



RECOMMENDATIONS ON THE GLOBAL COMPACT FOR SAFE, REGULAR AND ORDERLY MIGRATION

V Thematic Session

*Smuggling of migrants, trafficking in persons and contemporary forms of
slavery, including appropriate identification, protection and assistance to
migrants and trafficking victims*

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Issues:

Slavery has been identified as an ancestral and perverse practice of financial gain from humanity, which today continues in the XXI century. It is one of the main transnational and contemporary problems affecting a significant part of the world's population.

The Office of the High Commissioner for Human Rights ensures the pre-eminence of these rights by stating that:

“The human rights of trafficked persons will be at the centre of all efforts to prevent and combat human trafficking and to protect and provide assistance and reparation to victims.

States have an obligation, under international law, to act with due diligence to prevent human trafficking, to investigate and prosecute those who commit it, and to assist and protect victims of trafficking.

Antitrafficking measures should not adversely affect the human rights and dignity of persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum seekers.” (Humanos., 2010).

Despite this and other efforts to protect each citizen, it is a problem that given the current situation, political, social and economic events worldwide, is increasingly focused on the most vulnerable sectors of society - women, children, migrants, people with low incomes - who have their human rights violated through this illegal economy.



Thus, trafficking human beings is a silent crime that constitutes slavery in the 21st century, a crime that, according to UNICEF, is the recruitment, transportation, transfer, harbouring, or receipt of persons by improper means such as force, abduction, fraud, or coercion, for an improper purpose including forced labour or sexual exploitation, or for practices such as begging, selling organs or forced pregnancies for adoption purposes (UNICEF, sf), among others.

On the other hand, migrant trafficking, according to the UNHCR, was not considered a structural problem but a series of isolated episodes. However, due to the strict migratory conditions of industrialized countries, it was aggravated to such an extent that in 2000, it became necessary to condemn this form of crime through the United Nations Convention against Transnational Organized Crime and Trafficking Protocol.

There is no single country in the world that is free of human trafficking. Victims are deceived and taken to nearby countries or to other continents with the aim of exploiting them. A scourge that produces alarming figures and has alerted several governments in the world.

The Convention against Organized Crime allows States to address the issue of human trafficking in a comprehensive manner, as trafficking in arms, drugs, corruption and money-laundering are often associated with the problem of trafficking.

Recommendations:



Under this convention, two protocols emerge, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. These protocols are intended to combat violations of human rights, as when these occurrences happen, one person can see all their rights violated, both the right to freedom and dignity, and physical and emotional integrity (UNHCR , sf).

Human trafficking remains a latent conflict in present-day States, and is an alarming reality that is in need of a global call for its eradication, supported by bilateral agreements between States, regions and communities, which can result in the optimum condition for its total eradication. This would be a global response to improve the integration and synchronization of legal mechanisms to prevent and combat this transnational crime (Crime, 2009).

There are other existing conventions and treaties that condemn this act as a serious crime against humanity, as contained in the *UN Toolkit to Combat Trafficking in Persons* (Delito, 2009):

- *Convention on the Rights of the Child, approved by the United Nations General Assembly in Resolution 44/25, 20th November 1989, Treaty Series, vol. 1577, No 27531 www.unhcr.org/english/law/crc.htm.*

- *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, approved by the United Nations General Assembly in Resolution 54/263, 25th May 2000, Treaty Series, vol. 2171, No 27531*



www.2ohchr.org/english/law/crc-sale.htm

- *Convention concerning Forced or Compulsory Labour, 1930 (No.29), of the International Labour Organization, United Nations, Treaty Series, vol. 39, No 612*

www.ilo.org/ilolex/cgi-lex/convde.pl?C029

- *Convention on the Elimination of All Forms of Discrimination against Women, approved by the United Nations General Assembly in Resolution 34/180, 18th December 1979 (article 6 refers to trafficking of women and exploiting women for prostitution), Treaty Series, vol. 1249, No 20378*

www.ohchr.ch/htm/menu3/b/e1cedaw.htm

These conventions and bilateral agreements between local and international entities are proof that transnational crime is recognised and that the only way to deal with and combat it, is when affected States are involved and / or cooperate with each other through extradition and mutual legal assistance.

In addition to these conventions, charters, laws, declarations and other instruments as effective responses to the problem of human trafficking, there is also a need for planned action and collaboration based on an assessment of the problem, and an assessment of the response capacity of each State, depending on the willingness of different agencies and groups to work in a joint manner with other local and international regions.

The responsibility of all institutional actors involved in the fight against human trafficking involve a protectionist character, whose purpose is to ensure that support is provided to victims and that law enforcement measures are exercised, among other functions such as the following (Delito., 2009):



- Carry out educational and awareness-raising activities.
- Provide the necessary information to all agencies so that they can participate in the decision-making process and subsequent strategy planning.
- Organize training activities.
- Allow the exchange of information between different public and non-governmental organizations.

By exercising these functions, a specific service is provided, on the one hand, for children and, on the other, for women concerned with gender-based violence. That is why the safety of victims is a direct responsibility of those responsible for enforcing the law, therefore, agreements between organizations and institutions must be made only among those who have the capacity to provide such services to victims.

In the same way in which States and Organizations are urged to mitigate this problem and protect victims, each citizen is also urged, as a leading player in preventing this threat, to empower communities through awareness and highlight the concern that this social emergency that affects minors demands; striving to strengthen efforts to dismantle any organized criminal group.



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