

Commission on Crime Prevention and Criminal Justice
21st session (23-27 April 2012)
Agenda item 5(a): Ratification and implementation
of the UNTOC and the Protocols thereto
Statement delivered by the Global Alliance Against Traffic in Women (GAATW)
25 April 2012

Madam Chair,

The Global Alliance Against Traffic in Women, speaking on behalf of a number of NGOs including the Vienna Alliance of NGOs, welcomes the opportunity to discuss the implementation of the UNTOC and its Protocols, including the Trafficking Protocol. In the years since that Protocol's adoption we have seen the 'anti-trafficking industry' become big business, with hundreds of millions of dollars spent in the name of ending human trafficking. With so many actors involved – 147 States party to the UN Trafficking Protocol, UN and other intergovernmental agencies, and a huge number of non-governmental actors, as well as celebrities, journalists and major media operations – there are now numerous, and often competing, initiatives to end human trafficking. So have these funds been spent wisely? Have these efforts been effective – for states *and* for the people who have been trafficked?

Increasingly, human rights defenders and activists worldwide are calling attention to anti-trafficking measures that are not only not effective, they are leading to further human rights violations. In 2007 the Global Alliance Against Traffic in Women published our *Collateral Damage* report that described the many ways in which anti-trafficking measures often have a negative human rights impact, partly due to a lack of adequate, human rights based monitoring and evaluation of anti-trafficking responses. We called for the implementation of evidence-based approaches to trafficking as a means of preventing further harm to trafficked persons and affected groups.¹ Evidence-based approaches mean developing effective processes to integrate people who have been trafficked into the planning, implementation and evaluation of anti-trafficking projects.

With States finalising negotiations for the review mechanism for the UNTOC and its Protocols, including the Trafficking Protocol, we are thinking about the evaluation of anti-trafficking laws, policies, programmes and initiatives and it is timely to ask– what impact are these measures really having? Who is benefiting? Are these efforts working for the people who are trafficked? Are the rights of people migrating, or returning to their home countries, better protected by anti-trafficking policies? Or are the anti-trafficking initiatives causing further harm?

Critically our research demonstrates that evaluations of anti-trafficking responses almost universally fail to include trafficked persons' and affected groups' as stakeholders in their impact analysis.² The Global Alliance Against Traffic in Women and the Academic Council on the United Nations System urge States not to repeat this omission in the terms of reference for the review mechanism.

Madam Chair:

¹ Available at
http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf

² Available at
http://www.gaatw.org/publications/GAATW_Global_Review.FeelingGood.AboutFeelingBad.pdf

At the 19th session of the UN Commission on Crime Prevention and Criminal Justice in May 2010 States adopted a resolution that made explicit the vital role of civil society in “effectively countering the threat of trafficking in persons”. The resolution recognized that *...broad international cooperation between Member States and relevant intergovernmental and non-governmental organizations is essential for effectively countering the threat of trafficking in persons and other contemporary forms of slavery,*³

Similarly, at the most recent Conference of Parties to the UNTOC, also in 2010, States adopted a resolution which:

*Encourages States to consider: Integrating a victim-centred approach into their national responses to combating trafficking in persons, with full respect for the human rights of victims of such trafficking;*⁴

The Global Alliance Against Traffic in Women urges states to ensure that the final terms of reference for the review mechanism to UNTOC and its Protocols reflect these previous resolutions and encourage and give support to civil society, including survivors of trafficking, to participate fully in all stages of the process.

Thank you Madam Chair

³ Resolution 19/4, *Measures for achieving progress on the issue of trafficking in persons, pursuant to the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World*, E/CN.15/2010/L.12/Rev.1, 21 May 2010, para.17, http://www.unodc.org/documents/commissions/CCPCJ_session19/Draft_report/E2010_30eV1054137.pdf, retrieved 13 February 2012

⁴ Resolution 5/2: *Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, para.8(a), adopted at the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, fifth session, held in Vienna from 18 to 22 October 2010, CTOC/COP/2010/17, 2 December 2010.