



Handbook
on Human Trafficking

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Introduction

Human trafficking affects men, women and children in their deepest being. It strikes what is most precious in them: their dignity and their values as individuals. There is nothing more humiliating than being a victim of this plague. Even worse, over the last few decades trafficking has taken on worrying proportions despite the efforts made to curb it. In fact, well-structured gangs organize traffic in persons into networks that are often difficult to break up. Taking advantage of the vulnerability and weakness of the victims, who are most often women and children, traffickers promise better days by resorting to trickery, deception, and other manoeuvres. What follows is often bitter and demeaning exploitation that eventually reveals the mischievous intentions that were disguised as "good intentions" during the recruitment or transfer process.

It is difficult to assess the exact scale of the problem. The United Nations estimate that more than one million persons are trafficked every year. It is calculated that the annual "profit" made by traffickers totals between 5 and 7 billion dollars, which makes this heinous business the second source of profit of organized crime after drug trafficking.

In 1949, the Convention for the Suppression of Trafficking in Persons and of Exploitation of the Prostitution of Others was drawn up to prevent this heinous business. However, the upsurge of trafficking and the multiplicity of its components have led to more rigorous initiatives aimed at tackling the problem more comprehensively. The Convention of 2000 on Transnational Crime and its two Protocols on trafficking and on smuggling are an example of such initiatives.

The magnitude of this phenomenon requires urgent action, and Franciscans International (FI) has made of the struggle against trafficking one of its main programmes. FI intends to give a strong response to this problem by means of formation, education and by raising awareness. This is the objective of this handbook, which is addressed to FI's members who exercise their ministry at the grassroots level and work directly with victims as well as coordinating efforts with other interested groups.

I. FRANCISCANS INTERNATIONAL'S MAIN ACTIVITIES TO COMBAT HUMAN TRAFFICKING

FI's Approach towards Human Trafficking

FI's commitment is dictated by its founding principles and vision. Being concerned about the integrity and the dignity of the human being, FI finds it inadmissible that an individual can be the object of any form of trade. Trafficking is on the contrary degrading and deprives human beings of their dignity. Trafficked persons experience painful and traumatizing situations that will certainly be with them for the rest of their lives. From recruitment to exploitation, they lose their identity and desperately struggle against a situation that reduces them to beasts of burden.

In its fight against traffic in persons, FI combines two aspects: although the **sexual exploitation** dimension of trafficking is proportionally more important, it is necessary not to lose sight of **economic exploitation**, which increases in scale especially when it comes to forced labour, debt bondage, and domestic work.

Moreover, the **protection of trafficked persons** is at the heart of all FI's measures against trafficking. These persons are first of all victims and must be treated as such without additional external considerations. Before being irregular, they are first and foremost human beings experiencing a situation before which they are powerless. Thus, FI makes no distinction between irregular or regular victims on the grounds of the official documents they possess.

FI is convinced that the protection of victims is of paramount importance. It makes no distinction between trafficked persons who collaborate with investigators and those who do not, since fear, distress and above all threats on the part of traffickers can force victims to pass over useful pieces of information in silence or can lead them not to lodge a complaint.

Below we provide an outline of some of our most recent activities.

Training Sessions on Human Trafficking and Forced Labour

Since June 2002, FI, in partnership with Anti-Slavery International and Trócaire, has been organizing workshops on the United Nations' and the International Labour Organization's human rights mechanisms relating to trafficking and forced labour.

FI's starting point is the acknowledgement that, although traffic in human beings is a serious problem, trafficked persons and their defenders often lack knowledge of the international instruments available to them to fight against it. The objective is therefore to educate those who participate in the workshop about the UN human rights protection system, as well as to identify and analyze the options offered to them by the UN and the ILO to combat human trafficking and forced labour. Furthermore, the programme aims at strengthening the cooperation between FI and its partners to consolidate FI's role as a source of information for its members by providing them with useful and detailed documentation.

Participants coming from India, Lebanon, Italy, Germany, Togo, and Zambia were imbued with knowledge relative to advocacy. They talked about their everyday experiences and about their commitment on behalf of trafficked persons at the UN Working Group on Contemporary Forms of Slavery.

FI is considering organizing similar training sessions in the field, so as to give a greater number of Franciscans the opportunity to be immersed in a course which teaches them concrete working methods and the instruments they can use to tackle the problem of trafficking at the grassroots level. We hope to be able to give these courses also in other languages than English.

UN Working Group on Contemporary Forms of Slavery

Moreover, participants in the training session plunge into the atmosphere of the UN human rights system by taking part in the UN Working Group on Contemporary Forms of Slavery. They share their experiences with members of the Working Group, States and other NGOs, and make suggestions and proposals aimed at fostering respect for human dignity.

FI is particularly delighted by the fact that the Working Group has taken into account a large number of its suggestions on forced or early marriage in Zambia as well as on the exploitation of Afro-Asian migrant workers in Lebanon.

Advocacy at the UN

Meetings with Diplomats

Franciscans International devotes much energy to advocacy activities and to meetings with diplomats accredited at the United Nations in Geneva. The Commission on Human Rights and the Sub-commission on the Promotion and the Protection of Human Rights are privileged occasions for FI's strategy to combat trafficking. In the run-up to these forums, FI suggests to the different regional groups that particular attention should be paid to human trafficking. In order to achieve its objectives, FI organizes working sessions with these diplomats, as well as with representatives of international organizations and NGOs, so as to discuss and exchange views on the issue. In a pragmatic way, FI, in conjunction with its partners, suggests paragraphs for the various resolutions concerning human trafficking. During the consultation stage, FI draws the attention of governments on the need to make progress in the struggle against trafficking and to take this necessity into account when drafting resolutions. Several paragraphs proposed by Franciscans International were used in the resolution adopted during the 60th session of the Commission on Human Rights. In particular, we urged governments to:

- ensure that trafficked persons are protected from further exploitation and harm and have access to physical and psychological care. Such protection and care should not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings;

- ensure that the protection of trafficked persons is built into anti-trafficking policy, including protection from return where there are reasonable grounds to conclude that such deportation or return would present a significant security risk to the trafficked person and/or her/his family;
- develop national plans of action, as appropriate, to end trafficking by building partnerships between governmental institutions involved in combating trafficking and/or assisting trafficked persons and relevant sectors of civil society;
- present detailed information concerning the measures that they have taken to prevent and combat trafficking to the relevant United Nations human rights mechanisms including treaty-monitoring bodies and special procedures.

Written and Oral Statements

In its statements, FI stresses that, in spite of the existing UN and ILO protection mechanisms on human trafficking, the phenomenon still exists and takes on new dimensions and forms. We have called upon the Commission on Human Rights to take measures to find and assist trafficked persons, regardless of the form of trafficking they are subjected to. We have also encouraged the Commission to tackle the causes of the problem, including poverty, discrimination, corruption, and the widening inequalities of wealth between the various regions of the world.

The Group of Intergovernmental Organizations

In April 2003, Franciscans International was invited to join the Group of Intergovernmental Organizations on Human Trafficking and the Smuggling of Migrants. This informal group is made up of representatives of the main UN agencies working in this field (High Commissioner for Refugees, UNICEF, International Organization for Migration, UN Office in Geneva, International Labour Organization, High Commissioner for Human Rights, World Health Organization) and of four international NGOs, including FI. Regular meetings and newsletters allow us to exchange views on our programmes and to adopt common strategies for the different UN meetings. In particular, during the Commission on Human Rights, the group always organizes a briefing for those who will participate in the session.

Franciscans International's Position

1. The fight against human trafficking must be waged in a global and multidimensional way.
2. Economic exploitation in human trafficking deserves as much attention as sexual exploitation.
3. Each national legislation should make provision for and punish human trafficking. Trafficking must be established as a criminal offence.
4. In view of a concerted fight against human trafficking, it is urgent that all States ratify the international Conventions pertaining to this phenomenon, in particular

the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), supplementing the Convention on Transnational Organized Crime.

5. The ratification of the ILO 182 Convention on the Worst Forms of Child Labour and Immediate Action for their Elimination by all States should also be a priority.
6. The practical implementation of these provisions is urgent in order to actualize the rights and guarantees they contain.
7. It is essential that States strengthen their cooperation both at regional and international level in order to track down traffickers' networks.
8. The cooperation of States with the United Nations special procedures is fundamental.
9. The interests of trafficked persons must be at the core of all programmes aimed at fighting against trafficking. Under no circumstances should the victims be punished or subjected to discriminations.
10. The protection of victims should not be linked to a confession required from them by investigators, since fear, distress, external, and above all internal wounds do not always seem to lead victims to cooperate with the authorities.
11. The Palermo Protocol is a landmark in that it contributed to remarkable progress in the struggle against traffic in persons. Thus, all texts, resolutions, decisions or programmes against trafficking should follow the way shown by this instrument.
12. It is important that the Working Group on Contemporary Forms of Slavery enhances its knowledge of the issue, so as to give a new trend to its work, especially by carrying out a detailed follow-up of the implementation of the Palermo Protocol.
13. Trafficked persons who have been abandoned in transit countries by traffickers should enjoy the rights and guarantees sanctioned by the Palermo Protocol. They should not be treated as "illegal" persons, but as victims of trafficking.
14. The confiscation of passports and the fact that drugs are given to trafficked persons must be considered as aggravating circumstances. States must take relevant measures to ban and punish the confiscation of passports or other identity papers belonging to the victims.
15. It is desirable that States introduce a legislation that includes extra-territorial provisions, so as to facilitate the prosecution against traffickers acting from abroad.

II. THE FIGHT AGAINST TRAFFICKING IN PERSONS BY MEANS OF INTERNATIONAL INSTRUMENTS

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)

Historical Background

The United Nations Convention of 2 December 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is one of the texts aimed at fighting against human trafficking. It establishes a new legal framework to combat this crime, including the commercial sexual exploitation of children. It comes after several texts already existing on the subject:

1. International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly of the United Nations on 3 December 1948;
2. International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the above-mentioned Protocol;
3. International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947;
4. International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the aforesaid Protocol.

Punishable offences

Articles 1 and 2 of the 1949 Convention make provision for punishable offences, i.e. procuring, enticing or leading away, for purposes of prostitution, another person, even with the consent of that person. These articles also punish those who exploit the prostitution of another person, even with the consent of that person. These are called procurers. Any person who keeps, manages or knowingly finances or takes part in the financing of a brothel or knowingly lets or rents a building or a place or any part thereof for the purpose of the prostitution of others is also punishable. These acts are considered as cases for extradition (article 8).

It should be stressed that intentional participation in these acts (article 4) as well as attempts to commit these offences (article 3) are also punishable.

The text binds State Parties to establish or maintain a service with specific tasks (article 15) and in charge of coordination and centralization of the results of the investigation of offences referred to in the Convention (article 14), and measures for the prevention of prostitution and the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the Convention (article 16). In addition, all States undertake to adopt the appropriate measures to combat the traffic in persons of either sex for the purpose of prostitution (article 17).

What Does Extradition Mean?

Extradition involves handing over an offender or a person accused of an offence by the country where he is found to another country that requests his extradition. International law has established this procedure in order to bring to trial or punish those who escape justice for the offences they have committed. Extradition is not to be mixed up either with **deportation**, which occurs due to reasons internal to the departing State, or with **refoulement**, which involves rejecting an individual at the border, or with **repatriation**, which occurs in a non-criminal context or even with **transfer**, which is a notion established by the Statute of the International Criminal Court.

What Does Prostitution of Others Mean?

Prostitution of others is what is generally referred to as procuring. Procuring feeds on prostitution. Procuring is an offence whereby a person organizes the prostitution of others and makes profit from it. Far from disappearing, procuring takes up new forms to adapt to today's new ways of life and of communication. It is a system that locks up women, children and men in order to satisfy the so-called clients' needs and for the profit of the procurer who acts in connivance with crime circles.

Protection of Victims

Article 19 is devoted to victims of trafficking. States must provide for the needs of destitute victims and ensure their temporary care and maintenance, as long as all the arrangements for their repatriation have not been completed. Repatriation must be voluntary. When the victim has no resources, the entire cost of repatriation shall be borne by the State of origin.

The Shortcomings of the 1949 Convention

However, the 1949 Convention does not stress enough the notion of victim. In his reports A/51/309 of 1996 and A/52/355 of 1997 on traffic in women and young girls, the UN Secretary General deplored the absence of a monitoring body for the 1949 Convention. Admittedly, article 21 binds the States to "self-supervise" their employment agencies (article 20) and above all to provide the Secretary General with a report on the legislative, statutory, administrative and other measures taken concerning the application of the Convention. However, the absence of a real monitoring body is regrettable and is undoubtedly a shortcoming.

More importantly, in the face of the global rise of trafficking, including for the purposes of economic exploitation, and with the increase of the number of criminal networks, the Convention does not seem to meet today's concerns.

Moreover, this Convention does not provide a precise definition of traffic in persons, nor does it consider the phenomenon in all its aspects. This is what the Protocol to the United Nations Convention on Transnational Crime signed in Palermo on 15 November 2000 attempts to do.

Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

The United Nations Convention on Transnational Organized Crime adopted by the General Assembly on 15 November 2000 and entered into force on 29 September 2003 is made up of three protocols:

- Protocol against the Smuggling of Migrants by Land, Sea and Air (entered into force on 28 January 2004);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (entered into force on 25 December 2003);
- Protocol against the Fabrication and Illicit Traffic of Small Arms, adopted on 31 May 2001 (open for signature and not entered into force yet).

These texts establish a new legal framework to fight against human trafficking.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also known as the Palermo Protocol) is a reference instrument for the fight against trafficking in persons as it provides, for the first time, a definition of the phenomenon and lays stress on the abuse of power and on the victims' extreme vulnerability.

However, some experts view the non-obligation of State Parties to provide for the victims' needs as an obstacle to the effectiveness of the Protocol. As a result of this non-obligation, victims whose rights have been violated by public or private actors could feel less prone to cooperate for the identification, arrest and prosecution against the traffickers and criminals that the Convention and the Protocols are meant to punish.

What Does Trafficking in Persons Mean?

article 3

The definition provided in article 3 takes into account three main elements:

- **The material constitutive acts of trafficking.** They are listed as follows: recruitment, transportation, transfer, harbouring or receipt of persons. We could add the word "purchase" as a constitutive act.
- **Acts committed without the free and full consent of trafficked persons.** Reference is made to acts such as threat or the use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of weakness or vulnerability. Every act aimed at diverting the victim's attention from the traffickers' real, but covert aim, is punishable.
- **Exploitation as the purpose of these acts and means.** This means that the purpose and the objective of the acts committed to date are taken into account. The exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs are the types of exploitation for which provision is made. Exploitation includes these acts "at a minimum", i.e. it is always possible to add other acts that are not listed in this definition, for instance practices similar to slavery or to contemporary forms of slavery.

Who is a Child Victim of Trafficking?

The Protocol defines a child in accordance with Article 1 of the United Nations Convention on the Rights of the Child, which establishes that a child is "Any person under eighteen years of age, unless under the law applicable to the child, majority is attained earlier". The consent given by a child cannot be used as evidence. From recruitment to exploitation, from transportation and transfer to harbouring, the child is considered as a victim.

Who is a Trafficker?

Even if the Protocol does not define them explicitly, it includes all the elements that help understand what traffickers are. Sometimes they are carriers or recruiters who use all sorts of delaying tricks and deceitful manoeuvres or resort to the use of force; sometimes they take care of the transfer or become mere disinterested "benefactors" who offer housing, pocket money or their hospitality; sometimes they reassure the victims about the possible doubts they might have by giving them words of advice, phone calls or letters, or by using other means of comfort and persuasion; finally, sometimes they are at the end of the chain, giving orders or providing material for the exploitation of the victim, or taking direct care of the exploitation and even investing the profits in other organized crime networks.

Main Implications of the Definition

The definition given in article 3 adds an extremely important element that further strengthens the fight against trafficking and protects trafficked persons. In fact, **if one of the above-mentioned acts has been committed, the victim's consent, be it free or vitiated, is irrelevant.** In other words, merely having used these means implies having committed a criminal offence, regardless of the willingness or the consent of the victim to be exploited. This provision is of paramount importance for two reasons:

1. The consent or willingness of the victim due to either his/her vulnerability and poverty, or to any other reason is not taken into account. For instance, there is no longer any difference between voluntary and forced prostitution. As a result, the consent of the victim has no longer any influence on the qualification of the act.
2. Traffickers can no longer rely on the victim's consent in order to exonerate themselves. The victim's consent during the trafficking process cannot be used as evidence. Thus, traffickers can no longer place the responsibility on victims for their exploitation.

Moreover, in order to take into account the new forms of human trafficking, the Protocol establishes that recruitment, transportation, harbouring or receipt for the purpose of exploitation should always be considered as trafficking in persons, even if this does not involve deception, fraud and other means.

It is important to underline that the objective of this very broad definition is to reinforce the legal protection of the victims in order to ensure their social adjustment and to focus on the whole trafficking process from beginning to end (recruitment,

transport, organized criminal groups, client, etc.). The definition puts the emphasis on coercion and the direct or indirect, covert or overt constraints placed upon the victims. It is an open-ended definition.

Prevention and Cooperation between States

articles 10-12

Information Exchange and Training

article 10

Reference is made here to exchanges of information on travel documents. As the prevention of trafficking in persons is a priority objective of the Protocol, States should undertake to cooperate and make sure that:

- appropriate measures are taken to determine whether individuals travelling without documents or with documents belonging to other persons are perpetrators or victims of trafficking in persons;
- the documents that individuals have used or attempted to use are not for the purpose of trafficking in persons;
- measures are taken to determine the means and methods used by organized criminal groups, as well as the links between and among individuals and groups engaged in trafficking, and to determine the possible measures for detecting the traffickers' networks;
- training programmes for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons are provided.

Border Measures (Sanctions against Commercial Carriers)

article 11

Apart from reinforcing border controls without prejudice to international commitments in relation to the free movement of people, States must adopt legislative, judicial, administrative or other appropriate measures to prevent and detect trafficking. This means that commercial carriers must ascertain that their passengers are in possession of the travel documents required for entry into the receiving State. Carriers that violate this obligation are subject to sanctions. In addition, according to the terms of the Protocol, States should undertake to deny entry of persons implicated in the trafficking or to invalidate their visas. Moreover, States are encouraged to maintain regular channels of communication on this matter.

Security and Control of Documents

article 12

The Protocol calls upon the concerned States to ensure the integrity and security of the travel documents by checking whether they are of such quality that they cannot be falsified, altered or replicated. At the request of another State, a State must verify the validity of a travel or identity document.

Cooperation between States

article 10

Given the international dimension of human trafficking, the Protocol strongly encourages States to develop cooperation and collaboration channels aimed at detecting traffickers' networks. The Protocol recommends cooperation by means of information exchange and training in order to determine the authenticity of travel documents, the types of documents that individuals have used to cross a border, the means and methods used by criminal groups and traffickers.

Protection of Victims

article 6

The Protocol stresses the importance of protecting victims, and it makes provision for assistance and protection measures. Protection is the focal point of this instrument.

Legal Proceedings

article 6-1, 6-2

Each State must ensure that its legal system contains measures that provide the victims of trafficking with the information they need during their court or administrative proceedings. In order to enable their views and concerns to be presented and considered during criminal proceedings against traffickers, victims must be provided with legal assistance at all stages of the proceedings. The right to defense is guaranteed. Furthermore, the Protocol recommends that each State should ensure that its legal system contains measures that offer victims of trafficking the possibility of obtaining compensation for damage suffered. In addition, all legal proceedings must take into account the weakness of victims. The Protocol recommends confidential legal proceedings so as to protect the victims' privacy.

Physical and Psychological Health

article 6

Unfortunately the victims' psychological health is often ignored even if it is undeniable that they suffer a strong psychological shock that disrupts their psychical and psychological integrity. The result is that they no longer have self-control after having experienced traumatizing moments and sometimes even bloody sacrifices.

The Protocol calls upon each State to protect the victims and provide them with medical, psychological and material assistance.

Right to Housing

articles 6 a) and 4

Article 25-1 of the 1948 Universal Declaration on Human Rights states that the right to housing is a fundamental right of the human being. Every individual has the right to a standard of living adequate for his well-being, including for his housing. In the light of this, the Protocol establishes that it is a duty to guarantee the effective access of victims of trafficking to housing. The State is, and must remain, the guarantor of the right to housing.

Right to Employment, Education and Training

articles 6 d) and 4

States are called upon to offer training and education opportunities to every victim. In the belief that this is the only way for victims of trafficking to be able to achieve their autonomy and rebuild their lives, the Protocol calls upon the States to facilitate their access to employment.

Safety of Victims

articles 5, 6 and 7

Throughout the Protocol, States undertake to provide for the physical safety of victims of trafficking while they are within their territory. States Parties are called upon to adopt legislative, administrative and other measures that permit trafficked persons to remain in their territory, temporarily or permanently. It is therefore possible, or even desirable, to grant them a residence permit. Furthermore, article 7 calls upon each State Party to give "appropriate consideration to humanitarian and compassionate factors" of the victims.

This is a mitigating circumstance when it comes to analyzing the legitimacy and validity of their documents.

Return or Repatriation of Victims of Trafficking

article 8

The problem of repatriation has already been dealt with by the 1949 Convention, but only superficially. This is why the Protocol tackles it in a much more exhaustive way. In addition to stating that the concerned States should provide the needed resources, article 8 mentions the conditions that are necessary to ensure the safety and respect of human dignity of victims during their repatriation. Within the context of the cooperation between States, it is recommended to exercise due diligence in providing information about the victims and their right of residence on the territory of a State Party without undue or unreasonable delay. States are called upon to facilitate the issuing of travel documents for the victim who wishes to go back home. No matter what, the victim must be treated as such at all levels.

Taking into Account the Constraint Factor in Protection

The consequence of this progress is a reinforced protection of trafficked persons, who are considered as victims of a situation that got out of their control. Obligated to embark on a dangerous adventure, victims of trafficking enjoy presumption of innocence, which is stronger should their trafficker use deceitful manoeuvres. Evidence is no longer deductive, but inductive.

Prosecution

articles 4 and 5

The Protocol applies to the prosecution of the acts that it establishes as criminal offences. These acts are listed in article 3: acts accomplished without the free and full consent of the victim of human trafficking, threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of weakness or vulnerability. All tactics aimed at diverting the victim's attention from the trafficker's real, but covert goal are punishable. The Protocol binds the States to establish these acts as criminal offences in their national law. Attempting to commit an offence established in the Protocol, participating as an accomplice in an offence, organizing or directing other persons to commit an offence are also punishable acts.

III. UNITED NATIONS MECHANISMS AND INITIATIVES ON CONTEMPORARY FORMS OF SLAVERY, ESPECIALLY HUMAN TRAFFICKING

Office of the UN High Commissioner for Human Rights

OHCHR Programme to combat Human Trafficking

Since 1998, the United Nations High Commissioner for Human Rights has been giving high priority to the trafficking issue, focusing in particular on traffic in women and children. The High Commissioner mainly aims at integrating a human rights perspective into national, regional and international anti-trafficking initiatives, by developing a series of guidelines and a legal framework.

The High Commissioner's Programme to combat human trafficking pursues five fundamental objectives:

- a) To ensure that the High Commissioner can act as a catalyst and a support for the work of others in the fight against human trafficking;
- b) To enhance the capacity of the High Commissioner and of the United Nations human rights system to face aspects of trafficking that affect human rights;
- c) To make sure that the "human rights" dimension is integrated into the anti-trafficking activities of the other United Nations bodies and programmes;
- d) To raise awareness within the whole United Nations system about the fact that human trafficking is a human rights problem;
- e) To encourage external organizations (intergovernmental organizations, national and international NGOs and national human rights institutions) to study the issue of human trafficking and to integrate a human rights perspective into their anti-trafficking policies and activities.

Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1)

Acknowledging the damage suffered by the victims of trafficking, the United Nations High Commissioner for Human Rights has drawn up some Principles and Guidelines that should govern all actions aimed at fighting against this plague. They emphasize the primacy of human rights, prevention and assistance to the victims, without forgetting criminalization, punishment and redress.

The text sets out eleven main guidelines for reflection and action:

1. Promotion and protection of human rights;
2. Identification of trafficked persons and of traffickers;
3. Research, analysis, evaluation and dissemination of information;

4. Ensuring an adequate legal framework;
5. Ensuring an adequate law enforcement response;
6. Protection and support for trafficked persons;
7. Prevention of trafficking in persons;
8. Special measures for the protection and support of child victims of trafficking;
9. Access to remedies;
10. Obligations of peacekeepers, civilian police and humanitarian and diplomatic personnel;
11. Cooperation and coordination between States and regions.

The document makes reference to several elements contained in the Palermo Protocol. The victims' right to return, compensation and social reintegration is a focal point of interest.

Nevertheless, Guideline no. 2 does not seem to duly take into account the complexity and the new forms of traffickers' networks, as well as all the aspects covered by the Protocol's definition of trafficking, in that it confines the traffickers' deceitful means solely to coercion, force and deception.

UN Working Group on Contemporary Forms of Slavery

Sources of the Mandate

The group was created on 17 May 1974. Its mandate is based on three Conventions:

- Slavery Convention (1926);
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949);
- Supplementary Convention for the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956).

FI believes that much is left to be done to follow up the Conventions on slavery. This is why, in June 2003, in conjunction with Initiative d'Entraide aux Libertés, FI recommended that the Working Group should not limit the review of the implementation and the follow-up to the conventions on slavery solely to the 1926, 1949 and 1956 Conventions, but it should also take into account the most recent instruments, in that they illustrate better the work that has been done so far in order to increase knowledge of contemporary forms of slavery. It is therefore necessary to carry out a study on the implementation of the legal framework. The added value of such a study would be to highlight the progress made so far, as well as the factual and juridical shortcomings and obstacles that still hamper the optimal implementation of the available texts.

We believe that the deliberations of the Working Group will bear fruit only if conventions and laws take into account the experience of civil society at the grassroots and punish traffickers more strictly.

According to a constant jurisprudence of the Working Group, "slavery, in all its different forms and practices, is a crime against humanity and the consent of any State that accepts it, whether it joined the conventions pertaining to slavery or not, is a violation of the fundamental rights of the individual".

Agenda

The agenda of the Working Group takes into account the current practices that degrade human dignity and fall into the category of contemporary forms of slavery. Below are the main points on which the Group focuses during its sessions:

1. Forced labour, in particular in light of the ILO programme of action.
2. Review of the implementation of and follow-up to the conventions on slavery:
 - a) Status of the conventions.
 - b) Review of information received regarding implementation of the conventions and programmes of action.
3. Review of developments in the field of contemporary forms of slavery and measures to prevent and suppress all contemporary forms of slavery, including the fight against corruption, and the consideration of international debt as a promoting factor of contemporary forms of slavery:
 - a) Economic exploitation:
 - Violation of the human rights of migrant workers, especially women;
 - Violation of the human rights of domestic workers, especially women and girls;
 - Bonded labour and debt bondage;
 - Child labour.
 - b) Sexual exploitation:
 - Suppression of the traffic in persons and the exploitation of the prostitution of others;
 - Support, assistance and protection of victims of trafficking, in particular in host countries;
 - Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography;
 - Activities of the Special Rapporteur on violence against women.
 - c) Forced marriage, child marriage and activities of the Special Rapporteur on violence against women.
4. Other forms of exploitation:
 - a) Illegal activities of religious and other sects;
 - b) Traffic in organs and tissues of children;
 - c) Miscellaneous issues, in particular slavery-like practices related to armed conflicts.

Composition

The Working Group is composed of five experts of the Sub-commission. Below are the current members:

- Ms Warzazi - Morocco (for the African group)
- Mr Sattar – Pakistan (for the Asian group)
- Mr Pinheiro – Brazil (for the Latin American group)
- Mr Decaux – France (for the Western European group)
- An expert for the Eastern European group is still to be appointed.

The Working Group on Contemporary Forms of Slavery is open to non-governmental organizations regardless of whether they enjoy consultative status with the Economic and Social Council (ECOSOC) or not. The Group also shows flexibility in that it gives the floor to victims, who, in this way, have the opportunity to share their traumas and sufferings with experts and participants.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

This fund was created on 17 December 1991 by Resolution 46/122 of the UN General Assembly in order to combat contemporary forms of slavery. Funds are obtained through contributions from governments, organizations, trade unions, and private entities. The Fund finances the participation of NGO representatives, especially from developing countries, in the Working Group sessions. The Fund also contributes to projects in developing countries. Thus, on the one hand, it assists representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance. On the other hand, it extends, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been violated as a result of contemporary forms of slavery.

IV. THE SPECIAL PROCEDURES OF THE UN COMMISSION ON HUMAN RIGHTS PERTAINING TO TRAFFICKING IN PERSONS

Until April 2004, the Commission on Human Rights had no specific mechanism on human trafficking. However, during its 60th session, the Commission appointed by its decision 2004/110 a Special Rapporteur on trafficking in persons, especially women and children. Before this date, other mechanisms had nevertheless studied the issue of trafficking, according to the specificity of their mandate. These were above all the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on violence against women and the Special Rapporteur on the human rights of migrants.

Special Rapporteur on Trafficking in Persons, Especially Women and Children

Already on 19 January 2004, during the election of the Bureau of the 60th session of the Commission on Human Rights, the acting High Commissioner, Bertrand Ramcharan, had set the tone by stressing in his opening speech the need to define new guidelines to combat human trafficking. The Commission finally adopted by consensus decision 2004/110, which establishes the Special Rapporteur post. Sixty three co-authors, members and observers of the Commission proposed the text, of which the main promoters were Germany, Congo, Libya, the Philippines, Poland and Costa Rica.

The mandate of the new Special Rapporteur enables him/her to centre his/her future work around the protection of victims. Appointed for three years, as of 2005, he/she will present to the Commission his/her first report with recommendations on the measures needed to defend and protect the fundamental rights of victims of trafficking. During his/her mission, he/she will cooperate with the other relevant Special Rapporteurs, especially the Special Rapporteur on violence against women, as well as with other relevant United Nations bodies, governments, international organizations, the victims and their representatives.

Franciscans International has made particular efforts to ensure that the mandate of this new mechanism takes into account not only the terminology of the Palermo Protocol, but also the role that non-governmental organizations have played and continue to play and the contribution that the already existing mechanisms have made to the fight against this issue.

Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography

Besides the Convention on the Rights of the Child, which is the fundamental instrument, other texts serve as basis for the work of the Special Rapporteur, Miguel Petit, when he studies the issue of trafficking in children, namely:

1. The Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, adopted by the United Nations General Assembly on 25 May 2000 (A/Res/54/263) and entered into force on 18 January 2002. This text attaches particular importance to the criminalization of severe violations of the rights of the child, namely the sale of children, illegal adoption, child prostitution and child pornography. In addition, the Protocol stresses the importance of international cooperation, which makes it possible to fight against these activities beyond national borders, as well as of public awareness, information and education campaigns aimed at increasing the protection of children against these severe violations of their rights.
2. The Commitment and Action Plan of the First World Congress against Commercial Sexual Exploitation of Children (Stockholm, Sweden, August 1996) ;
3. The Document and Action Plan of the Second World Congress against Commercial Sexual Exploitation of Children (Yokohama, Japan, December 2001).

The Special Rapporteur has often expressed his concern over the fact that numberless children have been sold, trafficked or exploited by means of prostitution or pornography and are still not treated as victims.

The Yokohama Action Plan states that the measures taken to criminalize commercial sexual exploitation of children in all its forms and in accordance with the relevant international instruments must not criminalize or penalize child victims. Furthermore, it regrets that the Optional Protocol to the Convention on the Rights of the Child does not explicitly recommend that penal sanctions should not be applied to child victims, and it considers that one of its important duties under the terms of its mandate is to strive without respite for the application of the strictest norms aimed at protecting the rights of the child. As a consequence, it urges all States to take the necessary measures to make sure that children who are sold, trafficked or exploited by means of prostitution or pornography are treated as victims of these offences.

The Special Rapporteur contributes to the drawing up of global strategies for the fight against trafficking in children in the various regions of the world and for the finalization of a detailed action plan and project proposals to combat trafficking in women and children in the concerned regions.

If you have any information on the sale of children, child prostitution and child pornography, please contact:

Ms. Mara Steccazzini
OHCHR
8-14 avenue de la Paix
1211 Geneva 10
Switzerland
E-mail: msteccazzini@ohchr.org

Special Rapporteur on Violence against Women

The Special Rapporteur on violence against women, Yakin Erturk, has established a link between the presence of international forces and the creation of a market for trafficking in women and young girls. International personnel have sometimes been involved in trafficking as "customers". She stressed that it is important to become aware of and respect the existing norms on integrity and responsibility on the part of international staff, both military and civilian, and to acknowledge the nature of forced prostitution and of the abuses perpetuated against women and young girls.

The reports of her predecessor, Radhika Coomaraswamy, explain the complexity of the problem, which includes several aspects: migrations, organized crime, prostitution, security, employment, and health. Such complexity is reflected in the methods adopted by the various relevant bodies. It is increasingly acknowledged that the victims' fundamental rights must be at the core of all measures aimed at preventing and combating trafficking in human beings. By giving priority to the protection of and assistance to trafficked women as well as to the compensation for the damage suffered, it is acknowledged that trafficking and the abuses that are

associated with it are a violation of the fundamental rights of the human being, as indicated in the United Nations Secretary General's report of 2003.

The Special Rapporteur has also highlighted the seriousness of the problem, which is related to the different political contexts and geographical dimensions; to the diversity of the ideological and conceptual approaches; to the traffickers' mobility and adaptability; to the specificity of the trafficked persons' situations and needs; to the inadequacy of the legal framework and to the lack of research and coordination on the part of the relevant actors at national, regional and international level. The link between trafficking in persons and migration is another political and core obstacle to the solution of the problem. The Special Rapporteur has given a review of the current approaches and has encouraged a closer collaboration among intergovernmental organizations.

The intrinsic connection between migration, trafficking, women's displacements and the violations of their fundamental rights has also been studied. Her reports highlight the fact that women move or are displaced, with their consent or not, legally or not, for various social, political, cultural and economic reasons. Human trafficking is different from other forms of displacement, in that it occurs without the consent of the persons involved.

It is stressed that displacements and migrations, as well as the attempts made by governments in order to restrict these movements through the adoption of immigration and emigration policies, and the exploitation of these attempts on the part of the persons who are engaged in trafficking, put women in a situation in which they have virtually no legal protection.

Moreover, the Special Rapporteur emphasizes that the lack of acknowledgement of women's rights is the main cause of both migrations and trafficking in women. The lack of economic, political and social structures providing women with equal job opportunities has also contributed to the feminization of poverty, which in turn has given rise to the feminization of migrations, as women leave their homes to look for viable economic solutions. In addition, political instability, militarism, civil unrest, internal armed conflicts and natural catastrophes increase women's vulnerability and can contribute to the development of trafficking.

If you wish to report cases of violence against women by means of trafficking or other acts, please find below a questionnaire that, once duly filled in, you can address to:

Ms. Christine Saunders
OHCHR
8-14 avenue de la Paix
1211 Geneva 10
Switzerland
E-mail: csaunders@ohchr.org

INFORMATION FORM AND QUESTIONNAIRE

INFORMER : the name and address of the person / organization submitting the information will remain confidential. Please also mention whether we can contact you for additional information, and if so by what means.

Name of person/organization : _____

Address : _____

Fax/tel/email: _____

VICTIM(S) : information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing for the case to be transmitted to the Government concerned.

Name : _____

Address : _____

Date of birth : _____

Nationality : _____

Sex : _____

Occupation : _____

Ethnic background, religious, social group (if relevant) : _____

THE INCIDENT : including dates, place, and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights. Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government, and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by private individuals or groups (rather than government officials), include any information which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations. Include information about the steps taken by the victims or their families to obtain remedies including complaints filed with the police, other officials or independent national human rights institutions. If no complaints have been filed, explain why not. Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to prevent similar acts in the future. If a complaint has been filed, include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted, and/or how the results of the investigation are inadequate.

Date : Time : Location/country: _____

Number of assailants : Are the assailant(s) known to the victim ? _____

Name of the assailant(s) : _____

Does the victim have a relationship with the assailant(s)? If so, what is the nature of the relationship ?

Description of the assailant(s) (include any identifying features) :

INFORMATION FORM AND QUESTIONNAIRE

DESCRIPTION OF THE INCIDENT : _____

Does the victim believe she was specifically targeted because of gender ? _____

If so, why ? _____

Has the incident been reported to the relevant State authorities ? If so, which authorities and when ?

Have the authorities taken any action after the incident ? _____

If so, which authorities ? _____

What action ? _____

When ? _____

WITNESSES : Were there any witnesses ? _____

Name/age/relationship/contact address : _____

Please bring to the attention of the Special Rapporteur any information which becomes available after you have submitted this form. For example, please inform the Special Rapporteur if your human rights concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

Special Rapporteur on the Human Rights of Migrants

The Special Rapporteur, Gabriela Rodriguez Pizarro, highlights the links between migrant workers and human trafficking. Most often, the process of trafficking in persons starts with promises of jobs in countries with better living conditions. Once on the spot, victims are subjected to sexual and economic exploitation.

The Rapporteur stresses that the dimensions and characteristics of trafficking are clearly affected by globalization. Fostered by technology, migration, communication and transport means, international economy and market deregulation, traffic in persons has also a strong link with international organized crime. Moreover, the Rapporteur particularly emphasizes the interconnection between poverty and human trafficking.

In her recommendations, she calls upon States to make sure that their legislation prevents victims of trafficking and of irregular immigration from being prosecuted, detained or sanctioned as a result of their entry into or undocumented residence in the country or because they are engaged in certain activities as a result of being trafficked.

Ms Rodriguez Pizarro pays significant attention to the racial discrimination, xenophobia and intolerance to which trafficked persons are subjected. She also argues that trafficking in women migrants, one of the most brutal forms of violence against women, requires a strong, concerted and non-coercive reaction on the part of the international community. In this regard, it is especially necessary to elaborate and apply policies and laws aimed at punishing traffickers and at protecting and informing potential victims.

If you have cases of violations of migrant workers' rights, especially pertaining to trafficking, please find below a questionnaire that, once duly filled in, you can address to:

Mr. Xavier Leon
OHCHR
8-14 avenue de la Paix
1211 Geneva 10
Switzerland
E-mail: xleon@ohchr.org

QUESTIONNAIRE

FOR ALLEGATIONS OF VIOLATIONS OF MIGRANT WORKERS' HUMAN RIGHTS

1. GÉNÉRAL INFORMATION: (please mark with an X when appropriate)

Does the incident involve an individual _____ or a group _____ ?

If it involves a group please state the number of people involved and the characteristics of the group: _____

Number of Men _____

Number of Women _____

Number of Minors _____

Country in which the incident took place _____

Nationality of the victim(s) _____

2. IDENTITY OF THE PERSONS CONCERNED:

Note: if more than one person is concerned, please attach relevant information on each person separately.

1. Family Name:

2. First Name:

3. Sex: ____ male ____ female

4. Birth date or age:

5. Nationality(ies):

6. Civil Status (single, married, etc.):

7. Profession and/or activity (e.g. trade union, political, religious, humanitarian/ solidarity/human rights, etc.):

8. Status in the country where the incident took place:

Undocumented _____

Transit _____

Tourist _____

Student _____

Work permit _____

Resident _____

Refugee _____

Asylum seeker _____

Temporary protection _____

Other (please specify) _____

QUESTIONNAIRE

FOR ALLEGATIONS OF VIOLATIONS OF MIGRANT WORKERS' HUMAN RIGHTS

3. INFORMATION REGARDING THE ALLEGED VIOLATION:

1. Date: _____

2. Place: _____

3. Time: _____

4. Nature of the incident: please describe the circumstances of the incident:

5. Was any consular official contacted by the alleged victim or the authorities? (Please explain)

6. Was the alleged victim aware of his/her right to contact a consular official of his/her country of origin? (Please explain)

7. Agents believed to be responsible for the alleged violation - State agents (specify)

Non - state Agents (specify)

If it is unclear whether they were state or non - state agents please explain why?

a) If the perpetrators are believed to be State agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.) and indicate why they are believed to be responsible; be as precise as possible:

b) If an indication as State agents is not possible, do you believe that Government authorities, or persons linked to them, are responsible for the incident, why?

QUESTIONNAIRE

FOR ALLEGATIONS OF VIOLATIONS OF MIGRANT WORKERS' HUMAN RIGHTS

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY, OR ANY ONE ELSE ON HIS/HER BEHALF:

a) Indicate if complaints have been filed, when, by whom and before which organ.

b) Other steps taken:

c) Steps taken by the authorities:

Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken.

In case of complaint by the victim or its family, how have the organizations dealt with them? What is the outcome of those proceedings?

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM:

Institution

Individual _____

NAME _____

Contact number or address (please indicate country and area code):

FAX: _____

TEL: _____

Email: _____

Date you are submitting this form: _____

V. COMMITMENT OF OTHER INTERNATIONAL ORGANIZATIONS TO COMBAT TRAFFICKING

United Nations High Commissioner for Refugees (HCR)

The United Nations High Commissioner for Refugees (HCR) pays significant attention to human trafficking in its programmes. HCR takes an interest in this issue in that some of the measures adopted to fight against traffic in persons can negatively affect asylum seekers' and refugees' chances to find a safe place and to enjoy the international protection that is granted to those who have refugee status. Another humanitarian problem could arise when asylum seekers, especially women and children, become the target of irregular immigration and human trafficking networks for criminal purposes. Sometimes victims and witnesses of traffic in persons are forced to seek asylum in order to enjoy a certain degree of protection against reprisals on the part of traffickers. HCR makes sure that trafficked persons who have applied for refugee status are not subjected to more traumatizing obstacles than the tragedy they have already gone through during the process of trafficking. HCR has also started a study in order to define the specific circumstances under which trafficked persons could be entitled to ask for such protection, on the grounds of the 1951 Convention relating to the Status of Refugees.

In various regions of the world, HCR concentrates its actions around the relationship between asylum, exploitation of migrants, especially women and children, and the various human trafficking practices at different levels.

HCR, in conjunction with the High Commissioner for Human Rights, has presented a communication regarding the Council of Europe's proposal of a framework decision on the fight against human trafficking. The two institutions call upon the European Union Member States to ensure the physical integrity of victims of trafficking and to provide adequate protection to those who accept to witness against their traffickers. According to HCR, the adoption of individual and global provisions for the protection of witnesses and victims of trafficking in persons, without prejudice to their humanitarian rights, can also contribute by maintaining the integrity of the asylum systems and procedures at the national level.

United Nations Children's Fund (UNICEF)

UNICEF consistently urges governments to take measures on behalf of children in order to prevent and fight against all forms of exploitation. In accordance with the wording and the spirit of the Convention on the Rights of the Child, which establishes that children have the right to be protected against all forms of violence, sexual exploitation and work that is likely to be hazardous, UNICEF wishes to "put an end to all degrading forms of commercial sexual exploitation of children", stated its Executive Director, Carol Bellamy. To this end, UNICEF was one of the organizers of the Stockholm and Yokohama World Congresses against Commercial Sexual Exploitation of Children, in 1996 and 2001 respectively. Among other things, the organization is engaged in the fight against trafficking in women and children in Asia

and the Pacific and has contributed to several national projects against traffic in persons within or coming from the African continent.

UNICEF's strategy to combat trafficking in children focuses on three main aspects:

- **Prevention.** In this regard, UNICEF focuses its action on the education of children, especially young girls, in order to enable them to avoid being ensnared by traffickers. It also raises parents' and children's awareness about the plague of trafficking. Moreover, it encourages governments to make legislation aimed at preventing trafficking.
- **Protection.** UNICEF calls upon States to apply both national and international laws on the protection against trafficking. This is why it encourages and cooperates with governments to further raise the awareness of law enforcement bodies as well as of judicial circles.
- **Reintegration.** This is a rather sensitive issue, in that it implies finding child victims – which is not easy – and then get them out of their situation. To this end, cooperation with non-governmental organizations that provide assistance and foster the reintegration of victims is very strong.

International Labour Organization (ILO)

The ILO follows the problem of human trafficking very closely and has adopted an approach that deals simultaneously with forced labour, the worst forms of child labour, and the migrant workers' situation. It cooperates with governments in order to conduct national surveys on child labour thanks to the compilation of statistics and the drafting of relevant reports. In addition, the ILO evaluation methodology specifically aims at collecting information on the worst forms of child labour, which has enabled several countries to identify the scope of the problem. The ILO also works in close contact with employers' and workers' organizations in order to determine the "hazardous forms" of child labour.

Furthermore, the ILO is committed to fostering women's access to employment or other productive means of living, making them more socially and economically independent and fighting against poverty and other factors contributing to the recruitment of women and children in the sex industry as well as to their economic exploitation.

The ILO's efforts were crowned when Convention 182 was unanimously adopted during the International Labour Conference in June 1999. The Convention entered into force on 19 November 2000 and labels traffic in children and their exploitation as a "form of extreme enslavement".

The ratification of Convention 182 binds governments to:

- design, implement and ensure the follow-up of national programmes of action;
- designate national mechanisms to monitor the implementation of the Convention;
- implement the provisions of the Convention, including penal sanctions or other sanctions;
- take effective and time-bound measures to prevent the engagement of children in the worst forms of child labour;

- ensure the removal of children from the worst forms of child labour and their social integration; ensure access to free basic education; reach out to children at special risk; and take account of the special situation of girls;
- take appropriate steps to give effect to the Convention through support to social and economic development, poverty eradication programmes and universal education.

In order to implement the Convention's objectives, States are called upon to take measures in several key areas:

- awareness raising;
- enforcement of the law;
- labour monitoring;
- support to education;
- support to children and their families; and
- cooperation with other international efforts.

Convention 182 was supplemented by recommendation no.190, which urges States to take action in order to achieve the objectives established by the Convention and makes provision for the following measures:

- compilation of detailed information and statistical data on child labour;
- international cooperation in order to exchange information and to detect and prosecute those involved in the sale and trafficking of children;
- mobilization of the general public and cooperation with employers' and workers' organizations as well as civic organizations;
- monitoring and giving publicity to best practices on the elimination of child labour;
- job creation and vocational training for parents and adults in the families of concerned children.

The countries that ratified the Convention are under obligation to submit reports to the Committee of Experts during the International Labour Conference every two years. When drafting these reports, States are encouraged to consult employers' and workers' organizations. The latter can also submit their observations separately.

The ILO estimates that more than 250 million children aged between 5 and 14 are at work in the world, ranging from those who help their parents during the harvest season, to those who are exploited in illegal workshops for the manufacturing of carpets, clothes or balloons, as well as to domestic servants. 60% of them are reportedly in Asia, 32% in Africa, 7% in Latin America. It is estimated that 2 million children are at work in the European Union. Reportedly, 120 million children around the world work full time.

Although it is undoubtedly difficult to put a figure to child trafficking, it is estimated that every year this phenomenon claims 1.2 million victims - girls and boys - around the world. They are exploited in agriculture, mines, factories, armed conflicts or the sex industry.

The ILO's report: "A Future without Child Labour" of August 2003 indicates that 73% of these children – approximately 180 millions – are engaged in the worst forms of child labour, including prostitution, servitude and hazardous work. In addition, the figures show that slavery has not disappeared, since about 5,7 million children are enslaved or forced to work. These children often face numberless difficulties in receiving assistance, not only because they are young, but also because they do not possess any birth certificate or official papers and are therefore "invisible".

International Organization for Migration (IOM)

The IOM runs awareness raising and prevention campaigns on the basis of the surveys it conducts in the field. It also offers counseling services and technical cooperation by providing training for public services personnel.

Furthermore, the organization facilitates the voluntary return of trafficked persons to their country of origin. It provides legal counseling and medical care in coordination with regional institutions and NGOs. It also offers housing services and protection.

ANNEXES

A. Chronological List of International Instruments dealing with Human Trafficking

United Nations Instruments

1. **International Agreement for the Suppression of the White Slave Traffic** (18 May 1904), amended by the Protocol of 3 December 1948;
2. **International Convention on the Suppression of the White Slave Traffic** (4 May 1910), amended by the 1948 Protocol;
3. **International Convention for the Suppression of the Traffic in Women and Children** (30 September 1921), amended by the Protocol of 20 October 1947;
4. **Slavery Convention** (25 September 1926), amended by the Protocol of 23 October 1953;
5. **International Convention for the Suppression of the Traffic in Women of Full Age** (11 October 1933), amended by the 1947 Protocol;
6. **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others** (2 December 1949);
7. **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery** (30 April 1956);
8. **Convention on the Elimination of All Forms of Discrimination against Women** (18 December 1979);
9. **Convention on the Rights of the Child** (20 November 1989);
10. **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (18 December 1990);
11. **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women** (6 October 1999);
12. **Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography** (25 May 2000);
13. **United Nations Convention against Transnational Organized Crime** (15 November 2000);
14. **Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime** (15 November 2000);
15. **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime** (15 November 2000).

International Labour Organization Instruments

1. **Convention 29 on Forced or Mandatory Labour** (28 June 1930);
2. **Convention 105 on the Abolition of Forced Labour** (25 June 1957);
3. **Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour** (17 June 1999).

B. Table of Ratification of Conventions dealing with Human Trafficking

As of 27 April 2004

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others **(ratified by 74 countries)**
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children **(ratified by 51 countries)**
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families **(ratified by 25 countries)**
- ILO Convention 182 on the Fight against the Worst Forms of Child Labour **(ratified by 150 countries)**
- ILO Convention 29 on Forced Labour **(ratified by 164 countries)**

| | CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS | PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN | CONVENTION ON MIGRANT WORKERS | CONVENTION 182 ON THE FIGHT AGAINST THE WORST FORMS OF CHILD LABOUR | CONVENTION 29 ON FORCED LABOUR |
|----------------------------|--|--|-------------------------------|---|--------------------------------|
| AFGHANISTAN | 21 May 1985 | | | | |
| ALBANIA | 6 Nov. 1958 | 21 Aug. 2002 | | 2 Aug. 2001 | 25 June 1957 |
| ALGÉRIA | 31 Oct. 1963 | 9 March 2004 | | 9 Feb. 2001 | 19 Oct. 1962 |
| ANGOLA | | | | 13 June 2001 | 4 June 1976 |
| ANTIGUA AND BARBUDA | | | | 16 Sept. 2002 | 2 Feb. 1983 |
| ARGENTINA | 15 Nov. 1957 | 19 Nov. 2002 | | 5 Feb. 2001 | 14 March 1950 |
| ARMÉNIA | | 1 July 2003 | | | |
| AUSTRALIA | | | | | 2 Jan. 1932 |
| AUSTRIA | | | | 04 Dec. 2001 | 7 June 1960 |
| AZERBAIJAN | 16 Aug. 1996 | 30 Oct. 2003 | 11 Jan. 1999 | 30 March 2004 | 19 May 1992 |
| BAHAMAS | | | | 14 June 2001 | 25 May 1976 |
| BANGLADESH | 11 Jan. 1985 | | | 12 March 2001 | 22 June 1972 |
| BARBADOS | | | | 23 Oct. 2000 | 08 May 1967 |
| BARHAIN | | | | 23 March 2001 | 11 June 1981 |
| BELGIUM | 22 June 1965 | | | 8 May 2002 | 20 Jan. 1944 |
| BELIZE | | 26 Sept. 2003 | 14 Nov. 2001 | 6 March 2000 | 15 Dec. 1983 |
| BELORUSSIA | 24 Aug. 1956 | 25 June 2003 | | 31 Oct. 2000 | 21 Aug. 1956 |

| | CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS | PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN | CONVENTION ON MIGRANT WORKERS | CONVENTION 182 ON THE FIGHT AGAINST THE WORST FORMS OF CHILD LABOUR | CONVENTION 29 ON FORCED LABOUR |
|---------------------------------|--|--|-------------------------------|---|--------------------------------|
| BELORUSSIA | | | | 31 Oct. 2000 | 21 Aug. 1956 |
| BENIN | | | | 6 Nov. 2001 | 12 Dec. 1960 |
| BOLIVIA | 6 Oct. 1983 | | 12 Oct. 2000 | 6 June 2003 | |
| BOSNIA-HERZÉGOVINA | 1 Sept. 1993 | 24 April 2002 | 13 Dec. 1996 | 5 Oct. 2001 | 2 June 1993 |
| BOTSWANA | | 29 Aug. 2002 | | 3 Jan. 2000 | 5 June 1997 |
| BRAZIL | 12 Sept. 1958 | 29 Jan. 2004 | | 2 Feb. 2000 | 25 April 1957 |
| BRUNEI | | | | | |
| BULGARIA | 18 Jan. 1955 | 5 Dec. 2001 | | 28 July 2000 | 22 Sept. 1932 |
| BURKINA FASO | 27 Aug. 1962 | 15 May 2002 | 16 Nov. 2003 | 25 July 2001 | 21 Nov. 960 |
| BURMA | | 30 March 2004 | | | 4 March 1955 |
| BURUNDI | | | | 11 June 2002 | 11 March 1963 |
| CAMBODIA | | | | | 24 Feb. 1969 |
| CAMEROON | 19 Feb. 1982 | | | 5 June 2002 | 7 June 1960 |
| CANADA | | 13 May 2002 | | 6 June 2000 | |
| CAPE VERDE | | | 16 Sept. 1997 | 23 Oct. 2001 | 3 April 1979 |
| CENTRAL AFRICAN REPUBLIC | 29 Sept. 1981 | | | 28 June 2000 | 27 Oct. 1960 |
| CHAD | | | | 06 Nov. 2000 | 10 Nov. 1960 |
| CHILE | | | | 17 July 2000 | 31 May 1933 |
| CHINA | | | | 8 Aug. 2002 | |
| COLOMBIA | | | 24 May 1995 | | 4 March 1969 |
| COMOROS | | | | 17 March 2004 | 23 Oct. 1978 |
| CONGO | 25 Aug. 1977 | | | 23 Aug. 2002 | 10 Nov. 1960 |
| COOK ISLANDS | | | | | |
| COSTA RICA | | 9 Sept. 2003 | | 10 Sept. 2001 | 2 June 1960 |
| CROATIA | 12 Oct. 1992 | 24 Jan. 2003 | | 17 July 2001 | 8 Oct. 1991 |
| CUBA | 4 Sept. 1952 | | | | 20 July 1953 |
| CYPRUS | 5 Oct. 1983 | 6 Aug. 2003 | | 27 Nov. 2000 | 23 Sept. 1960 |
| CZECH REP. | 30 Dec. 1993 | | | 19 June 2001 | 1 Jan. 1993 |
| DENMARK | | 30 Sept. 2003 | | 14 Aug. 2000 | 11 Feb. 1932 |
| DJIBOUTI | 21 March 1979 | | | | 3 Aug. 1978 |
| DOMINICA | | | | 4 Jan. 2001 | 28 Feb. 1983 |
| DOMINICAN REPUBLIC | | | | 15 Nov. 2000 | 5 Dec. 1956 |
| EAST TIMOR | | | 30 Jan. 2004 | | |
| ECUADOR | 3 April 1979 | 17 Sept. 2002 | 5 Feb. 2002 | 19 Sept. 2000 | 6 July 1954 |
| EGYPT | 12 June 1959 | 5 March 2004 | 19 Feb. 1993 | 6 May 2002 | 29 Nov. 1955 |
| EQUATORIAL GUINEA | | 7 Feb. 2003 | | 13 Aug. 2001 | 13 Aug. 2001 |
| ERITREA | | | | | 22 Feb. 2000 |
| ESTONIA | | | | 24 Sept. 2001 | 7 Feb. 1996 |
| ETHIOPIA | 10 Sept. 1981 | | | 2 Sept. 2003 | 2 Sept. 2003 |
| FIJI | | | | 17 April 2002 | 19 April 1974 |
| FINLAND | 8 June 1972 | | | 17 Jan. 2000 | 13 Jan. 1936 |

| | CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS | PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN | CONVENTION ON MIGRANT WORKERS | CONVENTION 182 ON THE FIGHT AGAINST THE WORST FORMS OF CHILD LABOUR | CONVENTION 29 ON FORCED LABOUR |
|---------------|--|--|-------------------------------|---|--------------------------------|
| FRANCE | 19 Nov. 1960 | 29 Oct. 2002 | | 11 Sept. 2001 | 24 June 1937 |
| GABON | | | | 28 March 2001 | 14 Oct. 1960 |
| GAMBIA | | 5 May 2003 | | 3 July 2001 | 4 Sept. 2000 |
| GEORGIA | | | | 24 July 2002 | 22 June 1993 |
| GERMANY | | | | 18 April 2002 | 13 June 1956 |
| GHANA | | | 8 Sept. 2000 | 13 June 2000 | 20 May 1957 |
| GRÉECE | | | | 6 Nov. 2001 | 13 June 1952 |
| GRENADA | | | | 14 May 2003 | 09 July 1979 |
| GUATEMALA | | | 14 March 2003 | 11 Oct. 2001 | 13 June 1989 |
| GUINEA | 26 April 1962 | | 8 Sept. 2000 | 6 June 2003 | 21 Jan. 1959 |
| GUINEA-BISSAU | | | | | 21 Feb. 1977 |
| GUYANA | | | | 15 Jan. 2001 | 8 June 1966 |
| HAITI | 26 Aug. 1953 | | | | 4 March 1958 |
| HOLY SEE | | | | | |
| HONDURAS | 15 June 1993 | | | 25 Oct. 2001 | 21 Feb. 1957 |
| HUNGARY | 29 Sept. 1955 | | | 20 April 2000 | 8 June 1956 |
| ICELAND | | | | 29 May 2000 | 17 Feb. 1958 |
| INDIA | 9 Jan. 1953 | | | | 30 Nov. 1954 |
| INDONESIA | | | | 28 March 2000 | 12 Nov. 1950 |
| IRAN | | | | 8 May 2002 | 10 June 1957 |
| IRAQ | 22 Sept. 1955 | | | 9 July 2001 | 27 Nov. 1962 |
| IRELAND | | | | 20 Dec. 1999 | 2 March 1931 |
| ISRAEL | 28 Dec. 1950 | | | | 7 June 1955 |
| ITALY | 18 Jan. 1980 | | | 7 June 2000 | 18 June 1934 |
| IVORY COAST | 2 Nov. 1999 | | | 7 Feb. 2003 | 2 Nov. 1960 |
| JAMAICA | | 29 Sept. 2003 | | 13 Oct. 2003 | 26 Dec. 1962 |
| JAPAN | 1 May 1958 | | | 18 June 2001 | 21 Nov. 1932 |
| JORDAN | 13 April 1976 | | | 20 April 2000 | 6 June 1966 |
| KAZAKHSTAN | | | | 26 Feb. 2003 | 18 May 2001 |
| KENYA | | | | 7 May 2001 | 13 Jan. 1964 |
| KIRGHIZIA | 5 Sept. 1997 | 2 Oct. 2003 | 29 Sept. 2003 | | 31 March 1992 |
| KIRIBATI | | | | | 3 Feb. 2000 |
| KUWAÏT | 20 Nov. 1968 | | | 15 Aug. 2000 | 23 Sept. 1968 |
| LAOS | 14 April 1978 | 26 Sept. 2003 | | | 23 Jan. 1964 |
| LATVIA | 14 April 1992 | | | | |
| LEBANON | | | | 11 Sept. 2001 | 1 June 1977 |
| LESOTHO | | 24 Sept. 2003 | | 14 June 2001 | 31 Oct. 1966 |
| LIBERIA | | | | 2 June 2003 | 1 May 1931 |
| LIBYA | 3 Dec. 1956 | | | 4 Oct. 2000 | 13 June 1961 |
| LIECHTENSTEIN | | | | | |
| LITUANIA | | 23 June 2003 | | 29 Sept. 2003 | 26 Sept. 1994 |
| LUXEMBOURG | 5 Oct. 1983 | | | 21 March 2001 | 24 July 1964 |
| MACEDONIA | 18 Jan. 1994 | | | 30 May 2002 | 17 Nov. 1991 |
| MADAGASCAR | | | | 4 Oct. 2001 | 1 Nov. 1960 |
| MALAWI | 13 Oct. 1965 | | | 19 Nov. 1999 | 19 Nov. 1999 |
| MALAYSIA | | | | 10 Nov. 2000 | 11 Nov. 1957 |
| MALI | 23 Dec. 1964 | 12 Apr. 2002 | 5 June 2003 | 14 July 2000 | 22 Sept. 1960 |

| | CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS | PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN | CONVENTION ON MIGRANT WORKERS | CONVENTION 182 ON THE FIGHT AGAINST THE WORST FORMS OF CHILD LABOUR | CONVENTION 29 ON FORCED LABOUR |
|------------------------------|--|--|-------------------------------|---|--------------------------------|
| MALTA | | 24 Sept. 2003 | | 15 June 2001 | 4 Jan. 1965 |
| MARSHALL ISLANDS | | | | | |
| MAURITANIA | 6 June 1986 | | | 3 Dec. 2001 | 20 June 1961 |
| MAURITIUS | | 24 Sept. 2003 | | 8 June 2000 | 2 Dec. 1969 |
| MEXICO | 21 Feb. 1956 | 4 March 2003 | 8 March 1999 | 30 June 2000 | 12 May 1934 |
| MOLDAVIA | | | | 14 June 2002 | 23 March 2000 |
| MONACO | | 5 June 2001 | | | |
| MONGOLIA | | | | 26 Feb. 2001 | |
| MOROCCO | 17 Aug. 1973 | | 21 June 1993 | 26 Jan. 2001 | 20 May 1957 |
| MOZAMBIQUE | | | | 16 June 2003 | 16 June 2003 |
| NAMIBIA | | 16 Aug. 2002 | | 15 Nov. 2000 | 15 Nov. 2000 |
| NEPAL | | | | 3 Jan. 2002 | 3 Jan. 2002 |
| NETHERLANDS | | | | 14 Feb. 2002 | 31 March 1933 |
| NEW ZELAND | | 19 July 2002 | | 14 June 2001 | 29 March 1938 |
| NICARAGUA | | | | 6 Nov. 2000 | 12 April 1934 |
| NIGER | 10 June 1977 | | | 23 Oct. 2000 | 27 Feb. 1961 |
| NIGERIA | | 28 June 2001 | | 2 Oct. 2002 | 17 Oct. 1960 |
| NORWAY | 23 Jan. 1952 | 23 Sept. 2003 | | 21 Dec. 2000 | 1 July 1932 |
| OMAN | | | | 11 June 2001 | 30 Oct. 1998 |
| PAKISTAN | 11 July 1952 | | | 11 Oct. 2001 | 23 Dec. 1957 |
| PANAMA | | | | 31 Oct. 2000 | 16 May 1966 |
| PAPUA NEW GUINEA | | | | 2 June 2000 | 1 May 1976 |
| PARAGUAY | | | | 7 March 2001 | 28 Aug. 1967 |
| PERU | | 23 Jan. 2002 | | 10 Jan. 2002 | 1 Feb. 1960 |
| PHILIPPINES | 19 Sept. 1952 | 28 May 2002 | 5 July 1995 | 28 Nov. 2000 | |
| POLAND | 2 June 1952 | 26 Sept. 2003 | | 9 Aug. 2002 | 30 July 1958 |
| PORTUGAL | 30 Sept. 1992 | | | 15 June 2000 | 26 June 1956 |
| QATAR | | | | 30 May 2000 | 12 March 1998 |
| RDC (CONGO KINSHASA) | | | | 20 June 2001 | 20 Sept. 1960 |
| ROMANIA | 15 Feb. 1955 | 4 Dec. 2002 | | 13 Dec. 2000 | 28 May 1957 |
| RUSSIA | 11 Aug. 1954 | | | 25 March 2003 | 23 June 1956 |
| RWANDA | | 26 Sept. 2003 | | 23 May 2000 | 23 May 2001 |
| SAINT LUCIA | | | | 6 Dec. 2000 | 14 May 1980 |
| SALVADOR | | 18 March 2004 | 14 March 2003 | 12 Oct. 2000 | 15 June 1995 |
| SAN MARINO | | | | 15 March 2000 | 1 Feb. 1995 |
| SAUDI ARABIA | | | | 8 Oct. 2001 | 15 June 1978 |
| SENEGAL | 19 July 1979 | 27 Oct. 2003 | 9 June 1999 | 1 June 2000 | 4 Nov. 1960 |
| SERBIA AND MONTENEGRO | | 6 Sept. 2001 | | 10 July 2003 | 24 Nov. 2000 |
| SEYCHELLES | 5 May 1992 | | 15 Dec. 1994 | 28 Sept. 1999 | 06 Feb. 1978 |
| SIERRA LEONE | | | | | 13 June 1961 |
| SINGAPORE | 26 Oct. 1966 | | | 14 June 2001 | 25 Oct. 1965 |
| SLOVAKIA | 28 May 1993 | | | 20 Dec. 1999 | 1 Jan. 1993 |
| SLOVENIA | 6 July 1992 | | | 8 May 2001 | 29 May 1992 |

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|--|--|--|-------------------------------|---|--------------------------------|
| SOLOMON | | | | | 6 Aug. 1985 |
| SOMALIA | | | | | 18 Nov. 1960 |
| SOUTH AFRICA | 10 Oct. 1951 | 20 Feb. 2004 | | 7 June 2000 | 5 March 1997 |
| SOUTH KOREA | 13 Feb. 1962 | | | 29 March 2001 | |
| SPAIN | 18 June 1962 | 1 March 2002 | | 2 April 2001 | 29 Aug. 1932 |
| SRI LANKA | 15 Apr. 1958 | | 11 March 1996 | 1 March 2001 | 5 April 1950 |
| ST. KITTS AND NEVIS | | | | 12 Oct. 2000 | 12 Oct. 2000 |
| ST. VINCENT- AND THE GRENADINES | | | | 4 Dec. 2001 | 21 Oct. 1998 |
| SUDAN | | | | 7 March 2002 | 18 June 1957 |
| SURINAM | | | | | 15 June 1976 |
| SWAZILAND | | | | 23 Oct. 2002 | 26 April 1978 |
| SWEDEN | | | | 13 June 2001 | 22 Dec. 1931 |
| SWITZERLAND | | | | 28 June 2000 | 23 May 1940 |
| SYRIA | 12 June 1959 | | | 22 May 2003 | 26 July 1960 |
| TAJIKISTAN | 19 Oct. 2001 | 8 July 2002 | 8 Jan. 2002 | | 26 Nov. 1993 |
| TANZANIA | | | | 12 Sept. 2001 | 30 Jan. 1962 |
| THAILAND | | | | 16 Feb. 2001 | 26 Feb. 1969 |
| TOGO | 14 March 1990 | | | 19 Sept. 2000 | 07 July 1960 |
| TRINIDAD AND TOBAGO | | | | 23 Apr. 2003 | 24 May 1963 |
| TUNISIA | | 14 July 2003 | | 28 Feb. 2000 | 17 Dec. 1962 |
| TURKEY | | 25 March 2003 | | 2 Aug. 2001 | 30 Oct. 1998 |
| TURKMENISTAN | | | | | 15 May 1997 |
| TUVALU | | | | | |
| UGANDA | | | 14 Nov. 1995 | 21 June 2001 | 4 June 1963 |
| UKRAINE | 15 Nov. 1954 | | | 14 Dec. 2000 | 10 Aug. 1956 |
| UNITED ARAB EMIRATES | | | | 28 June 2001 | 27 May 1982 |
| UNITED KINGDOM | | | | 22 March 2000 | 3 June 1931 |
| URUGUAY | | | 15 Feb. 2001 | 3 Aug. 2001 | 6 Sept. 1995 |
| USA | | | | 2 Dec. 1999 | |
| UZBEKISTAN | | | | | 13 July 1992 |
| VANUATU | | | | | |
| VENEZUELA | 18 Dec. 1968 | 13 May 2002 | | | 20 Nov. 1944 |
| VIETNAM | | | | 19 Dec. 2000 | |
| YEMEN | 6 April 1989 | | | 15 June 2000 | 14 Apr. 1969 |
| YUGOSLAVIA | 12 March 2001 | | | | |
| ZAMBIA | | | | 10 Dec. 2001 | 2 Dec. 1964 |
| ZIMBABWE | 15 Nov. 1995 | | | 11 Dec. 2000 | 27 Aug. 1998 |



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