First, parents may sell children to traffickers in order to pay off debts or gain income. Second, runaways, refugees, or other displaced persons may be picked up by traffickers. Third, people who are seeking entry to other countries may be picked up by traffickers, and — typically — misled into thinking that they will be free after being smuggled across the border.

Due to the illegal nature of trafficking, the exact extent is unknown. A U.S. Government report published in 2003 estimates that between 800,000 and 900,000 people worldwide are trafficked across borders each year, the majority in South East Asia, Japan, Russia and Europe. This figure does not include those who are trafficked internally.

AFRICA¹⁰

According to a report introduced by UNODC (2006), Western Africa is the reported sub-region from which most of the trafficking in persons in the region originates. In particular according to the

¹⁰ Reports on regions from: United Nations Office on Drugs and Crime (UNODC) Trafficking in Persons: Global Patterns April 2006



same report Nigeria is considered as a high rated origin country followed by Benin, Ghana and Morocco.

Nigeria and South Africa are frequently cited as destinations for victims trafficked from African countries. Within Western Europe, the United Kingdom, Italy, France, Belgium and the Netherlands are the most frequently reported as destinations of trafficking out of African countries. Among other regions, Saudi Arabia is reported to be a destination for victims trafficked out of Africa. Fewer sources reported of trafficking from Africa into North America.

When considering Africa as a destination region, the greatest number of sources reporting human trafficking into African countries indicates that victims are trafficked from other African countries, and in particular from the Western African sub-region. Only a few sources indicate that trafficked victims are brought into Africa from other regions, being Asia (Thailand); the Commonwealth of Independent States (Russian Federation); and Central and South Eastern Europe.

ASIA

Asia is frequently reported as an origin region. More specifically, the People's Republic of China and Thailand are considered to be highly ranked, followed by Bangladesh, Cambodia, India, Lao PDR, Myanmar, Nepal, Pakistan, the Philippines and Viet Nam.

On the other hand, Israel, Turkey, Japan, and Thailand are reported to be highly ranked as destination countries.

According to the same report, South-Eastern Asia is frequently reported to be an origin region for trafficking into Asian countries. Myanmar, Viet Nam, the Philippines and Thailand are frequently reported as origin countries, as are the People's Republic of China, Bangladesh and Nepal also among the Asian countries most frequently reported to be origin countries for trafficking into Asian countries.



EUROPE

Europe comprises of two major sub-regions. These are Western Europe that serves predominantly as a sub-region of destination and Central and South Eastern Europe that serves primarily as an origin transit, and a destination region.

Central and South Eastern Europe is frequently reported as an origin sub-region. Albania, Bulgaria, Lithuania and Romania, the Czech Republic, Estonia, Hungary, Latvia, Poland and Slovakia seem to face the problem more severely, whereas Bosnia and Herzegovina, Czech Republic, Kosovo (Serbia and Montenegro) and Poland are highly ranked as destination countries.

As far as concerns Western Europe, Belgium, Germany, Greece, Italy and the Netherlands are highly ranked as origin countries and at the same time victims trafficked into Western Europe are reported to come from all five major origin regions. Central and South Eastern Europe is the region most frequently reported, and, in particular, Albania, Romania, the Czech Republic, Lithuania, Bulgaria, Latvia, Poland and Hungary are frequently reported to be origin countries for human trafficking into the region. The Commonwealth of Independent States is also frequently reported, and specifically, Ukraine, the Russian Federation and Moldova are frequently reported by the sources collected as origin countries for trafficking of victims into Western Europe. Nigeria, Colombia and Dominican Republic are also among the most frequently reported countries of origin for the sub-region.

COMMONWEALTH OF INDEPENDENT STATES

The Commonwealth of Independent States (CIS) comprises of 12 countries and is reported as an important region of origin, especially Belarus, Moldova, the Russian Federation and Ukraine. Germany, Italy and Greece are frequently reported as destination countries, as well as Israel and Turkey, and the United States of America and Canada.



LATIN AMERICA AND THE CARIBBEAN

Brazil, Colombia (South America), Guatemala, Mexico (Central America) and the Dominican Republic (Caribbean) ranked high as origin countries.

Human trafficking into the region is predominantly reported to be intra-regional with the majority of sources collected in the Trafficking Database reporting trafficking in persons originating in Central America, the Caribbean and South America.

NORTH AMERICA

North America is mostly reported as a destination region. The main regions of origin are reported to be the Commonwealth of Independent States, Asia and Latin America and the Caribbean. Fewer sources report of trafficking in persons from countries in Central and South Eastern Europe, and a limited number of sources refers to human trafficking from Africa into North America.

OCEANIA

According to the same report, no country of the region appears on the list of countries ranked very high as a destination for trafficking. Thailand and, to a lesser extent, the Philippines, are the most frequently reported origin countries for trafficking of persons into the region.

Human trafficking is so common now that it is the third most profitable criminal activity in the world after illegal drugs and arms trafficking.

Human Trafficking has been facilitated by porous borders and advanced communication technologies, it has become increasingly transnational in scope and highly lucrative. Unlike drugs or arms, people can be "sold" several times. The opening up of Asian markets, porous borders, the end of the Soviet Union and the collapse of the former Yugoslavia have contributed to this dark side of globalisation.



A number of factors have led to its expansion, including:

- Easy profits
- Growing deprivation and marginalisation of the poor
- Anti-child labor laws eliminating employment for people under the age of 18
- Anti-marriage laws for people under the age of 18, resulting in single motherhood and a desperate need for income
- Restrictive immigration laws that motivate people to take greater risks
- A lack of information about the realities and dangers of trafficking
- Insufficient penalties against traffickers

In exceptional cases, officials have been accused of corruption and helping traffickers. Also, many governments mistreat victims by jailing and deporting them while not punishing the trafficker.



International Policies- International Law

In recent years, Member States have monitored developments with growing concern

- In 2000 the United Nations adopted **the Convention against Transnational Organized Crime**, also called the Palermo Convention and two protocols :the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.
- **UN Global Programme against Trafficking in Human Beings.** The Global Programme against Trafficking in Human Beings (GPAT) was designed by the UN Office on Drugs and Crime (UNODC) in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI) and launched in March 1999. The GPAT's' overarching objective is to bring to the foreground the involvement of organized criminal groups in human trafficking and to promote the development of effective criminal justice-related responses
- **Awareness-Raising Campaigns** (UN General Assembly Special Session on Children - 8-10 May 2002, Yokohama Congress - 17-20 December 2001)

Outline of GPAT¹¹

Assessment

The assessment component of the Programme, performed in cooperation with UNICRI, includes data collection on various smuggling routes and the methods used by organized criminal groups in trafficking. The UN is also collecting "best practices" used in combating trafficking and the involvement of organized crime. A database containing trafficking trends and routes, as well as information about victims and traffickers has been established so that policymakers, practitioners, researchers and the NGO community can use the collected data..

Countries involved in the GPAT are selected from Asia, Europe, Africa and Latin America and will be assessed according to:

¹¹ information from: http://www.unodc.org/unodc/en/trafficking_human_beings.html



- smuggling routes and forms of exploitation of trafficked people;
- cooperation among law enforcement, prosecution and judiciary; and
- government efforts to respond, including recent legislative reforms.

At the national level the Programme aims to:

- promote awareness-raising (such as public awareness campaigns) of trafficking in human beings and especially strengthen institutional capacity;
- train law enforcement officers, prosecutors and judges;
- advise on drafting and revising relevant legislation;
- provide advice and assistance on establishing and strengthening anti-trafficking elements; and
- strengthen victim and witness support.

At the international level the Programme aims to:

- provide assistance to agencies, institutions and governments as part of an interdisciplinary effort to design effective measures against trafficking in human beings.

GPAT cooperates closely with other intergovernmental and non-governmental organizations in the implementation of its activities, including on awareness-raising.

Trafficking in Persons: the New Protocol¹²

At the Seventh Session of the Commission on Crime Prevention and Criminal Justice in 1998, Argentina proposed the drafting of a new convention against "trafficking in minors," citing growing evidence of the involvement of organized criminal groups in this activity. The international community decided to expand this term and incorporate trafficking in all persons, while at the same time noting the increased vulnerability of women and children and their specific needs for

¹² from: http://www.unodc.org/unodc/en/trafficking_human_beings.html



protection and support. Member States also decided that the most appropriate way to deal with the problem was to elaborate a Protocol to the UN Convention against Transnational Organized Crime.

Negotiations on the Protocol were completed at the end of October 2000, and the General Assembly adopted the Protocol together with the Convention in mid-November 2000. The fundamental concept adopted by the Member States in negotiating the Protocol was to maintain a carefully crafted balance between law enforcement and the protection of victims.

The protocol sets forth three purposes:

- To prevent and combat trafficking in persons, paying particular attention to women and children;
- To protect and assist victims of trafficking, with full respect for their human rights; and
- To promote cooperation among States in order to meet these objectives.

Member States have defined "trafficking in persons" within **the framework of transnational organized criminal groups**. The Protocol attempts to safeguard victims while streamlining control measures to investigate, prosecute and punish offenders. In summary, the Protocol:

- Defines "trafficking in persons";
- Offers tools for law enforcement and border control;
- Strengthens the response of the judiciary;
- Expands the scope of protection and support to victims and witnesses; and
- Establishes prevention policies.

Member States have emphasized the purpose of trafficking and the response, i.e. what is the definition of trafficking in connection with exploitation, slavery and sexual slavery. The Protocol applies to all people, particularly women and children, since Member States have recognized their specific vulnerability.



Response:

- Obligation to criminalize trafficking;
- Creation of penalties that take into account the grave nature of these offences; and
- Possibility to investigate, prosecute and convict traffickers.

Tools for law enforcement and border control:

- Exchange of information;
- Training in:
 - prevention
 - investigation
 - victims rights and human rights
 - gender issues
- cooperation with civil society
- Border measures and quality of travel documents.

Victim's perspective and law enforcement:

A third element of the approach taken by Member States was based on the perspective of the victim as well as of law enforcement, used as a protective tool. At present, victims stand to lose more than they gain when they cooperate with the judicial system. Witness protection programmes are inadequate, as victims may be considered in violation of immigration laws. Under the Protocol, the main goal is to catch and prosecute the trafficker, yet at the same time protect the victim. His/her assistance is crucial to law enforcement, since he/she provides the evidence necessary to successfully prosecute the trafficker.



Assistance to and protection of victims:

- Privacy
- Information on proceedings
- Physical and psychological recovery
- Special requirements for children and
- Safety for victims

Prevention:

Prevention efforts foreseen under the Protocol include informing and educating victims as well as officials and the public. In many cases, the desire of victims to leave their countries is frequently exploited by offenders who misrepresent themselves and their activities. This makes educating potential victims crucial. The empowerment of victims through educational means assists law enforcement in its investigations and in bringing traffickers successfully to trial. The Protocol's comprehensive prevention policy includes:

- Prevention of re-victimization;
- Research, information campaigns, social and economic initiatives; and
- Cooperation with civil society.

The Protocol represents a new approach to the problem in several respects. It defines "trafficking in persons," a complex and multifaceted problem, particularly considering the involvement of transnational organized criminal groups. It combines traditional crime control measures for investigating and punishing offenders with measures for protecting trafficked persons.

The Protocol is an instrument which will serve as a model for national legislations, detailing provisions on conduct which should be sanctioned, the severity of punishment and effective measures to combat and prevent trafficking.



Behind the lines: Critics, Negotiations and Policies

Previous attempts to deal with this issue from a one-sided perspective have not been successful. For example, human rights measures aim to protect victims, but they lack effective law enforcement mechanisms in order to apprehend and prosecute traffickers.

It has been a difficult exercise in drafting and negotiation because of the wide variety of activities that many of the countries are seeking to control. Some states have taken the position that, since the major abuses of trafficking involve women and children who are most in need of protection, the Protocol should focus domestic efforts accordingly. Others felt that abuses against all "persons" should be included. As presently worded, the Protocol applies to all "persons", but generally refers to "...persons, especially women and children..."

Finding language to capture a wide range of coercive means used by organized crime has also proven difficult. With the exception of children, who cannot consent, the intention is to distinguish between consensual acts or treatment and those in which abduction, force, fraud, deception or coercion are used or threatened. As with the Convention, the nature and degree of international and organized crime involvement required before the Protocol applies has also been the subject of extensive discussions. Generally, cases in which there is little or no international involvement can be dealt with by domestic officials without recourse to the Protocol or Convention. On the other hand, requiring too direct a link might make it impossible to use the Protocol provisions in cases where purely domestic offences were committed by foreign offenders or as part of a larger transnational organized crime scheme.

The legal status of trafficked persons and whether they would eventually be returned to their countries of origin has been the subject of extensive negotiations.

Generally, developed countries to which persons are often trafficked have taken the position that there should not be a right to remain in their countries as this would provide an incentive both for trafficking and illegal migration. Countries whose nationals were more likely to be trafficked wanted as much protection and legal status for trafficked persons as possible. The negotiations are still ongoing, but the text presently requires states "to consider" laws which would allow trafficked persons to remain, temporarily or permanently, "in appropriate cases".



What else?

Human trafficking is a global issue, but a lack of systematic research (reliable data on the trafficking of human beings that would allow comparative analyses and the design of countermeasures is scarce). There is a need to strengthen the criminal justice response to trafficking through legislative reform, awareness-raising and training, as well as through national and international cooperation. The support and protection of victims who give evidence is key to prosecuting the ringleaders behind the phenomenon.

The nature of trafficking requires governments, NGOs, academic institutions and the civil society to collaborate on an unprecedented level.

Governments must be encouraged to sign and ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. Ratification of this protocol could be a stepping stone to a domestic law.

On a regional level, various mechanisms which already exist should be encouraged and reinforced.

Of course, the lack of a government commitment to fighting trafficking obliges NGOs to continue developing innovative approaches to address trafficking.

Note that the study guide is just an initial stage of your own information and cannot fully replace your personal research. During your research, please take into consideration that the internet is not the only source of information. Do not hesitate to contact the board of ECOSOC for any information or inquiry. Good luck with your scanning and we are looking forward to meeting you in person.



Links

You are strongly recommended to visit the following websites during your preparation for the ThessISMUN. At these sites you should be able to find various sources and very detailed information to enrich the Study Guide.

The following are a sample of links concerning transnational organized crime.

- United Nations Crime and Justice Information Network
<http://www.uncjin.org/>
- American University
Transnational Crime and Corruption Center (TraCCC)
<http://www.american.edu/traccc/>
- Federal Bureau of Investigation: Organized Crime
www.fbi.gov/hq/cid/orgcrime/ocshome.htm
- Organized Crime & Political Corruption
www.ipsn.org
- ASEAN Transnational Crime and International Terrorism
www.aseansec.org/4964.htm
- Task Force on Organized Crime in the Baltic Region
<http://www.balticseataaskforce.fi/>
- Fight Against Organized Crime in Russia
<http://members.tripod.com/%7Eorgcrime/rusnewstage.htm>
- U.S. Department of Justice Statistics Homepage
<http://www.ojp.usdoj.gov/bjs/>
- EUROPA
http://ec.europa.eu/justice_home/fsj/crime/wai/fsj_crime_intro_en.htm

The following are a sample of links to organizations dealing with the issue of human trafficking.

UN Organizations

- United Nations High Commissioner for Refugees (UNHCR)
<http://www.unhcr.ch/>



- International Child Development Centre (UNICEF)
<http://www.unicef.org/>
- United Nations Development Fund for Women (UNIFEM)
<http://www.unifem.org/>
- International Labour Organization (ILO)
<http://www.ilo.org/>
- World Health Organization (WHO)
<http://www.who.int/home-page/>
- United Nations Human Settlements Programme (UNHABITAT)
<http://www.unhabitat.org>

Non-UN Organizations

- European Council on Refugees and Exiles
<http://www.ecre.org/research/smuggle.shtml>
- Foundation against Trafficking in Women (STV)
<http://www.bayswan.org/FoundTraf.html>
- Coalition to Abolish Slavery and Trafficking (CAST)
<http://www.castla.org>
- Coalition against Trafficking in Women
<http://www.uri.edu/artsci/wms/hughes/pubvio.htm>
Global Alliance against Traffic in Women (GAATW)
www.gaatw.org
- End Child Prostitution and Trafficking / Child Wise
www.ecpat.org
- International Criminal Police Organisation (Interpol)
<http://www.interpol.com/>
- European Law Enforcement Organisation (Europol)
<http://www.europol.eu.int/>
- International Organization for Migration (IOM)
<http://www.iom.int/>