

A COMPREHENSIVE STRATEGY TO COMBAT TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS



UNODC

United Nations Office on Drugs and Crime

UNODC's Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants

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Executive Summary

There are millions of trafficked persons and smuggled migrants around the world at any given time. Trafficking in persons and smuggling of migrants are a global problem and a serious threat to human dignity. This comprehensive strategy sets out the complementary nature of UNODC's work in preventing and combating human trafficking and migrant smuggling and defines the priorities for UNODC's future action and engagement.

The United Nations Convention against Transnational Organized Crime and its Protocols were adopted by the General Assembly to work to increase global efforts to combat transnational organized crime. The Convention's 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 are the only universal instruments that address these crimes in a comprehensive and integrated manner. As the guardian of the Organized Crime Convention and its Protocols on Trafficking in Persons and Smuggling of Migrants, UNODC plays a leading role in strengthening and coordinating the criminal justice response to human trafficking and smuggling of migrants.

UNODC has adopted a Thematic Programme on Action Against Transnational Organized Crime and Illicit Trafficking, Including Drug Trafficking that sets out the strategic priorities for UNODC for the 2011-2013 period. This Programme, which seeks to provide a coherent and comprehensive approach to efforts to prevent and combat all forms of transnational organized crime, includes a Sub-Programme on Human Trafficking and Migrant Smuggling. The present comprehensive strategy provides further detail and strategic direction for UNODC's work on trafficking in persons and migrant smuggling.

UNODC work occurs in three inter-related and mutually reinforcing areas: (1) research and awareness raising, (2) promotion of the Protocols and capacity-building and (3) the strengthening of partnerships and coordination. In research and awareness-raising, UNODC will publish the Global Report on Trafficking in Persons in December 2012 and biennially thereafter. UNODC also produces research and issue papers on trafficking in persons and migrant smuggling and engages in awareness-raising about these issues, particularly through the Blue Heart Campaign against Human Trafficking. UNODC's normative work on promoting the Protocols and capacity-building engages with Member States in providing legislative assistance, strategic planning and policy development, strengthened criminal justice responses and protection and support to victims of trafficking in persons and smuggled migrants. Finally, UNODC initiatives on strengthening partnerships and coordination occur through its participation in inter-agency groups such as ICAT, UN.GIFT and GMG and its management of the UN Trust Fund for Victims of Trafficking in Persons.

Organizationally, UNODC work on human trafficking and smuggling of migrants operates across multiple units and divisions within UNODC. In order to better reflect the coherence and complementarity of UNODC work on these issues, a new Human Trafficking and Migrant Smuggling Section will be created as a third section under the Organized Crime Branch, to be led by a newly created Section Chief. This section would include two units, one focusing on the implementation of the Protocols and capacity-building, with the other unit working on coordination issues (comprising the ICAT, UN.GIFT, GMG and Trust Fund functions). The Human Trafficking and Migrant Smuggling Section will work in close liaison with other parts of UNODC, such as the Division for Policy Analysis and Public Affairs, who have responsibility for a large part

of the work relating to research, including the preparation of the Global Report on Trafficking, awareness-raising, fundraising and inter-agency cooperation.

Presently, UNODC's human trafficking and migrant smuggling operations are insufficiently resourced, limiting the ability of these teams to effectively fulfil their mandates. UNODC will make efforts to seek regular budget funding to support the key functions of the Human Trafficking and Migrant Smuggling Section and to ensure the stability of the Section and its longer term planning through other sources of funding. Greater efforts will also be made to guarantee sufficient continuity in staffing by regularizing employment through the creation of permanent posts. As the volume of work increases in relation to migrant smuggling, more staff will be dedicated to working on these matters in order to ensure the development of specific expertise on these issues.

The proposed action points for UNODC are:

Research and Awareness-Raising

- As a means of promoting UN system-wide coherence, it is proposed that consideration be given to expanding UN.GIFT's award-winning Knowledge Hub into the primary UN portal on human trafficking by, inter alia, including research and information of ICAT and the Trust Fund as well as promoting UNODC work more broadly.
- Continue to offer the Blue Heart Campaign as an awareness-raising and advocacy tool to a broad range of partners, including other UN organizations, Member States and civil society. The Blue Heart Terms of Engagement will also be elaborated in order to ensure that a set of actions is taken to prevent and combat human trafficking in conjunction with the adoption of the campaign.

Promotion of Protocols and Capacity-Building

- The use of the Omnibus software will provide detailed information on the implementation of the Convention and its Protocols, which would be further enhanced if a review mechanism is adopted. In its role as secretariat, UNODC can support the efforts of Member States to drive forward the effective implementation of the Protocols.
- In order to ensure high-quality, comprehensive and consistent technical assistance, UNODC will adopt a more pro-active approach through the development of detailed guidance notes, the training of field staff and the provision of advice and expertise by headquarters in the development and implementation of programmes. UNODC's capacity-building will be developed under the framework of regional and country programmes, in alignment with the needs and priorities of regional entities and partner countries, and in close cooperation with UN key partners, multilateral and bilateral agencies.

Strengthening of Partnerships and Inter-agency Coordination

- In recognition of the importance of UNODC's role in ensuring inter-agency coordination and the benefits that it brings to UNODC, it is proposed that efforts continue to be made to strengthen the synergies between ICAT, particularly through its Working Group, and UN.GIFT.

- In order to ensure that ICAT is able to fulfil its role, UNODC will seek to provide dedicated support in UNODC to advance the substantive work of ICAT.
- UNODC will support UN.GIFT in the next phase of its operations, acting as an effective host to its secretariat and as an active participant in its joint, inter-agency activities.
- UNODC will continue to support GMG and establish an action plan for its upcoming chairmanship of GMG that promotes UNODC's mandates under the Protocols on Trafficking in Persons and Smuggling of Migrants.
- UNODC will establish an effective fund management structure and promote the fund as a people-to-people initiative. Consistent with the spirit of the Global Plan of Action in creating the Fund, and to ensure maximum impact, UNODC will continue to promote broader UN ownership of the Trust Fund, including through ICAT, with the management remaining in UNODC.

UNODC's Organizational Structure and Resources

- UNODC will create a new Human Trafficking and Migrant Smuggling Section to enhance the efficiency and coordination of all of UNODC's work on trafficking in persons and smuggling of migrants.
- UNODC will endeavour to seek regular budget funding to support the key functions of the Human Trafficking and Migrant Smuggling Section. An application for one P-4 was recently approved and efforts will be made in the future to secure further regular budget funding for one P-5 Section Chief and the second P-4 Coordinator position for the sub-units. In the interim, or in the event that this is not possible, UNODC will ensure the stability of the Section and its longer term planning through other sources of funding. UNODC will elaborate a fundraising strategy for trafficking in persons and migrant smuggling and will seek further unearmarked funding to allow for more strategic and pro-active activities.

Objective

UNODC is uniquely positioned to ensure an effective and comprehensive criminal justice response to trafficking in persons and smuggling of migrants founded in the full implementation of the Protocols to the Organized Crime Convention. In addressing all aspects of these crimes within UNODC's mandates, including research and awareness-raising, implementation and capacity-building and strengthening partnerships and coordination, UNODC is seeking to become the policy lead and central hub for the international community's response. This comprehensive strategy sets out the complementary nature of UNODC's work in preventing and combating these crimes and defines the priorities for future action and engagement.

A Global Problem

Trafficking in persons occurs when persons are recruited, transported, transferred, harboured or received by means such as the threat or use of force, or other forms of coercion, abduction, fraud or deception for the purpose of exploitation. The exploitation may include sexual exploitation, forced labour or services, slavery, servitude or the removal of organs.¹ Trafficking is a severe violation of the human rights of its victims that continues during the entire period of their exploitation, which may last for years. It is often conducted across borders, sometimes over great distances, although certain countries have a significant problem of domestic human trafficking.

Trafficking victims coming from 127 countries have been found in 137 countries around the world.² It is estimated that there are at least 2.4 million persons who are the victims of trafficking at any time.³ The most visible form of exploitation is for sexual purposes and approximately 79% of trafficking victims are trafficked for sexual exploitation, with 18% being trafficked for forced labour. While it is difficult to ascertain, it is estimated that over US\$30 billion are generated in profits by trafficked persons every year.⁴

The smuggling of migrants involves the procurement of the illegal entry of a person into another country in order to obtain a financial or material benefit.⁵ The Protocol against the Smuggling of Migrants by Land, Sea and Air criminalizes the act of profiting from facilitating the illegal entry, or enabling the stay of people who are not nationals or permanent residents of a State; it therefore targets the criminals who smuggle migrants and not the migrants themselves. The smugglers may provide different kinds of assistance for financial or material benefit, ranging from forged documents to transportation, and show variation in their level of organization. As destination countries have increased control over their borders to prevent irregular migration, more would-be migrants have turned to organized criminal groups in order to arrange their travel and entry. Smuggled migrants are frequently abused or exposed to dangerous and even life-threatening conditions. It is estimated that there are 50 million irregular migrants in the world today and that

¹ Article 3, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

² UNDOC, *Trafficking in Persons: Global Patterns*, Vienna, 2006.

³ ILO, *A Global Alliance Against Forced Labour*, Geneva, 2005.

⁴ ILO, *A Global Alliance Against Forced Labour*, Geneva, 2005.

⁵ Articles 3 and 6, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

a significant portion of these persons paid for help in crossing borders illegally.⁶ The profits generated by migrant smuggling fuel corruption and strengthen organized crime.

There are a number of inter-linkages between human trafficking and the smuggling of migrants. Legally, the crimes are distinct. The offence of smuggling of migrants is completed with either an irregular border crossing or the act enabling the stay of the migrants in a State in which they are not nationals or permanent residents and implies the consent of the migrant. Victims of trafficking, in contrast, either did not consent or have had their initial consent rendered meaningless by the threat of or use of force, deception, coercion, or abuse of power by the traffickers who intend to exploit their victims.

In practice, there are overlaps between the two crimes. Both trafficking in persons and smuggling of migrants may involve irregular migration. Trafficked persons are often smuggled across borders and smuggled migrants are particularly vulnerable to being trafficked given their precarious situation. Both crimes are often, although not always, conducted by organized criminal groups. It can be difficult to detect whether the persons involved are smuggled migrants or victims of trafficking and thus practitioners need to be aware of both crimes and able to distinguish properly between them. Both crimes involve human beings and thus any response must be centred around ensuring the protection of trafficking victims and the rights of smuggled migrants. Efforts to prevent and combat human trafficking and migrant smuggling also overlap, with both requiring a multi-faceted and comprehensive approach that takes into consideration the push and pull factors of migration, awareness-raising and prevention, criminal justice responses targeting the perpetrators of the crimes and the protection of the safety and human rights of the migrants or the victims of trafficking.

Given the seriousness of the threats that these crimes represent to individuals and to communities, the international community has responded, seeking to prevent and combat human trafficking and migrant smuggling. Much has been done and many lessons can now be learned as to what progress has been made, what has been effective and what areas continue to pose challenges.

The Evolving Response

The United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocols were adopted by the General Assembly on 15 November 2000. The Convention's 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 are the only universal instruments that address these crimes in a comprehensive and integrated manner. The Protocols constitute the framework for international action against trafficking in persons and smuggling of migrants and have guided both the normative and policy responses to these crimes.

Over the last decade, considerable work has been undertaken by international organizations, non-governmental organizations and Member States to raise awareness and to prevent and combat trafficking in persons and migrant smuggling. Some real achievements have been made during this time. The Protocols have now been ratified by a large number of States. The Trafficking in Persons Protocol entered into force on 25 December 2003 and now has 147 States Parties. The

⁶ UNDP, *Human Development Report 2009; Overcoming Barriers: Human Mobility and Development*, New York, 2009; UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, Vienna, 2010.

Smuggling of Migrants Protocol entered into force on 28 January 2004 and has 129 States Parties.
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Member States have taken steps to enact domestic legislation on human trafficking and migrant smuggling. By November 2008, 80% of States reported having specifically criminalized trafficking in persons.⁸ Not all of this legislation fully implements the international obligations of States under UNTOC or its Protocols and efforts by UNODC and other organizations to improve domestic legislative frameworks continue. Moreover, the existence of domestic laws is not sufficient to ensure that they are used in practice,⁹ and more focus has been aimed in recent years at ensuring effective prosecutions which requires institutional arrangements such as victim support and protection, coordination with immigration authorities and international cooperation. It is clear that much work remains to be done to strengthen the capacity of national criminal justice systems to respond to human trafficking and migrant smuggling.

While progress has been made, further research is needed in understanding the causes, consequences and scope of human trafficking and migrant smuggling. Data collection and research is often very poor and it can be difficult to obtain a full picture of the scope of these problems. The Global Report on Trafficking in Persons mandated under the Global Plan of Action to Combat Trafficking in Persons¹⁰ will help to improve this understanding. Further effort must be made to deepen the knowledge of the crimes and their manifestations in different countries and regions in order to develop effective, evidence-based policies and responses.

Most of the focus on the prevention of trafficking in persons and smuggling of migrants has been centred on raising awareness in both origin and destination countries. Lessons learned over the last decade have revealed awareness-raising campaigns must be targeted in order to be effective. It is also critical that the campaigns be evidence-based and that their impact be evaluated.¹¹ In relation to migrant smuggling, research has shown that migrant smuggling is best prevented by informing potential migrants that being smuggled is not worth the expense and the risk, as well as enforcing laws against the exploitation of foreign labour.¹² Efforts to strengthen the criminal justice response to these crimes, while ensuring the protection of trafficking victims and smuggled migrants are fundamental.

Given the scope and multi-faceted nature of human trafficking and migrant smuggling, it is clear that no one agency can respond to every aspect of these crimes. The multitude of actors working to prevent and combat trafficking in persons and the smuggling of migrants has, however, resulted at times in inefficiencies and duplication of efforts. A number of inter-agency coordination mechanisms have now been established, including the Inter-agency Coordination Group against Trafficking in Persons (ICAT) and the Global Migration Group (GMG) which are focused on ensuring coordination in relation to trafficking in persons and migration-related issues, respectively. These fora have proven themselves useful in ensuring policy coordination between agencies. In addition,

⁷ As at 29 February 2012.

⁸ UNODC/UN.GIFT, Global Report on Trafficking in Persons, February 2009, p. 8.

⁹ It has been established that 40% of countries with applicable dedicated legislation did not record a single conviction for trafficking in persons between 2004 and 2008: UNODC, The Globalization of Crime: A Transnational Organized Crime Threat Assessment, Vienna, 2010, p. 52. See also: UNODC/UN.GIFT, Global Report on Trafficking in Persons, February 2009, pp. 38-39.

¹⁰ General Assembly resolution 64/293, 12 August 2010, A/RES/64/293.

¹¹ UNODC, The Globalization of Crime: A Transnational Organized Crime Threat Assessment, Vienna, 2010, p. 52.

¹² UNODC, The Globalization of Crime: A Transnational Organized Crime Threat Assessment, Vienna, 2010, p. 77.

the United Nations Global Initiative to Fight Trafficking (UN.GIFT) was created as a multi-stakeholder partnership against human trafficking to improve operational coordination between a number of key agencies. With the finalization of the first phase of the programme at the end of 2011, UN.GIFT is now at a critical juncture.

UNODC's Role

As the guardian of the Organized Crime Convention and its Protocols on Trafficking in Persons and Smuggling of Migrants, UNODC plays a leading role in strengthening and coordinating the criminal justice response to human trafficking and smuggling of migrants. The Protocols provide clear mandates to UNODC to support efforts:

1. To prevent and combat trafficking in persons and smuggling of migrants;
2. To protect and assist the victims of trafficking and smuggled migrants, with full respect for their human rights;
3. To prosecute those who traffic persons and smuggle migrants, upholding justice and ensuring an effective criminal justice response;
4. To promote cooperation among States Parties and other stakeholders in order to meet those objectives.

Additional specific mandates have been given to UNODC on trafficking in persons and smuggling of migrants through the Global Plan of Action to Combat Trafficking in Persons adopted by the General Assembly in 2010¹³ and other resolutions of the General Assembly, ECOSOC, the Commission on Crime Prevention and Criminal Justice (CCPCJ) and the Conference of the Parties to UNTOC and its Protocols. As such, UNODC has been asked to undertake, *inter alia*, the coordination of inter-agency efforts to combat trafficking in persons through ICAT and UN.GIFT, the management of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, servicing working groups of the Conference of the Parties on trafficking in persons and smuggling of migrants and the research and publication of the Global Report on Trafficking in Persons.

Given its broad mandates and the expertise that it has developed over the last decade in research, ensuring the effective implementation of the Protocols and providing valuable coordination between Member States and other actors, UNODC seeks to position itself as the **policy lead and central hub** for the international community's response to human trafficking and the smuggling of migrants.

UNODC's strategic approach to combating trafficking in persons and the smuggling of migrants is founded in the full and effective implementation of the Protocols and can be best understood as having three interdependent and complementary components:

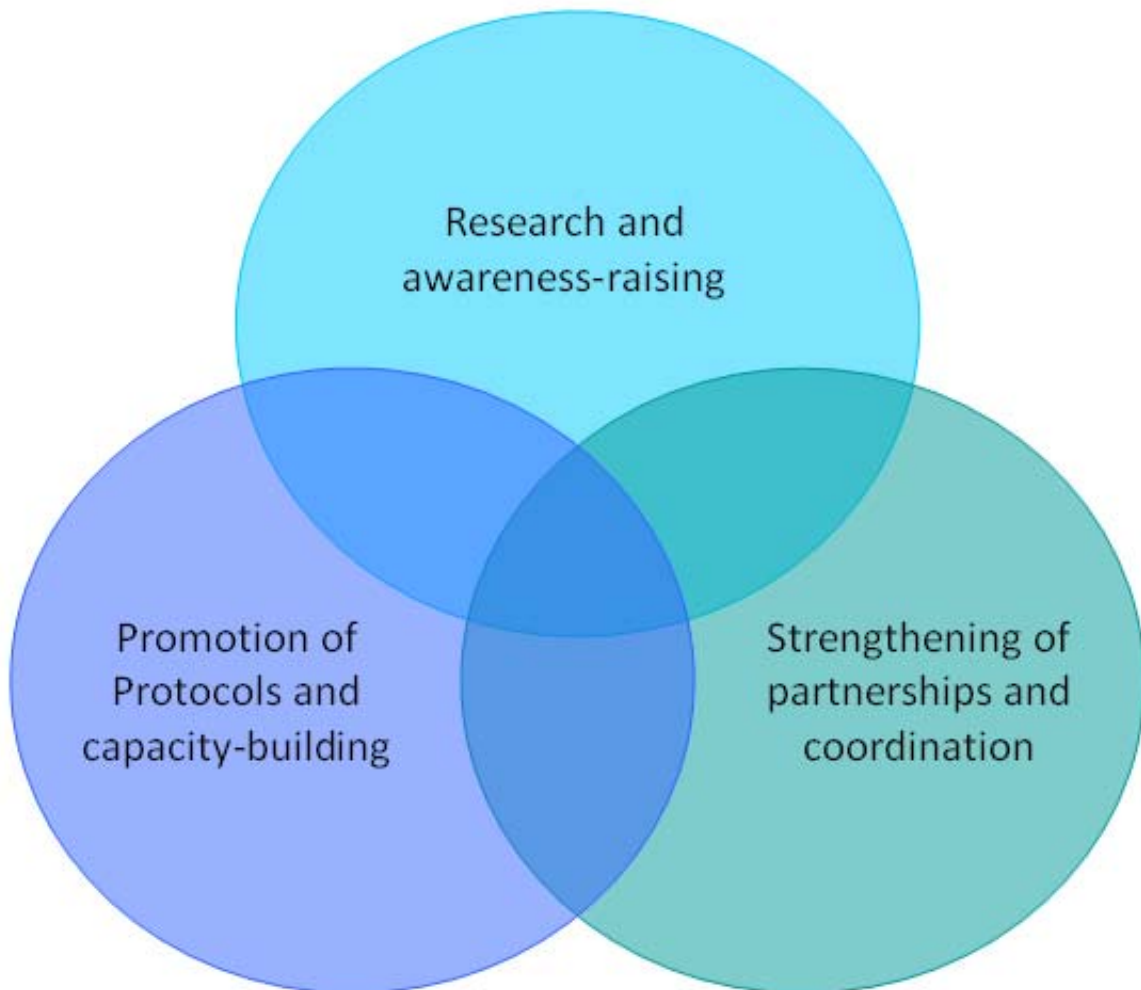
- UNODC performs valuable **research** that helps to improve the information available on these crimes and allows for an evidence-based response. UNODC also uses this information to **raise awareness** and to communicate effective responses to these crimes and the human rights abuses they engender.

¹³ General Assembly resolution 64/293, 12 August 2010, A/RES/64/293.

- UNODC ensures the ratification and the effective **implementation of the Protocols** on Trafficking in Persons and Smuggling of Migrants and has provided both normative and technical assistance and **capacity-building** to Member States in this regard.
- UNODC plays a critical role in **bringing together stakeholders** to facilitate dialogue and coordinate responses. A key part of this role is effective **inter-agency coordination** at both the policy and operational levels in order to advocate for common standards and approaches and to share expertise, while maximizing efficiency.

Running through all three of these components is the human-rights based approach of UNODC's response to human trafficking and migrant smuggling. The focus on victims of human trafficking is apparent through all lines of UNODC's anti-human trafficking action, including the Trust Fund, awareness-raising, the incorporation of the voice of victims into UNODC's response and protection and assistance for victims. UNODC places a similar emphasis on the need for Member States to uphold the human rights of smuggled migrants.

Protocols on Trafficking in Persons and Smuggling of Migrants



Research and Awareness-Raising

Objectives:

- Improve the quality and availability of information on trafficking in persons and smuggling of migrants, allowing for the development of a more effective, evidence-based response.
- Raise awareness of the crimes and their consequences to mobilize the international community to prevent and combat human trafficking and migrant smuggling.

Improve Baseline Information and Monitoring Trends

Having in place an accurate baseline of information is critical to ensuring that the development of global policy and coordinated action are predicated upon sound understanding and analysis. In combating trafficking in persons, active information sharing about specific cases of trafficking in persons and the identification of victims to prevent re-trafficking are crucial to combating the crime. Further, identifying, documenting and disseminating best practices and lessons learned will enhance and increase the efficacy of responses by all stakeholders.

In recognition of the well-reputed research conducted by UNODC in the field of drugs and crime, such as the World Drug Report, the Transnational Organized Crime Threat Assessment and the UNODC/UN.GIFT Global Report on Trafficking in Persons, the Global Plan of Action of the General Assembly mandates UNODC to collect information and report every two years on patterns and flows of trafficking in persons at the national, regional and international levels and to share best practices and lessons learned.¹⁴ Preparations for the first issue of the new biennial Global Report on Trafficking in Persons were started by UNODC in 2011, with a view to release the report in December 2012. This edition of the Report will provide a global view of patterns and flows of trafficking in persons, and will include regional information, as well as country information. The report will also include a chapter on the response to trafficking in persons. The period considered for the analysis covers 2007 to 2010, with more recent information being considered where possible. The Report will be based on authoritative and validated information gathered primarily from national institutions. The Report will be published every two years thereafter, provided that sufficient resources, currently not available, can be mobilized. The Report, with its global scope and solid research, will provide an invaluable source of information on trafficking in persons and the means to counter it.

In the field of migrant smuggling, UNODC is focusing on regional studies conducted by UNODC field offices in cooperation with the Studies and Threat Analysis Section, applying a standardized analytical and methodological approach. Studies have been carried out in West Africa, North Africa and Europe,¹⁵ in South Asia¹⁶ and in Central America. A future study is planned in the East Asia and Pacific region. Given the gap in the overall understanding of the problem of migrant smuggling at the global level, UNODC would undertake the preparation of a Global Report on the Smuggling of Migrants should it be mandated and funded to do so.

¹⁴ General Assembly resolution 64/293, 12 August 2010, A/RES/64/293, Plan of Action to Combat Trafficking in Persons, para 60.

¹⁵ The Impact studies. See: <http://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/the-role-of-organized-crime-in-the-smuggling-of-migrants-from-west-africa-to-the-european-union.html>

¹⁶ <http://www.unodc.org/southasia/en/topics/frontpage/2009/smuggling-of-migrants.html>

UNODC will also produce specialized studies and issue papers on matters relating to trafficking in persons and migrant smuggling as part of its publication series which already covers topics such as the smuggling of migrants by air, combating trafficking in persons in accordance with the principles of Islamic Law, the relationship between trafficking in persons and corruption and the smuggling of migrants by sea. Future studies will aim to cover topics such as the relationship between money laundering, and trafficking in persons and smuggling of migrants, the abuse of a position of vulnerability in the definition of trafficking in persons, and the relationship between trafficking in persons and smuggling of migrants.

In addition, inter-agency coordination mechanisms will utilize the multi-faceted expertise of their members to produce research and issue papers. ICAT, for example, published *An analytical review: 10 years on from the adoption of the UN Trafficking in Persons Protocol* in October 2010 and intends to produce a policy paper highlighting best practices and recommendations on anti-trafficking later this year. UN.GIFT will seek to conduct joint targeted research in key areas where gaps remain in the current knowledge base on trafficking in persons such as the impact of awareness-raising. UN.GIFT will also foster information and data sharing between its member organizations and other entities in its networks.

UN.GIFT's virtual Knowledge Hub (www.ungift.org) is an online resource on human trafficking and was awarded a UN 21 Award in August 2011. UN.GIFT intends to expand the Hub to become the central platform to bring together the broadest possible array of stakeholders in all areas relating to human trafficking to share best practices, resources and other information. This resource could be further developed to include information on ICAT and the UN Trust Fund for Victims of Human Trafficking and discussions are underway in this regard.

UNODC's Policy Analysis and Research Branch will also continue to provide assistance in data collection and analysis through the building of capacity of States to collect and share statistics, knowledge on trends and modalities and threat assessments. This is particularly important in relation to migrant smuggling and UNODC supports States to collect better and more comparable data on smuggling of migrants.

Action Point: *As a means of promoting UN system-wide coherence, it is proposed that consideration be given to expanding UN.GIFT's award-winning Knowledge Hub into the primary UN portal on human trafficking by including research and information of ICAT and the Trust Fund as well as promoting UNODC work more broadly.*

Awareness-Raising

As already noted, one of the key tools in preventing and responding to human trafficking and migrant smuggling has been awareness-raising and public education with a broad range of stakeholder groups, including the general public, corporate industries impacted by trafficking, civil society, law enforcement, border control and government.

UNODC undertakes and supports awareness-raising in a number of ways, and has developed some effective and well-recognized brands as part of its global response.

The Blue Heart Campaign against Human Trafficking¹⁷ was launched in 2009 to raise awareness of the crime and its negative impact on society. The goal of the campaign is to inspire people and to mobilize support for action against human trafficking by international organizations, governments, civil society, the private sector and individuals. The campaign builds on previous awareness-raising experience at the international and regional levels. Primary audiences for the campaign include the general public, governments, law enforcement officers, NGOs and grassroots organizations, journalists and business people – each of whom have a valuable role in raising awareness and in preventing and combating trafficking in persons.



Campaign tools include, first, the symbol itself – a Blue Heart which represents the sadness of those who are trafficked while reminding us of the cold-heartedness of those who buy and sell fellow human beings. The use of the blue UN colour also demonstrates the commitment of the United Nations to combating this crime against human dignity. In the same way that the red ribbon has become the international symbol of HIV/AIDS awareness, the campaign aims to make the Blue Heart an international symbol against human trafficking.

The logo is available online for use on Facebook and on Internet pages. Pins to be worn at events, a call to action leaflet, television spots on human trafficking, a dedicated website, and a Facebook group are also part of the campaign package. The campaign initially made heavy use of social media - the Facebook group for the Blue Heart Campaign managed to attract an unprecedented 5,000 members within days of its existence in March 2009 and it now includes 20,000 supporters.

Having been successfully adopted, efforts are being strategically made to evolve the brand into a more effective awareness raising and prevention tool. This has included a number of key initiatives including:

National adoption campaigns: A number of countries have adopted the Blue Heart campaign as their official human trafficking prevention campaign. The campaigns in Mexico, Spain and Serbia in 2010 and 2011 have been particularly high-profile, involving high-level government and UNODC participation and celebrities and attracting enormous media coverage. In addition to the above, the Portuguese anti-trafficking Rapporteur and the Governments of Thailand and Korea have adopted the campaign to a limited extent. Brazil is set to launch the Blue Heart campaign in early 2012 and discussions are underway for the launch of the campaign in Chile.

Engaging with the Blue Heart: In negotiating with countries seeking to adopt a Blue Heart awareness raising campaign, it became apparent that there is a need to define a minimum set of criteria to be met by Member States and other potential partners. The Blue Heart Terms of Engagement will establish a minimum set of actions to prevent and combat human trafficking that must be met in order to adopt the Blue Heart. For example, for a country to adopt the Blue Heart, they must have ratified the Protocol and taken agreed steps towards its implementation by the time the national campaign is launched. The Blue Heart Terms of Engagement will also include a set of criteria for businesses and civil society organizations willing to engage with the Blue Heart campaign and use the symbol.

Having a heart for victims: The UN Voluntary Trust Fund for Victims of Trafficking in Persons, further described below, offers an opportunity for those motivated to support the campaign to

¹⁷ www.unodc.org/blueheart.

provide concrete and tangible assistance to help the victims of the crime. The Trust Fund has thus adopted the Blue Heart symbol and slogan as part of its brand, and fundraises under the Blue Heart banner, including through events, corporate sponsorship and the sale of Blue Heart branded goods through a range of channels.

Wider use of the Blue Heart: While developed by UNODC, the Blue Heart was created to be a general symbol against trafficking in persons. Other UN agencies, particularly through coordination mechanisms such as ICAT and UN.GIFT, may wish to consider also adopting the Blue Heart to raise awareness about human trafficking.

UNODC has also undertaken a number of important awareness-raising initiatives in the framework of UN.GIFT. In particular, UN.GIFT produced two public service announcements for the general public that were aired on major television channels such as Al Jazeera, CNN and BBC and two further public service announcements were aired on CNN in relation to the Business Leaders Awards in 2010 and 2012. Both UNODC and UN.GIFT are taking into account lessons learned over the last decade that awareness-raising campaigns must be targeted in order to be effective and that their impact be evaluated. For example, a joint programme of UNODC, IOM and a non-governmental organization, EXIT, that is designed to specifically measure the impact of repeated informational interventions is currently being implemented in Nigeria and will be replicated elsewhere if found to be successful.

UNODC also has a number of Goodwill Ambassadors who are dedicated to working on anti-human trafficking. UN Goodwill ambassadors are prominent personalities from the worlds of art, music, film, sport and literature who volunteer their time to bring awareness to key issues and the efforts of the UN to address them. Efforts should be made to develop a plan for the involvement of the Goodwill Ambassadors in UNODC's activities to raise awareness at both the global and regional levels about trafficking in persons and smuggling of migrants.

As far as smuggling of migrants is concerned, UNODC will in the future focus on sensitizing, informing and engaging the media on smuggling of migrants to reduce the dissemination of misleading information on the crime of smuggling. UNODC intends to produce a video clip designed to raise awareness on smuggling of migrants in Africa. The core messages will relate to the risks to smuggled migrants, the need to focus the criminal justice response on smugglers and that cooperation between countries of origin, transit and destination is pivotal to combating the smuggling of migrants. The dissemination and use of the awareness raising video will occur in 2012.

In order to effectively prevent trafficking in persons and smuggling of migrants, it is also important that awareness-raising be combined with other means of prevention such as livelihood creation and skill development. UNODC's Drug Prevention and Health Branch has undertaken efforts in this regard, providing health care, sustainable livelihood opportunities and outreach services to populations that are vulnerable to human trafficking.

Action Point: *Continue to offer the Blue Heart Campaign as an awareness-raising and advocacy tool to a broad range of partners, including other UN organizations, Member States and civil society. The Blue Heart Terms of Engagement will also be elaborated in order to ensure that a set of actions is taken to prevent and combat human trafficking in conjunction with the adoption of the campaign.*

Promotion of the Protocols and Capacity-Building

Objectives:

- Promote the Organized Crime Convention and its Protocols on Trafficking in Persons and Smuggling of Migrants as the primary international legal response to human trafficking and migrant smuggling.
- Promote the ratification and full and effective implementation of the Protocols, both at the policy-level and through the delivery of technical assistance and capacity-building.
- Deliver high-quality, specialized technical assistance and capacity building to enable Member States to prevent and combat human trafficking and migrant smuggling, including:
 - Legislative assistance
 - Strategic planning and policy development
 - Criminal justice responses
 - Protection and support to victims of trafficking and smuggled migrants.

Promotion of the Protocols on Trafficking in Persons and Smuggling of Migrants

The International Legal Framework

The United Nations Convention on Transnational Organized Crime and its Protocols on Trafficking in Persons and Smuggling of Migrants represent the first universal instruments that seek to comprehensively prevent and combat organized crime, trafficking in persons and migrant smuggling. The Protocols, once ratified, supplement the Convention and thus all of the general provisions of the Convention apply equally to cases of trafficking in persons and migrant smuggling. As noted, the Convention and the Protocols are widely ratified,¹⁸ although the goal of universal ratification has not yet been achieved. The ratification of the Protocols has been uneven geographically and gaps in ratification continue to make cooperation difficult and risk encouraging impunity.

The Trafficking in Persons Protocol sets out the framework for a holistic criminal justice response to the problem of trafficking in persons. As such, it contains provisions on the definition and criminalization of trafficking in persons, the prevention of trafficking in persons and measures for cooperation, through information exchange, the strengthening of border controls and document security. The Protocol requires States to take measures to ensure the protection of victims of trafficking.

In a similar fashion, the Smuggling of Migrants Protocol seeks to prevent and combat the smuggling of migrants by focusing on the criminal justice response to acts committed by the smugglers of migrants. The Protocol's provisions define the smuggling of migrants and criminalize smuggling and other acts that are committed to enable smuggling or irregular stay for a financial or material benefit. There are provisions relating to the smuggling of migrants by sea given the particular law enforcement and safety challenges that this method poses. As with the Trafficking in Persons Protocol, there are a number of provisions relating to prevention and cooperation including information exchange, border measures, document security and control and the return

¹⁸ As of 29 February 2012, the Organized Crime Convention has 166 States Parties, while the Trafficking in Persons Protocol has 147 Parties and the Smuggling of Migrants Protocol has 129 States Parties.

of migrants. Finally, the Protocol addresses the treatment of the migrants themselves, who are to be protected and assisted.

The Convention itself addresses a number of issues that are critical in combating trafficking in persons and smuggling of migrants, including the confiscation of criminal assets and the prevention of money-laundering, international cooperation, the protection of witnesses, special investigative techniques, and the criminalization of a number of organized crime related offences.

Numerous other international instruments, particularly those relating to human rights, labour and migration, address elements of trafficking in persons and migrant smuggling that complement the framework set out in the Protocols. The implementation of these norms is facilitated through inter-agency coordination, which ensures a consistent approach and the use of consistent standards throughout all work against trafficking in persons and migrant smuggling.

As already noted, further mandates have been given to UNODC through resolutions of United Nations bodies such as the General Assembly, ECOSOC and the CCPCJ. The most comprehensive of these is the Global Plan of Action to Combat Trafficking in Persons which addresses the legal framework, inter-agency cooperation, the prevention of trafficking in persons, the protection of and assistance to victims of trafficking, the prosecution of crimes of trafficking in persons, the strengthening of partnerships against trafficking. The Global Plan of Action calls on UNODC to support the achievement of a number of these points, including through the ratification and implementation of the Protocols, inter-agency coordination, technical assistance, the management of the UN Trust Fund for Victims of Trafficking in Persons and the preparation of the Global Report on Trafficking in Persons.

Normative Work and the Implementation of the Protocols

While ratification or accession to the Convention and the Protocols is important, it is critical that the legal framework and tools set out in these instruments are effectively implemented into domestic legislation, policy and practice.

Under Article 32 of the Organized Crime Convention, the Conference of the Parties to the Convention is mandated to review the implementation of the Convention and its Protocols and to make recommendations to improve their implementation.

At its fourth session, the Conference decided to establish a Working Group on Trafficking in Persons to advise and assist the Conference in the implementation of its mandate with regard to the Trafficking in Persons Protocol.¹⁹ The Working Group has held four meetings to date, each of which has focused on a particular substantive issue relating to trafficking in persons and produced recommendations to the Conference. The discussions of the Working Group on key human trafficking topics by national experts have assisted with UNODC's broader programme of work which seeks to increasingly combine both normative and operative elements. The Working Group also provides a key forum for information-sharing and technical exchange. At the fifth session, the Conference decided to continue to hold meetings of the Working Group on Trafficking in Persons and to establish a separate Working Group on the Smuggling of Migrants.²⁰ The Working Group on Smuggling of Migrants will hold its first meeting in May 2012.

¹⁹ Conference of the Parties, Decision 4/4, para (n).

²⁰ Conference of the Parties, Resolution 5/2, paras 14-15 and Resolution 5/3, para 9.

At each session, the Conference of the Parties has issued decisions or resolutions relating specifically to promoting the implementation of the Trafficking in Persons and Smuggling of Migrants Protocols and defining the priorities and policies of Member States.

The Conference is also considering a number of measures to improve its ability to promote the implementation of the Convention and its Protocols. The first element of this is to improve information-gathering on implementation through the finalization of a user-friendly software-based comprehensive self-assessment checklist, called the Omnibus tool. This software will allow for the collection of detailed and accurate information on the implementation of the Organized Crime Convention and its three Protocols and of the UN Convention against Corruption.²¹ The Conference further decided to consider the possible establishment of a mechanism to assist the Conference in the review of the implementation of the Convention and the Protocols and has held meetings to prepare the terms of reference of a proposed review mechanism. The review mechanism would allow for a better understanding of the needs of Member States, highlighting strengths and identifying weaknesses in the implementation of both the Convention and the Protocols which will in turn guide priorities for policy development.

UNODC provides secretariat support to the Conference of the Parties and its Working Groups which is fundamental in ensuring the success of the Conference and part of the core work of UNODC. In particular, the Anti-Human Trafficking and Migrant Smuggling Unit provides both the substantive input on matters relating to trafficking in persons and migrant smuggling, such as background papers, and the secretariat support to its Working Group on Trafficking in Persons and Working Group on Migrant Smuggling. UNODC also provides support to the Commission on Crime Prevention and Criminal Justice, which has often addressed trafficking in persons and migrant smuggling.

Action Point: *The use of the Omnibus software will provide detailed information on the implementation of the Convention and its Protocols, which would be further enhanced if a review mechanism is adopted. In its role as secretariat, UNODC can support the efforts of Member States to drive forward the effective implementation of the Protocols.*

Technical Assistance and Capacity-Building

In order to ensure the effective implementation of the Protocols in practice, UNODC provides technical assistance and capacity-building to Member States. This technical assistance covers a number of issues, including legislative assistance, the development of national policies and strategies, capacity building in terms of criminal justice responses in investigating and prosecuting crimes of human trafficking and migrant smuggling, victim support, the protection of the rights of migrants and international cooperation.

UNODC's comparative advantage in combating human trafficking and migrant smuggling lies in its expertise in building capacity in criminal justice actors and institutions. In this regard, UNODC is a long-standing and trusted partner of Member States, with proven experience in bringing national legal frameworks in line with international conventions, including the Organized Crime Convention and its Protocols on Trafficking in Persons and Smuggling of Migrants, and in providing integrated

²¹ The portion of the software relating to the Convention against Corruption was finalized in 2009 and the portions on the Organized Crime Convention and its Protocols are now being finalized.

capacity building and training to various justice sector and law enforcement institutions. As guardian of the Protocols, UNODC is uniquely placed to bring its combined expertise in both normative and programmatic work to ensuring holistic and effective implementation.

UNODC's work in providing technical assistance and capacity building is conducted by both headquarters staff and staff in the field through UNODC's network of field offices that operate in 150 countries around the world. UNODC headquarters staff provide expertise, resources and guidance to field operations in order to ensure consistency and quality control in the delivery of programmes. In this way, UNODC headquarters staff identify the need for tools and products and develop these with the input of field experts, making the final products available to field operations and Member States.

UNODC will seek to adopt a more pro-active approach to ensuring high-quality and consistent technical assistance in the field through the development of detailed guidance notes, the training of field staff and the provision of advice and expertise by headquarters in the development and implementation of programmes. This will also allow UNODC to develop innovative programmes that build on the experiences learned in combating human trafficking and migrant smuggling over the last decade and reflect best practices.

In order to deliver comprehensive and strategic programmes, UNODC has adopted an integrated programme approach. At the global level, UNODC's overall objectives and policy guidance in relation to transnational organized crime is contained in the Thematic Programme of Action Against Transnational Organized Crime and Illicit Trafficking, Including Drug Trafficking (2011 – 2013). The Thematic Programme ensures a coordinated and comprehensive response to all different facets of transnational organized crime. The Thematic Programme contains a results matrix that clearly identifies the outcomes and indicators and provides for the monitoring and evaluation of UNODC's work. Sub-Programme 3 of the Thematic Programme focuses on trafficking in persons and smuggling of migrants and this Comprehensive Strategy builds on the Sub-Programme to provide a more detailed overview of UNODC's work in preventing and combating these crimes. Within the Thematic Programme, the Global Programme against Trafficking in Persons and the Global Programme against the Smuggling of Migrants give practical application to the Thematic Programmes, developing global solutions to critical challenges and both supporting and delivering direct technical assistance, in close consultation and coordination with the Regional Offices.

At the field level, UNODC is also developing regional programmes that are designed to capture the diversity and inter-connected nature of UNODC's work in the field and to maximize the value-added contribution of UNODC in addressing cross-border challenges. These programmes address the priority needs of the Member States of each region in a strategic and integrated manner and are developed in close consultation with the relevant authorities, focusing on development results and achieving visible impact. Country programmes are also being developed to complement the regional programmes, by focusing on country-specific needs.

Regional and country programmes cover all of the types of work done by UNODC in a particular region or country and thus generally address issues such as transnational organized crime, corruption, terrorism, criminal justice and health. In many regional and country programmes, a key component of the programmes relates to trafficking in persons and smuggling of migrants. In this way, UNODC is actively providing assistance and capacity building in relation to trafficking in persons and/or in smuggling of migrants at both the country and regional level in the regions of

Central and South America, Eastern Europe, North Africa and the Middle East, Southern Africa, West Africa, Eastern Africa, Central Asia, South Asia and East Asia and the Pacific. In the framework of UN.GIFT, UNODC and other UN.GIFT member organizations are involved in developing a number of joint programmes which adopt a multi-faceted approach and encompass the various mandates of the organizations involved. Joint programmes are currently in various stages of development or implementation in Serbia, Bolivia, Rwanda, Egypt and Central Asia.

The technical assistance and capacity building provided by UNODC generally fall within the following substantive categories:

- **Legislative assistance**

In order to combat human trafficking and migrant smuggling, countries must have a comprehensive legislative framework in place that implements their international obligations. When the Protocols were adopted, the majority of countries around the world did not have legislation that specifically criminalized human trafficking and migrant smuggling. This is now changing and most countries now report having some legislation in place that criminalizes human trafficking.²² National legislation should also provide the necessary legal basis to ensure effective criminal investigations and prosecutions, victim and witness protection, the protection and assistance measures for victims of trafficking and smuggled migrants, international cooperation, etc. Further, legislation relating to migrant smuggling should address the smuggling of migrants at sea. While considerable progress has been achieved in the adoption of legislation, there is still a need to ensure that national laws are consistent with international standards and are sufficiently harmonized to allow for effective international cooperation.

UNODC has prepared model laws that were developed through extensive expert consultation and made available in order to facilitate the efforts of States to implement the Protocols. In addition, UNODC undertakes legislative reviews and provides legal drafting advice and training to States upon their request.

- **Strategic planning and policy development**

Effective responses to both human trafficking and migrant smuggling require a coordinated and multi-agency approach. The development of national and regional policies and action plans must be based on an assessment of the particular context, including the nature and scope of the threat and the existing capacities to respond to it. The implementation of action plans and policies should be coordinated and monitored through national coordination structures.

UNODC supports Member States to carry out assessments of the situation in relation to trafficking in persons or the smuggling of migrants and to develop and enact policies and action plans at both the national and regional levels. In doing so, UNODC is able to use its expertise in policy developed through its normative work on trafficking in persons and migrant smuggling to ensure that national and regional policies and strategies are comprehensive and reflect international best practice. UNODC has also developed tools such as the International Frameworks for Action to implement the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol to assist Member States in this process.

²² Global Report on Trafficking in Persons, p. 8.

- **Criminal justice responses**

The key to UNODC's approach to trafficking in persons and migrant smuggling lies in providing an effective criminal justice response to these crimes. This focus is particularly important today as the progress that has been made in establishing legislative frameworks is often not matched in practice by successful prosecutions of offenders.

UNODC has proven expertise in supporting the efforts of States to strengthen their criminal justice systems to prevent and combat all kinds of serious crime. Trafficking in persons and smuggling of migrants are generally committed by organized criminal groups of varying degrees of scale and organization. UNODC has assisted countries around the world in responding to the threats posed by organized crime through the strengthening of their capacity to effectively investigate, prosecute and adjudicate such cases. Countering organized crime is complex and requires the overall strengthening of the different criminal justice actors, while also focusing on more advanced techniques such as intelligence-led policing, financial investigations and the use of forensics.

There are many commonalities in an effective criminal justice response to the crimes of trafficking in persons and smuggling of migrants. A number of issues are particularly important to these cases that must be specifically addressed, including the identification, protection, support and access to justice of victims of trafficking, assistance to smuggled migrants and the protection of witnesses. Given this, UNODC's approach to strengthening criminal justice responses within the framework of the rule of law and based on the foundation of the United Nations standards and norms in crime prevention and criminal justice is particularly effective.

The fight against criminal organizations involved in trafficking in persons and migrant smuggling calls for broad, multi-agency, flexible and cooperative approaches, both nationally and internationally. Some of the best results in the prosecution of trafficking in persons and smuggling of migrants have been obtained when law enforcement, including border control, and prosecution agencies have been able to work together effectively, both locally and across borders. UNODC will continue to support efforts to establish and strengthen specialized law enforcement, prosecution and judicial structures and to promote inter-agency cooperation at the national and regional levels. UNODC has also established a case database with examples of trafficking in persons cases from around the world.

In relation to migrant smuggling, it is particularly important that the criminal justice response focuses on the smugglers themselves and not the smuggled migrants. A case law database, if established with sufficient funding, could support and display best practices in prosecuting and sentencing smugglers. A comprehensive approach to the crime must address all of the core characteristics and practices of migrant smuggling, including smuggling by sea, document fraud, the enabling of the stay of migrants, related financial offences and issues of the return of migrants. UNODC provides particular expertise in matters relating to document security and the development of forensic document examination capacity.

UNODC will promote cooperation among officials of different States in carrying out investigation and prosecution by facilitating effective information exchange and joint action. It will also enhance cooperation among state and non-state actors such as law enforcement, judiciary and victim service providers in countries of origin, transit and destination with the aim to improve transnational referrals and victim support. Particular support is provided to the efforts of States to meet their obligations to cooperate and take measures against the smuggling of migrants by sea.

Further, UNODC will work to strengthen international cooperation, including in mutual legal assistance, extradition and the confiscation of proceeds of crime and other assets, between countries on both a regional and global scale.

- **Protection and support to victims of trafficking and smuggled migrants**

One of the key aims of the Trafficking in Persons Protocol is to ensure the protection of victims of trafficking in persons. In order to prevent and combat trafficking in persons, victims of trafficking must first be accurately identified as such. UNODC works with national authorities, including police, border control, social services and judicial authorities, to strengthen their capacity to identify victims through best-practice interviewing techniques, forensics, etc. Once identified, victims must be supported and protected in such a way to ensure their full physical and psychological recovery, which is often implemented through referrals to NGOs and other support providers. Victims of trafficking are often vulnerable to drug dependence and HIV/AIDS and must receive health care, psychological assistance, emergency protection and help in reintegration.

Because the cooperation of victims with authorities is often needed to be able to successfully prosecute traffickers, States must also ensure that they have sufficient law enforcement, administrative and immigration measures in place to identify and then support and assist victims and witnesses. The Protocol further requires that victims are to be provided with access to compensation for damage suffered.

As explained in further detail below, UNODC is also responsible for the management of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, which is mandated to provide humanitarian, legal and financial aid to victims of trafficking in persons through established channels of assistance, such as governmental, intergovernmental and non-governmental organizations.

The Smuggling of Migrants Protocol places an obligation on States Parties to provide protection and assistance measures to persons who have been smuggled, including the respect for their human rights. Because smuggled migrants are often in a very vulnerable position, States must ensure that they are protected from danger or violence and that migrants who have become victims of crime are treated as such. UNODC will support efforts of Member States to develop or strengthen support structures in order to improve the identification of victims of human trafficking or other crimes amongst smuggled migrants, to take into account the needs of the most vulnerable such as women and children and refugees, and to offer appropriate protection and assistance to smuggled migrants generally. It is often critical to obtain the cooperation of smuggled migrants in order to be able to successfully prosecute smugglers. Thus, UNODC will support Member States in developing and implementing effective witness protection mechanisms to ensure that the rights of smuggled migrants are protected, while increasing the rate of successful prosecution of migrant smugglers.

Action Point: *In order to ensure high-quality, comprehensive and consistent technical assistance, UNODC will adopt a more pro-active approach through the development of detailed guidance notes, the training of field staff and the provision of advice and expertise by headquarters in the development and implementation of programmes. UNODC's capacity-building will be developed under the framework of regional and country programmes, in alignment with the needs and*

priorities of regional entities and partner countries, and in close cooperation with UN key partners, multilateral and bilateral agencies.

Strengthening of Partnerships and Coordination

Objectives:

- Play a leading role in ensuring cooperation and coordination amongst United Nations agencies in relation to human trafficking and migrant smuggling at both the policy and operational levels through ICAT, UN.GIFT and GMG.
- Strengthen partnerships with the broader anti-trafficking community, including with international and non-governmental organizations, civil society and the private sector.
- Promote and manage the Trust Fund for Victims of Trafficking in Persons, operating neutrally, independently and transparently, and ensure that the Trust Fund can disburse significant funds to deserving organizations that provide real and effective assistance to victims of trafficking.

Trafficking in persons and smuggling of migrants are complex phenomena - in their causes, their effects and the responses that are needed to counter them. As a result, the efforts to respond to these crimes must be multi-faceted and comprehensive. The last ten years have seen an explosion in the number of stakeholders in the anti-trafficking community, which includes United Nations agencies, regional organizations, Governments, civil society, NGOs, the private sector and the general public. Each of these stakeholders makes a valuable contribution to countering human trafficking and migrant smuggling: from raising awareness and prevention, to caring for victims and assisting smuggled migrants, to strengthening actions against the traffickers and smugglers. In order for these contributions to have a real impact on preventing and combating trafficking and migrant smuggling, however, they must be coordinated and complementary.

UNODC has played a leading role in ensuring coordination and building effective partnerships. In relation to broader issues of transnational organized crime, the Secretary-General's Policy Committee established a UN System Task Force on Transnational Organized Crime and Drug Trafficking which will be co-chaired by UNODC and the Department for Political Affairs.²³ The purpose of the Task Force is to promote a comprehensive and balance framework for UN System action against transnational organized crime and drug trafficking, which will include action against human trafficking and migrant smuggling.

In relation to human trafficking and migrant smuggling in particular, UNODC works to ensure efficient coordination at the UN level, through ICAT, UN.GIFT and the Global Migration Group (GMG). UNODC and UN.GIFT have also developed broader cooperation and partnerships with the larger international community, including through civil society and the private sector. To facilitate cooperation, UNODC has also elaborated a number of bilateral agreements with other institutions. Further, the Global Plan of Action mandated UNODC with ensuring the management of the United Nations Trust Fund for the Victims of Trafficking in Persons, which was launched in November 2010.

²³ In addition to UNODC and DPA, the Task Force will be comprised of other UN System organizations, including DPKO, UNDP, DPI, PBSO, OHCHR, UNICEF, UN Women and the World Bank.

Ensuring a Unified Response

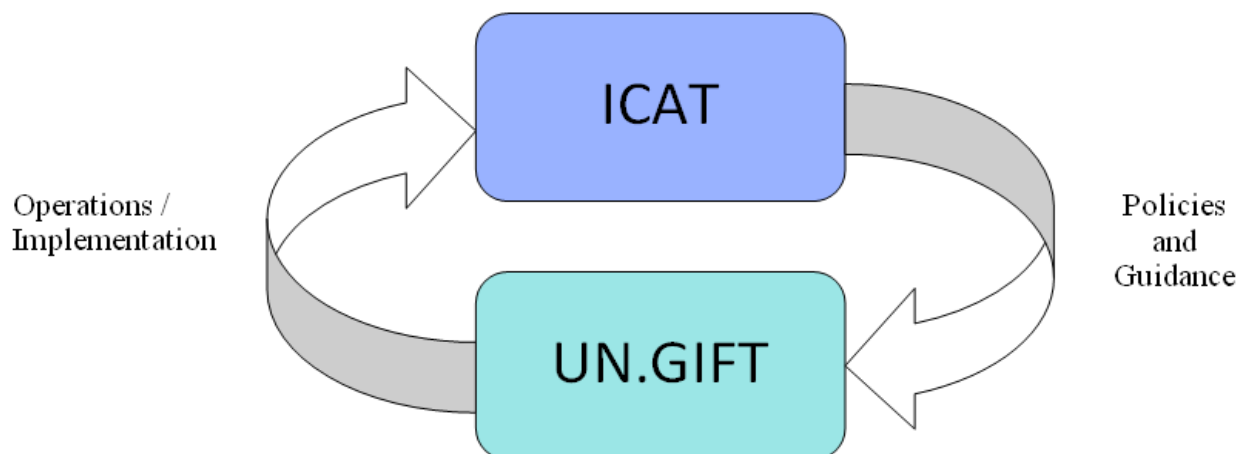
Given the complexity of the issues involved in both human trafficking and migrant smuggling, there are a large number of United Nations agencies and international organizations that are involved in the efforts to prevent and counter these acts. Each of these agencies or programmes is responsible within its mandates for a variety of different responses, drawing on its own comparative advantage. Due to concerns of States that there was a lack of coordination and duplication of efforts amongst the UN system, the last five years have seen a real effort to improve coordination and the effectiveness of the response to the threats of trafficking in persons and smuggling of migrants.

The United Nations Global Plan of Action to Combat Trafficking in Persons strongly urged all responsible United Nations entities to coordinate their efforts to fight trafficking in persons effectively and to protect the human rights of its victims, including by means of ICAT and UN.GIFT. GMG, which seeks to ensure coordination includes agencies involved in migration-related activities, is relevant to both human trafficking and migrant smuggling.

UNODC plays a key role in each of these coordination mechanisms, particularly in relation to ICAT and UN.GIFT, where UNODC acts as the coordinator and the host of the secretariat, respectively. These positions allow UNODC to make an important contribution to the work of the inter-agency mechanisms, helping to shape the agenda to include UNODC issues and to ensure a high-quality work product. This coordination function elevates the profile of UNODC, both within the UN system and more broadly, and serves to reinforce the leading role of UNODC in combating trafficking in persons and smuggling of migrants.

While both ICAT and UN.GIFT ensure inter-agency coordination, they operate at distinct, but complementary, levels. ICAT has a broader membership of UN agencies and its work over the last few years has been focused on the policy-level. UN.GIFT is made up of a smaller number of agencies, including one regional organization, that conduct operational work in the field of trafficking in persons and the work of UN.GIFT is therefore focused on the operational level. There is a strong commonality between the membership of ICAT's Working Group and UN.GIFT and this could be further exploited to ensure effective cooperation and cohesiveness between the two mechanisms.

As a result, ICAT and UN.GIFT create synergies by strengthening inter-agency coordination and cooperation at both the policy and operational levels, respectively. ICAT will continue to set policy-level guidance for its member organizations, while UN.GIFT will develop inter-agency pilot projects or knowledge-sharing tools that would implement the policies and priorities of ICAT. Once lessons are learned through the operational work of UN.GIFT, this information can be provided back to ICAT which can consider this in the development of new policies or the refinement of existing policies and guidance.



Action Point: *In recognition of the importance of UNODC’s role in ensuring inter-agency coordination and the benefits that it brings to UNODC, it is proposed that efforts continue to be made to strengthen the synergies between ICAT, particularly through its Working Group, and UN.GIFT, building on their common membership and goals.*

ICAT

The Inter-Agency Coordination Group against Trafficking in Persons was established by the General Assembly in 2007 “to enhance cooperation and coordination and facilitate a holistic and comprehensive approach by the international community to the problem of trafficking in persons”.²⁴ There are 16 United Nations agencies that make up ICAT’s membership and UNODC plays a dual role, acting as both a member and the coordinator of ICAT. The membership of ICAT includes:

- Department for Peace Keeping Operations (DPKO)
- International Civil Aviation Organization (ICAO)
- International Criminal Police Organization (ICPO-Interpol)
- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- Office of The High Commissioner for Human Rights (OHCHR)
- United Nations Children's Fund (UNICEF)
- United Nations Development Programme (UNDP)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Entity for Gender Equality and Empowerment of Women (UN Women)
- United Nations Interregional Crime and Justice Research Institute (UNICRI)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Joint Programme on HIV/AIDS (UNAIDS)
- United Nations Office on Drugs and Crime (UNODC)
- United Nations Population Fund (UNFPA)
- World Bank

²⁴ General Assembly resolution 61/180, Improving the coordination of efforts against trafficking in persons, 8 March 2007, A/RES/61/180, para 12.

ICAT seeks to support the activities of the United Nations to ensure a full and comprehensive implementation of all international instruments and standards relating to the prevention and combating of trafficking in persons, including through protecting victims of trafficking. In ensuring such coordination, ICAT draws upon the comparative advantages of each of its partners and promotes the efficient and effective use of existing resources. ICAT also provides a platform for the exchange of information, experiences and good practices on anti-trafficking activities of the partner agencies to share with Governments, international and regional organizations, NGOs and other relevant bodies.²⁵

The coordination activities of ICAT were somewhat hampered in the first years of its operation by a lack of resources. Efforts are now being made to make the work of ICAT more effective, with the decisions in 2010 to rotate the position of chair of ICAT amongst its member organizations and to establish an ICAT Working Group consisting of the member organizations that are most active in advancing the work of ICAT. The current members of the Working Group are ILO, IOM, OHCHR, UNHCR, UNICEF and UNODC, although the membership in the Working Group is open to any interested organization. This membership is largely the same as that of UN.GIFT, with the exception of UNHCR that belongs only to ICAT and OSCE that belongs only to UN.GIFT.

As already noted, the coordination function of ICAT focuses on the policy-level. While the impact of ICAT's work has been limited in the past, ICAT, particularly through its Working Group, is now working to provide more effective policy coordination. ICAT is increasingly focusing its efforts on policy consultations and the development of jointly-formulated policy guidelines on measures to prevent and combat human trafficking. The first of these papers, *An analytical review: 10 years on from the adoption of the UN Trafficking in Persons Protocol*, was published during the Conference of the Parties to the Organized Crime Convention in October 2010. Given the broad overlap in membership between ICAT and UN.GIFT, attention is being paid to improving the cooperation and the complementarity between the work of the two coordination mechanisms. ICAT is further developing a communications strategy to ensure that the policy guidelines and other work of ICAT are better disseminated.

UNODC's dual role in ICAT as both the coordinator and a member of the Working Group will allow it to continue to shape the future of ICAT. ICAT's efforts to focus on developing policy guidance for its member organizations and the international community more broadly could play an invaluable role in identifying priorities and lessons learned in anti-human trafficking. In order to do this, ICAT would benefit from having dedicated support in UNODC to advance the substantive work of ICAT. These efforts could be further strengthened by working in coordination with UN.GIFT to share resources, such as the UN.GIFT Virtual Knowledge Hub, and to operationalize policy decisions taken by ICAT through the operations and joint programmes of UN.GIFT.

Action point: *In order to ensure that ICAT is able to fulfil its role, UNODC will seek to provide dedicated support in UNODC to advance the substantive work of ICAT.*

UN.GIFT

Recognizing the need for a globally coordinated approach to combating trafficking, the United Nations Global Initiative to Fight Human Trafficking was launched in March 2007. With UNODC

²⁵ ICAT Mission Statement.

responsible for its financial management and its secretariat, UN.GIFT was established as a multi-agency partnership managed by a Steering Committee made up of six organizations:

- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- Office of The High Commissioner for Human Rights (OHCHR)
- Organization for Security and Co-operation in Europe (OSCE)²⁶
- United Nations Children's Fund (UNICEF)
- United Nations Office on Drugs and Crime (UNODC)

The mission of UN.GIFT is to mobilize State and non-state actors through a global multi-stakeholder partnership to eradicate human trafficking.²⁷ The inter-agency approach to all of UN.GIFT's work is fundamental to its success in allowing UN.GIFT to address human trafficking in a holistic manner, drawing on the strengths of each of its member organizations and maximizing efficiencies. UN.GIFT thus focuses on coordination at two levels: firstly, it ensures operational coordination between its member agencies and secondly, through that inter-agency approach, it seeks to strengthen partnerships and coordination with the broader anti-trafficking community, including civil society and the private sector.

Funded through a donation of the Emirate of Abu Dhabi, UN.GIFT allowed for the development of real inter-agency cooperation, unfettered by competition for financial resources. In its first years, there were challenges in ensuring effective coordination between UN.GIFT's member agencies, due in part to a tension between the role of UNODC as a participating agency and as the host of UN.GIFT. The role of UN.GIFT has evolved over time and now operates in a more effective and participatory manner. The first four years of its operation were recently independently evaluated and a number of key achievements can be highlighted, including:

- UN.GIFT's Virtual Knowledge Hub (www.ungift.org), awarded a UN 21 Award in 2011 and ranked among the top 10 virtual resources on human trafficking worldwide²⁸;
- Development of extensive resource materials for practitioners by the member organizations of UN.GIFT, including the funding of UNODC's first global report on trafficking in persons;
- Development and implementation of joint programmes to ensure comprehensive support to national anti-trafficking efforts;
- Development of strategic partnerships with private sector companies;
- Raising of awareness on human trafficking through the Vienna Forum in 2008 and the regional workshops that followed; and
- Successful piloting of a small grants facility to support victim service providers that has now been adopted by the UN Trust Fund for Victims of Trafficking in Persons.

UN.GIFT is now moving into the second phase of its operations. As recommended by the independent evaluation, the six member organizations of the Steering Committee have worked together to finalize a strategic plan for UN.GIFT's future activities. This strategic plan defines the

²⁶ OSCE, as a regional organization and not part of the United Nations, is the only organization that is not also a member of ICAT.

²⁷ UN.GIFT Strategic Plan, p. 10.

²⁸ UNODC, Final Evaluation Report: United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), Independent Evaluation Unit, May 2011, para 80.

priorities of work for UN.GIFT over the next three years, focusing on the areas where the operational inter-agency mechanism of UN.GIFT adds value to the individual member organization's efforts to prevent and combat trafficking in persons.

The Steering Committee has set out three broad areas of work for UN.GIFT:

1. **Knowledge Management:** Gaps in existing knowledge on human trafficking have limited the understanding of the problem and the effectiveness of the response. UN.GIFT will seek to facilitate the use and dissemination by all stakeholders of the existing knowledge on human trafficking, including through the UN.GIFT Knowledge Hub; identify knowledge gaps and research needs and assess the quality of available data and information on trafficking; and engage all stakeholders in contributing to the expansion of the knowledge base on human trafficking.
2. **Strategic Support and Interventions:** In order to ensure the most effective response to human trafficking, UN.GIFT will seek to support coherence in and implementation of effective anti-trafficking responses across the sector and at all levels. This will be achieved through the implementation of joint programmes, designed and implemented by at least two partner organizations, in key strategic countries and regions. UN.GIFT will also develop innovative and collaborative programmes such as pilot programmes to address key issues or sectors.
3. **Global Dialogue:** Building on its successful networking with the private sector, civil society and victims' organizations, UN.GIFT will seek to establish a platform for global dialogue with the broader community fighting human trafficking. In this way, UN.GIFT will work with victims and survivors, intergovernmental and non-governmental organizations, workers' and employers' organisations and the private sector to ensure a truly comprehensive and coordinated approach to eradicating human trafficking. It is particularly important to recognize survivors of trafficking as experts in the field and to support their engagement in the global dialogue through engagement with NGOs and other elements of civil society.

The member organizations of UN.GIFT believe that, by working collaboratively, UN.GIFT has the capacity to fill gaps in the global response to human trafficking, reduce duplication of efforts and optimize the use of resources. The member organizations are jointly responsible for fundraising and the implementation of the work of UN.GIFT. UNODC, in addition to being a member organization, will continue to host the UN.GIFT Secretariat who will continue to support the inter-agency work of UN.GIFT and ensure the financial administration of the Initiative. The Steering Committee, in order to strengthen cooperation with ICAT, may wish to consider participation in ICAT, particularly in its Working Group, in evaluating requests to join UN.GIFT in its next phase of operations.

Action Point: *UNODC will support UN.GIFT in the next phase of its operations, acting as an effective host to its secretariat and as an active participant in its joint, inter-agency activities.*

Global Migration Group

Both ICAT and UN.GIFT are focused on improving inter-agency coordination with regard to the problem of trafficking in persons. GMG, in contrast, brings together UN agencies to address issues

related to international migration. As a member of the GMG, UNODC ensures that trafficking in persons and smuggling of migrants are taken into consideration and addressed in the wider debate on migration issues.

The GMG was established by the United Nations Secretary General in 2006 as a high-level group of agencies involved in migration-related activities.²⁹ Over time, the membership of the GMG increased and there are currently 16 member organizations:

- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- Office of The High Commissioner for Human Rights (OHCHR)
- United Nations Children's Fund (UNICEF)
- United Nations Conference on Trade and Development (UNCTAD)*
- United Nations Department for Economic and Social Affairs (UNDESA)*
- United Nations Development Programme (UNDP)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Entity for Gender Equality and Empowerment of Women (UN Women)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Institute for Training and Research (UNITAR)*
- United Nations Office on Drugs and Crime (UNODC)
- United Nations Population Fund (UNFPA)
- United Nations Regional Commissions (ECA, ECE, ECLAC, ESCAP, ESCWA)*
- World Bank
- World Health Organization (WHO)*³⁰

The Global Migration Group operates at the working level and at the level of heads of agencies. The chair of GMG rotates amongst the heads of its member agencies and the Executive Director of UNODC will assume the chair in the second half of 2012 and will also participate in the governance "troika" during the periods both before and after its chairmanship. The agency of the chair is responsible for providing secretariat functions to GMG and UNODC will undertake these functions in support of the chairmanship of the Executive Director.

As with ICAT, GMG seeks to strengthen inter-agency cooperation and ensure greater consistency in policy formulation, although its work is focused on migration. The Group promotes increased application of all relevant international and regional instruments and norms relating to migration, including the Trafficking in Persons and Smuggling of Migrants Protocols. The GMG also seeks to improve the overall effectiveness of the policy and operational response to international migration by the United Nations and the international community.

The GMG has produced a number of joint publications and surveys on a number of key thematic issues relating to international migration. A working group on data and research was established to coordinate the activities of the member agencies working on data and research issues.

The GMG works closely with the Global Forum on Migration and Development (GFMD), a Member State-led initiative to address interconnections of migration and development in practical and

²⁹ GMG grew out of an existing inter-agency group, the "Geneva Migration Group", which was established in April 2003 by the heads of ILO, IOM, OHCHR, UNCTAD, UNHCR and UNODC.

³⁰ While there is significant overlap between the membership of both ICAT and GMG, their subject-matter focus is different. Those organizations that are marked with an asterisk do not participate in either ICAT or UN.GIFT.

action-oriented ways. The Forum is an informal, non-binding, voluntary and government-led process that acknowledges the limits of a strictly national approach to issues of migration. In view of the societal implications of these issues, civil society has been involved in the GFMD from its creation.

While UNODC acts as chair of GMG in 2012, it will seek to actively promote activities and discussions relating to its mandates, such as ensuring effective criminal justice responses to migrant smuggling and human trafficking, including protection of the rights of trafficking victims and of smuggled migrants, and data collection.

Action Point: *UNODC will continue to support GMG and establish an action plan for its upcoming chairmanship of GMG that promotes UNODC's mandates under the Protocols on Trafficking in Persons and Smuggling of Migrants.*

UN Voluntary Trust Fund for Victims of Trafficking in Persons

To ensure that there is a global mechanism that will provide relief and tangible support to victims of trafficking wherever needed, the Global Plan of Action entrusted UNODC with the management of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children. The Trust Fund is mandated "to provide humanitarian, legal and financial aid to victims of trafficking in persons through established channels of assistance, such as governmental, intergovernmental and non-governmental organizations".³¹ The Trust Fund was designed to catalyze the international goodwill that exists toward trafficking victims into a more concrete mechanism to support victims of human trafficking.

The Trust Fund was launched in November 2010 and became operational in January 2011. The Trust Fund has a two-tier management structure. It receives strategic guidance by a Board of Trustees, made up of expert individuals nominated by Member States and selected by the Secretary-General. UNODC acts as Fund Manager and is responsible for supporting the Board of Trustees in conducting a technical review of submitted projects, ensuring accordance with relevant UN Rules and Regulations, supporting the Board of Trustees in the mobilization of resources and providing general management and secretariat support to the Board of Trustees.

The Trust Fund's first initiative was the 2011 Small Grants Facility.³² The Small Grants Facility will disburse small grants of up to US\$ 25,000 to grass-roots non-governmental organizations which provide direct and tangible support to victims of human trafficking. The Trust Fund received over 250 project proposals from all over the world and will distribute nearly US\$ 300,000 in small grants in 2011 to the selected NGOs to provide vital victim support services.

Thus far, funding for the Trust Fund has come from an array of sources, ranging from individuals to leaders of the business community and Member States. While the predominant contributions and pledges thus far have been from Member States, the Trust Fund is working to transition towards a greater focus on individual donations, as well as developing a deeper engagement with the business community and the private sector, under the umbrella of the Blue Heart Campaign.

³¹ Global Plan of Action, para 38.

³² The Small Grants Facility was modelled off the successful pilot programme administered by UN.GIFT in 2010. As recommended by the independent evaluation of UN.GIFT, all information regarding the administration of the pilot programme was shared with the Trust Fund Board.

The Trust Fund can become a people-to-people fund, serving as a vehicle which connects global contributors to local victim-support initiatives. More local and individual buy-in for the Trust Fund's activities will result in grass-roots support having a grass-roots effect, with the Trust Fund as the allocator of donors to beneficiaries throughout the world. As Fund Manager, UNODC will work to increase the trust and belief in the Trust Fund by operating neutrally, independently and transparently, in support of victims of human trafficking from around the world. UNODC will seek to ensure that the Trust Fund is able to disburse a minimum of \$500,000 in small grants per year to deserving organizations to provide real and effective assistance to victims of trafficking.

Action Point: *UNODC will establish an effective fund management structure and promote the fund as a people-to-people initiative. Consistent with the spirit of the Global Plan of Action in creating the Fund, and to ensure maximum impact, UNODC will continue to promote broader UN ownership of the Trust Fund, including through ICAT, with the management remaining in UNODC.*

UNODC's Organizational Structure

UNODC's Thematic Programme on Action Against Transnational Organized Crime and Illicit Trafficking, Including Drug Trafficking sets out its strategic priorities for period 2011-2013. The Thematic Programme outlines three sub-programmes of UNODC's activities in relation to transnational organized crime:

- **Sub-Programme 1 - International Policy, Knowledge and Trends:** This sub-programme is responsible for UNODC's normative role in support of the Organized Crime Convention and its Protocols and the International Drug Conventions. It maintains primary responsibility for servicing the Conference of the Parties to the Organized Crime Convention and drives forward international policy-making towards a coordinated and comprehensive international response. UNODC will also use its expertise to monitor new and emerging forms of organized crime and the challenges that they represent.
- **Sub-Programme 2 - Regional and National Capacity Building and Technical Assistance:** This sub-programme guides the work of UNODC in ensuring the effective implementation of the Organized Crime Convention and its Protocols through the provision of expert technical assistance, the creation of global tools (such as model laws, guides) and standardized proven approaches (through handbooks, case studies and international standards). In this way, the sub-programme provides customized technical assistance and capacity building through UNODC's regional or country programmes delivered by UNODC's network of field offices.
- **Sub-Programme 3 - Human Trafficking and Migrant Smuggling:** This sub-programme covers UNODC's response to the two forms of organized crime comprehensively addressed in the Protocols on Trafficking on Persons and Smuggling of Migrants. The present comprehensive strategy provides further detail on the implementation of Sub-Programme 3. UNODC seeks to position itself as a policy lead and central hub for the international anti-human trafficking community and on migrant smuggling through research and awareness-raising, the promotion of the Protocols and capacity building and the strengthening of partnerships and coordination.

The Organized Crime and Illicit Trafficking Branch of the Division for Treaty Affairs of UNODC is responsible for the implementation of the Thematic Programme on Transnational Organized

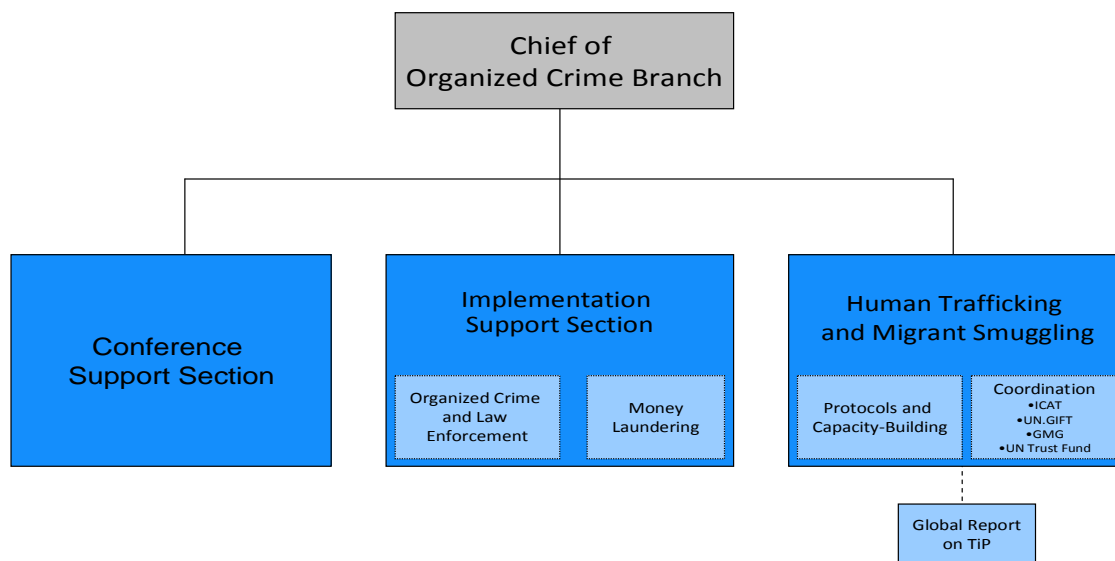
Crime. The Organized Crime Branch is presently divided into two sections. The Conference Support Section (CSS) is largely responsible for the implementation of Sub-Programme 1 on International Policy, Knowledge and Trends. The Implementation Support Section (ISS), with its units on Organized Crime and Law Enforcement and Money Laundering, is responsible for Sub-Programme 2 on Regional and National Capacity Building and Technical Assistance.

Due to the complementary nature of the work of UNODC on human trafficking and migrant smuggling, the responsibility for both areas of work is contained together in Sub-Programme 3. While the international community has placed a greater emphasis on the implementation of the Protocol on Trafficking in Persons over the last ten years, this is starting to change as the significance and consequences of the crime of migrant smuggling have come to the world's attention. UNODC intends to continue to expand its work relating to migrant smuggling to respond to the increasing requests of Member States. As outlined above, there are a number of overlaps between both the problems themselves and the elements of an effective criminal justice response to them. The co-location of experts on both trafficking in persons and smuggling of migrants within one section ensures that UNODC delivers a coherent and efficient approach to preventing and combating human trafficking and migrant smuggling, capitalizing on the areas of overlap, while still allowing for the specificities of each crime to be individually addressed.

As noted in the Thematic Programme, the mutually reinforcing nature of the work that UNODC does on human trafficking, through the Anti-Human Trafficking and Migrant Smuggling Unit (AHTMSU) of the Implementation Support Section, the independent UN.GIFT secretariat, and support functions for ICAT and the Trust Fund, would benefit from being merged into one unit. A single unit or section will lead to a greater coherence in the planning of priorities, coordination with donor and recipient States and the delivery of assistance. It will allow for a more comprehensive approach to human trafficking and migrant smuggling within UNODC, increasing the opportunities for synergies between the programmes and enhancing UNODC's ability to deliver cutting-edge technical assistance and to continue to play a leadership role in strengthening partnerships and coordination across the UN System.

A new Human Trafficking and Migrant Smuggling Section will therefore be created as a third section under the Organized Crime Branch, with full responsibility for implementing Sub-Programme 3 of the Thematic Programme. To reflect the key functions of the section as reflected in the comprehensive strategy, the Human Trafficking and Migrant Smuggling Section will include two units, one that is responsible for the promotion of the Protocols on Trafficking in Persons and Smuggling of Migrants and capacity-building (largely the present AHTMSU) and one that is responsible for strengthening partnerships and coordination on human trafficking and migrant smuggling for the larger UN system (the present UN.GIFT team, an ICAT coordinator, support to GMG and the substantive support to the Trust Fund). Combining the diverse activities of UNODC that focus on coordination into one unit would strengthen the synergies between the different cooperation mechanisms and ensure efficiency.

The Human Trafficking and Migrant Smuggling Section would work in close liaison with other parts of UNODC, such as the Division for Policy Analysis and Public Affairs (DPA), who have responsibility for a large part of the work relating to research and awareness-raising. UNODC is planning the establishment of a small unit dedicated to the preparation of the new biennial Global Report on Trafficking in Persons, that will be located in the Research and Trend Analysis Branch of DPA and work in coordination with the Human Trafficking and Migrant Smuggling Section.



Organigram of the Organized Crime Branch

Action Point: UNODC will create a new Human Trafficking and Migrant Smuggling Section to enhance the efficiency and coordination of all of UNODC's work on trafficking in persons and smuggling of migrants.

Resources

Presently, the different units within UNODC that work on human trafficking and migrant smuggling have insufficient human and financial resources to be able to effectively fulfil their mandates. Until very recently, the units that work on trafficking in persons and migrant smuggling received no regular budget funding at all. This is so, despite the fact that a number of activities performed by staff, such as providing secretariat support to the Conference of the Parties and its Working Groups on Trafficking in Persons and Smuggling of Migrants, are core mandated activities of UNODC.

This lack of predictability in relation to funding, coupled with the fact that existing funding is often closely tied to particular activities, has negatively impacted on longer-term work planning and limited the ability of the units to be pro-active and strategic. This has also resulted in an over-reliance on consultants and short-term staff contracts. The AHTMSU, the UN.GIFT secretariat and the Trust Fund management are currently staffed by a mixture of P-2 and P-3 level staff on project-funded posts, consultants and junior professional officers. Many of these positions, particularly those of UN.GIFT and the Trust Fund, will terminate at the end of 2011.

The creation of a new Human Trafficking and Migrant Smuggling Section will help to ensure efficiencies and synergies in the work performed by UNODC staff. It will also allow for a coordinated approach to fundraising, which must be developed in close conjunction with the Co-Financing and Partnership Section (CPS). At the present time, the different units that engage in work on trafficking in persons and smuggling of migrants may have unwittingly entered into competition with each other in terms of fundraising with donors. This practice, which is certainly

not unique to this area of work, is counter-productive and can create confusion with Member States. The Human Trafficking and Migrant Smuggling Section will seek to identify its funding priorities and will work with CPS to elaborate a coherent fundraising strategy to identify funding opportunities and develop consistent policy messages in relation to fundraising for all of the areas of work of UNODC on trafficking in persons and migrant smuggling. The UN Trust Fund, for example, shows potential for outreach to non-traditional donors such as members of the public, community-based organizations and the private sector. Other donors may be particularly interested in continuing to support activities that aim to strengthen inter-agency coordination, awareness-raising or capacity-building.

The establishment of the Human Trafficking and Migrant Smuggling Section will also be accompanied by changes to its staffing structure in order to enable the Section to effectively implement the present strategy. The Section will be headed by a Section Chief at the P-5 level who will ensure a coherent UNODC response to trafficking in persons and smuggling of migrants at both headquarters and in all field operations. The Chief will be able to undertake an effective coordination role with the Section and ensure that a common vision of UNODC's role in combating human trafficking and migrant smuggling is presented within the inter-agency coordination mechanisms and with regard to Member States. The Chief will also play an important role in providing substantive guidance on trafficking in persons and smuggling of migrants to the Section and UNODC's field offices.

Efforts will also be pursued to obtain regular budget funding of the core capacity dedicated to human trafficking and migrant smuggling. The application for a regular budget post at the P-4 level for the 2012-2013 biennium was recently approved. Given the importance and the volume of work on trafficking in persons and migrant smuggling relating to the core mandates of UNODC, further consideration will be given to the establishment of additional regular budget posts within the Section in the future. It would be particularly beneficial to ensure regular budget funding for the two key positions in the Section of the Section Chief and the two positions at the P-4 level: one which would be responsible for providing guidance to the unit on the implementation of the Protocols and capacity building and the second who could oversee UNODC's inter-agency coordination work and the substantive support to the Trust Fund.

UNODC's response to migrant smuggling has often taken a back-seat to its work on trafficking in persons. As the workload on migrant smuggling has increased significantly over the last few years, consideration should be given to strengthening the staffing of this side of UNODC's work. At the present time, there is one junior professional officer who works exclusively on migrant smuggling and a number of other staff who split their time between both trafficking in persons and smuggling of migrants work. As the volume of work increases, more staff will be dedicated to working on migrant smuggling matters in order to ensure the development of specific expertise on these issues.

It is also important that efforts be undertaken to guarantee a greater continuity in staffing. For a number of reasons, decisions were taken to staff UN.GIFT and the Trust Fund almost entirely with consultants. This has created a number of difficulties in ensuring that experienced staff are able to provide much-needed continuity to the work. While this problem is certainly not unique to UNODC's trafficking work, efforts will be made to replace temporary positions with longer-term positions to allow for better planning and stronger relationships with both internal and external counterparts.

The proposed staffing of the Human Trafficking and Migrant Smuggling Section is listed in the table that follows. Depending on available resources, it may be possible to combine some of the functions of staff in the Coordination Unit, having a smaller number of staff perform functions in support of multiple coordination mechanisms and/or the Trust Fund. There are also functions, relating to public information and fundraising, that are listed below as they are key to the success of the Trust Fund. This said, these functions may be better suited to other units of UNODC, namely the Advocacy Section and the Co-Financing and Partnership Section, respectively, that already perform these roles in relation to other work of UNODC.

HUMAN TRAFFICKING AND MIGRANT SMUGGLING SECTION		
Chief of Section	P-5	XB
<u>Protocols and Capacity-Building Unit</u>		
Crime Prevention and Criminal Justice Officer	P-4	RB ³³
Crime Prevention and Criminal Justice Officer	P-3	XB
Crime Prevention and Criminal Justice Officer	P-3	XB
Crime Prevention and Criminal Justice Officer	P-3	XB
Associate Crime Prevention and Criminal Justice Officer	P-2	XB
Associate Expert (Smuggling of Migrants)	ASSEX	XB
Associate Expert (Trafficking in Persons)	ASSEX	XB
Programme Assistant	G-5	XB
Programme Assistant	G-4	XB
<u>Coordination Unit</u>		
Coordination Officer and Trust Fund Manager	P-4	XB
Coordination Officer (ICAT and GMG)	P-3	XB
Programme Officer (UN.GIFT)	P-3	XB
Programme Officer (UN.GIFT)	P-3	XB
Knowledge Management Officer (UN.GIFT)	P-3	XB
Associate Expert (Trust Fund - Monitoring and Oversight)	P-2 / ASSEX	XB
Programme Assistant (ICAT, UN.GIFT and Trust Fund)	G-5	XB

³³ The application for regular budget resources for this post was approved for the 2012-2013 biennium budget.

Outside of the proposed Human Trafficking and Migrant Smuggling Section, there are other sections of UNODC that perform key work in relation to trafficking in persons and smuggling of migrants. The Advocacy Section, who are responsible for raising awareness on trafficking in persons through the Blue Heart Campaign, require 50% of a P-3 level public information officer post in order to ensure that this work is properly carried out. As advocacy work is also required on the Trust Fund, it may be possible to create one full-time post for a public information officer in the Advocacy Section with responsibility for both the Trust Fund and the Blue Heart campaign. The fund management and fundraising role of the Trust Fund will be covered by staff in the Co-Financing and Partnership Section.

The Studies and Threat Analysis Section of the Research and Trend Analysis Branch of DPA currently has one P-3 Research Expert (funded until 2012 from extrabudgetary resources), who is responsible for research on trafficking in persons and smuggling of migrants. In order to be able to produce the biennial Global Report on Trafficking in Persons mandated by the General Assembly, the request for the creation of a P-4 Research Officer under the regular budget for the 2012-2013 biennium was recently approved. A Lead Expert/Author at the P-5 level will need to be funded through extrabudgetary resources. Extrabudgetary resources will also be needed to continue supporting the post of P-3 Research expert on human trafficking and to fund activities, other than the publications costs which are already covered by the regular budget.

Global TIP Report Unit		
Lead Author (proposed)	P-5	XB
Research Office (under consideration for 2012-13 budget)	P-4	RB ³⁴
Research Expert (funded until 2012)	P-3	XB
Associate Expert (proposed)	P-1 / P-2	XB

Most of the extrabudgetary resources that have been provided to UNODC to fund its work on trafficking in persons and smuggling of migrants have been closely tied to particular activities and projects. This practice has often limited the ability of UNODC to respond to new issues or to undertake new initiatives. This has been particularly difficult in relation to the Trust Fund, where “seed money” is needed in order to implement new strategies for fundraising. The new Section will seek to mobilize funds that will allow the Section to be more pro-active through a coherent and consistent fundraising strategy.

Action Point: *UNODC will endeavour to seek regular budget funding to support the key functions of the Human Trafficking and Migrant Smuggling Section. An application for one P-4 was recently approved and efforts will be made in the future to secure further regular budget funding for one P-5 Section Chief and the second P-4 Coordinator position for the sub-units. In the interim, or in the event that this is not possible, UNODC will ensure the stability of the Section and its longer term planning through other sources of funding. UNODC will elaborate a fundraising strategy for trafficking in persons and migrant smuggling and will seek further unearmarked funding to allow for more strategic and pro-active activities.*

³⁴ The application for regular budget resources for this post was approved for the 2012-2013 biennium budget.

Conclusion

This comprehensive strategy presents an opportune time to re-evaluate UNODC's contribution to the international effort to combat trafficking in persons and the smuggling of migrants. The Protocols to the Organized Crime Convention on Trafficking in Persons and Smuggling of Migrants were opened for signature just over 10 years ago. Inter-agency coordination mechanisms, particularly ICAT and UN.GIFT, are in the process of evaluating what they have accomplished over the last four years and planning strategically how inter-agency cooperation can best be leveraged to ensure an effective response to trafficking.

As guardian to the Protocols on Trafficking in Persons and Smuggling of Migrants and building on its broader mandates and expertise, UNODC is uniquely positioned to ensure an effective criminal justice response to these crimes and the protection of trafficking victims and smuggled migrants. UNODC has also driven forward inter-agency coordination through the establishment and operation of ICAT, UN.GIFT and GMG. This is particularly so within ICAT and UN.GIFT, where UNODC has played a dual role of being an effective coordinator or secretariat and also a member organization. UNODC will assume a similar role for GMG in 2012 when it assumes the chair and secretariat functions for six months. The Global Plan of Action against Trafficking highlighted UNODC's contributions, recommended continued coordination and cooperation through ICAT and UN.GIFT, and further entrusted UNODC with the management of the newly established Trust Fund and the responsibility for preparing a global report on trafficking.

Despite these valuable contributions, UNODC's approach to trafficking in persons has been seen as being somewhat fragmented in the past. This strategy has sought to highlight the complementary nature of the different facets of UNODC's work on trafficking in persons and smuggling of migrants. Human trafficking and migrant smuggling are complex and multi-faceted problems and thus UNODC has developed a multi-faceted response. The different elements of UNODC's work should, therefore, be seen as creating the synergies necessary to ensure that UNODC assumes a role of policy lead and central hub for the international community's response to human trafficking and migrant smuggling. The creation of one section within UNODC with responsibility for both the promotion of the Protocols and capacity building on the one hand and the strengthening of partnerships and coordination on the other will reinforce the coherence, efficiency and complementarity of the work of UNODC.