

Structure and element of the global compact

UNODC is of the view that trafficking in persons and smuggling of migrants are overlapping but distinct issues that need to be addressed and responded to throughout all phases of an effective response to migration movements and refugee flows (as also recognised in the New York Declaration paragraph 34-36 and Annex II, part III). Accordingly, we highlight the importance of ensuring that these issues are addressed as separate, although inter-linked, components of the global compact for safe, orderly and regular migration.

Actionable commitments

UNODC stresses the need for the global compact for safe, orderly and regular migration to emphasise the utmost importance of the ratification of, accession to, and full implementation of, the existing international normative frameworks to combat transnational organized crime, migrant smuggling and trafficking in persons. Currently, 188 States are parties to the United Nations Convention against Transnational Organized Crime, 171 States have ratified or acceded to the Trafficking in Persons Protocol, and 145 have ratified, or acceded to, the Protocol against the Smuggling of Migrants by Land, Sea and Air. This goes to show that the international community collectively (and almost universally) has a common, agreed legal framework for how to successfully and effectively combat these crimes, including within migration flows, and while assisting and supporting trafficking victims and smuggled migrants in accordance with international obligations.

Complementing efforts at the international level, UNODC also considers the global compact should encourage states to establish and effectively implement national legal frameworks and referral mechanisms to protect and assist migrants in vulnerable situations in the context of smuggling, irrespective of their migration status, and in compliance with international law. All relevant stakeholders should, in this regard, draw upon the guidance provided in the GMG Principles and Guidelines on the human rights protection of migrants in vulnerable situations.

Additionally, the global compact should encourage Member States to develop quick and early identification mechanisms for victims of trafficking in persons within migration flows, and ensure that all victims of trafficking, regardless of where the crime has been committed, are provided with the support and assistance to which they are entitled.

The global compact should also stress the importance of ensuring that victims of trafficking are not punished for offences committed as a direct consequence of having been victims of these crimes. Similarly, protection and assistance should not be made conditional upon cooperation with the relevant authorities.

UNODC also stresses the importance of strengthening the capacity of front-line actors to identify and respond to trafficking in persons and smuggling of migrants and recognizes the importance of increasing data collection and international cooperation between authorities to tackle transnational organized crime.

Means of implementation/follow-up and review of implementation

We highlight the need for the anti-trafficking sector to improve coordination and agree on common frameworks for goals, defining and assessing progress, and building a robust evidence-base of effective anti-trafficking programmes and practices, taking into consideration all anti-trafficking related Sustainable Development Goals. Active participation from all agencies is crucial to ensure a comprehensive and effective response.

In this respect, in order to support Member States in progressing their migration and anti-trafficking responses, the UNODC considers there is a need to make increased use of existing inter-agency mechanisms to combat trafficking in persons and migrant smuggling in a migration context through, for example, The Inter-Agency Coordination Group against Trafficking in Persons (ICAT) and the Global Migration Group.

ICAT consist of 16 agencies and two partner organizations (<http://icat.network/about-us#the-icat-membership>) all of which have mandates related to human trafficking. The Group is established (and mandated through the General Assembly Global Plan of Action to Combat Trafficking in Persons) to improve coordination among UN agencies and other relevant international organizations and we suggest it could easily be used to also focus on responses to trafficking in persons within the context of migration flows.

Similarly, the GMG Principles and Guidelines on the human rights protection of migrants in vulnerable situations provide an excellent example of inter-agency efforts aimed at assisting Member States to develop more effective responses to migration including tackling smuggling of migrants and trafficking in persons while also providing support and assistance to victims of these crimes.

Finally, UNODC considers that in looking forward to new efforts, we should also reflect back, taking into account what has already been achieved, and responses already developed, through other existing mechanisms and structures, in particular General Assembly Global Plan of Action to Combat Trafficking in Persons and the Security Council's efforts on trafficking in persons in situations of conflict. For more detailed suggestions of a non-exhaustive list of suggested commitments that could be included in the global compact for safe, orderly and regular migration, UNODC also refers to Issue Brief # 5 prepared for the 5th thematic session on the global compact held in Vienna from 4-5 September 2017 which addressed "Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims". The Issue Brief prepared for the session is available here: https://refugeesmigrants.un.org/sites/default/files/ts5_issue_brief.pdf