

# Model Guide

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## On Strengthening the Criminal Justice Response to Trafficking of Persons in the Black Sea Region

This publication has not been formally edited

## Acknowledgements

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## Table of Contents

1.	Background	1
2.	List of acronyms	8
3.	Section One – Critical concepts	11
4.	Section Two – Criminal Justice Response	29
5.	Section Three – Regional Action Plan	55
6.	Legislation	65
7.	Country Directory	71
8.	Running Projects	129
9.	References	141
10.	Useful links	143
11.	United Nations Convention against Transnational Organized Crime	147
12.	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	161
13.	Protocol against the Smuggling of Migrants by Land, Sea and Air	165
14.	Council of Europe Convention on Action against Trafficking in Human Beings	171



## **Background**

### ***General Background***

Trafficking in persons is a serious violation of human rights and generates huge profits for the perpetrators empowering organized crime and fuelling corruption. Being a complex form of crime, the transnational dimension of human trafficking poses a particular challenge to national crime prevention and criminal justice systems.

Traffickers and other involved criminal actors operate across borders and regions creating overlapping circles and layers of networks, interactions and expertise. Criminal justice responses must reflect these transnational patterns in order to be effective.

UNODC is the only entity concentrating, from a global perspective, on the criminal component of trafficking. Because human trafficking is a transnational and global phenomenon, responses should also be global in nature. Other entities of the UN system are concerned with the global picture of human trafficking but not from the criminal justice perspective. UNODC has been mandated to provide the information and guidance in the field of crime prevention and criminal justice that will contextualize their work.

UNODC's ongoing work against organized crime and corruption supports the criminal justice perspective, providing synergy with anti-trafficking efforts fostering enforcement of CTOC its additional Protocols.

In this regard, there is a growing awareness that strengthening the multitude of existing inter-governmental regional and sub-regional initiatives can significantly contribute to fighting human trafficking. Also, the Member States of the Organization of the Black Sea Economic Cooperation (BSEC) have declared their will to strengthen cooperation and coordination in the fight against trafficking in persons.

Human trafficking affects all BSEC Member States according to the UNODC database on global human trafficking patterns. Globally compared, among the top 11 hotspots of origin there are five countries of the BSEC: Moldova, Russian Federation, Ukraine, Bulgaria and Romania. Armenia and Georgia are listed as high as origin countries. Albania and Bulgaria score very high as transit countries, whereas Greece, Romania, Serbia and Montenegro, Ukraine and Turkey rank high as transit countries. Greece and Turkey are placed among the 10 top hotspots of destination for trafficking in persons.

A regional assessment carried out by UNODC in 2005 analyzed the trafficking situation, government responses and the services provided to victims in the BSEC countries. This assessment has identified the following main challenges hampering an effective criminal justice response in the region:

- Lack of effective cooperation and coordination between the BSEC countries;
- Lack of awareness of the special features of trafficking among law enforcement and judicial officials;
- National anti-trafficking legislation being not always in line with the Anti-Human Trafficking Protocol;
- Insufficient cooperation and coordination among law enforcement, the judiciary and relevant civil society actors, in particular NGOs;
- Insufficient support to and protection of victims and witnesses of trafficking.

Addressing these challenges, UNODC and the Permanent International Secretariat of BSEC (PERMIS) came to a common understanding that a Regional Project on Strengthening the Criminal Justice Response to Trafficking in Persons in the Black Sea region would be very useful.

### ***Joint BSEC – UNODC Project on Strengthening the Criminal Justice Response to Trafficking in Persons in the Black Sea region UNODC Project XCES45***

Weaknesses in the criminal justice response to human trafficking within the Member States of BSEC, identified by UNODC, require a substantive intervention at regional level in order to foster bi- and multilateral cooperation between the BSEC countries in their anti-human trafficking activities.

All BSEC countries have taken action to fight trafficking and recognize it as a severe problem. All BSEC countries have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Anti-Human Trafficking Protocol). The majority of BSEC states have established intergovernmental task forces and adopted Action Plans. Many bilateral and multilateral agreements on exchanging information and providing legal assistance have been signed.

Pursuing an effective partnership approach, UNODC has developed the project in close consultation with BSEC to stimulate ownership. After presenting a first project idea to the BSEC Working Group on Cooperation in Combating Crime, in particular in its Organized Forms, in Bucharest in March 2006, the Council of the Ministers of Foreign Affairs of BSEC that was held in Moscow on 1 November 2006 endorsed the project idea. The Council, in its decision, expressed its satisfaction for the enhanced cooperation between BSEC and UNODC and instructed Permanent International Secretariat of the BSEC (PERMIS) to take further steps for the implementation of the project.

The project is in line with and will contribute to achieving the objectives of the Global Initiative to Fight Human Trafficking (UN GIFT), in particular to the objectives of its implementation phase. UNGIFT was launched in March 2007 and is designed to produce a turning point in the fight against trafficking in persons. UN GIFT aims to create awareness and momentum in order to stimulate action to stop this despicable trade.

Specifically, this project forms part of the results-orientated agenda of GIFT through implementing the following stated aims of GIFT:

1. Improve law enforcement effectiveness – improve information exchange on trafficking routes, traffickers profiles and victims identification in order to dismantle criminal groups and convict more traffickers. For those convicted, ensure that the punishment fits the crime;
2. Implement international commitments – ensure that international commitments are turned into national laws and practice by targeting technical and legal assistance to countries in greatest need and improving monitoring of implementation;
3. Enrich the data base – deepen world understanding of the scope and nature of trafficking in persons by more data collection and analysis, better data sharing, joint research initiatives and creating an annual evidence-based report on global trafficking trends;
4. Strengthen partnership – build up regional and thematic networks involving civil society, inter-governmental organizations and the private sector.



**The envisaged outcomes of Project XCES45 are:**

- (a) enhanced bi- and multilateral networks and dialogue among the relevant criminal justice actors in the Black Sea region
- (b) improved access to knowledge and exchange of existing expertise and best practices
- (c) the provision of guidance for further action through a Regional Action Plan on Bi- and Multilateral Cooperation in the Field of Criminal Justice Response to Human Trafficking and a Model Guide on Strengthening National Criminal Justice Responses to Human Trafficking

The Permanent International Secretariat of BSEC has offered to facilitate project implementation through assistance in data collection and hosting of the Expert Group in Istanbul and proposed Bucharest as the venue for the Conference since Romania currently chairs the BSEC Working Group on Combating Organized Crime and will do so for the next two years. The Bucharest Conference venue has been discussed with and approved by the Ministry of Administration and Interior of Romania.

The objective of this project is to take a significant step forward in strengthening the criminal justice response to trafficking in persons in the BSEC Member States and, furthermore, to promote successful responses against human trafficking in the region through the facilitation of relevant international legal instruments.

This objective coincides with the overall UNODC strategy to promote ratification and implementation of the Anti-Human Trafficking Protocol and to address in particular the crime related dimension of human trafficking. Moreover, the strategy is designed to build upon and complement existing and planned UNODC projects in the area of Anti-Human Trafficking in the region. With this in mind the project aims to strengthen the capacity of BSEC Member States in establishing comprehensive and effective responses alongside the Anti-Human Trafficking Protocol.

In the wider strategic context the project will also assist in advancing the BSEC Member States towards the achievement of the global Millennium Development Goals (MDGs) specifically in area of human security. The project will additionally seek to utilise other key themes embodied in the MDGs including building national ownership and promoting local development.

The primary target group is criminal justice practitioners in the Black Sea region (particularly specialised counter-trafficking task forces) from **BSEC Member States:** Republic of Albania, Republic of Armenia, Republic of Azerbaijan, Republic of Bulgaria, Georgia, Hellenic Republic, Republic of Moldova, Romania, Russian Federation, Republic of Serbia, Republic of Turkey, and Ukraine.

By the end of the Project the target group should benefit of reinforcing / developing of bi- and multilateral networks and dialogue among the relevant criminal justice actors, as well as of an improved access to knowledge and exchange of existing expertise and best practices. On the other hand, a Regional Action Plan will help the BSEC Member States to enhance their cooperation in the field of Criminal Justice Response to Human Trafficking.

**Output 1.1 - Bilateral and multi-lateral networks and dialogue among the relevant governmental and non-governmental actors within the Black Sea region haven been fostered.**

**Main Activities**

- Identify the relevant governmental and non-governmental actors; collect and disseminate this information to the relevant actors in the Black Sea region.

- Identify focal points within the appropriate governmental anti-human trafficking structures.
- Facilitate establishment of a regional network of relevant criminal justice practitioners during the preparatory phase of the conference including the expert group meeting and by bringing together relevant practitioners and experts at the regional conference.

**Output 1.2 - A Regional Action Plan on Bi- and Multilateral Cooperation in the Field of Criminal Justice Response to Human Trafficking has been elaborated.**

Targeting relevant governmental and non-governmental actors, the action plan will outline and recommend concrete activities in order to improve bilateral and multilateral cooperation in the areas of investigating and prosecuting cases of trafficking, convicting traffickers as well as referring, supporting and protecting victims and witnesses of trafficking.

**Main Activities**

- Assess the current status of bilateral and multi-lateral cooperation among the relevant actors within the Black Sea region with regard to a) investigating cases of trafficking, prosecuting and convicting traffickers as well as b) referring, supporting and protecting victims and witnesses of trafficking. Identify weaknesses, challenges and best practices. This analysis will also serve as baseline data for comparison when assessing the program impact.
- Prepare a draft Regional Action Plan and consolidate it during the expert group meeting which precedes the regional conference.
- Present and discuss the Regional Action Plan at the conference.
- Finalize the Regional Action Plan and disseminate it to relevant actors.

**Output 2.1 - Data of existing expertise and best practices in the field of national criminal justice responses has been collected and disseminated.**

Data will be collected in the following fields that are part of and relevant for an effective national criminal justice response: a) investigating and prosecuting cases of trafficking and convicting traffickers, b) supporting and protecting victims and witnesses of trafficking, c) raising awareness among law enforcement and judicial officials on the specific features of trafficking in persons, d) ensuring the compliance of anti-human trafficking legislation with the Anti-Human Trafficking Protocol and e) improving cooperation between governmental and non-governmental actors in the above mentioned fields.

**Main Activities**

- Identify expertise and best practices in the aforementioned areas.
- Critically review the results and gather further input during the expert group meeting which precedes the regional conference.
- Present and consolidate the results at the conference.
- Disseminate the information to relevant criminal justice practitioners as part of the Model Guide on Strengthening National Criminal Justice Response to Human (see Output 2.2)

**Output 2.2 - A Model Guide on Strengthening National Criminal Justice Response to Human Trafficking has been elaborated and published.**

The guide serves to encourage and guide further actions taken by the states, UNODC or other international agencies. It will consist of three parts. The first part will analyse national criminal justice responses and identify and prioritize shortcomings and problems. The second part will formulate strategic goals. The third part will propose and outline interventions that should be carried out in identified priority areas within a foreseeable future. Reference will be made to available expertise and best practices (see Output 2.1).

**Main Activities**

- Elaborate a draft taking into account the results of the other activities outlined in this proposal.
- Critically review the Model Guide on Strengthening National Criminal Justice Response to Human Trafficking at the expert group meeting to be convened before the conference.
- Present and consolidate the draft at the conference.
- Finalize, publish and disseminate the draft.

### ***Gathering of relevant information***

The UNODC Project Team designed a structured questionnaire for circulation to the relevant authorities of the participating countries in order to obtain the requisite data. In the process of preparing the draft Questionnaire, specialists from UNODC AHTU have been requested to provide their input and advice.

It was agreed that the Model Guide should provide that information needed to facilitate the cooperation at regional level for strengthening the criminal justice response to trafficking of persons in the Black Sea region. It was also agreed that under no circumstances should this Model Guide be transformed into a report on the existing situation in the beneficiary countries. Instead, the Model Guide should become a powerful tool in the hand of practitioners. This approach was fully endorsed by all the delegates to the Expert Group Meeting and the Regional Conference.

The final version of the Questionnaire was tailored on the relevant topics of the Model Guide was equally available in electronic format. The process of collecting information based on the UNODC Questionnaire have started on 2nd of February 2008 and ended 20th June 2008. The Project Team has clearly indicated that only not restricted information is required and personal data as these data was defined by the European Convention on Personal Data Protection should be avoided.

### ***About the Questionnaire***

The adoption in 2000 by the United Nations General Assembly of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children marked a significant milestone in international efforts to stop the trade in people. As the custodian of the Protocol, UNODC addresses human trafficking issues through its Global Programme against Trafficking in Human Beings. To date, more than 110 States have signed and ratified the Protocol, but translating it into reality remains problematic.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was adopted by General Assembly resolution 55/25. It entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting cases of trafficking in persons. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

A large part of this commitment involves working towards ensuring that all Member States have an **effective criminal justice response** to trafficking of human beings. The purpose of the following questions is to gather relevant information in order to:

- to provide a clear image of the existing criminal justice response to trafficking, especially from its regional cooperation perspective
- to identify relevant proposals as part of a Regional Action Plan meant to contribute to the enhancement of its efficiency

- to consolidate a tool for international and inter-agency cooperation in combating trafficking in persons at the regional level

**The Questionnaire had four parts, namely**

**I. Key Elements of an Effective Criminal Justice Response to Trafficking -**

The following checklist sets out all of the elements needed for a criminal justice system to respond effectively to trafficking, and reflects best practice in anti-trafficking initiatives from all over the world.

1. Does your country have a strong and realistic legal framework in compliance with international standards?
2. Have your law enforcement agencies the capacity to investigate trafficking?
3. Do the frontline law enforcement officials know how to identify and respond effectively to trafficking cases?
4. Are prosecutors and judges willing and able to contribute to the criminal justice response to trafficking?
5. Are victims of trafficking quickly and accurately identified and protected from further harm, while their immediate needs are met?
6. Are all parts of the criminal justice system working together?
7. Are there effective systems in place to ensure that the criminal justice agencies in one country can cooperate with the criminal justice agencies in another country?
8. Are donors working effectively?

**II. Best Practice Examples** - Each country is requested to provide three examples of best practices preferably on your international cooperation in criminal justice response to human trafficking. Restricted/classified information should be omitted.

**III. Overall self-evaluation** - How do you evaluate the tools your State has for an effective criminal justice response? (Please describe in not more than five paragraphs). Please also attach the following documents if they are available:

- a) a map of the primary human trafficking routes through your country.
- b) a national strategy on anti-human trafficking
- c) the latest national yearly report regarding activities to prevent and combat trafficking in human beings or similar

**IV. Contact information of relevant agencies** - Each country is requested to provide the above-mentioned data for the following type of agencies involved in anti-human trafficking: Start with an initial contact in your country to be used by a foreign country, which is seeking your assistance on trafficking of human beings related issues.

***Scope of the Model Guide***

***'To provide a practical, user friendly, regional reference on strengthening criminal justice response in the field of counter-trafficking that is based upon a commitment to implement the relevant UN Conventions and Protocols.'***

The modus operandi of trafficking crime will always usually involve the **three phases of origin, transit and destination countries**. The normal reaction when this factor is being considered is to make the assumption that the origin and transit phases will

apply to the Black Sea Region and the destination phase refers to the countries of the European Union and beyond.

In fact, that assumption should not be made in relation to the Black Sea Region because each of the trafficking phases can be found in one or more of the thirteen countries covered by this manual. Moreover, experience shows that the situation is constantly evolving and that a country of transit today may become a country of destination tomorrow.

For these reasons, this Model Guide provides advice on each of the three phases because it may or will be relevant to investigators from across the region. The investigative focus is placed more on the destination phase in relation to sexual exploitation for the simple reason that more opportunities for effective pro-active investigation occur in the destination countries because this is where the cycle of exploitation is implemented and managed.

The scope of this book is to help the BSEC Member States to enhance their cooperation in strengthening the criminal justice response to trafficking crime. However, this book does not address the legal conduct of a criminal prosecution within the courts. The conduct of a trial is the highly technical business of trained prosecutors and judges and cannot be incorporated within the scope of this guide.

### ***General Remarks on the Use of the Model Guide***

As stated at the outset, the intention of the Model Guide is to contribute at enhancement of cooperation in the counter-trafficking activities of professionals in Black Sea Region and to develop their ability to work jointly with each other at the international level. It is important to emphasise the point that this is a 'best practice' guide, based upon what has been proven to work in previous investigations in many other jurisdictions and that the guidance complies with the current international and humanitarian standards applicable to this type of criminal investigation.

For these reasons, it is recommended that the dissemination of the entire manual should not be limited to specialist trafficking investigative units, other specialist investigative police and prosecutors.

***To conclude, the reader should therefore remain conscious of the scope and limitations of the Model Guide and remain aware that the guidance cannot be regarded as fully comprehensive or able to address every contingency that may arise. It is intended simply as a 'best practice' advisory tool to assist the counter-trafficking investigator, prosecutor and judge wherever he or she may be working.***

## List of Abbreviations

*Here is a non-exhaustive alphabetic list of acronyms that the reader may find useful.*

<b>ACC</b>	Arab Cooperation Council
<b>AFESD</b>	Arab Fund for Economic and Social Development
<b>AL</b>	Arab League
<b>AMF</b>	Arab Monetary Fund
<b>AMU</b>	Arab Maghreb Union
<b>ANZUS</b>	Australia-New Zealand-United States Security Treaty
<b>APEC</b>	Asia-Pacific Economic Cooperation
<b>ARF</b>	ASEAN Regional Forum
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>BCIE</b>	Central American Bank for Economic Integration
<b>BIS</b>	Bank for International Settlements
<b>BSEC</b>	Black Sea Economic Cooperation Organization
<b>C</b>	Commonwealth
<b>CACM</b>	Central American Common Market
<b>CAEU</b>	Council of Arab Economic Unity
<b>CAN</b>	Andean Community of Nations
<b>CBSS</b>	Council of the Baltic Sea States
<b>CCC</b>	Customs Cooperation Council
<b>CDB</b>	Caribbean Development Bank
<b>CE</b>	Council of Europe
<b>CEI</b>	Central European Initiative
<b>CEMA</b>	Council for Mutual Economic Assistance; also known as CMEA or Comecon
<b>CEPGL</b>	Economic Community of the Great Lakes Countries
<b>CERN</b>	European Organization for Nuclear Research
<b>CIS</b>	Commonwealth of Independent States
<b>COCOM</b>	Coordinating Committee on Export Controls
<b>CP</b>	Colombo Plan
<b>CTU</b>	Counter Trafficking Unit
<b>EAPC</b>	Euro-Atlantic Partnership Council
<b>EBRD</b>	European Bank for Reconstruction and Development
<b>EC</b>	European Community
<b>ECE</b>	Economic Commission for Europe
<b>ECO</b>	Economic Cooperation Organization
<b>ECOSOC</b>	Economic and Social Council
<b>ECS</b>	European Coal and Steel Community
<b>EEC</b>	European Economic Community
<b>EFTA</b>	European Free Trade Association
<b>EIB</b>	European Investment Bank
<b>EMU</b>	Economic and Monetary Union
<b>ESA</b>	European Space Agency
<b>EU</b>	European Union
<b>Euratom</b>	European Atomic Energy Community
<b>Eutelsat</b>	European Telecommunications Satellite Organization
<b>F.Y.R.O.M.</b>	The Former Yugoslav Republic of Macedonia
<b>FAO</b>	Food and Agriculture Organization
<b>G-10</b>	Group of 10
<b>G-11</b>	Group of 11
<b>G-15</b>	Group of 15
<b>G-2</b>	Group of 2
<b>G-24</b>	Group of 24
<b>G-3</b>	Group of 3
<b>G-5</b>	Group of 5
<b>G-6</b>	Group of 6
<b>G-7</b>	Group of 7
<b>G-77</b>	Group of 77
<b>G-8</b>	Group of 8
<b>G-9</b>	Group of 9
<b>GATT</b>	General Agreement on Tariffs and Trade; now WTO
<b>GCC</b>	Gulf Cooperation Council
<b>GUUAM</b>	acronym for member states – Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova
<b>Habitat</b>	United Nations Center for Human Settlements
<b>IADB</b>	Inter-American Development Bank
<b>IAEA</b>	International Atomic Energy Agency
<b>IBEC</b>	International Bank for Economic Cooperation
<b>IBRD</b>	International Bank for Reconstruction and Development (World Bank)
<b>ICAO</b>	International Civil Aviation Organization

<b>ICC</b>	International Chamber of Commerce
<b>ICct</b>	International Criminal Court
<b>ICFTU</b>	International Confederation of Free Trade Unions
<b>ICJ</b>	International Court of Justice (World Court)
<b>ICPO</b>	See Interpol
<b>ICRC</b>	International Committee of the Red Cross
<b>ICRM</b>	International Red Cross and Red Crescent Movement
<b>ICSID</b>	International Center for Secretariat of Investment Disputes
<b>ICTR</b>	International Criminal Tribunal for Rwanda
<b>ICTY</b>	International Criminal Tribunal for the former Yugoslavia
<b>IDA</b>	International Development Association
<b>IDB</b>	Islamic Development Bank
<b>IEA</b>	International Energy Agency
<b>IFAD</b>	International Fund for Agricultural Development
<b>IFC</b>	International Finance Corporation
<b>IFCTU</b>	International Federation of Christian Trade Unions
<b>IFRCs</b>	International Federation of Red Cross and Red Crescent Societies
<b>IGAD</b>	Inter-Governmental Authority on Development
<b>IGADD</b>	Inter-Governmental Authority on Drought and Development
<b>IGO</b>	Inter-governmental organizations
<b>IHO</b>	International Hydrographic Organization
<b>IIB</b>	International Investment Bank
<b>ILO</b>	International Labor Organization
<b>IMF</b>	International Monetary Fund
<b>IMO</b>	International Maritime Organization
<b>Inmarsat</b>	International Mobile Satellite Organization
<b>INSTRAW</b>	International Research and Training Institute for the Advancement of Women
<b>Intelsat</b>	International Telecommunications Satellite Organization
<b>Interpol</b>	International Criminal Police Organization
<b>IOC</b>	International Olympic Committee
<b>IOM</b>	International Organization for Migration
<b>ISO</b>	International Organization for Standardization
<b>ITU</b>	International Telecommunication Union
<b>MIGA</b>	Multilateral Investment Geographic Agency
<b>NAM</b>	Nonaligned Movement
<b>NATO</b>	North Atlantic Treaty Organization
<b>NC</b>	Nordic Council
<b>NEA</b>	Nuclear Energy Agency
<b>NGO</b>	Non-governmental organizations
<b>NIB</b>	Nordic Investment Bank
<b>NMT</b>	Nordic Mobile Telephone
<b>NSG</b>	Nuclear Suppliers Group
<b>OAPEC</b>	Organization of Arab Petroleum Exporting Countries
<b>OAS</b>	Organization of American States
<b>OAU</b>	Organization of African Unity
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OECS</b>	Organization of Eastern Caribbean States
<b>OIC</b>	Organization of the Islamic Conference
<b>OPCW</b>	Organization for the Prohibition of Chemical Weapons
<b>OPEC</b>	Organization of Petroleum Exporting Countries
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>PCA</b>	Permanent Court of Arbitration
<b>PFP</b>	Partnership for Peace
<b>RG</b>	Rio Group
<b>SECI Centre</b>	South Eastern Europe Co-operation Initiative - Regional Centre for Combating Trans-border Crime
<b>UN</b>	United Nations
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan
<b>UNAMSIL</b>	United Nations Mission in Sierra Leone
<b>UNCTAD</b>	United Nations Conference on Trade and Development
<b>UNDCP</b>	United Nations Drug Control Program
<b>UNDOF</b>	United Nations Disengagement Observer Force
<b>UNDP</b>	United Nations Development Program
<b>UNEP</b>	United Nations Environment Program
<b>UNESCO</b>	United Nations Educational, Scientific, and Cultural Organization
<b>UNFICYP</b>	United Nations Peace-keeping Force in Cyprus
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNHCRHR</b>	United Nations High Commissioner for Human Rights
<b>UNICEF</b>	United Nations Children's Fund
<b>UNICRI</b>	United Nations Interregional Crime and Justice Research Institute

## BACKGROUND

<b>UNIDIR</b>	United Nations Disarmament Research
<b>UNIDO</b>	United Nations Industrial Development Organization
<b>UNIFIL</b>	United Nations Interim Force in Lebanon
<b>UNIKOM</b>	United Nations Iraq-Kuwait Observation Mission
<b>UNITAR</b>	United Nations Institute for Training and Research
<b>UNMEE</b>	United Nations Mission in Ethiopia and Eritrea
<b>UNMIBH</b>	United Nations Mission in Bosnia and Herzegovina
<b>UNMIK</b>	United Nations Interim Administration Mission in Kosovo
<b>UNMISSET</b>	United Nations Mission of Support in East Timor
<b>UNMOGIP</b>	United Nations Military Observer Group in India and Pakistan
<b>UNMOP</b>	United Nations Mission of Observers in Prevlaka
<b>UNMOT</b>	United Nations Mission of Observers in Tajikistan
<b>UNMOVIC</b>	United Nations Monitoring, Verification, and Inspection Commission
<b>UNOMIG</b>	United Nations Observer Mission in Georgia
<b>UNOMSIL</b>	United Nations Mission of Observers in Sierra Leone
<b>UNOPS</b>	United Nations Office of Project Services
<b>UNPREDEP</b>	United Nations Preventive Deployment Force
<b>UNRISD</b>	United Nations Research Institute for Social Development
<b>UNRWA</b>	United Nations Relief and Works Agency for Palestine Refugees in the Near East
<b>UNSC</b>	United Nations Security Council
<b>UNSSC</b>	United Nations System Staff College
<b>UNTAET</b>	United Nations Transitional Administration in East Timor
<b>UNTSO</b>	United Nations Truce Supervision Organization
<b>UNU</b>	United Nations University
<b>UPU</b>	Universal Postal Union
<b>WCL</b>	World Confederation of Labor
<b>WFC</b>	World Food Council
<b>WFP</b>	World Food Program
<b>WFTU</b>	World Federation of Trade Unions
<b>WHO</b>	World Health Organization
<b>WIPO</b>	World Intellectual Property Organization
<b>WMO</b>	World Meteorological Organization
<b>WTO</b>	see WToO for World Tourism Organization or WTrO for World Trade Organization
<b>WToO</b>	World Tourism Organization
<b>WTrO</b>	World Trade Organization



## Section one – Critical concepts

### **Introduction**

Human trafficking is a **multi-dimensional threat**: it deprives people of their human rights and freedoms, it is a global health risk, and it fuels the growth of organized crime. The trafficking of human beings for a variety of exploitative purposes is an international, organized, criminal phenomenon that has grave consequences for the safety, welfare and human rights of the victims of it.

Human trafficking has become an increasingly important human rights concern and a serious challenge to law enforcement in the 21st century. Trafficking of persons is often fueled by the enormous pressure on people to leave the economic struggles of their home country and seek opportunities abroad. While many trafficked individuals are moved to new or foreign locations, movement itself is not what constitutes trafficking; the force, fraud or coercion exercised on that person by another to perform or remain in service are the defining elements of trafficking in the modern usage. The human trafficking crisis has recently been **exacerbated** by factors that include a global economy, increased travel, high demand for low cost labor, inadequacy of law enforcement and legislation, treatment of trafficking cases as illegal immigration and the potential criminalization of trafficking victims. In addition, the increasing globalization of the world economy through treaties expanding trade, increased demand for inexpensive and mobile labor, easing restrictions on travel, and the increasingly availability and use of high speed communication tools such as the internet have all contributed to an atmosphere that makes human trafficking more likely to occur and more difficult to deter.

The United Nations General Assembly adopted the **Convention against Transnational Organized Crime**. On the 15 November 2000, at the fifty-fifth session of the General Assembly of the United Nations, the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime** was adopted by resolution A/RES/55/25.

**Article Three** of the Protocol provides a definition of the crime of trafficking:

- 3(A) *'Trafficking in persons' shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*
- *'Exploitation' shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.*
- 3(B) *The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph 3A of this article shall be irrelevant where any of the means set forth in subparagraph 3A have been used.*
- 3(C) *The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (A) of this article.*
- 3(D) *'Child' shall mean any person who is under the age of eighteen years.*

### 1.1.1. Human Risks

Human trafficking has a devastating impact on individual victims, who often suffer physical and emotional abuse, rape, threats against self and family, passport theft, and even death. But the impact of human trafficking goes beyond individual victims; it undermines the safety and security of all nations it touches.

**Human trafficking** is the recruitment, transportation, harboring, or receipt of people for the purposes of slavery, forced labor (including bonded labor or debt bondage) and servitude. It is estimated to be a \$5 to \$9 billion-a-year industry<sup>1</sup>. People trafficking have reached epidemic proportions over the past decade, with a global annual market of about \$42.5 billion<sup>2</sup>. Trafficking victims typically are recruited using coercion, deception, fraud, the abuse of power, or outright abduction. Threats, violence, and economic leverage such as debt bondage can often make victim consent to exploitation.

Exploitation includes forcing people into prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. For children, exploitation may also include forced prostitution, illicit international adoption, trafficking for early marriage, or recruitment as child soldiers, beggars, for sports (such as child camel jockeys or football players), or for religious cults.

### 1.1.2. Strategic Risks<sup>3</sup>

At the strategic level, once organized human trafficking has gained a foothold within a state, it will undergo rapid growth and will pose the following **strategic risks** to the stability and future of a State:

- *De-stabilization of existing sex and labor markets.*

As trafficked victims are removed from or introduced to illegal sex and labor markets, this will have the potential to lead to violent 'turf wars' as the traffickers confront local criminal elements for the control of these lucrative forms of human exploitation.

- *Growth and diversification of organized crime.*

Once established, the trafficking networks will quickly diversify and develop mutually beneficial affiliations with existing organized criminal organizations that operate in other spheres, such as terrorism and drugs and weapons trafficking.

- *Economic de-stabilization through growth of money laundering.*

The financial profitability of organized prostitution will quickly lead to sophisticated forms of internal and external money laundering which may trigger economic de-stabilization.

- *Demographic de-stabilization.*

Trafficking of human beings on a significant scale can de-stabilize populations on the micro and macro level, whether in respect of the number of victims being trafficked

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<sup>1</sup> [http://www.unece.org/press/pr2004/04gen\\_n03e.htm](http://www.unece.org/press/pr2004/04gen_n03e.htm)

<sup>2</sup> [http://www.iht.com/articles/ap/2006/12/05/europe/EU\\_GEN\\_Greece\\_Trafficking.php](http://www.iht.com/articles/ap/2006/12/05/europe/EU_GEN_Greece_Trafficking.php)

<sup>3</sup> As developed within the UNDP, Best Practice - Law Enforcement Manual for Fighting against Trafficking of Human Beings, ©2003 - edited by UNDP - Country Office Romania, under project no. ROM01/009

out of an origin country or in respect of the numbers of particular ethnic or national group that are being trafficked into a specific area or market in the destination country.

- *Growth of public sector corruption*

The multi-layered nature of the crime creates numerous opportunities for the corruption of the officials of various agencies and the ready and daily supply of cash provides the means to undermine the entire counter-trafficking law enforcement effort.

- *De-stabilization of economic inward investment*

Where the presence of organized trafficking crime has led to endemic money laundering and public sector corruption it may have a negative impact upon the investment strategies of global companies.

Virtually every country in the world is affected by trafficking for sexual exploitation or forced labor. The challenges for all countries, rich and poor, are to target the criminals who exploit desperate people and to protect trafficking victims.

## **1.2. The Critical Concepts**

From the investigative counter-trafficking viewpoint, two further and vitally important factors exacerbate the problems confronting law enforcement officers and both of them are outside of the normal experience of operational investigators.

Firstly, because of the modus operandi employed by the traffickers, investigators have to anticipate that:

- ***The victims of this type of crime are unlikely be available either as complainants or witnesses.***

In trafficking cases, because of threats of reprisals to themselves or to their loved ones, the victims are rarely prepared to come forward, let alone provide detailed statements and live court testimony.

Secondly, because of the structure and international scale of organised human trafficking, the investigator must accept the fact that:

- ***It may never be possible to successfully investigate and prosecute the key players in any given network.***

Where circumstances dictate, it is vital that investigators accept this situation as they find it and continue to take action against those intermediate and lower level players who themselves are an indispensable component part of successful trafficking networks.

In the case of both of these critical concepts, solutions are at hand that require further development on a multi-national level. The development of pro-active, intelligence led, bi-lateral and multi-lateral joint operations provides the means by which the major players can be investigated and apprehended, irrespective of where they base themselves.

### 1.3. Trafficking Methodology – An overview

#### 1.3.1. Background

The United Nations Office of Drugs and Crime now estimates that the global profitability of trafficking in human beings is equal to the profits generated by the global trafficking of narcotics. So, as with all forms of organized criminal activity, trafficking is all about money. The three principal elements behind it can be stated quite simply:

- *Within the origin countries, a seemingly endless supply of victims remains available for exploitation.*
- *Within the destination countries, constantly growing sex markets maintain a seemingly endless demand for the services of the victims.*
- *Organized criminal networks have taken control of this economic 'supply and demand' situation to traffic and exploit the victims in order to generate enormous profits for themselves.*

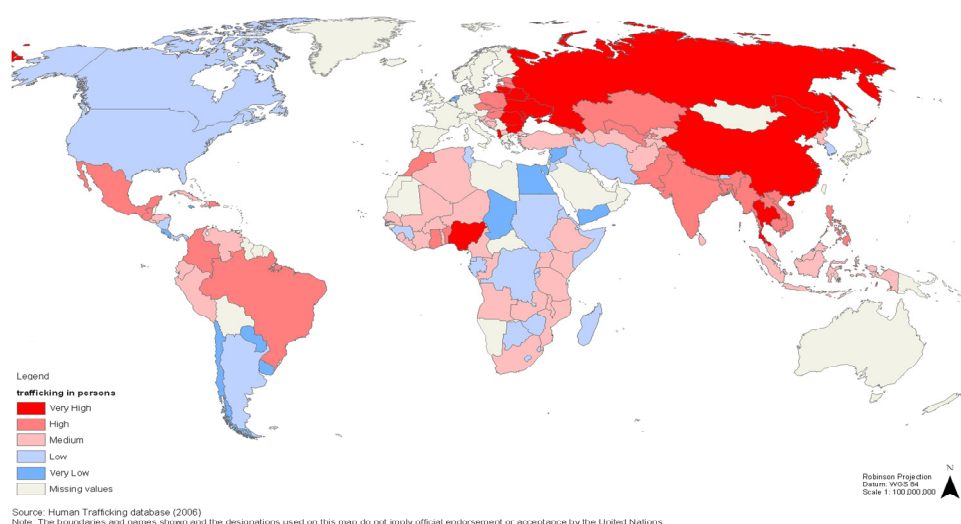
Even though all human trafficking cases have their individual characteristics, most follow the same pattern: people are abducted or recruited in the country of origin, transferred through transit regions and then exploited in the country of destination. However, trafficking crime is a complex phenomenon within which a number of socio-economic factors interact with each other to create the fundamental principles set out above.

Data taken from the UNODC4 database on human trafficking trends documents trafficking from 127 countries to be exploited in 137 countries5 show the main areas of trafficking as the following:



UNITED NATIONS  
Office on Drugs and Crime

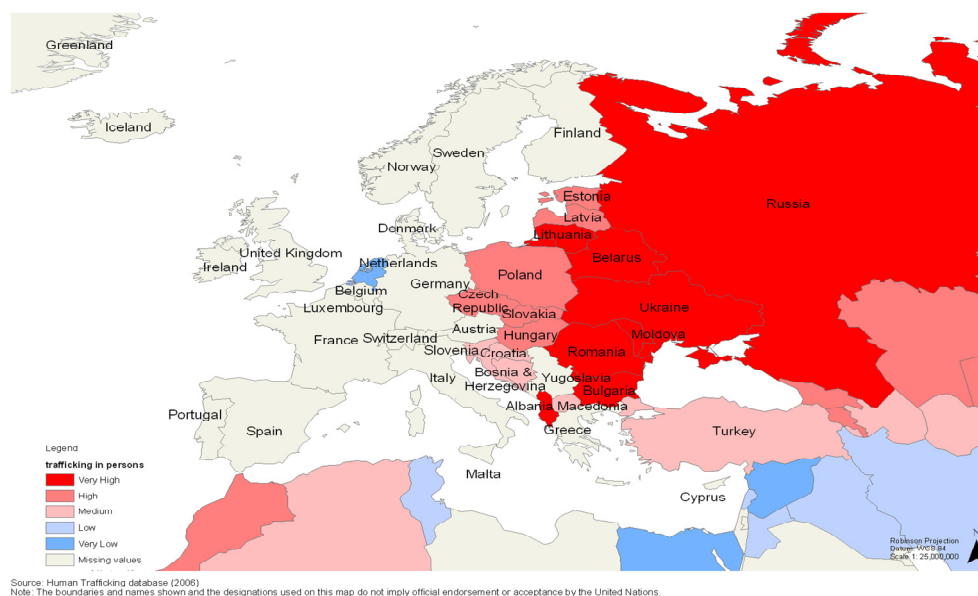
### Origin countries of trafficking in persons



<sup>4</sup> UNODC Human Trafficking Database, 2006

<sup>5</sup> UNODC Human Trafficking Database, 2006

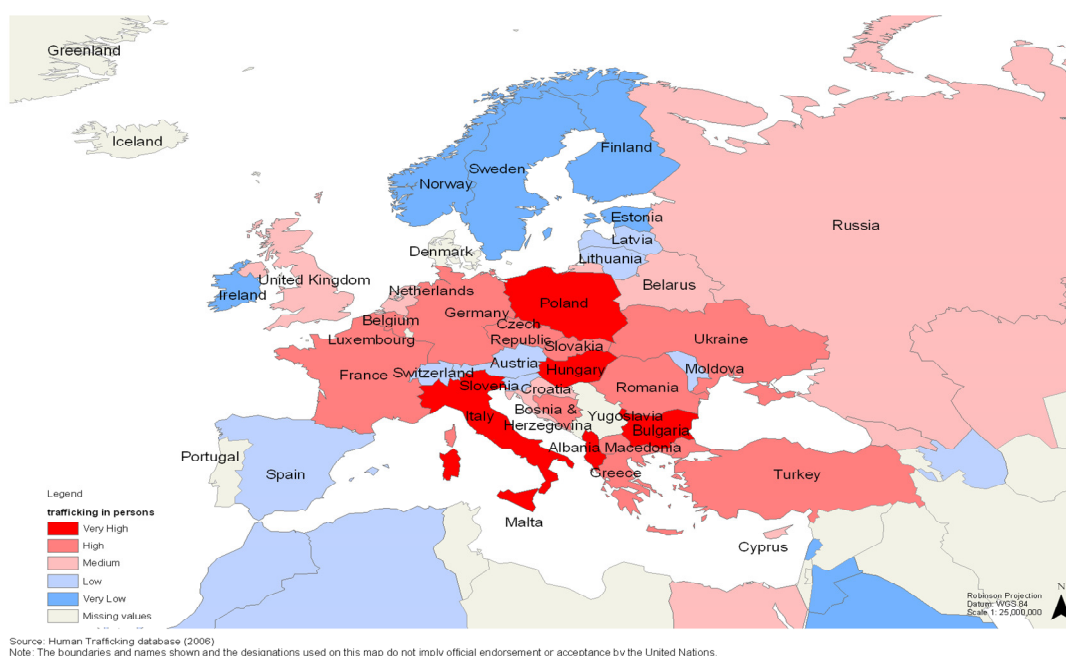
## Origin countries in Europe and CIS



**Summary:** The main reported origin countries are in red, followed by dark pink, light pink, light blue, then blue. We do not have data on the countries in white.

Main Reported Origins (very high) of trafficking in human beings in BSEC region are: Albania, Bulgaria, Romania, Moldova, Russian Federation and Ukraine. The high incidence of reporting of origin countries are: Armenia, Georgia, Kazakhstan.

## Transit countries in Europe and CIS<sup>6</sup>

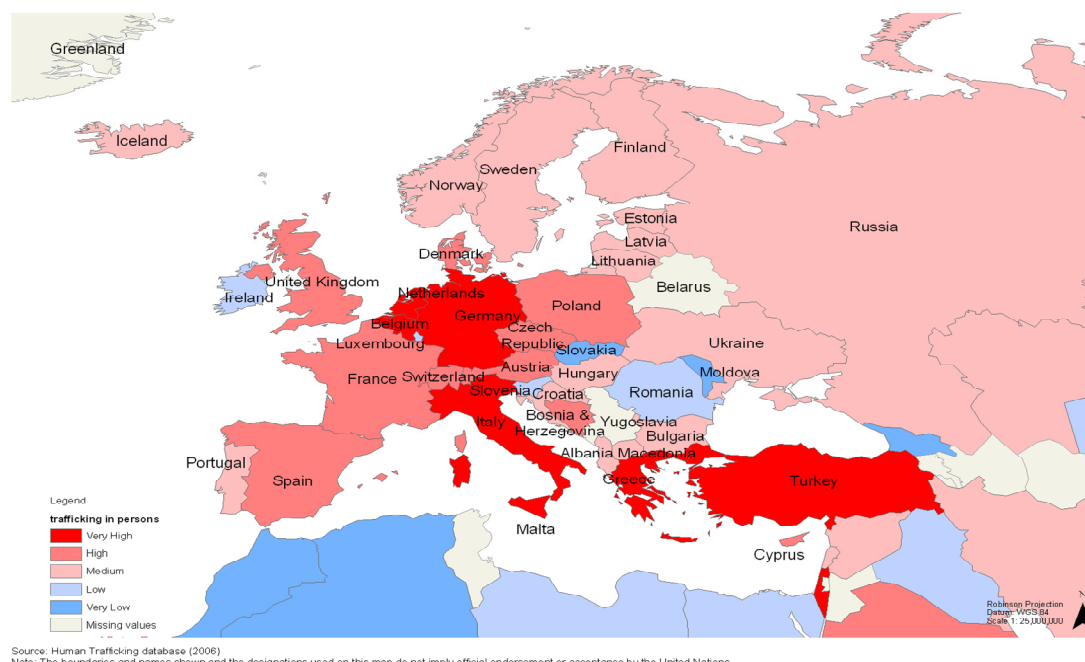


**Summary:** The main reported transit countries are in red, followed by dark pink, light pink, light blue, blue, then white.

<sup>6</sup> UNODC Human Trafficking Database, 2006

Main Reported Transit countries (very high) of trafficking in human beings in the BSEC region are: Albania, Bulgaria. High Reported countries of transit are: Greece, Romania, Serbia and Montenegro, Ukraine

### Destination countries in Europe and CIS<sup>7</sup>



**Summary: The main reported destination countries are in red, followed by dark pink, light pink, light blue, blue, and then white.**

Main Reported Transit countries (very high) of trafficking in human beings in the BSEC region are: Turkey; Greece

### 1.3.2. Who are the victims?

ILO has estimated that the minimum number of persons in forced labor, including sexual exploitation, as a result of trafficking at any given time is 2.5 million<sup>8</sup>. As researched by IOM, in 2000, there were 175 million international migrants in the world, that is, one out of every 35 persons in the world was an international migrant. [...]

Although data permitting the estimation of the global number of international migrants for more recent periods are not yet available, extrapolation of past trends indicates that the number of international migrants may reach between 185 million and 192 million in early 2005. That is, the growth of the international migrant stock is not likely to abate in the near future.<sup>9</sup>

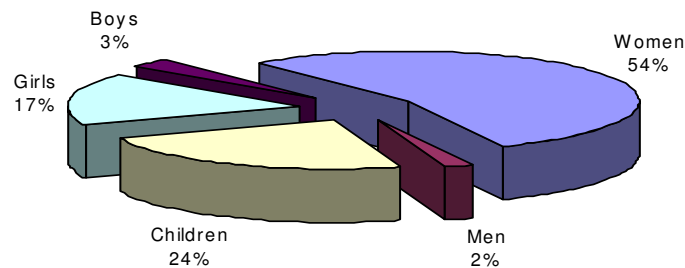
<sup>7</sup> UNODC Human Trafficking Database, 2006

<sup>8</sup> <http://www.ungift.org/docs/ungift/pdf/knowledge/ebook.pdf> , International Labor Organization, A Global Alliance against Forced Labor (Geneva, International Labor Office, 2005,

<sup>9</sup> World Migration 2005: Costs and Benefits of International Migration, IOM, <http://www.iom.int/>

The vast majority of victims come from countries characterized by economic hardship, where poverty and lack of opportunity predominate. The existence of conflict situations or instability in such countries exacerbates this situation.

The profile of the victims as defined by UNODC Human Trafficking Database, 2006:



Moreover, the vulnerable position of women in many societies and their lack of opportunity in the local labor market create additional conditions of exclusion from opportunity that contributes to the growth of trafficking. By far the most worrying trend is the low average age of the victims of trafficking crime in many locations.

Once again, this development simply mirrors client demand based upon their perceptions and requirements. For example, trafficked children are increasingly involved in prostitution because the clients hold the belief that sex with children reduces the risk of contracting sexually transmitted diseases.

### 1.3.3. Who are the traffickers?

Trafficking is mainly controlled and exploited by **organized criminal groups**. The potentially high profits and minimal risk of detection and punishment make trafficking for sexual exploitation a tempting enterprise in many countries of the world. Whilst the profitability from human trafficking for sexual exploitation may match that of narcotics trafficking, the penalties imposed if convicted are not comparable.

The phenomenon is not exclusively under the control of major criminal networks. The groups can be fairly small and operate in loose connection with each other when it is mutually beneficial to do so. These groups may specialize in different links of the chain such as personal recruitment, transportation, brothel management etc.

The criminal networks do not operate in isolation from each other. There are established linkages to other forms of organized crime such as weapons and narcotics trafficking and other forms of criminality. The structural links may be constant or they may consist of loose affiliations whereby the different components come together to commit crime when it is mutually beneficial to do so.

*Recruiters, including traffickers, can be agencies, individuals, auxiliaries, employers, or an organization of these, usually working legally, semi-legally or with a facade of legality. They can also be entirely illegal. Traffickers may operate under several*

*disguises, for instance, private employment agencies, travel agencies, model and fashion agencies, dancers' and entertainment agencies, actors' and performers' agencies, bridal and matrimonial agencies, agencies that do not have recruitment as their primary activity, yet engage in it, or pen and personal contact clubs. They can also be part of an organized crime network.*

The United Nations Convention against Transnational Organized Crime and its supplementing Protocols provide a framework for international cooperation to prevent and combat transnational organized crime defines an organized criminal group as:

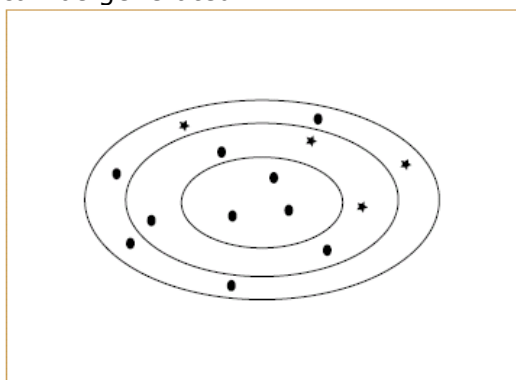
"a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the Convention, in order to obtain, directly, or indirectly, a financial or other material benefit."<sup>10</sup>

### **Organizational Profile**

Traffickers of human beings exist at many different levels, from individuals or small-scale groups of informal criminal contacts through to highly complex, international, organized criminal networks. The various levels of traffickers can be categorized within the following three main phenomena:

- **Small scale informal networks**

Low-level informal networks usually exist in the form of small groups of individuals within limited family networks and or ethnic communities that extend over borders. The traffickers will often use contacts with family and community members back home to recruit women for brothels or prostitution rings or younger males and females for labor exploitation. Such networks are used frequently in the border regions between the country of origin and the country of destination and within ethnic communities. In the research they are sometimes identified as "core groups"<sup>11</sup>. Such groups are characterized as consisting of a limited number of individuals forming a relatively tight and structured core group surrounded by a loose network of "associates", with the small size of the group helping to maintain internal discipline. There is some suggestion in the research that "core groups" are strictly profit-orientated and opportunistic, shifting between illegal activities on the basis of where the most profits can be generated.



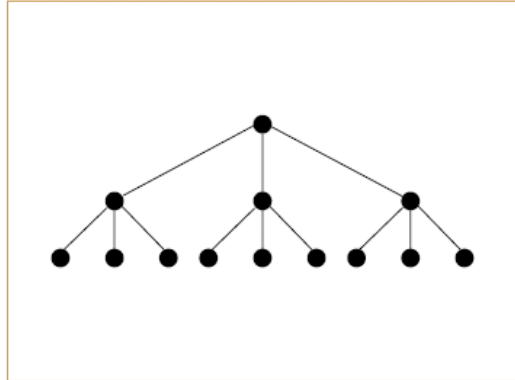
<sup>10</sup> Article 2(a), United Nations Convention against Transnational Organized Crime; Article 2(b) defines a "serious crime" as "conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty". Under Article 2(c), a "structured group" is "a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure".

<sup>11</sup> UNODC, 2006, Trafficking in Persons, Global Patterns



- ***Large-scale organized criminal networks***

At the organized crime level, the traffickers operate as structured, multi-layered businesses and may have separate recruitment, document procurement, and transportation and exploitation functions. Organized criminal traffickers are usually ruthless professionals who regularly use a range of coercive control mechanisms to ensure the discipline of the victims. The victims that they procure are regarded as merchandise or commodities to be traded, much as in a traditional slave trade.



- ***Criminal Distribution Networks***

Networks of criminal groups recruit and transport girls from one country and sell them into locally run brothels and prostitution rings in another country. One may call these "wholesalers" or 'distributors' who sell to local "retailers" who manage and control the local prostitution infrastructure. The victims may be sold several times to different brothels or gangs in different cities or countries, or remain within one ring and be circulated to new markets.

It is also important to note that the organized criminal networks do not operate in isolation from each other. There are established linkages to other forms of organized crime, such as narcotics, people and weapons smuggling networks and these linkages may be structured and constant or may consist simply of loose affiliations within which the different criminal groups come together to commit organized crime when it is mutually beneficial to do so.

### ***Personal Profile***

As a generalization, trafficking within the region remains under the control of and is committed by males aged between 20 and 50 years, although the growing importance of females at the recruitment and exploitation phase should be borne in mind (see below), as should the growing use of late teenage boys as low-level operatives who carry out functions such as 'look-outs' or as security at brothel premises or as general helpers.

Male traffickers of varying degrees of seniority within the trafficking networks act as recruiters, transporters and managers of the exploitation phase. Increasingly, females may also perform each of these roles. However, the coercive enforcement of the exploitation phase and disciplining of the victims is almost exclusively conducted by male traffickers.

Although few females have been identified as high-level traffickers, females traffickers do play key roles both in the recruitment phase of the trafficking process, particularly as the current modus operandi moves away from recruitment by advertisement to a greater focus to contact and recruitment through networks of personal contacts and in the management of the sexual exploitation phase, acting as managers, receptionists and money launderers.

### 1.3.4. What are the crimes?

Trafficking crime produces victims. The victims of this phenomenon are likely to suffer the most serious human rights abuses. The most serious abuse that is associated with trafficking for sexual exploitation includes **abduction, sexual and physical violence, rape and enslavement**. Some are **murdered** and even those that are rescued are unlikely ever to recover from the psychological damage that they have suffered.

Trafficking also includes the pivotal crimes of **living on the earnings of the sexually exploited victims**, the **management of brothels, illegal border crossings**, enforcement of **slave labor, deprivation of liberty** and the production and possession of **forged documentation**.

### 1.3.5. What is the modus operandi?

Other than generalizing that the modus operandi involves vulnerable victims being transported from one location to another for the purposes of lucrative sexual exploitation to the benefit of organized criminals, the methodologies used vary widely across the global spectrum.

1. The **process of human trafficking** begins with the **abduction or recruitment** of a person.
2. It continues with the **transportation** from the place of origin to the place of destination. In case of transnational trafficking in persons, the process includes the entry of the individual into another country.
3. This is followed by the **exploitation** phase during which the victim is forced into sexual or labor servitude. This often includes violence against the victim.
4. A further phase may occur that does not involve the victim but rather the offender. Depending upon the size and sophistication of the human trafficking operation, the criminal (organization) may find it necessary to **launder the criminal proceeds**. There may be **further links to other criminal offences** such as the smuggling of migrants, weapons or drugs.

The research and experience sharing between the law enforcement agencies lead to the conclusion that **using a business model approach** to analyzing transnational organized crime groups could shed light on modus operandi, hierarchical structures, how the groups choose to pursue profit-making criminal activities, and how they operate efficiently, including through transnational cooperation. For that reason, the expertise of non-law enforcement professionals should be called upon to strengthen the law enforcement response.

### 1.3.5(I) The Recruitment Stage

Based on the IOM Counter-Trafficking Database, which includes information on victims who have been assisted by IOM projects in 78 countries, most recruitment occurs through personal contacts. According to the database, 46 per cent of victims knew their recruiter and 54 per cent were recruited by strangers. In addition, 52 per cent of recruiters were men and 42 per cent women, and in 6 per cent of recruitments both men and women were involved as recruiters.

The most common **recruitment methods** include:

- Individual recruiters looking for interested males and females in bars, cafes, clubs, discos and other public places
- Recruitment via informal networks of families and/or friends
- Advertisements offering work or study abroad
- Agencies offering work, study, marriage or travel abroad
- False marriages
- Purchase of children from their guardians

Basic **means of recruitment** are:

- Complete coercion through abduction or kidnapping
- Selling a person, typically a child
- Deception by promises of legitimate employment and/or entry
- Deception through half-truths
- Deception about working conditions
- Abuse of vulnerability

For it to work, the traffickers have to either force or convince the victims to leave their familiar surroundings and travel with them. This can be achieved in a number of ways.

Some victims are simply abducted by force, sometimes after having been drugged. Others will leave of their own free will after entering into an agreement with the recruiter who will have made contact with the victim through newspaper advertisements, recruitment agencies or through other personal contacts.

Some of these 'voluntary' victims are completely deceived as to the true nature of the traffic, believing instead that they will be offered normal jobs in the destination country. Others know that they going to work in the sex or labor industry but are deceived as to the working and living conditions, the financial arrangements and levels of personal freedom.

They frequently agree to pay back a sum of money for items such as travel documentation, travel costs and prostitution infrastructure costs. This creates the 'debt-bondage' arrangement within which the victim can never earn sufficient money to clear her original debt to the trafficker. The original debt is likely to rise incrementally because of hidden 'infrastructure' costs in the destination country such as advertising or premises rental costs, the existence and liability for which would not have been disclosed to the victim at the recruitment stage.

More research needs to be conducted on the modus operandi of traffickers using technology and on how the Internet and other technology are used by vulnerable persons, especially children.

### 1.3.5(II) Transportation Stage

Transportation routes and methods will depend upon geographical circumstances. Victims are trafficked by aircraft, boat, rail, ferry and road or simply on foot in order to reach the destination country.

The route may include a transit country or it may be direct between the origin and destination locations. The crossing of borders may be done overtly or covertly, legally or illegally.

Traffickers will often produce false documentation for the victims and accompany them on the transportation stage to ensure their security.

Basic **methods of entry to the transit/destination** country:

- Covert. Smuggled entry in vehicles, containers, trains, ferries or on foot
- Overt. By presentation of stolen or forged documents that provide a right of entry
- Overt. By presentation of bona fide documents that provide false visa entitlements to enter or are fully legitimate

### 1.3.5(III) Exploitation Stage

The sexual exploitation will depend upon local conditions within the local sex industry and the level of police supervision. They will engage in the provision of prostitution services either in the street in red-light areas, in brothels, erotic or lap-dancing clubs, hostess bars, escort agencies, sauna and massage parlors and private addresses.

They will be required to work long hours and to provide whatever sexual service the clients require. In order to ensure the compliance of the victims, various control mechanisms may be employed by the traffickers. Amongst these, the most common are:

- *Immediate physical and or sexual abuse;*
- *Seizure and retention of travel and identity documents;*
- *Detention and constant supervision in the brothels and 'safe houses' without the possibility of normal social contact with others;*
- *Constant moving of locations and personnel to prevent the victims from establishing any form of relationship with other victims or gaining detailed knowledge of the trafficking operation;*
- *Placing them in fear of seeking police assistance;*
- *The use or threats of physical and sexual violence towards them or their loved ones in their country of origin.*

Other forms of exploitation are less visible and less well understood. Labor exploitation follows many of the characteristics outlined above in terms of seizure of documents, threats of exposure and threats made against the victims and or their loved ones.

Different **forms of exploitation** include:

- Forced labor
- Sexual exploitation
- Removal of organs and of body parts
- Criminal activities
- Begging
- Forced marriage

- Illicit adoption
- Exploitation in the army
- Armed conflicts

### 1.3.6. Criminal Liability

One final point needs to be made concerning the trafficking of human beings:

- *The crime remains one of ruthless exploitation regardless of whether the victims knew in advance that they were going to engage in prostitution or any other form of illegal labor or other activity.*

It is important to emphasize this distinction as some ill-informed commentators (law enforcement officers amongst them), express the view that because the victim knew what was going to be involved, she has in some way contributed to her exploitation. Indeed, some victims themselves express this view, stating that at least they are able to retain more money after being trafficked than they had before.

### 1.3.7 Challenges for BSEC Countries

In the BSEC region there different challenges are to be addressed.

The UNODC CRIME AND ITS IMPACT ON THE BALKANS study<sup>12</sup>, reveals that, the region<sup>13</sup> is relatively well-developed, reducing many of the social stresses that can fuel crime. While income levels are lower than in Western Europe, most of the people of South East Europe do not face life-threatening poverty, and education levels are high. The official income and unemployment figures do not accurately portray the economic situation, as the region receives significant unrecorded remittances from workers abroad, the informal economy is large, and even those working in formal employment may be working off-the-books.

Large cities are more likely to suffer from crime problems than rural areas, and so the share of the population that is urbanized can be seen as a risk factor for crime. Organized crime has taken advantage of a recent period of intense vulnerability in the Balkans. The transition from totalitarian rule to democracy has been associated with the growth of crime in many countries throughout the world. Corruption, privatization fraud, protection rackets, and other forms of organized crime flourish in an environment of disoriented law enforcement institutions, rapid changes in the social and economic norms, and policy uncertainty. As a result, many formerly communist countries have experienced rapid growth in organized crime.

While drug trafficking may generate the most profit, transnational human trafficking has drawn the most opprobrium for South East Europe. Much of human trafficking is said to be based on deception, and, as consciousness of these practices grows, a decline in vulnerability should be manifest. In some areas, there is evidence that

<sup>12</sup> CRIME AND ITS IMPACT ON THE BALKANS and affected countries, UNODC March 2008, for the purposes of this Report, the Balkans comprises the nine nations of the Stability Pact: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Romania, and Serbia. This study was undertaken by the Research and Analysis Section of the United Nations Office on Drugs and Crime in the framework of the project "Illicit Market Studies"(GLO/H93).

<sup>13</sup> [http://www.unodc.org/documents/data-and-analysis/Balkan\\_study.pdf](http://www.unodc.org/documents/data-and-analysis/Balkan_study.pdf)

human trafficking was related to demand generated by the presence of international forces, and as these gradually move out of the region, demand should decrease.

Further, the citizens of two former source countries in the region (Bulgaria and Romania) have not needed a visa to travel to the EU since 2002. For migrant smugglers at least, this should represent a significant loss of client base.

As a result of all these factors, as well as substantial investment in interventions, a decline in the human trafficking and migrant smuggling markets should be anticipated, and, in fact, appears to be manifesting itself in the high-level statistics. Based on the numbers, the involvement of South East European groups in human trafficking seems to be in decline

Legislation on human trafficking was only recently passed in a number of the countries of the region and implementation capacity may be limited, so it is difficult to determine the amount of trafficking into South East Europe, or the extent of domestic trafficking. In 2004, a total of 557 victims from South East Europe were detected in four key destination countries with active anti-trafficking programmes (Netherlands, Greece, Italy, and Germany), or about 140 victims per country.

In addition to these, five other countries for which detailed data are not available are usually mentioned as important destination sites (Austria, Belgium, France, Spain and the United Kingdom). If each of these detected a similar number of victims, this would total 1260 victims detected. The Dutch National Rapporteur on Human Trafficking has suggested a low detection rate of about 5% for human trafficking victims in the Netherlands. If a similar rate were to apply to all nine destination countries, this would suggest about 25,000 victims per year, a considerable decline from the days when some 120,000 victims were said to move from or through the Balkans to the EU.

These figures also show that the profile of victims has shifted dramatically. During the 1990s, Albanian and Moldovan women, the poorest in the region, were among the most trafficked groups. Based on the 2004 figures from the four key trafficking destination countries, a remarkable 59% of the victims from South East Europe were Romanian and 35% were Bulgarian. The fact that groups experiencing more mobility are increasingly among the trafficking suspects supports the argument that many may be entering the market voluntarily.

Moldovan, Albanian, and former Yugoslav victims are conspicuous by their relatively low numbers. Looking specifically at Italy, the share of female human trafficking victims who were Albanian declined from 40% in the 1990s to 15% in 2003 and just 2% by the end of 2006.

While these observations cannot rule out the possibility that human traffickers and migrant smugglers have found new ways of evading detection, both the data and what is known about underlying social dynamics suggest that the decline in these crimes is a real one.

### ***1.4. Counter-trafficking Legislation – an Overview***

Internationally, the legislative response has benefited from the harmonization provided by the benchmark United Nations Convention against Trans-national Organized Crime. The detail of the Protocol is set out here as an illustration of the actual and symbolic importance of it in the international context.

#### 1.4.1. International Conventions

In November 2000, the United Nations General Assembly adopted the **Convention against Trans-national Organized Crime**<sup>14</sup>.

- **United Nations Convention against Transnational Organized Crime**  
**Entry into Force:** 29 September 2003, in accordance with article 38  
**Registration:** 29 September 2003  
**Status:** Signatories: 147, Parties: 144.  
**Note:** The Convention was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. In accordance with its article 36, the Convention will be open for signature by all States and by regional economic integration organizations, provided that at least one Member State of such organization has signed the Convention, from 12 to 15 December 2000 at the Palazzo di Giustizia in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.
  
- **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**  
**Entry into force:** 25 December 2003  
**Status:** Signatories: 117, Parties: 119.  
**Note:** The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. It was open for signature by all States and by regional economic integration organizations, provided that at least one Member State of such organization has signed the Protocol, from 12 to 15 December 2000 at the Palazzo di Giustizia in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.
  
- **Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime**  
**Entry into force:** 28 January 2004  
**Status:** Signatories: 112, Parties: 112.  
**Note:** The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. In accordance with its article 21, it was open for signature by all States and by regional economic integration organizations, provided that at least one Member State of such organization has signed the Protocol, from 12 to 15 December 2000 at the Palazzo di Giustizia in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

Regarding the BSEC countries all members states except Greece Ratified the Protocol.

#### **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**

**Article Two** of the Palermo Protocol states that its purpose is:

- *To prevent and combat trafficking in persons, paying particular attention to women and children;*

<sup>14</sup> <http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>

- *To protect and assist the victims of such trafficking, with full respect for their human rights;*
- *To promote co-operation amongst States in order to meet the two above-mentioned objectives.*

It is important to note the emphasis that is placed upon vulnerable women and children and that protection and human rights are prominent in the duties upon States.

#### **1.4.2. The Three Key Components**

In effect, the Protocol requires three component parts to be place for the commission of the offence of trafficking:

- *Activity* – recruitment, transfer, receipt of persons etc.
- *Means* – use or threat of force, fraud, deception, or abuse of power etc.
- *Exploitation purpose* – prostitution, forced labor etc.

Where new legislation has been enacted or is currently being drafted within the region, it reflects the three critical components that are listed above and:

*The focus of all investigative effort should be placed upon adducing sustainable evidence within these three categories.*

As experience has shown and the recent UNICEF report has highlighted, the trafficking of children continues to grow at an alarming rate within South Eastern Europe and it is important to remember that the UN Protocol is underpinned by the following, vitally important UN International Convention:

*Annex II of the United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.*

**Article One** states the following:

*1(A) States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present protocol*

**Article Two** states the following:

*2(A) Sale of children means any act or transaction whereby a child is transferred by any person, or group of persons, for remuneration or any other consideration.*

*2(B) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.*

*2(C) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.*

*For the purposes of the protocol a 'child' means any person under the age of eighteen years of age.*

**The Council of Europe Convention on Action against Trafficking in Human Beings** was adopted by the Council of Europe on 16 May 2005. The aim of the convention is to prevent and combat the trafficking in human beings. The Convention entered into force on 1 February 2008. Of the 47 member states of the Council of Europe, so far 21 have signed the convention and 17 have ratified it<sup>15</sup>.

<sup>15</sup> <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=1&DF=&CL=ENG>



**Article 4 – Definitions**

*For the purposes of this Convention:*

- A. *"Trafficking in human beings" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;*
- B. *The consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*
- C. *The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;*
- D. *"Child" shall mean any person under eighteen years of age;*
- E. *"Victim" shall mean any natural person who is subject to trafficking in human beings as defined in this article.*

*Important to be mentioned is **Article 6 – Measures to discourage the demand***

- *To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures including:*
  - *a research on best practices, methods and strategies;*
  - *b raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings;*
  - *c target information campaigns involving, as appropriate, inter alia, public authorities and policy makers;*
  - *d preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.*

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## Section two – Criminal Justice Response

### **Background**

The fight against criminal organizations involved in human trafficking calls for broad, multi-agency, flexible and cooperative approaches both nationally and internationally. The shortcomings of national systems working alone and of existing cooperation patterns have been exposed in many States. It is a fact that some of the best results in the prosecution of trafficking in persons have been obtained when the law enforcement and prosecution agencies have been able to work together effectively, both locally and across borders.

The effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive transnational/regional approach, including cooperation, the exchange of information, experiences and other practical measures, including socio-economic measures, at the national and regional levels. Such approach includes more specifically measures providing victims of trafficking with the protection of their internationally recognized human rights.

The **Organized Crime Convention** provides a framework for international cooperation in combating organized crime in general and trafficking in persons specifically. The implementation of the Convention by States parties removes most of the obstacles that have so far prevented them from collaborating more efficiently.

Bilateral, regional and global agreements reflect the realization that transnational crimes can be addressed effectively only through collaboration from the States involved or affected. International conventions on particular offences, such as drug trafficking, terrorism, corruption and money-laundering have paved the ground for further coordination of efforts and stronger collaboration between States.

Weaknesses in the criminal justice response to human trafficking within the Member States of BSEC, identified by UNODC, justified a substantive intervention at regional level in order to foster bi- and multilateral cooperation between the BSEC countries in their anti-human trafficking activities. All BSEC countries have taken action to fight trafficking and recognize it as a severe problem. All BSEC countries have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Anti-Human Trafficking Protocol). The majority of BSEC states have established intergovernmental task forces and adopted Action Plans. Many bilateral and multilateral agreements on exchanging information and providing legal assistance have been signed.

The most pressing need is for a more integrated and synchronized approach with effective enforcement mechanisms, which must be espoused as widely as possible.

### **Philosophy**

- *To successfully combat international organized crime, it is essential that law enforcement agencies co-operate with each other on the international stage*
- *It is crucial that investigators do not adopt a parochial approach to the investigation of international criminal operators*
- *The importance and value of joint operations is referred to below in this manual as a prime example of international co-operation.*

The following international instruments of mutual legal assistance are the most relevant and applicable to the majority of the partner States:

- *European Convention on Extradition (1957).*
- *Additional Protocol to the European Convention on Extradition (1975).*
- *European Convention on Mutual Legal Assistance in Criminal Matters (1959).*
- *Additional Protocol to the above Convention (1978).*
- *Second Additional Protocol to the above Convention (2001).*

In addition to the above listed instruments, a number of bi-lateral mutual legal assistance treaties have been concluded between the States of the BSEC region<sup>1</sup>. However, it must be noted that mutual legal assistance treaty provisions are extremely complex documents that require highly specialized legal knowledge to implement and the best practice guidance set out below should be adhered to.

## ***Mechanisms of cooperation***

### **2.3.1. EXTRADITION**

Perpetrators of transnational crimes may be in a different State or may flee a State to avoid prosecution. Extradition proceedings are then required to bring them to justice in the prosecuting State.

Extradition is a formal and, most frequently, a treaty-based process, leading to the return or delivery of fugitives to the jurisdiction in which they are wanted. In the early days of extradition practice, the delivery of a requested person to the requesting sovereign was usually based on pacts or treaties, but it also occurred on

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<sup>1</sup> For example

- AGREEMENT Concerning the Cooperation between the Ministry of Internal Affairs of Republic of Armenia and the Ministry of Public Order of the Hellenic Republic
- On 18 December 2003, on the occasion of the signing of a Memorandum of Understanding for the operation of an 'Anti-Trafficking Center' in Vlora, a special ceremony was organized in Tirana. The Ambassadors of Germany, Italy and Greece in Tirana signed the abovementioned Memorandum of Understanding, while acting Minister of Public Order, Mr. Toska, represented the Albanian side.
- Tripartite Collaboration (Greece - Bulgaria - Romania): This tripartite collaboration between Greece, Bulgaria and Romania has been stabilized through annual summit meetings. After the first Summit in Delphi (3rd and 4th October 1998) and the regular tripartite meetings of the Foreign Ministers, the second Summit was held in Borovetz (4th and 5th November 1999). The last Summit was in Bucharest (18th and 19th April 2002). The main issues discussed were the further strengthening of economic relations between the three countries, the speeding up of infrastructure development projects in the region, cooperation on combating terrorism and organized crime, as well as the promotion of security and stability in the region by reinforcing the South-East European Cooperation Process (SEEC).
- Agreement on Combating Crime, especially terrorism, organized crime, illicit drug trafficking and illegal immigration (came into force on July 17, 2001) In implementation of this Agreement, a Readmission Protocol was signed by the then Foreign Ministers G. Papandreou and I. Cem in Athens (November 2001). The said Protocol provides for cooperation between the Ministry of Public Order of Greece and the Ministry of Interior of Turkey on readmission of citizens of either country or third country nationals who have illegally entered the territory of either Greece or Turkey. The readmission procedure falls under specific rules agreed upon by the two countries (came into force on August 5, 2002)
- Joint action plan between the Cabinet Of Ministers Of Ukraine and the Government Of The Republic Of Turkey on enhanced cooperation
- Azerbaijan is a party to the following agreements: Intergovernmental agreement between the Republic of Azerbaijan and Georgia on cooperation to combat smuggling and violations of customs rules (May 7, 1995); Intergovernmental agreement between the Republic of Azerbaijan and the Republic of Turkey on border issues and settlement of incidents (May 5, 1997); Joint Memorandum on Drug Control and Combating Money Laundering between Azerbaijan, Georgia, Iran and the United Nations Program on International Drug Control (July 5, 2000)

the basis of reciprocity and comity (as a matter of courtesy and good will between sovereigns).

Multilateral Conventions dealing with extradition have been developed within the framework of various regional and other international organizations, such as the African Malagasy Common Organization, the Benelux Countries, the Council of Europe, the Commonwealth, the European Union, the Nordic States, the Organization of American States, the Arab League and the Southern African States. Extradition provisions are also included in a number of international conventions dealing with specific types of crime, including the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the UN Convention against Corruption, the UN Convention against Transnational Organized Crime and the universal conventions against terrorism. Bilateral treaties on extradition are too numerous to keep track of. In spite of all this, there are still numerous situations where existing legal instruments are insufficient or do not cover the offence or the country concerned.

The consensus<sup>2</sup> in international law is that a state does not have any obligation to surrender an alleged criminal to a foreign state, as one principle of sovereignty is that every state has legal authority over the people within its borders. Such absence of international obligation and desire of the right to demand such criminals of other countries has caused a web of extradition treaties or agreements to evolve; most countries in the world have signed bilateral extradition treaties with most other countries. No country in the world has an extradition treaty with all other countries; for example, the United States lacks extradition treaties with over fifty nations, including the People's Republic of China, Namibia, and North Korea.

There are two types of extradition treaties: list and dual criminality treaties. The most common and traditional is the list treaty, which contains a list of crimes for which a suspect will be extradited. Dual criminality treaties, used since the 1980s, generally allow for extradition of a criminal suspect if the punishment is more than one year imprisonment in both countries. Occasionally the amount of the time of the sentence agreed upon between the two countries is varied. Under both types of treaties, if the conduct is not a crime in both countries then it will not be an extraditable offense.

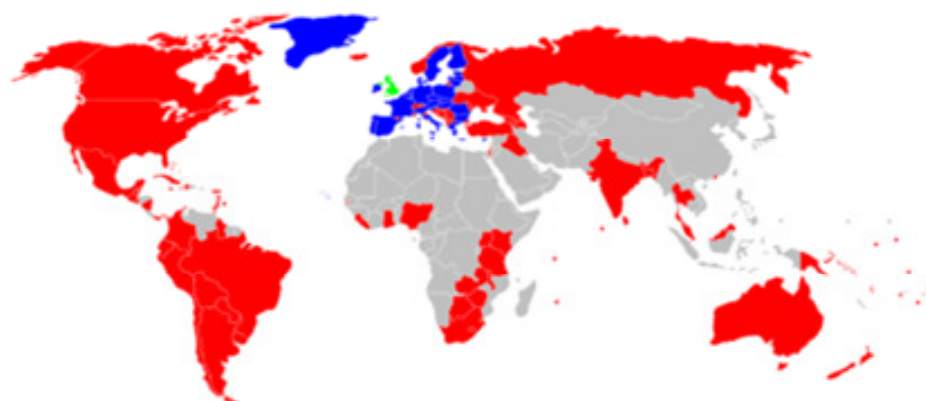
Countries with a rule of law typically make extradition subject to review by that country's courts. These courts may impose certain restrictions on extradition, or prevent it altogether, if for instance they deem the accusations to be based on dubious evidence, or evidence obtained from torture, or if they believe that the defendant will not be granted a fair trial on arrival, or will be subject to cruel, inhumane or degrading treatment if extradited.

Generally, an extradition treaty requires that a country seeking extradition be able to show that:

- The relevant crime is sufficiently serious.
- There exists a *prima facie* case against the individual sought.
- The event in question qualifies as a crime in both countries.
- The extradited person can reasonably expect a fair trial in the recipient country.
- The likely penalty will be proportionate to the crime.

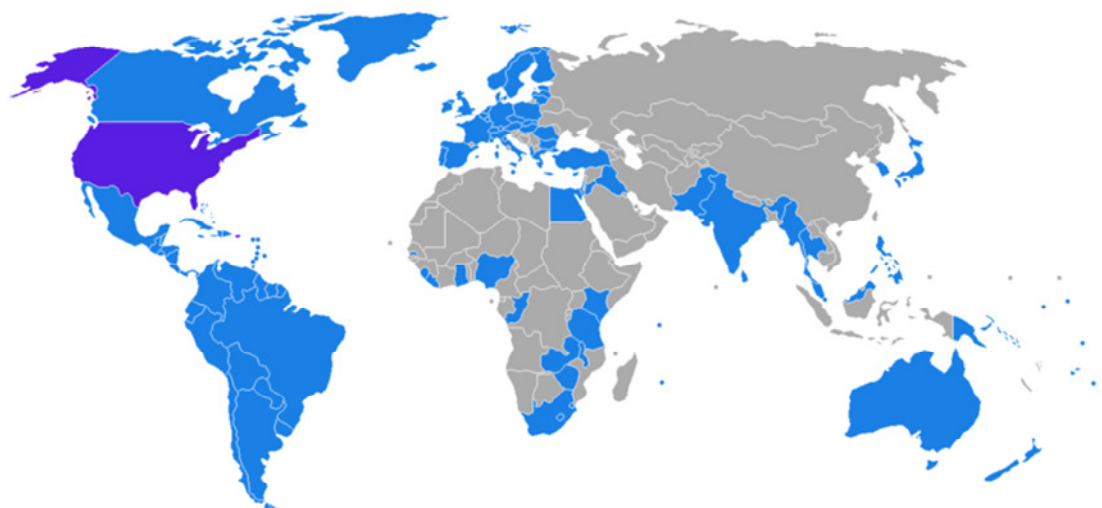
<sup>2</sup> [http://en.wikipedia.org/wiki/Extradition#List\\_of\\_extradition\\_laws\\_by\\_country](http://en.wikipedia.org/wiki/Extradition#List_of_extradition_laws_by_country)

In the picture below there are listed, for example, countries with whom UK has signed extradition treaties.



The UK is in green, category 1 countries are in blue, and category 2 countries are in red (category 2 territories (non-European Arrest warrant territories))

United States of America has extradition treaties with the countries shown in light blue



The Organized Crime Convention sets a basic minimum standard for extradition for the offences it covers and also encourages the adoption of a variety of mechanisms designed to streamline the extradition process. Generally, the extradition provisions are designed to ensure that the Convention supports and complements pre-existing extradition arrangements and does not detract from them<sup>3</sup>.

To implement the extradition provisions of the Organized Crime Convention, depending on the extent to which domestic law and existing treaties already deal with extradition, States may need to review and amend their legislation or even establish an entirely new extradition framework. In making legislative changes, drafters should note that the intention of the Convention is to ensure the fair

<sup>3</sup> However, and always subject to the dual criminality requirement, the extradition obligation also applies in cases where these offences involve an organized criminal group and the person whose extradition is requested is simply located in the territory of the requested State. In these cases it is not necessary to establish transnationality of the criminal conduct.

treatment of those whose extradition is sought and the application of all existing rights and guarantees applicable within the jurisdiction of the State party from whom extradition is requested. States parties to the Trafficking in Persons Protocol and to the Migrants Protocol must ensure that their laws deem extraditable the offences established by these Protocols.

In European Union, on 13 June 2002, was adopted by the Council of the European Union, The European Arrest Warrant and has replaced formal extradition practice within the EU between its 27 Member States. As the first measure applying the principle of mutual recognition to foreign judicial decisions and judgments in criminal matters, it has been a key development in the creation of a European Area of Freedom, Security and Justice. The success of the European Union's mutual recognition programme hinges on the existence of genuine trust between Member States, and especially between all actors in the criminal justice process<sup>4</sup>. For information on extradition treaties and other judicial agreements between the EU member States see: <http://www.law.uj.edu.pl/~kpk/eaw/data/list.html>

### 2.3.2. MUTUAL LEGAL ASSISTANCE

In a large number of cases of human trafficking, national authorities need the assistance of other States for the successful investigation, prosecution and punishment of offenders, in particular those who have committed transnational offences. The ability to assert jurisdiction and secure the presence of an accused offender in its territory accomplishes an important part of the task, but does not complete it. The international mobility of offenders and the use of advanced technology, among other factors, make it more necessary than ever that law enforcement and judicial authorities collaborate and assist the State that has assumed jurisdiction over the matter.

In order to achieve this goal, States have enacted laws to permit them to provide such international cooperation and increasingly have resorted to treaties on mutual legal assistance in criminal matters.

These instruments can **enhance law enforcement** in several ways:

- They enable authorities to obtain evidence abroad in a way that it is admissible domestically.
- They supplement other arrangements on the exchange of information (for example obtained through the International Criminal Police Organization (Interpol), police-to-police relationships, and judicial assistance/letters rogatory).
- They also resolve certain complications between States with different legal traditions, some of which restrict assistance to judicial authorities rather than prosecutors.

The **Organized Crime Convention** builds upon a number of previous global and regional initiatives to develop multilateral treaties. It calls for the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings. The extraditable offences ought to include transnational "serious crimes" involving an organized criminal group, the offences established under the Organized Crime Convention itself, and offences established under any Protocols thereto that States become party to<sup>5</sup>.

<sup>4</sup> <http://www.eurowarrant.net/> . The information available and the database is a result of agreement made by participants of the international conference that took place in Krakow, Poland in November 2006 "The European Arrest Warrant and Its Implementation in the Member States of the European Union - Current Developments and the Future"

<sup>5</sup> In addition, States parties are also obliged to "reciprocally extend to one another similar assistance" where the requesting State has "reasonable grounds to suspect" that one or some of these offences are transnational in nature, including that victims, witnesses, proceeds, instrumentalities or evidence of such offences are located in the requested State party and that they involve an organized criminal group.

Legal assistance may be requested for taking evidence or statements, effecting service of judicial documents, executing searches and seizures, examining objects and sites, providing information, evidence and expert evaluations, documents and records, tracing proceeds of crime, facilitating the appearance of witnesses, and any other kind of assistance not barred by domestic law. It also applies to international cooperation regarding the identification, tracing and seizure of proceeds of crime, property and instrumentalities for the purpose of confiscation (see art. 13 of the Convention).

The Convention recognizes the diversity of legal systems and does allow States to refuse mutual legal assistance under certain conditions (see art. 18, para. 21). However, it makes it clear that assistance cannot be refused on grounds of bank secrecy (art. 18, para. 8) or for offences considered to involve fiscal matters (art. 18, para. 22). States are required to provide reasons for any refusal to assist. Otherwise, States must execute requests expeditiously and take into account possible deadlines facing the requesting authorities (such as expiration of statutes of limitation).

## **DIFFERENT FORMS OF INTERNATIONAL COOPERATION**

A formal mutual legal assistance request is not always necessary in order to obtain assistance from another State. Reliance on formal mutual legal assistance arrangements is often limited to instances where coercive measures are needed. This is because coercive measures normally require judicial authority.

Several other forms of less formal international cooperation can also be very effective. The Organized Crime Convention provides for a number of other mandatory and non-mandatory mechanisms to facilitate both international judicial cooperation<sup>22</sup> and international law enforcement cooperation<sup>6</sup>.

In terms of international law enforcement cooperation, States parties must consider bilateral or multilateral agreements or arrangements to give effect to law enforcement assistance obligations, whereby joint investigative bodies may be established.

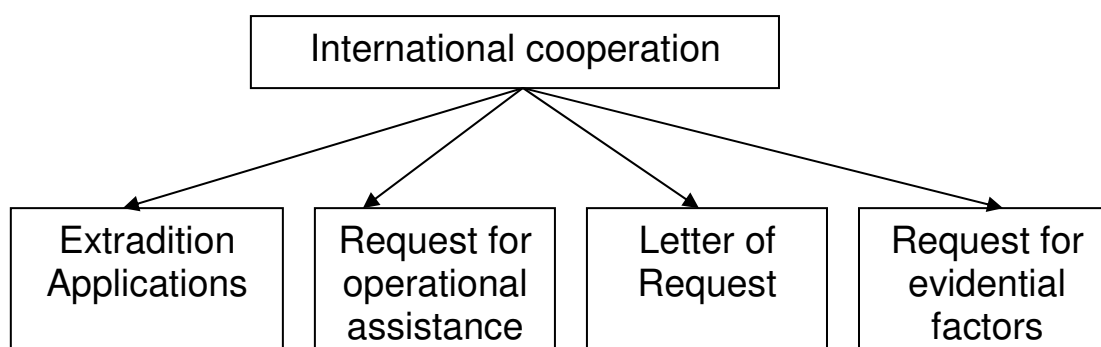
States parties must also cooperate closely with one another to enhance the effectiveness of law enforcement action to combat organized crime, including human trafficking. Furthermore, they must endeavor to cooperate in order to respond to transnational organized crime committed by use of modern technology. In very brief terms, there are **four main areas** of activity in international co-operation<sup>7</sup>:

1. *Extradition applications.*
2. *The application for and execution of Letters of Request under the provisions of the various mutual legal assistance provisions to carry out activity such as search premises on warrant and seize evidence, interview witnesses, obtain documentary evidence etc.*
3. *Law enforcement agency to law enforcement agency requests to establish the existence or otherwise of evidential facts prior to the application for formal Letters of Request.*
4. *Law enforcement agency to law enforcement agency requests for operational assistance such as surveillance, controlled deliveries, intercepts etc.*

<sup>6</sup> See article 19 on joint investigations and article 27 on law enforcement cooperation

<sup>7</sup> UNDP, Best Practice - Law Enforcement Manual For Fighting Against Trafficking Of Human Beings , ©2003 - edited by UNDP - Country Office Romania, under project no. ROM01/009





### ***TOOLS as mentioned by the UN Toolkit<sup>8</sup>***

Having as a main source of referral the Toolkit to Combat Trafficking in Persons, Global Programme against Trafficking in Human beings, we shall try to enrich the information and update it at the level of year 2008, using the other sources available and the best practiced published or extracted from different cases in the BSEC Region.

#### **2.1.1. Tool 1: Extradition treaty**

##### ***Background***

Steps must be taken to ensure that the offence of trafficking, its constitutive acts and related offences are extraditable under national law and extradition treaties. Extradition is a formal and, most frequently, a treaty-based process, leading to the return or delivery of fugitives to the jurisdictions in which they are wanted.

##### ***Model Treaty***

The Model Treaty on Extradition was developed as a useful framework that could be of assistance to States interested in negotiating and concluding bilateral agreements aimed at improving cooperation in matters of crime prevention and criminal justice. The **Model Treaty on Extradition** can be downloaded at: [http://www.unodc.org/unodc/en/legal\\_advisory\\_tools.html](http://www.unodc.org/unodc/en/legal_advisory_tools.html)

See also:

- The Inter-American Convention on Extradition, which can be downloaded at: [http://www.oas.org/juridico/english/treaties/b-47\(1\).html](http://www.oas.org/juridico/english/treaties/b-47(1).html)
- The European Convention on Extradition, which can be downloaded at: <http://conventions.coe.int/Treaty/EN/Treaties/Html/024.htm>
- The two Additional Protocols to the European Convention on Extradition, which can be downloaded at: <http://conventions.coe.int/Treaty/en/Treaties/Html/086.htm> and <http://conventions.coe.int/Treaty/en/Treaties/Html/098.htm>
- The Council of the European Union framework decision 2002/584/JHA on the European arrest warrant and the surrender procedures between member States can be downloaded at: [http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l\\_190/l\\_19020020718en00010018.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_190/l_19020020718en00010018.pdf)

<sup>8</sup> Toolkit to Combat Trafficking in Persons, Global Programme against trafficking in Human beings, United Nations, New York 2006, United Nations publication, ISBN 92-1-133751-8

- The Economic Community of West African States Convention on Extradition (1994) can be downloaded at:  
[http://www.iss.co.za/AF/RegOrg/unity\\_to\\_union/pdfs/ecowas/4ConExtradition.pdf](http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/ecowas/4ConExtradition.pdf)

The existence of national legislation may also be important as a procedural or enabling framework in order to support the implementation of existing extradition treaties or arrangements or, in the absence of a treaty, as a supplementary legal framework for surrendering fugitives to the requesting State. In view of that, UNODC has elaborated a model law on extradition to assist interested States in drafting or amending domestic legislation in this field. For more information, please consult: [http://www.unodc.org/unodc/en/legal\\_advisory\\_tools.html](http://www.unodc.org/unodc/en/legal_advisory_tools.html)

In BSEC region

- <http://www.uncjin.org/Laws/extradit/alban.pdf>
- <http://www.uncjin.org/Laws/extradit/armen.pdf>
- <http://www.uncjin.org/Laws/extradit/azerbai.pdf>
- <http://www.uncjin.org/Laws/extradit/bulgaria.pdf>
- <http://www.uncjin.org/Laws/extradit/greece.pdf>
- <http://www.uncjin.org/Laws/extradit/moldovia.pdf>
- <http://www.uncjin.org/Laws/extradit/romani.pdf>
- <http://www.uncjin.org/Laws/extradit/russfed.pdf>
- <http://www.uncjin.org/Laws/extradit/ukraine.pdf>
- <http://www.uncjin.org/Laws/extradit/turkey.pdf>

Extensive information on existing Extradition Treaties and practices may be accessed on:

- <http://www.uncjin.org/Laws/extradit/extindx.htm>
- <http://www.uncjin.org/Laws/extradit/convextr.pdf>
- [http://www.unodc.org/pdf/model\\_treaty\\_extradition\\_revised\\_manual.pdf](http://www.unodc.org/pdf/model_treaty_extradition_revised_manual.pdf).

### 2.1.2. Tool 2: Seizure of assets and confiscation of proceeds of crime

#### **Background**

When criminals are involved in human trafficking, the assets they used to commit the crime, as well as the proceeds gained from the trafficking activities, can often be found in a State other than the one in which the offence is detected or committed. Specific international cooperation mechanisms are necessary to enable States to give effect to freezing and confiscation orders and to provide for the most appropriate use of confiscated proceeds and property.

Confiscation within a jurisdiction and internationally is made difficult by the complexities in the banking and financial sector and by technological advances. The **UN Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; against Transnational Organized Crime; against Corruption; and for the Suppression of the Financing of Terrorism** contain provisions on the tracing, freezing, seizing and confiscation of instrumentalities and proceeds of crime. Other international efforts against money laundering and terrorist finance are based on the **Forty + Nine Recommendations of the Financial Action Task Force on Money Laundering** and the Basel Committee on Banking Regulations and Supervisory Practices.<sup>9</sup>

#### **Organized Crime Convention**

Criminalizing trafficking in human beings and related offences is insufficient to deter organized criminal groups. Even if arrested and convicted, some of these offenders

<sup>9</sup> Cross Cutting Issues – International Cooperation, Criminal Justice Assessment Toolkit, UNODC, 2006

will be able to enjoy their illegal gains for their personal use and for maintaining the operations of their criminal enterprises. Despite some sanctions, the perception would still remain that “crime pays” in such circumstances and that Governments have been ineffective in removing the means for continued activities of criminal groups.

Practical measures to keep offenders from profiting from their crimes are necessary. One of the most important ways to do this is to ensure that States have strong confiscation regimes that provide for the identification, freezing, seizure and confiscation of illicitly acquired funds and property. Specific international cooperation mechanisms are also necessary to enable States to give effect to foreign freezing and confiscation orders and to provide for the most appropriate use of confiscated proceeds and property.

There is substantial variation in the methods and approaches employed by different legal systems. Some opt for a “property based” system, others for a “value based” system, while still others combine the two. The first one allows confiscation of property found to be proceeds or instrumentalities (used for the commission) of crime. The second allows the determination of the value of proceeds and instrumentalities of crime and the confiscation of an equivalent value.

Some States allow for value confiscation under certain conditions (e.g. the proceeds have been used, destroyed or hidden by the offender). How a confiscation must be authorized and executed, what can be confiscated and how much proof is required to establish a link between a certain property and crime are all matters that vary considerably among States. This, in turn, often renders international cooperation in relation to assets forfeiture and confiscation of proceeds of crime much more difficult.

The States of the G 8 have therefore concluded that to assist in this objective it would be valuable to identify some basic principles of good practice which they commend among themselves and more widely. The group developed a set of Best Practice Principles on Tracing, Freezing and Confiscation of Assets. See: [http://www.usdoj.gov/ag/events/g82004/G8\\_Best\\_Practices\\_on\\_Tracing.pdf](http://www.usdoj.gov/ag/events/g82004/G8_Best_Practices_on_Tracing.pdf)

The 2005 **Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism**, which entered into force on **1 May 2008**, has been **ratified by 6 states** and **signed by another 23 states**. This treaty reinforces the arrangements of the 1990 Council of Europe Convention against money laundering, and it is the first binding international legal instrument dealing with money laundering and the financing of terrorism. The Convention also contains a monitoring mechanism which will ensure that the Convention is properly implemented.

The convention, which was opened to signature at the Third Summit of Heads of State and Government of the Council of Europe in Warsaw in 2005, has been ratified to date by Albania, Bosnia and Herzegovina, Malta, Moldova, Poland and Romania, where it will be legally binding on 1 May 2008. Another 23 countries have signed it: Armenia, Austria, Belgium, Bulgaria, Croatia Cyprus, Finland, Greece, Iceland, Italy, Latvia, Luxembourg, Montenegro, Netherlands, Portugal, San Marino, Serbia, Slovakia, Slovenia, Sweden, “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

See also the UNODC legislative guides at: [http://www.unodc.org/unodc/organized\\_crime\\_convention\\_legislative\\_guides.html](http://www.unodc.org/unodc/organized_crime_convention_legislative_guides.html)

### 2.1.3. TOOL 3 Mutual legal assistance

#### **Background**

Because human trafficking is an offence that frequently occurs across borders, States must take steps to ensure that they can cooperate and assist each other in the investigation, prosecution and punishment of offenders. The international mobility of offenders and the use of advanced technology, among other factors, make it more necessary than ever that law enforcement and judicial authorities collaborate and assist the State that has assumed jurisdiction over the matter. In order to achieve this goal, States have enacted laws to permit them to provide such international cooperation and increasingly have resorted to treaties on mutual legal assistance in criminal matters. This tool introduces the United Nations Model Treaty on Mutual Assistance in Criminal Matters, refers the reader to various conventions and outlines promising practices on mutual legal assistance.

#### **Model Treaty on Mutual Assistance in Criminal Matters**

The Model Treaty on Mutual Assistance in Criminal Matters was adopted by the United Nations General Assembly in its resolution 45/117 and was subsequently amended by the General Assembly in its resolution 53/112. It is intended to be used as a tool by States in the negotiation of bilateral instruments of this nature, thus enabling them to cope more effectively with criminal cases that have transnational implications.

The **United Nations Model Treaty on Mutual Assistance in Criminal Matters** can be downloaded at: [http://www.unodc.org/unodc/en/legal\\_advisory\\_tools.html](http://www.unodc.org/unodc/en/legal_advisory_tools.html)

See also:

- The Inter-American Convention on the Taking of Evidence Abroad, which can be downloaded at: <http://www.oas.org/juridico/english/treaties/b-37.htm>
- The Additional Protocol to the Inter-American Convention on the Taking of Evidence Abroad can be downloaded at: <http://www.oas.org/juridico/english/treaties/b-51.htm>
- The Inter-American Convention on Mutual Assistance in Criminal Matters can be downloaded at: <http://www.oas.org/juridico/english/Treaties/a-55.html>
- The Optional Protocol related to the Inter-American Convention on Mutual Assistance in Criminal Matters can be downloaded at: <http://www.oas.org/juridico/english/treaties/A-59.htm>
- The European Convention on Mutual Assistance in Criminal Matters can be downloaded at: <http://conventions.coe.int/Treaty/en/Treaties/Html/030.htm>
- The two Additional Protocols to the European Convention on Mutual Assistance in Criminal Matters can be downloaded at: <http://conventions.coe.int/Treaty/en/Treaties/Html/099.htm>  
<http://conventions.coe.int/Treaty/en/Treaties/Html/182.htm>

In some instances, national legislation must also be reviewed and amended to facilitate international cooperation and the use of foreign evidence in order to fully benefit from mutual legal assistance efforts. The United Nations model foreign evidence bill (2000) is a useful tool for doing so. The model bill is available at the UNODC website: [http://www.unodc.org/pdf/lap\\_foreign-evidence\\_2000.pdf](http://www.unodc.org/pdf/lap_foreign-evidence_2000.pdf)

In **2007** UNODC was developing a model law on mutual legal assistance that could be used as a tool for the effective implementation of mutual legal assistance treaties or as a self-standing legal basis for affording assistance in criminal matters to a foreign State.

See: [http://www.unodc.org/pdf/legal\\_advisory/Model%20Law%20on%20MLA%202007.pdf](http://www.unodc.org/pdf/legal_advisory/Model%20Law%20on%20MLA%202007.pdf)

***Promising practices***

An increase in successful investigations, prosecutions and judicial proceedings against traffickers demands the successful use of requests for legal assistance from other States. Such requests can be sent in three different ways:

- By way of diplomatic channels where no agreements exist between the relevant States
- By channels established in bilateral agreements
- By channels established in multilateral agreements or conventions

Currently, the general situation is that such requests are not playing the important role that they should in trafficking cases, even in the cases where agreements on mutual legal assistance exist. A common problem is the slowness with which such requests go through the relevant administrative and legal channels, including translation services. Other problems include poor quality in the drafting of such requests, thus leaving an unclear picture of what actions are requested and resulting in delays in getting the accurate information.

States must identify which States are important partners in trafficking cases, enter into agreements with those States and review existing agreements. All entities involved should consider trafficking cases as a high priority, demanding rapid and proper treatment. Improvements can be made within existing agreements.

***Examples of promising practices***

Many States have developed a liaison capacity to support judicial cooperation, in particular with respect to various forms of transnational crime and organized criminal activities. It is possible to include in such arrangements, in particular among States between which human trafficking is known to occur frequently, the presence of officers specialized in trafficking in persons and smuggling of migrants.

The posting of liaison officers has proved to be a very efficient way of increasing cooperation and should be encouraged. This important tool is being used in several ways by different States since regional liaison networks have the potential to be more cost-effective when compared to bilateral networks.

**Eurojust**

The Eurojust initiative is an example of a way of supporting existing regional structures. The European Union has established a liaison network of prosecutors (Eurojust) in order to deal more efficiently with cross border crime, in particular crime committed by organized transnational criminal groups. Each Member State nominates one prosecutor to join the Eurojust Unit, which is based in The Hague.

- Eurojust stimulates and improves the coordination of investigations and prosecutions between competent authorities in the European Union member States.
- Eurojust takes into account any request emanating from a competent authority of a member State and any information provided by any body competent by virtue of provisions adopted within the framework of the treaties.
- Eurojust improves cooperation between the competent authorities of the member States, in particular by facilitating the execution of international mutual legal assistance and the implementation of extradition requests.

- Eurojust supports the competent authorities of the member States in order to render their investigations and prosecutions more effective when dealing with cross border crime.

By achieving these objectives, Eurojust enhances cooperation and coordination between national investigating and prosecuting authorities allowing all law enforcement agencies to act more effectively, both individually and collectively, when dealing with international crime and more importantly to bring criminals to justice more quickly.

In addition, a European Judicial Network has been set up in order to promote and accelerate cooperation in criminal matters, paying particular attention to the fight against transnational organized crime, including trafficking in human beings.

The contact points in this Network function as active intermediaries with the task of facilitating judicial cooperation between the member States. They also provide the necessary legal and practical information to the local judicial authorities in their own countries, as well as to the contact points and local judicial authorities in other countries, in order to enable them to prepare an effective request for judicial cooperation and improve or coordinate judicial cooperation in general.

See <http://www.eurojust.eu.int/> and <http://www.ejn-crimjust.eu.int/>

### **European liaison magistrates**

At the European Union level, a framework has been created for the exchange of liaison magistrates to improve judicial cooperation between the member States of the Union. The tasks of the liaison magistrates comprise any activity designed to encourage and accelerate all forms of judicial cooperation in criminal matters, in particular by establishing direct links between relevant departments and judicial authorities in order to facilitate mutual legal assistance. Under arrangements agreed between the home and the host member States, the tasks of liaison magistrates may also include any activity connected with handling the exchange of information and statistics designed to promote mutual understanding of the legal systems of the States concerned and to further relations between the legal professions in each of those States.

### **European Police Office**

The European Police Office (Europol) handles criminal intelligence. Its aim is to improve the effectiveness and cooperation between the competent authorities of the member States in preventing and combating serious international organized crime. The mission of Europol is to make a significant contribution to the European Union's law enforcement action against organized crime, with an emphasis on targeting criminal organizations.

See <http://www.europol.eu.int/>

### **Liaison officers**

The United Kingdom has developed a network of overseas liaison officers specializing in organized immigration crime, including human trafficking. This network has been introduced to develop and sustain joint working with overseas partners.

### **Law enforcement contacts**

The Group of Eight maintains a network of international law enforcement contacts available around the clock to respond to crimes and acts of terrorism using or targeting networked computer systems. The Group sponsors training



for the points of contact participating in the network. The Group also regularly provides participating States with an updated network directory.

### **Southeast European Cooperative Initiative Regional Centre for Combating Transborder Crime**

The Southeast European Cooperative Initiative (SECI) brings together 11 States in the Balkan region in an effort to combat organized crime. At the SECI Regional Centre in Bucharest, liaison officers from police and customs are gathered to facilitate information exchange between law enforcement agencies in the participating States. Requests for regional assistance are sent to the Centre from the national office of each individual State through its liaison officer, who then disseminates them to the appropriate State liaison officers. <http://www.secicenter.org/>

### **Nordic liaison network**

The Nordic States in Europe (Denmark, Finland, Iceland, Norway and Sweden) have established a unique liaison network. Each separate State sends liaison officers from police or customs abroad and they work on behalf of all the Nordic States. They work mainly in origin States where there is production or transit of drugs, or where the State is important in the operations of other forms of organized crime. The officers are normally stationed at the relevant embassy of the sending Nordic State. They supply information to police and customs agencies in all the Nordic States and support their host States with information.

## **2.1.4. TOOL 4 Mutual assistance requests**

### **Background**

Mutual assistance requests often need to be generated at very short notice and in such a way as to avoid legal pitfalls and obstacles to cooperation. This tool introduces a checklist for facilitating the request process.

### **Mutual Legal Assistance – Letters of Request<sup>10</sup>**

- *International co-operation based upon formal Letters of Request made after judicial proceedings have been commenced or are contemplated or where an official investigation is under way*

Within this category, the activity may include a request for a warrant to enter and search premises, to interview witnesses and secure and exhibit documents or to interview a serving prisoner etc.

In this type of case, the procedure is regulated by **mutual legal assistance arrangements that are usually bi-lateral in nature**, but there may be regional agreements in place, such as the 1959 European Convention on Mutual Legal Assistance that regulates the procedures in respect of the European Union and other European State signatories.

The whole issue of mutual legal assistance is one of evolution and the procedures are frequently being modified as a result. For example, a new concept of a 'Euro-Warrant' having equal status and validity throughout the fifteen Member States is

<sup>10</sup> UNDP, Best Practice - Law Enforcement Manual For Fighting Against Trafficking Of Human Beings , ©2003 - edited by UNDP - Country Office Romania, under project no. ROM01/009

under consideration within the European Union that will revolutionize the existing system if it should be adopted into EU law.

This on-going process of review and development, coupled with the innate level of complexity involved in mutual legal assistance, means that it becomes essential for the investigator to adhere to some basic principles when acting in this field.

### ***Cooperation on information sharing***

Collecting, exchanging and analyzing information on organized criminal networks is a fruitful approach to addressing trafficking in persons. Article 10 of the Trafficking in Persons Protocol lays down the general obligation to cooperate with other States parties, which requires the sharing of information about a range of relevant matters, including:

- Identification of possible victims and/or traffickers in transit
- information about the various means used by offenders, including the misuse of travel or identity documents

As with similar elements of the Organized Crime Convention (art. 28), the sharing of information raises some concerns about confidentiality. The obligation to share is limited to such sharing as is in accordance with domestic law. States that receive information are obliged to comply with any restrictions placed on the use of the information by the sending State party. Generally, this may include both restrictions on the cases or types of cases in which the information could be used as evidence, as well as more general restrictions intended to prevent disclosure to the public or potential criminal suspects.

To initiate the process of information-sharing, law enforcement agencies should find relevant partners in other States and start joint analytical projects on the criminal groups involved in trafficking. This is a good way to build trust between law enforcement agencies that might have little experience in working together. By exchanging targeted information within a predetermined time frame and then attempting to identify criminal groups that can be the object of more focused intelligence exchange or investigative measures, one can work to unravel criminal networks while building contacts and increasing the level of mutual trust.

A key recommendation is to limit the scope of the project from the start and gradually increase the scope of the information gathering and analysis as the cooperation develops. When the results start appearing, it will be time for discussions of future responsibilities and division of work.

### ***Expanding contacts between investigators***

States must take steps to allow their law enforcement officers to communicate with and meet partners in other States. Several international, regional or multilateral organizations are now putting a strong focus on trafficking crimes and bringing together practitioners to discuss common problems.

On the global level, **Interpol** has established an international Working Group on Trafficking in Women for Sexual Exploitation. This group is open to law enforcement representatives from any of the 182 member States of Interpol. The aim of the group is to promote law enforcement cooperation, raise awareness and develop best practices concerning crimes linked to trafficking in women for sexual exploitation. During meetings of the group, attended by participants from around 50 States,



presentations are given on specific cases being investigated and on recent developments concerning legislation, victim protection and police methods. Valuable contacts between investigators are established during the work of the group.

**Europol** and other law enforcement agencies also organize meetings to discuss trends and methods in trafficking. States must make sure that they are represented at relevant meetings.

**EUBAM**<sup>11</sup> was established by the EU at the joint request of the Presidents of Moldova and Ukraine in their joint letter of 2 June 2005. The Mission is seeking to make a sustainable contribution to enhancing the delivery of good quality border and customs services to the citizens of Moldova and Ukraine. One of the most valuable lessons learned from the cross-border operations was the need for a fast and **effective system for information exchange**.

**Police Task Force** under the **Stability Pact for South Eastern Europe** (SPSEE)<sup>12</sup> established the Police Forum Initiative having the overall goals to enhance capacity building of national Police Services, train police investigators in fighting organized crime, as well as to foster police cooperation in South Eastern Europe. The Police Forum Initiative, through its various projects, supports the police reform processes under way in SEE which are aimed at complying with EU standards, through advise, coordination of activities or initiation of projects and assists in strengthening the regional institutions like the SECI Centre Bucharest and the South East European Police Chief Association (SEPCA). The Police Forum Initiative is involving key regional partners in order to ensure the regional ownership of these projects, as well as international organizations and donor countries to create a network of practitioners and avoid duplication of activities.

### ***Cooperation during investigations***

The need for assistance from law enforcement agencies in other States appears in the majority of investigations into trafficking in persons. Requests for assistance can always be channeled through the Interpol communications system. The 182 member States of Interpol are linked through their National Central Bureau.

These departments are set up in each State to serve as the permanent focal point for international police cooperation. Local law enforcement agencies pass their requests to their Bureau, who transmit them in a secure and rapid way to the relevant State. See <http://www.interpol.int/>

Requests for cooperation in trafficking cases can concern information addressing all aspects of the crime, typically the identity, whereabouts and activities of persons involved as suspects, victims or witnesses.

Specific requests might concern checks on vehicles, telephone numbers, addresses and passports or other documents used by involved persons. The results of such information exchange can lay the foundation for later formal requests for legal assistance.

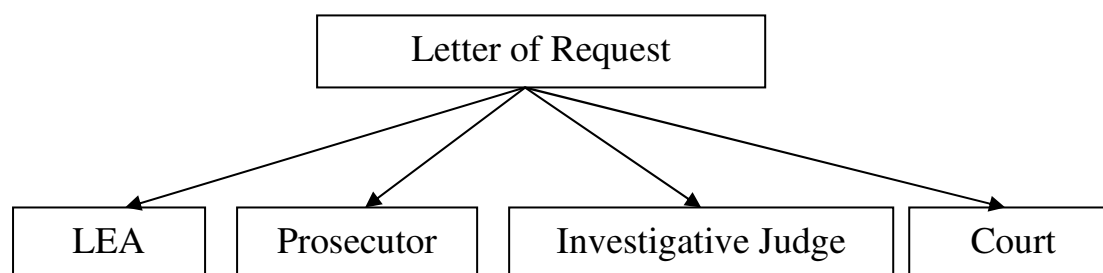
<sup>11</sup> <http://www.eubam.org/files/0-99/23/Mission-achievements-eng%20Nov%2007.doc>

<sup>12</sup> <http://www.stabilitypact.org/police/default.asp>

### ***Normal Route of Requests for Mutual Legal Assistance<sup>13</sup>***

Typically, within the SEE countries, an application for a **Letter of Request** can be made by the following:

- *A law enforcement agency*
- *A prosecutor*
- *An investigating Judge*
- *A Court (during the course of a trial)*



The Letter of Request can be prepared by any one of the above and it is then forwarded to a centralized national authority that is usually based within the Ministry of Justice or within the General Prosecutor's Office where it is checked for legal compliance, translated into the language of the receiving country and forwarded to the counterpart centralized authority in the receiving country.

From there, the Letter of Request is sent to the relevant unit for execution of the action requested in the text of the Letter. Once this action has been completed, the material is returned to the requesting country by the same route.

### ***Mutual legal assistance request writer tool***

UNODC has developed a mutual legal assistance request writer tool to help practitioners streamline the process. The computer-based tool is user friendly, easily adjustable to a State's substantive and procedural law and practices and requires virtually no prior knowledge of or experience with mutual legal assistance.

It guides the user step by step through the request process for each type of mutual assistance, using on-screen templates. The tool prompts users when they have omitted to include vital information, before they progress from one screen to the next in order to avoid incomplete requests and minimize risks of delay or refusal.

When data entry is finished, the tool consolidates all data and then automatically drafts a correct, complete and effective request (in Microsoft Word) for final proofing and signature. The tool exists in English, French, Russian and Spanish.

<sup>13</sup> UNDP, Best Practice - Law Enforcement Manual For Fighting Against Trafficking Of Human Beings , ©2003 - edited by UNDP - Country Office Romania, under project no. ROM01/009

**Checklist for mutual legal assistance requests**

1. **Identification** - Identification of the office/authority presenting or transmitting the request and the authority conducting the investigation, prosecution or proceedings in the requesting State, including contact particulars for the office/authority presenting or transmitting the request and, unless inappropriate, the contact particulars of the relevant investigating officer/prosecutor and/or judicial officer (form I).
2. **Prior contact** - Details of any prior contact between officers in the requesting and requested States pertaining to the subject matter of the request.
3. **Use of other channels** - Where a copy of the request has been or is being sent through other channels, this should be made clear in the request.
4. **Acknowledgement of the request** - A cover sheet incorporating the acknowledgement for completion and return to the requesting State.
5. **Indication of urgency and/or time limit** - A prominent indication of any particular urgency or applicable time limit within which compliance with the request is required and the reason for the urgency or time limit.
6. **Confidentiality** - A prominent indication of any need for confidentiality and the reason therefore and the requirement to consult with the requesting State, prior to the execution, if confidentiality cannot be maintained.
7. **Legal basis for the request** - A description of the basis upon which the request is made, e.g. bilateral treaty, multilateral convention or scheme or, in the absence thereof, on the basis of reciprocity.
8. **Summary of the relevant facts** - A summary of the relevant facts of the case including, to the extent possible, full identification details of the alleged offender(s).
9. **Description of the offence and applicable penalty** - A description of the offence and applicable penalty, with an excerpt or copy of the relevant parts of the law of the requesting State.
10. **Description of the evidence/assistance requested** - A description in specific terms of the evidence or other assistance requested.
11. **Clear link between proceeding(s) and evidence/assistance sought** - A clear and precise explanation of the connection between the investigation, prosecution or proceedings and the assistance sought (i.e. a description of how the evidence or other assistance sought is relevant to the case).
12. **Description of the procedures** - A description of the procedures to be followed by the requested State's authorities in executing the request to ensure that the request achieves its purpose, including any special procedures to enable any evidence obtained to be admissible in the requesting State, and reasons why the procedures are required.
13. **Presence of officials from the requesting State in execution of request** - An indication as to whether the requesting State wishes its officials or other specified persons to be present at or participate in the execution of the request and the reason why this is requested.
14. **Language** - All requests for assistance should be made in or accompanied by a certified translation into a language as specified by the requested State.

*Note:* Where it becomes evident that a request or the aggregate of requests from a particular State involve a substantial or extraordinary cost, the requesting and requested States should consult to determine the terms and conditions under which the request is to be executed and the manner in which the costs are to be borne.<sup>14</sup>

<sup>14</sup> For more information consult [www.unodc.org/pdf/lap\\_mlaeg\\_report\\_final.pdf](http://www.unodc.org/pdf/lap_mlaeg_report_final.pdf)

### **2.1.5. TOOL 5 International law enforcement cooperation**

#### ***Background***

Investigations of human trafficking networks and offences can be quite complex, in particular when they must be conducted, as they often must, across borders. Ensuring effective cooperation between law enforcement agencies in different States must therefore be part of any strategy to address the problem of human trafficking.

This tool introduces the reader to article 27 of the Organized Crime Convention, which requires States parties to develop closer law enforcement cooperation between themselves, including the exchange of information, cooperation in the identification of offenders, cooperation in tracking the movement of property and offenders and cooperation in locating victims and witnesses of trafficking.

#### ***Article 27 of the Organized Crime Convention***

Under article 27 of the Organized Crime Convention, a State party, consistent with its respective domestic legal and administrative system, must:

- Adopt effective measures for purposes of effective investigation with respect to the offences established by the Convention, including:
  - (a) Enhance and, where necessary, establish channels of communication between respective law enforcement agencies;
  - (b) Cooperate with other States parties in their inquiries concerning:
    - (i) The identity, whereabouts and activities of particular persons;
    - (ii) The movement of proceeds or property derived from the commission of offences, and of property, equipment and other instrumentalities used or intended for use in the commission of offences;
  - (c) Provide, when appropriate, items and substances for analytical or investigative purposes.
- Consider bilateral or multilateral agreements or arrangements to give effect to or enhance the provisions of article 27 of the Convention
- Endeavour to cooperate in order to respond to transnational organized crime committed by use of modern technology.

#### ***Channels of law enforcement cooperation***

In the majority of jurisdictions, it is possible to rely on two channels of cooperation:

- International cooperation involving operational police assistance prior to any judicial proceedings being in place. In these instances, the necessary arrangements can usually be made between the relevant police agencies without reference to mutual legal assistance laws.
- International cooperation based upon formal “letters of request” made after judicial proceedings have been commenced or where an official investigation is under way.

In the first instance, it may be necessary to understand who has the authority to consider the request that is being made and authorize the required activities to provide assistance, e.g. the deployment of surveillance resources, permission to conduct controlled deliveries, or use of interception techniques. It may or may not be within the authority of the head of the relevant investigative unit to authorize such activity. In many instances, the activity may still require the consent of the relevant prosecutor or examining magistrate.

Within the second category, the request may address the need for a warrant to enter and search premises or the desire to interview witnesses, secure and exhibit documents, or interview a prisoner. In this type of case, the procedure is regulated by the letter of request system.

### ***Direct bilateral or multilateral contact***

In many jurisdictions, direct contacts between investigators are not encouraged or even permitted. This is often because of a desire to centralize and standardize the response through a central point, usually located within some form of national criminal intelligence agency.

Direct bilateral or multilateral contacts between investigators allow them to speak directly to colleagues who are engaged in the same type of work. Such contacts allow for the conduct of enquiries in real time and enable the investigator to establish the existence of facts before seeking formal access to evidence by way of letters of request or letters rogatory.

However, there are also some potential drawbacks to this approach. Jurisdictional breaches of procedure can occur, other operations may inadvertently be compromised by an informal request, and the ability of the agencies concerned to identify some broader crime patterns may be diminished.

#### **Cases where direct contact is not viable<sup>15</sup>**

This situation is likely to arise when direct contact cannot be established for a variety of reasons, for example, because there is no network of contact existing in the country concerned or where no counter-trafficking capacity exists.

In these cases, the requests for action will continue to be routed through the SECI Centre and the ICPO offices and processed in the normal way.

#### **Cases where direct bi-lateral or multi-lateral contact is viable**

Where direct contact can be established, the investigator initiating the action may do so on a direct bi-lateral or multi-lateral basis with his counterpart in the other country or countries in the following manner:

- In each case, it is the direct responsibility of the initiating and receiving investigators to simultaneously copy the details of their contact to their respective national office for filing and onward electronic transmission to SECI and the ICPO General Secretariat for inclusion in the intelligence databases
- These messages should be clearly marked as 'Direct lateral contact – no further action required – for record purposes only'. This will prevent unnecessary action on the part of office staff but will allow for the exchange to be recorded centrally.
- It will also mean that the enquiry is already logged within the SECI and Interpol systems should the direct enquiry lead to a subsequent Letter of Request.

In the vast majority of cases, investigators will wish to establish direct contact with overseas colleagues in order to seek law enforcement-to-law enforcement assistance, whether it is to seek operational surveillance or to establish the existence of witnesses, facts and/or documentary evidence - prior to preparing a formal Letter of Request in order to adduce the material in evidence.

<sup>15</sup> UNDP, Best Practice - Law Enforcement Manual For Fighting Against Trafficking Of Human Beings , ©2003 - edited by UNDP - Country Office Romania, under project no. ROM01/009

## Authority Levels

In many cases, the authority to carry out such work can be given by a senior police officer in charge of the force, district or squad etc. Depending upon the nature of the request, authority may be valid simply on the basis of investigator-to-investigator requests.

However, in some jurisdictions, such colleague-to-colleague co-operation may still require consideration and permission from a prosecutor, a court or a ministerial official. Therefore:

- It is vital to establish at the outset of the direct contact exactly what the local regulatory procedures and authority levels are and to ensure that they are complied with.
- If this is not done before any actual action takes place, the case may actually be compromised.

If any doubt exists as to the exact position, the solution is to seek the advice and guidance of the SECI Centre or the National Central Bureau of Interpol in the country concerned prior to initiating any action.

## Format of the Direct Request

Depending on the level and urgency of the assistance being requested, the arrangements may be agreed and initiated on the basis of a telephone call. Normally, written confirmation will be required and this is preferable in order to protect all parties to the agreement.

The **written confirmation** should set out the precise parameters of what is being requested and the fact that the enquiry is for information purposes only at this stage.

The request should include a clause to the effect that any response provided or pro-active operational action taken will not be used in judicial proceedings at this stage and that any decision to seek to use any material created as a result of the direct international co-operation will be supported by a formal Letter of Request to access the material officially.

Finally, it is important to include in the written confirmation a request that documentary evidence that might be required is retained and secured by the owner for later production under the terms of any subsequent Letter of Request.

## Security Considerations

As stated under '**Joint Pro-Active Operations**' below and which is worth repeating here, it is important to consider the security implications of the activity that is under consideration, particularly so in cases where pro-active operational co-operation is contemplated.

Two issues will need consideration; the **safety and security** risks to any victims that may arise as a result of the proposed action and, where the co-operation involves pro-active operational work, any risk posed to the security of the on-going operation by the proposed action.

**Urgent cases<sup>16</sup>**

Where the enquiries to be undertaken are genuinely and demonstrably urgent, contact will be established through the normal SECI or Interpol channels through the bureaux. The question immediately arises as to what constitutes an urgent case. Cases of urgency should be designated as those that require immediate action because of the following circumstances:

- *There is a serious risk to the safety of an existing, outstanding or potential victim or their loved ones*
- *That there is a serious risk that the suspect(s) would escape justice*
- *That there is a serious risk that vital evidence would be irretrievably lost*
- *That there is a serious risk that the ability to identify and sequester criminal assets would be irretrievably compromised.*

In each case, the requesting investigator would have to be able to demonstrate to the SECI or ICPO bureaux staff why any of the risks listed above were present. In these cases, the enquiries/requests would be recorded and disseminated in the normal way.

**Best Practice Points**

- *Identify the objective of the international co-operation*

It is important to be able to make the distinction between cases where the formal resort to mutual legal assistance provisions is necessary and those cases where it is not.

Clearly, an intention to apply for and execute a search warrant in another country would require a formal Letter of Request. It would be natural to think the same would be required in the case of an intention to formally interview a witness in a foreign country and in some jurisdictions that is the case. However, in some countries, providing that the witness had indicated her willingness to be seen and interviewed, no formal request would be necessary and the overseas investigators could make the necessary arrangements without one being in place. Conversely, some jurisdictions may insist on a formal Letter of Request and may require the interview to be conducted under oath.

- *Plan ahead*

The investigator will need to identify exactly what he or she is trying to achieve and whether attaining it will require formal resort to the mutual legal assistance provisions or not. Even in circumstances where the material can be properly obtained without a Letter of Request, it may still be worth considering if the material in question is of critical importance and likely to be subjected to intense legal challenge. In such cases, it may be as well to plan to utilise formal Letter of Request procedures so as to ensure the integrity and probity of the evidence being obtained.

- *Establish early liaison with the relevant expert official in your country who has responsibility for mutual legal assistance provisions*

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Given the diversity of the system and the range of issues that will need to be taken into consideration, the critical thing is to consult at the earliest possible stage with the relevant officials who are experts in the subject.

The Justice or Interior Ministries of some countries maintain entire departments dealing solely with this issue; others incorporate it as one of a number of legal functions within a particular ministry. If difficulty is encountered in finding the relevant expert official, consult the Interpol National Bureau.

- *Approach the whole subject on a case-by-case basis*

Do not assume that the procedures used to obtain evidential material in one case will automatically be the same for another: each case will involve different complications for some reason; the provisions have been amended; the offences concerned are slightly different, the jurisdiction or nationality of the suspect is different etc.

- *Incorporate as much detail as possible in the Letter of Request so as to avoid the need for a supplementary Letter of Request in the same case*

The **objective** is to avoid, wherever possible, the need for a supplementary Letter of Request in respect of the same case. To achieve this, it is once again a matter of early liaison with the expert official in the subject. It is good practice to use broad terminology in the drafting of the Letter of Request so as to enable the enquiries to be widened if required, at the time that they are being made, without first needing to make a further formal application.

- *Be aware in advance of the potential limitations*

The submission of a Letter of Request does not guarantee a result: it is possible that the receiving country may refuse to allow investigators to travel but will undertake to conduct the enquiries themselves using their own staff. Alternatively, they may allow the investigator to travel for liaison purposes but may impose a condition that he or she cannot be present whilst the interviews, searches, enquiries etc are being conducted.

The usual situation is that the investigator can travel and be present but not actually participate in any way in the activity being conducted.

In addition, be aware of the limitations that be imposed upon the supply of the material that is obtained. Some jurisdictions will not permit the material to be copied or handed over to the requesting investigator but will insist that the material is forwarded via ministerial or diplomatic channels. In these cases, it will be critical to make full notes of what is being secured because the originals may take weeks to arrive via these means.

The standard situation is that the investigator will normally be allowed to either make contemporaneous notes of the interviews, seizures etc for his or her own use or may be provided with photocopies of the material under the strict injunction that it is supplied for information purposes only and must not be used in any judicial proceedings. The original material will be certificated or stamped in some way prior to being forwarded via the normal channels.

- *Always remember that failure to comply in every degree with the requirement for Letters of Request is likely to render the evidence defective, may jeopardize the entire prosecution and could even create diplomatic problems between the countries concerned.*



- *Irrespective of the category of the international co-operation, the means of avoiding problems is immediate consultation and liaison with the relevant expert official or the Interpol National Bureau personnel.*

### **2.1.6. TOOL 6 Bilateral and multilateral cooperation agreements or arrangements**

#### ***Background***

The Organized Crime Convention encourages States parties to consider bilateral or multilateral agreements or arrangements to give effect to their law enforcement or judicial assistance obligations in investigating, prosecuting and trying human traffickers. Bilateral or multilateral agreements and arrangements reflect the realization that transnational crimes, including human trafficking, can be addressed effectively only through collaboration of law enforcement and judicial agencies. This tool provides examples on promising practices.

#### **The Memorandum of Understanding between the Albanian Government and the European Community on the Status of Police Assistance Mission of the European Community in Albania (PAMECA) Mission**

The aim of the European Mission is to continue the implemented projects by the previous missions such as MAPE and ECPA for Albanian Police, but at the same time this Mission is going to undertake other activities, especially it's going to deal with the cooperation between the police services and the justice system (courts-prosecutor's offices), in the function of strengthening the role of the institutions in the fight against organized crime, illegal trafficking, for more security and public order for the citizens. The projects of PAMECA Mission have the aim to improve the investigative and combating capabilities of the Albanian Police in the fight against organized crime, border management as well as in assuring public order and security, including here the improvement of the cooperation with the prosecutor's office and justice system.

#### **Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in Its Organized Forms, Establishing the Network of Liaison Officers and the Nomination of the Liaison Officers**

**Memorandum of Understanding on Trade and Transport Facilitation in Southeast Europe** - The Parties agree that the Regional Steering Committee shall perform the following specific functions:

- (a) consider information submitted by the representative of each Party on a regular basis on the status of all the border crossings of each Party and any bilateral or multilateral agreements on trade facilitation entered into by the Parties;
- (b) review and consider any obstacles to or delays in trade and transit in the territories of the Parties;
- (c) provide a forum for the sharing of results in implementing the Regional Program in the territory of each Party;
- (d) monitor the results of pilot projects and the activities of any bilateral customs committees established by the Parties;
- (e) cooperate with national and regional trade professional committees ("Pro-Committees") established by the Parties;
- (f) consider policies and measures for the regulation of customs service personnel in accordance with international standards including, without limitation, the guidelines established under the L9 Declaration of the World Customs

Organization (Customs Co-operation Council), Arusha, 1993, commonly known as the Arusha Declaration of July 1993;

(g) exchange information among the Parties to the MoU on the classification of border crossings and on bilateral agreements concerning border crossings;

(h) exchange information among the Parties about national strategies to improve border crossing, including national customs reforms strategies and action plans for their implementation and periodic reporting on progress achieved; and

(i) consider new applications for accession to this MoU by other States.

**Resolution on strengthening of counteraction of trafficking in persons in OSCE participating states** - Kyiv Declaration of the OSCE Parliamentary Assembly and Resolutions adopted at the sixteenth annual session, 5 to 9 July 2007

**Memorandum of Understanding on Unified Pre-Screening of Detained Foreigners** between the Albanian Government Office for Refugees, Ministry of Local Government, the United Nations High Commissioner for Refugees – UNHCR, the Organization for Security and Co-operation in Europe, the International Organization for Migration, and the International Catholic Migration Commission

## ***2.6. Effective Criminal Justice Response to Trafficking of Persons***

It has also shown that a large part of this commitment involves working towards ensuring that all Member States have an effective criminal justice response to trafficking. There are a number of key elements to an effective criminal justice response to trafficking, detailed below.

### **Key Elements of an Effective Criminal Justice Response to Trafficking**

#### **1. A strong and realistic legal framework in compliance with international standards.**

- Trafficking in all of its forms is criminalized, either through a special law or through a combination of laws.
- Related offences, such as debt bondage, forced labor, exploitative labor, forced marriage and child labor, are criminalized.
- Trafficking is specifically included in laws addressing crimes relating to trafficking, such as the laws on tracing proceeds of crime, money laundering, organized crime, mutual legal assistance and extradition.
- The legal framework supports victims as effective witnesses. This might include laws allowing victims to remain in the country while they participate in criminal prosecutions; witness-protection schemes; and special laws of evidence for victims and witnesses, especially children.

#### **2. Law enforcement agencies have the capacity to investigate trafficking. Because of the complexity of the crime, this usually requires a specialist anti-trafficking investigations unit.**

- The specialist unit is given a mandate to investigate trafficking and enough authority to investigate trafficking effectively.
- The specialist unit is a formal part of the law enforcement system and structured in a way that meets local needs.

- The specialist unit has ongoing funding, allocated in each budget.
- The specialist unit has standard operating procedures in place for identifying victims; monitoring cases; and handling complaints.
- Suitable structures are established in the major cities, regions and provinces, particularly in trafficking 'hot spots'.

### **3. Frontline law enforcement officials know how to identify and respond effectively to trafficking cases.**

- Frontline officials are trained to quickly and accurately identify victims of trafficking and perpetrators of trafficking
- Frontline officials are trained to identify, preserve and collect trafficking-related evidence.
- Frontline officials are educated on trafficking issues. Ideally, this will be incorporated into basic police training.
- Guidelines are in place on the identification and treatment of victims and suspects
- There are clear lines of communication in place between the specialist anti-trafficking unit and the general police force.

### **4. Prosecutors and judges are willing and able to contribute to the criminal justice response to trafficking**

- Prosecutors and judges are aware of trafficking issues and relevant laws.
- Prosecutors and judges that deal with many cases of trafficking have special skills.
- Prosecutors and judges who only come across trafficking cases occasionally have access to expertise on these cases.
- Courts are equipped to maintain the confidentiality and safety of victims, especially children, during the judicial process.
- Complaints mechanisms are available to assist with transparency and accountability.

### **5. Victims of trafficking are quickly and accurately identified and protected from further harm, while their immediate needs are met.**

- There are clear and strong working relationships between frontline law enforcement officials and victim support agencies. Frontline officials are able to trust and work with NGOs, and NGOs are able to trust and work with frontline officials.
- Victim support agencies know how to support victims who are cooperating with law enforcement and prosecutors.
- Victims are informed quickly and accurately about their legal rights and options, such as laying charges or claiming civil damages.

### **6. All parts of the criminal justice system work together.**

- There are written, agreed frameworks in place for cooperation between law enforcement, prosecutors and judges on trafficking.
- There are written, agreed frameworks in place for cooperation on information-sharing between criminal justice and victim support agencies. This includes protocols on victim identification, rescue, protection, support, referral and confidentiality.

- There are well-established and well-known lines of communication between law enforcement, prosecutors, courts and victim support agencies.
- There are systems in place for monitoring cooperation and coordination between police, prosecutors, courts and victim support agencies.

**7. There are effective systems in place to ensure that the criminal justice agencies in one country can cooperate with the criminal justice agencies in another country.**

- To facilitate cooperation, countries have consistent policies and laws in place on trafficking, including common definitions.
- Specialist police units have agreed on standard operating procedures, and hold regular meetings so that they can share intelligence and update their standard operating procedures as needed.
- Prosecutors in each Member Country are able to request assistance in obtaining evidence from other Member Countries.
- Mutual assistance and extradition procedures cover trafficking and operate effectively.

**8. Donors work effectively**

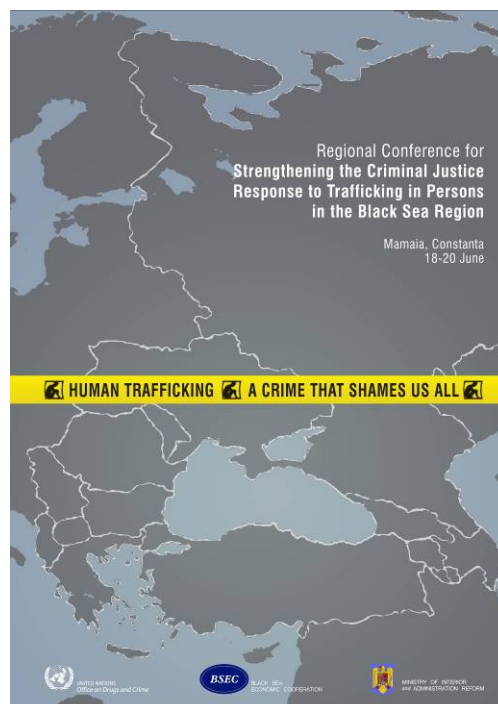
- At the bilateral and regional levels, donors are encouraged to fund programs that are consistent with, and that give effect to, the above elements of the criminal justice response.

The above checklist sets out all of the elements needed for a criminal justice system to respond effectively to trafficking, and reflects best practice in anti-trafficking initiatives from all over the world.

## Section three - BSEC Regional Action Plan for Strengthening Criminal Justice Response to Human Trafficking

The main purpose of the Regional Action Plan is to support the BSEC Member States to enhance their cooperation in the field of Criminal Justice Response to Human Trafficking. This Regional Action Plan was developed in the framework of the Joint BSEC – UNODC Project for Strengthening the Criminal Justice Response to Trafficking in Persons in the Black Sea region (XCES45) 2007-2008 making use of the technical assistance provided by UNODC.

The Regional Action Plan is a framework for BSEC Member States' actions for sharing expertise and best practices, that provide guidance for further developments towards more effectively prevention and investigation of human trafficking, increased prosecution and conviction of traffickers, and adequately support and protection of victims and witnesses of trafficking. In particular, effective support to and protection of victims and witnesses is a key to enhance evidence gathering and increase convictions.



It outlines the responsibilities of the BSEC Member States, and when relevant the potential cooperation with international organizations, regional public institutions, non-governmental organizations and other elements of civil society. The implementation of the Regional Action Plan should take into account other instruments concerning trafficking in persons.

The effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive transnational/regional approach, including cooperation, the exchange of information, experiences and other practical measures, including socio-economic measures, at the national and regional levels. Such approach includes more specifically measures providing victims of trafficking with the protection of their internationally recognized human rights.

In order to facilitate the dissemination, the negotiation and the endorsement of the Draft Regional Action Plan, each BSEC Member State will be given the opportunity to discuss, analyze and amend the proposals mentioned in the draft document, following the steps:

1. BSEC/PERMIS will send the Draft Regional Action Plan to the National Project Coordinators nominated for the joint BSEC-UNODC Project and to the Ministries of Foreign Affairs of each BSEC Member State

2. The National Project Coordinators will analyze and make their first comments regarding the proposals of the Draft Regional Action Plan, that should be send to the UNODC Project Team no later than 08.04.2008
3. The UNODC Project Team will incorporate all the amendments made so far and will submit the new Draft Regional Action Plan to the debate planned to take place during the second day of the Expert Group Meeting from Istanbul
4. BSEC/PERMIS will send to the BSEC Member States the revised and amended version of the Draft Regional Action Plan, as negotiated and agreed at the Expert Group Meeting from Istanbul
5. The National Project Coordinators / Ministries of Foreign Affairs of each BSEC Member State will analyze, review and make their second round of comments regarding the latest proposals of the Draft Regional Action Plan, that should be send to the UNODC Project Team no later than 31.05.2008
6. The UNODC Project Team together with BSEC/PERMIS will insert all the comments and other potential amendments concerning the Draft Regional Action Plan made by each BSEC Member State, and will submit the Final version of the Draft Regional Action Plan to the debate that will take place during the Regional Conference from Bucharest, which will be held around 11.06.2008
7. The Governments of the BSEC Member States are expected to endorse the Draft Regional Action Plan the end of the Regional Conference in Bucharest
8. BSEC/PERMIS will make official the endorsed Regional Action Plan that will become a working tool for each BSEC Member State

### **Regional Conference - 18-20 June 2008, Mamaia, Romania**

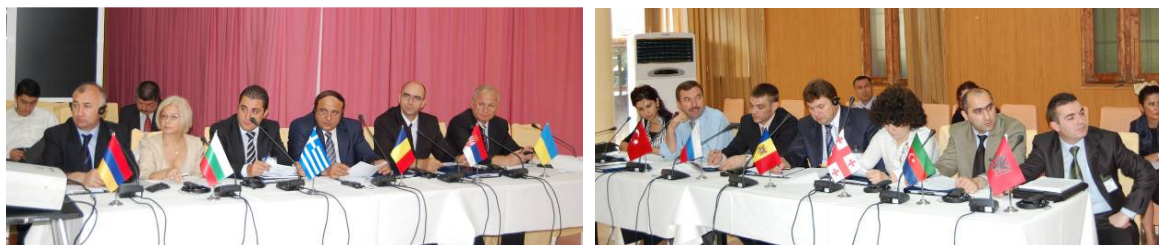
The Senior Officials Meeting of the representatives of BSEC Member States was held in Mamaia/Constanta, Romania, on 20 June 2008, in the framework of the Regional Conference for Strengthening the Criminal Justice Response to Trafficking in Persons in the Black Sea Region. The Senior Officials Meeting was co-chaired by representatives of the Coordinating Country of BSEC WG on Combating Crime, Permanent International Secretariat of BSEC and United Nations Office on Drugs and Crime (UNODC).

The Senior Officials Meeting was attended by the delegates to the Regional Conference from the following BSEC Member States: Republic of Albania, Republic of Armenia, Republic of Azerbaijan, Republic of Bulgaria, Georgia, Hellenic Republic, Republic of Moldova, Romania, Russian Federation, Republic of Serbia, Republic of Turkey and Ukraine.

The representatives of the United Nations Office on Drugs and Crime (UNODC) reported on the results of the Workshop on National and Regional Responses to Human Trafficking: Action Plans, Coordinating Structures and National Monitoring Mechanisms held on 18 June 2008, in the framework of the Regional Conference for Strengthening the Criminal Justice Response to Trafficking in Persons in the Black Sea Region. The workshop was chaired by representatives of the Coordinating Country of BSEC WG on Combating Crime.

During the Workshop, the delegates were invited to review and consolidate the draft of the BSEC Regional Action Plan for Strengthening Criminal Justice Response to Human Trafficking in the Black Sea Region, its effectiveness and impact, in order to be promoted for further consideration and approval.

The draft Regional Action Plan was presented paragraph by paragraph, in English with simultaneous translation in Russian. The delegates were given the floor for interventions. Expressly the chairman have requested the agreement of the delegates for each article



The senior officials recommended that the BSEC Working Group on Combating Crime, in particular in its Organized Forms, should finalize the Draft Regional Action Plan and submit it for consideration to the next meeting of the Council of Ministers of Foreign Affairs of the BSEC Member States.

### **Meeting of the Council of Ministers of Foreign Affairs of the BSEC Member States BSEC – 23 October 2008, Tirana, Albania**

By its Resolution (Annex VII to BS/FM/R (2008)2) the Council of Ministers of Foreign Affairs of the Member States of the Organization of the Black Sea Economic Cooperation (BSEC), taking note of the Reports of the Meetings of the BSEC Subsidiary and Related Bodies, Summary Proceedings of Conferences, Seminars and Workshops, agreed on the following (quoted from original document):

1. The Council took note of the outcome of the Regional Conference on Strengthening the Criminal Justice Response to Trafficking in Persons (Mamaia, Romania, 18-20 June 2008) and appraised it as a positive event for enhancing regional cooperation in the field of combating human trafficking.
2. The Council welcomed the completion of the - Joint BSEC-UNODC Project on Strengthening the Criminal Justice Response to Trafficking in Persons in the Black Sea Region" and expressed its appreciation to UNODC for its substantial contribution to the project.
3. The Council approved the BSEC Regional Action Plan for Strengthening the Criminal Justice Response to Trafficking in Persons in the Black Sea Region (Draft is appended as Attachment 5 to Annex VII to BS/FM/R(2008)2), invited the Member States to implement it in accordance with their national legislation and instructed the Working Group on Combating Crime, in Particular in Its Organized Forms, to seek sustainability of the project with the technical assistance of UNODC.
4. The Council took note of the constantly increasing tasks to be accomplished by the WG on Combating Crime in particular in its Organized Forms and encouraged the WG to meet on a more regular basis in the future in accordance with its concrete annual working plans.

During the meeting, representatives of Greece, Romania and Russia noticed the progress made by the BSEC Working Group for Combating Crime and recalled

Romania's substantial contribution to the joint BSEC — UNODC project on Strengthening the Justice Criminal Response to the Trafficking in Persons in the Black Sea Region.

### **Follow-up**

Based on the encouraging situation, UNODC decide to continue providing technical assistance in implementing the BSEC Regional Action Plan as requested by BSEC Member States and initiate with trained national experts

The XCES45 project was extended for 2 months until the end of February 2009 in order to organize such an event that will significantly contribute to building of national expertise required by the implementation of the Regional Action Plan and to give sustainability to the good results achieved so far under the implementation of XCES45 as acknowledged by the beneficiaries as well as by the Resolution of the UN General Assembly

**A Training Seminar** will be organized in order initiate the process of implementation of the Regional Action Plan on Strengthening Criminal Justice Response to Trafficking in Persons in the Black Sea Region. It will bring together the designated BSEC National Project Coordinators as well as 1-2 national experts/ country, preferably one that have attended the Regional Conference held in June 2008 in Romania. The event will be also a follow-up of the Regional Conference at practitioners' level.

The training session will serve to facilitate networking, expertise exchange, analyze the weaknesses and strengths of the current criminal justice responses and provide recommendations to strengthen the criminal justice response to human trafficking. Relevant know-how will be provided on designing projects to combat trafficking of persons, on the rules and regulations of the relevant sources of funds for such new projects, as well as on tools for self-assessment of the Criminal Justice Response.



## **BSEC Regional Action Plan<sup>1</sup>**

For Strengthening the Criminal Justice Response  
To Trafficking in Persons in the Black Sea Region

### ***Policy development, capacity building and cooperation***

- 1. The Member States which have not yet done so, are invited to ratify or accede to the United Nations Convention against Transnational Organized Crime and its additional Protocols as soon as possible;***

**Input:** Member States

**Progress Indicators:** Convention and Protocols ratified

- 2. The Member States should adopt such legislative and other measures as may be necessary to implement the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children as well as the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime;***

**Input:** Member States, WG on Combating Crime

**Progress Indicators:** Legislative and other measures adopted as may be necessary.

- 3. The Member States should establish, together with non-governmental organizations and other elements of civil society, comprehensive national policies and programs, to be implemented in the short, medium or long term, such as National Plans of Action to effectively implement legislative and other measures to prevent and combat human trafficking and to protect the rights of victims of trafficking.***

**Input:** Member States, NGOs and other elements of civil society

**Progress Indicators:** National plans of action in place for the short, medium and long term.

- 4. In order to support the implementation of such policies and programs, Member States should seek and dedicate human- and financial resources.***

**Input:** Member States

**Progress Indicators:** Necessary resources dedicated to the implementation of policies and programs aiming to combat human trafficking.

- 5. The Member States should establish Specialized National Bodies / Authorities (NB) to combat human trafficking with a mandate to develop, coordinate, strategically plan, and monitor the implementation of legislation, programs, policies and other relevant comprehensive measures to prevent, suppress and punish human trafficking in all its forms. The NB coordinates and monitors the implementation of the Regional Action Plan at the national level and reports on the progress made.***

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<sup>1</sup> Annex V to BS/CCLO/WG/R(2008)1 - Draft Regional Action Plan as amended at the Regional Conference Strengthening the Criminal Justice Response To Trafficking in Persons in the Black Sea Region in Mamaia, Romania, 18-20 June 2008

**Input:** Member States which have not done so yet, other relevant stakeholders

**Progress Indicators:** Office of the established NB and operating, involving representatives of relevant stakeholders. Relevant ministries involved, agencies and organizations, including non-governmental organizations are represented in the NB, as appropriate. A National Coordinator appointed as head of the Office.

**6. *The BSEC Working Group on Combating Crime, in Particular in its Organized Forms, should serve as a regional monitoring mechanism to coordinate and follow-up on activities to implement this Regional Action Plan.***

**Input:** Country-Coordinator of the Working Group.

**Progress Indicators:** Annual Reports

**7. *The Member States should carry out, together with international organizations, other relevant organizations, academic institutions, NGOs and other elements of civil society, research to study the extent and nature of human trafficking as a basis for further policy development and cooperation.***

**Input:** Member States, WG on Combating Crime, non-governmental organizations, academic institutions and other elements of civil society

**Progress Indicators:** Standardized format for data collection agreed upon and procedures in place. National and regional data collection reports available on an annual basis. Results of the research disseminated at large. Channels for information exchange established.

**8. *The Member States should negotiate cooperation agreements, with special emphasis on mutual legal assistance and extradition, to facilitate cooperation in countering human trafficking.***

**Input:** Member States, WG on Combating Crime

**Progress Indicators:** Regional, multilateral or bilateral agreements on mutual legal assistance and on extradition; agreements or arrangements for using special investigative techniques in the context of cooperation at the international level; memoranda of understanding in place between countries of origin, transit and destination.

**9. *The Member States should provide specialized training to relevant officials in the prevention and prosecution of human trafficking, and on protection of the rights of the victims of trafficking in human beings, taking into account the need to consider human rights, child- and gender-sensitive issues.***

**Input:** Member States, WG on Combating Crime, possible contribution of BSEC Observers and Related Bodies, International Organizations, such as UNODC, SECI, IOM, ICMPD, NGOs

**Progress Indicators:** Training curricula and material developed. Training conducted. Train-the-trainers workshops conducted. Specialized training on human trafficking included in the curricula of national training institutes. Specialized units are established and operational. Focal points are appointed and operational.

**10. *The Member States should endeavor to exchange information on human trafficking routes and traffickers' profiles, modus operandi, and victims' identification, acquisition and misuse of travel documents and legislative experiences and practices as well as measures.***

**Input:** Member States, WG on Combating Crime, possible contribution of BSEC Observers and Related Bodies, Regional and International Organizations, such as the Black Sea Border Coordination and Information Center (with the Black Sea Cooperation Forum), UNODC, SECI, IOM, ICMPD, Eurojust, Interpol and Europol

**Progress Indicators:** Channels for information exchange established and focal points designated and operational.

***11. The Member States should strengthen cooperation among border control and other law enforcement agencies by, inter alia, establishing and maintaining direct channels of communication.***

**Input:** Member States, WG on Combating Crime, possible contribution of BSEC Observers and Related Bodies, Regional and International Organizations, such as BSBCIC (with the BSCF), UNODC, SECI, IOM, ICMPD, NGOs

**Progress Indicators:** Channels established and focal points designated, trained and operational. Joint border patrols, carried out by the border control bodies from the relevant Member States.

***12. The Member States should cooperate, as appropriate, with international/regional organizations, other institutions, NGOs and other elements of civil society and the private sector in order to implement the measures of this Regional Action Plan.***

**Input:** Member States, WG on Combating Crime, possible contribution of BSEC Observers and Related Bodies, Regional and International Organizations, such as BSBCIC (with the BSCF), UNODC, SECI, IOM, ICMPD, NGOs

**Progress Indicators:** Communication channels established; Memorandum of Understanding established between any BSEC Member State and relevant NGOs, other elements of civil society or other institutions as appropriate.

***Prevention***

***13. The Member States should undertake measures to prevent means of transport operated by commercial carriers from being used in the commission of human trafficking***

**Input:** Member States, WG on Combating Crime, possible contribution of Regional and International Organizations, such as BSBCIC (with the BSCF), UNODC, SECI, IOM, NGOs

**Progress Indicators:** Obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents and visas required for entry into the receiving State established. Sanctions, in cases of violation of the obligation also established. In-flight awareness videos provided to airlines.

***14. The Member States should undertake measures to ensure that travel and identity documents cannot easily be misused, falsified, unlawfully altered, replicated or issued; and to ensure the integrity and security of travel and identity documents and to prevent their unlawful creation, issuance and use.***

**Input:** Member States, WG on Combating Crime and possible contribution of the relevant international organizations, such as IOM, UNODC, SECI.

**Progress Indicators:** Cooperation channels and reporting mechanisms established. Immigration and other relevant officers trained to recognize fraudulent documents. Relevant equipment made available.

### ***Protection***

***15. The Member States should facilitate the accurate identification and appropriate treatment of the victims of human trafficking, in ways, which respect the views and dignity of the persons concerned.***

**Input:** BSEC Member States, WG on Combating Crime, possible contribution of UNICEF, IOM, SECI, criminal justice practitioners, UNODC other relevant international/regional organizations, NGOs as appropriate.

**Progress Indicators:** Indicators/Protocol to identify victims of trafficking established. Pro-active measures established to seek out and identify victims.

***16. The Member States should protect the privacy and identity of victims of trafficking in human beings.***

**Input:** Member States, WG on Combating Crime, possible contribution of UNICEF, IOM, SECI, criminal justice practitioners, UNODC, NGOs and other elements of civil society

**Progress Indicators:** Referral mechanism established at the national and regional level, including a risk and threat assessment. Measures established to protect the privacy and identity of victims of trafficking in human beings though, e.g. making legal proceedings, including testimony, confidential in appropriate cases by e.g. excluding members of the public or media or by imposing limits on the publication of specific information, such as details that would permit identification of the victim.

***17. The Member States should facilitate return of the victims of trafficking in human beings without undue or unreasonable delay. The return should be voluntary, with due regard for the safety of the victims of trafficking in human beings.***

**Input:** Member States, WG on Combating Crime, possible contribution of IOM, SECI, UNODC, criminal justice practitioners

**Progress Indicators:** Measures/guidelines established to deal with return or readmission of victims of trafficking in a timely manner, incl. efficient issue of the necessary travel documents. Risk and threat assessments carried out. Networks of government services established and rosters in place to assist in particular victims of trafficking in human beings in the reintegration process.

***18. The Member States should adopt measures that permit victims of trafficking in human beings to remain in the territory, in particular during legal proceedings, in appropriate cases, giving consideration to humanitarian factors.***

**Input:** Member States, WG on Combating Crime, possible contribution of IOM, SECI, UNODC

**Progress Indicators:** Measures/legislation adopted to allow for a recovery and reflection period. Residence permits granted in appropriate cases, in particular during legal proceedings.

**19. The Member States should establish measures to ensure that victims of trafficking in human beings are provided with adequate information and assistance on proceedings in a language they can understand, including legal assistance to enable their views and concerns to be presented and considered, particularly during the different stages of the criminal proceedings.**

**Input:** Member States, WG on Combating Crime, possible contribution of UNICEF, IOM, ICMPD, SECI, UNODC, Criminal Justice Practitioners, other relevant international / regional organizations, NGOs as appropriate

**Progress Indicators:** Criminal justice practitioners trained and guidelines in place on the need to inform victims of trafficking in human beings on the procedures in a language they can understand. Measures / legislation put in place to enable victims to present their views and concerns, e.g. through a victim statement.

**20. The Member States should implement measures that offer victims of trafficking in human beings the possibility of obtaining compensation.**

**Input:** Member States, WG on Combating Crime, Criminal Justice Practitioners, NGOs

**Progress Indicators:** Measures established that offer victims of trafficking in human beings the possibility of obtaining compensation, e.g. through awarding civil or criminal damages or dedicated funds or schemes according to national laws. To the extent possible, confiscated proceeds of the crimes may be redirected towards organizations, or services that will provide support for victims

### **Prosecution**

**21. The Member States should adopt such legislative and other measures as may be necessary to establish as criminal offense 'human trafficking' and ensure that the system of penalties is adequate, given the severity of the crimes. Victims of human trafficking should not become liable to criminal prosecution as a result of their involvement in unlawful activities as related with a trafficking offence.**

**Input:** Member States

**Progress Indicators:** Domestic laws criminalizing human trafficking enacted in compliance with the two Protocols supplementing the UN Convention against Transnational Organized Crime. Crimes of human trafficking penalized with adequate and dissuasive penalties and as serious crimes in accordance with the aforementioned Convention and Protocol.

**21 bis The Member States should adopt such legislative and other measures within its possibilities and under the conditions prescribed by its domestic law to allow the use of special investigative techniques, such as electronic or other forms of surveillance and undercover operations, and when necessary should make appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques and allowing their use in front of the court.**

**Input:** Member States

**Progress Indicators:** Domestic Criminal Procedural Laws; Bilateral and multilateral agreements and arrangements

**22. The Member States should adopt specific legislation and such effective measures as appropriate to enable tracing, freezing and confiscation of proceeds and properties of human trafficking in accordance with the Convention against Transnational Organized Crime. As appropriate, the confiscated proceeds of trafficking may be redirected towards organizations providing protection and other assistance services to victims.**

**Input:** Member States

**Progress Indicators:** Proceeds, properties, equipment or other instrumentalities confiscated in line with TOC and Protocol

**23 The Member States should establish specialized operational law enforcement units at the national and regional level to combat human trafficking in cooperation with other relevant agencies.**

**Input:** Member States

**Progress Indicators:** specialized operational law enforcement units established and trained at the national level. Cooperation with other relevant agencies ensured. Use of special investigative techniques permitted and facilitated by specific legal measures.

**24. Whenever possible, the Member States should adopt investigative and prosecutorial approaches that do not rely solely on the testimony of a victim of trafficking in human beings as a witness.**

**Input:** Member States, WG on Combating Crime, Criminal Justice Practitioners, possible contribution of UNODC, Europol, Interpol

**Progress Indicators:** Proactive investigation and prosecution techniques applied in evidence gathering. Measures established to allow for the use of special investigative techniques.

### **Final Provisions**

**25. The Member States should take appropriate measures to monitor the implementation of this Regional Action Plan and should periodically evaluate it during the ordinary Meetings of the Working Group on Combating Crime.**

**Input:** Member States of BSEC Organization

**Progress Indicators:** Regional mechanism established evaluating the implementation of the Regional Action Plan. Meetings of National Coordinators annually convened to evaluate the level of implementation of the Regional Action Plan.

## Legislation

### **1. United Nations Conventions and Protocols**

#### **1.1. United Nations Convention against Transnational Organised Crime.**

The threat posed by transnational organized crime to the political, economic and social fabric of societies was recognized by the international community beginning in the mid-1990s. The subsequent negotiation of an International Convention against Transnational Organized Crime was a historic step forward in countering this threat.

By resolution 53/111, of 9 December 1998, the General Assembly established an Ad Hoc Committee open to all States, for the purpose of elaborating the international convention against transnational organized crime and three additional international legal protocols. The first session of the Ad Hoc Committee took place in Vienna, Austria, from 19-29 January 1999.

- First session (Vienna, January 1999)
- Second session (Vienna, March 1999)
- Third session (Vienna, April 1999)
- Fourth session (Vienna, June 28 - July 9 1999)
- Fifth session (Vienna, October 4 - 15 1999)
- Sixth session (Vienna, December 6 -17 1999)
- Seventh session (Vienna, January 17 - 28 2000)
- Eighth session (Vienna, February 21 - March 3 2000)
- Ninth session (Vienna, June 5 - 16 2000)
- Tenth session (Vienna, July 17-28 2000)
- Eleventh session (Vienna, October 2-27 2000)
- General Assembly documents (A/55/383 & Add.1, Add.2, Add.3))
- Signing Conference for the Convention (Palermo, December 12-15 2000)
- Twelfth session (Vienna, February 26 - March 2 2001)

The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it, as well as the need to foster and enhance close international cooperation in order to tackle those problems. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.

The Convention against Transnational Organized Crime provides the normative framework and orientation for the global programme. The programme aims at ensuring that states ratify the Convention and that they take effective, practical steps, in line with the provisions of the Convention, to fight organized crime. Full text of Convention may be found in **annex 1**.

States that ratify the Convention commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal

offences to counter the problem; the adoption of new, sweeping frameworks for mutual legal assistance, extradition, law enforcement cooperation and technical assistance; and training.

In this framework the Global Programme against Trafficking in Human Beings (GPAT) was designed by the UN Office on Drugs and Crime (UNODC) in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI) and launched in March 1999. GPAT assists Member States in their efforts to combat trafficking in human beings. It highlights the involvement of organized criminal groups in human trafficking and promotes the development of effective ways of cracking down on perpetrators.

The GPAT overarching objective is to bring to the foreground the involvement of organized criminal groups in human trafficking and to promote the development of effective criminal justice-related responses. As the only entity focusing on the criminal justice element, the GPAT, working through UNODC Crime Programme, brings special advantages to the fight against trafficking.

### **1.2. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime**

The Protocol represents a new approach to the problem in several respects. It defines "trafficking in persons," a complex and multifaceted problem, particularly considering the involvement of transnational organized criminal groups. It combines traditional crime control measures for investigating and punishing offenders with measures for protecting trafficked persons. Full text may be found in **annex 2**

Previous attempts to deal with this issue from a one-sided perspective have not been successful. For example, human rights measures aim to protect victims, but they lack effective law enforcement mechanisms in order to apprehend and prosecute traffickers. The Protocol is an instrument which will serve as a model for national legislations, detailing provisions on conduct which should be sanctioned, the severity of punishment and effective measures to combat and prevent trafficking

Negotiations on the Protocol were completed at the end of October 2000, and the General Assembly adopted the Protocol together with the Convention in mid-November 2000. The fundamental concept adopted by the Member States in negotiating the Protocol was to maintain a carefully crafted balance between law enforcement and the protection of victims.

The protocol sets forth three purposes:

- To prevent and combat trafficking in persons, paying particular attention to women and children;
- To protect and assist victims of trafficking, with full respect for their human rights; and
- To promote cooperation among States in order to meet these objectives.



### 1.3. Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime

The Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by General Assembly resolution 55/25, entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of the Protocol was that, for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process. Full text may be found in **annex 3**.

### 1.4 Ratification status in the BSEC countries

Regarding the BSEC countries all members states except Greece Ratified the Protocol.

Country	Signature	Ratification Status as of: 13/08/2008
Albania	12 Dec 2000	21 Aug 2002
Armenia	15 Nov 2001	01 Jul 2003
Azerbaijan	12 Dec 2000	30 Oct 2003
Bulgaria	13 Dec 2000	05 Dec 2001
Georgia	13 Dec 2000	05 Sep 2006
Greece	13 Dec 2000	
Moldova	14 Dec 2000	16 Sep 2005
Romania	14 Dec 2000	04 Dec 2002
Russian Federation	12 Dec 2000	26 May 2004
Serbia	12 Dec 2000	06 Sep 2001
Turkey	13 Dec 2000	25 Mar 2003
Ukraine	15 Nov 2001	21 May 2004

## 2. Other relevant International Legislation (EU)

### 2.1. International Treaties and Conventions:

1. Convention on the Elimination of All forms of Discrimination against Women (CEDAW)
2. Convention on the Rights of the Child (CRC). Ratified by all the Stability Pact Countries. Recently adopted Protocol to CRC requires state parties to combat the sale of children. (21)
3. International Labor Organization (ILO) Convention N. 182 on the Worst Forms of Child Labor requires the elimination of "all forms of slavery or practices similar to slavery, (22).

4. Migrant Worker's Convention
5. Geneva Convention Relating to Status of Refugees
6. Council of Europe Convention on Action against Trafficking in Human Beings

## 2.2. European Legislation

The European Union adheres to the Protocol to suppress and punish trafficking in persons, supplementing the United Nations Convention against Transnational Organized Crime.

Existing European Legislation:

1. European Convention of Mutual Assistance in Criminal Matters (1959)
2. Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (1978)
3. Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (2001)
4. European Convention on Extradition (1957)
5. Additional Protocol to the European Convention on Extradition (1975)
6. Convention on Laundering, Search, Seizure, and confiscation of the Proceeds from Crime (1990)
7. European Convention on Mutual Legal Assistance in Criminal Matters between the member States of the European Union (2000)
8. Cyber crime convention (2001)
9. Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981)
10. European Convention on the Compensation of Victims of Violent Crimes (1983)
11. European Social Charter (revised) (1996)
12. Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and trans-border data flows (2001)
13. Convention on Action against Trafficking in Human Beings (2005)

EU legislation, main proposals and Community acts

### a. Decisions

1. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities
2. 32002F0629. 2002/629/JHA. Council Framework Decision of 19 July 2002 on combating trafficking in human beings<sup>1</sup>, with this Framework Decision, the Commission wishes to complement the existing instruments used to combat trafficking in human beings.

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<sup>1</sup> <http://europa.eu/scadplus/leg/en/lvb/l33137.htm>

3. 32001D0087. 2001/87/EC. Council Decision of 8 December 2000 on the signing, on behalf of the European Community, of the United Nations Convention against transnational organized crime and its Protocols on combating trafficking in persons, especially women and children, and the smuggling of migrants by land, air and sea.
4. 32000D0375. Council Decision of 29 May 2000 to combat child pornography on the Internet.

#### **b. Other Council Acts**

1. Council Conclusions of 8 May 2003
2. Council Resolution of 20 October 2003 on initiatives to combat trafficking in human beings, in particular women

### **2.3 BSEC Relevant Documents:**

- The Convention for the Protection of Human Rights and Fundamental Freedoms from November 4th **1950**, as well as its Additional Protocols,
- The Statement of the High Level Meeting of the BSEC Participating States held in Bucharest on June 30, **1995**,
- The Recommendations of the Parliamentary Assembly of BSEC (PABSEC) 15/1996 of 12 June **1996** on cooperation among the PABSEC Member Countries, on combating organized crime,
- The Moscow Declaration of the Heads of State or Governments dated October 25th, **1996** (the Joint Statement of the First Meeting of the Ministers of Internal Affairs of the BSEC Participating States, of 17 October 1996, in Yerevan, that was approved by the Heads of Countries and Governments of BSEC Participating States, on 25 October 1996, in Moscow),
- The Joint Declaration of the Second Meeting of the Ministers of Internal Affairs in Istanbul, on 22 October **1997**,
- The "Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in particular in its organized forms", signed in Kerkyra on October **1998**,
- The United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in November 15th **2000** aiming at the improvement of providing assistance and protection,
- The Joint Statement adopted at the Fifth Meeting of the Ministers of Internal Affairs/Public Order of the Black Sea Economic Cooperation (BSEC) Member States from Kyiv, 15 March, **2002** / the Additional Protocol to the BSEC Agreement, done in Kyiv on March the 15th, 2002
- The Joint Declaration of the Ministers of Interior/Public Order of the Member States of the Organization of the Black Sea Economic Cooperation (BSEC) on Combating Trafficking in Persons. Athens, 3 December **2004**.

**Main definition**

As defined in the Article 3 of the UN Protocol to *Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, Supplementing the UN *Convention against Transnational Organized Crime*, for the purpose of this plan of action, trafficking in persons should mean:

"(a) The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation should include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs."

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age."



## Republic of Albania (Republika e Shqiperise)



<b>Location</b>	Southeastern Europe, bordering the Adriatic Sea and Ionian Sea, between Greece and Serbia and Montenegro
<b>Capital</b>	Tirana
<b>Population</b>	3,600,523. (July 2007 est.)
<b>Currency</b>	Lek (ALL)
<b>Government type</b>	Parliamentary democracy
<b>Administrative divisions</b>	36 districts and 1 municipality
<b>Independence</b>	28 November 1912 (from Ottoman Empire)
<b>National holiday</b>	Independence Day from Ottoman Empire 28 November (1912)
<b>Constitution</b>	A new constitution was adopted by popular referendum on 28 November 1998
<b>Legal system</b>	has a civil law system; has not accepted compulsory ICJ jurisdiction; has accepted jurisdiction of the International Criminal Court for its citizens
<b>Executive branch</b>	Chief of state: President of the Republic Bamir TOPI (since 24 July 2007) head of government: Prime Minister Sali BERISHA (since 10 September 2005) cabinet: Council of Ministers proposed by the prime minister, nominated by the president, and approved by parliament elections: president elected by the People's Assembly for a five-year term (eligible for a second term); four election rounds held between 8 and 20 July 2007 (next election to be held in 2012); prime minister appointed by the president election results: Bamir TOPI elected president; People's Assembly vote, fourth round (three-fifths majority

	(84 votes) required): Bamir TOPI 85 votes, Neritan CEKA 5 votes
<b>Legislative branch</b>	Unicameral Assembly or Kuvendi (140 seats; 100 members are elected by direct popular vote and 40 by proportional vote to serve four-year terms)
<b>Judicial branch</b>	The People's Assembly elects Supreme Court, chairman of the Supreme Court for a four-year term
<b>International organization participation</b>	BSEC, CE, CEI, EAPC, EBRD, FAO, IAEA, IBRD, ICAO, ICtT, ICRM, IDA, IDB, IFAD, IFC, IFRCS, ILO, IMF, IMO, Interpol, IOC, IOM, IPU, ISO (correspondent), ITU, ITUC, MIGA, OIC, OIF, OPCW, OSCE, PFP, SECI, UN, UNCTAD, UNESCO, UNIDO, UNOMIG, UNWTO, UPU, WCO, WFTU, WHO, WIPO, WMO, WTO
<b>Geographic coordinates</b>	41 00 n, 20 00 e
<b>Area</b>	28.748 sq Km
<b>Border countries</b>	Greece 282 km, Former Yugoslav Republic of Macedonia 151 km, Serbia and Montenegro 287 km
<b>Coastline<sup>1</sup></b>	362 km (Adriatic and Ionian Sea)
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users), routes<sup>2</sup></b>	Albania is a source country with tendency to a destination country for women and girls trafficked for the purpose of commercial sexual exploitation and forced labor; it is no longer considered a major country of transit. Albanian victims are trafficked to Greece, Italy, Macedonia, and Kosovo, with many trafficked onward to Western European countries such as the United Kingdom, France, Belgium, Norway, Germany, and the Netherlands. <sup>3</sup>
<b>Law, mutual legal assistance and cooperation</b>	<p>Albania has ratified most of the relevant European conventions and signed the Second additional protocol to the European Convention on Mutual Assistance in Criminal Matters.<sup>4</sup> According to Article 122 Section 2 of the Albanian constitution, international agreements to which Albania is a party, prevail over national law. Cooperation with other states is conducted in accordance with the provisions of Title X – Jurisdictional relations with foreign authorities – of the Criminal Procedure Code.<sup>5</sup></p> <p>The Albanian Government has multilateral agreements with Germany, Italy, Greece for the setting-up and functioning of the International Anti-Trafficking Centre in Vlora, with the participation of experts from these countries for an organized fight against illegal trafficking. Albanian Government has decided to send police co-coordinators to Greece, Italy, Turkey, Kosovo, etc. It has set up the international anti-trafficking center in the city of Vlora (Albania) with the participation of experts from Germany, Italy, Greece and Albania, with the aim of reaching a close police coordination against trafficking and conducting joint police operations.<sup>6</sup></p> <p>However, The Government of Albania is placed on Tier 2 Watch List for its failure to provide evidence of increasing efforts to combat trafficking in persons over the past year, particularly in the area of victim protection. The government did not appropriately identify trafficking victims during 2007. It also has not demonstrated that it is vigorously investigating or prosecuting complicit officials.<sup>7</sup></p>
<b>Task force and other significant prevention measures</b>	<p>The Albanian Office of the National Coordinator on the Fight against Trafficking in Human Beings was established in November 2005. It is the first time that Albania has had an office with an exclusive anti-trafficking mandate reflecting the importance with which the Albanian Government takes this problem. The Office of the National Coordinator is the central point for coordinating the anti-trafficking efforts of the different government ministries, both at a national and international level</p> <p>The Government of Albania implemented several anti-trafficking prevention activities. However, allowed its national anti-trafficking action plan to expire. The Ministry of Interior took over funding of the national toll-free, 24-hour hotline for victims and potential victims of trafficking from the UN Office for Drugs and Crime and IOM in November 2007. The Ministry of Education includes in its high school curriculum awareness of the dangers of trafficking.</p>

<sup>1</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19<sup>th</sup> of June 2008

<sup>2</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June , 2008, U.S. Department of State,

<sup>3</sup> Source: Women in Development

<sup>4</sup> Judicial Networking in South-Eastern Europe

<sup>5</sup> same as 2

<sup>6</sup> Permanent Mission Of The Republic Of Albania to the UNOV, OSCE and other International Organizations in Vienna, Vienna, 30 August 2002, Albania: Country Report On Trafficking In Human Beings

<sup>7</sup> same as 2

The government continued implementation of an anti-speedboat law, outlawing virtually all water crafts along the Albanian coast and leading to a significant drop in trafficking in persons to Italy, most of which has been accomplished in the past by boat (law no. 9509, dated 03.04.2006 "On the Moratorium of vessels and boats"). During the reporting period, communication between the government and NGOs improved following a period of strained relations.

The national anti-trafficking coordinator and the police director-general held meetings with NGOs that led to improved communication between government and NGOs by January 2008, particularly at the border crossing points. As of March 2008, the government had not distributed a draft 2008-2010 national anti-trafficking action plan for comment to international partners and NGOs. The government did not provide evidence that it makes efforts to prevent its peacekeeping troops deployed abroad from engaging in trafficking or exploiting trafficking victims. The Ministry of Culture and Tourism produced banners that are being posted at 15 border crossing points to discourage **child sex tourism** and alert border-crossers that sexual relations with children is a crime in Albania.<sup>8</sup>

#### Anti-trafficking legislation

Albania adopted anti-trafficking legislation in January, 2001, modeled after the UN Protocol.<sup>9</sup> Conviction for trafficking carries a penalty of 5-15 years, and in some cases life imprisonment, as well as the Council of Europe Convention on Action Against Trafficking in Human Beings. Albania has also signed readmission agreements with several EU countries.

Albania drafted a national strategy "For Combating Trafficking in Human Beings" in 2002. In the present, it is implemented and it was drafted and reported implementation on the ALBANIAN NATIONAL STRATEGY FOR COMBATING TRAFFICKING IN HUMAN BEINGS: Strategic Framework and National Action Plan: 2005 – 2007<sup>10</sup>.

Presently, Final draft of **Albania's National AHT Strategy 2008 – 2010**, was endorsed by the State Committee for the Fight against HT and launched at the National Conference on May 30, 2008. In order to assist the prevention of illegal migration an amendment to Article 298 to the Criminal Code has been approved by the Council of Ministers. Article 298 of the Criminal Code was approved by the Parliament in the Law no.9686, dated 26 February 2007.

An amendment to the Penal Code was proposed by the Office of the National Coordinator to criminalize smuggling of human beings. This initiative was endorsed by the Council of Ministers in May 2006; it was approved by the Parliament with the law no. 9686, dated 26.02.2007, together with the package of changes to the Penal Code.

Primary legislation<sup>11</sup>:

1. Criminal Code (1995, as amended 2007)
2. Criminal Procedure Code (1995)
3. Law No. 9284 on Preventing and Striking at Organised Crime (2004)
4. Law No. 9205 on the Justice Collaborators and Witness Protection (2004)
5. Law No. 9110 on the Organization and Functioning of the Courts for Serious Crime (2003)
6. Law No. 8749 on the Internal Control Service in the Ministry of Public Order (March 2001)
7. Law No. 8663 for the Registration, the manner of use and the control of motor-powered navigational conveyances under 20 tons net weight (2000)
8. Law No. 8492 on Foreigners (May 1999)

Secondary Legislation:

1. Instruction No.1085 on the Procedure to be applied by the State Police for the Pre-Screening of Irregular Foreigners (2006)
2. Council of Ministers Order on the Establishment of Regional Committees for the Fight against Trafficking in Humans at Qarku Level (2006)
3. Joint Order on the establishment of Responsible Authority for protection and assistance to victims of trafficking and the assignment of duties to the institutions involved in this process (2006)
4. National Strategy for Combating Trafficking in Human Beings: Strategic Framework and National Action Plan: 2005 - 2007
5. National Strategy on Migration and National Action Plan on Migration (2005)

#### Shelters, hotline

There are several shelters for trafficking victims, and one for foreigners looking for asylum. Few shelters are run by IOM. Others by Albanian NGO's and the Albanian government<sup>12</sup>. There is a free hot line or green line available at all police stations. Few

<sup>8</sup> same as 2

<sup>9</sup> UN Anti-trafficking Protocol

<sup>10</sup> [http://www.moi.gov.al/old/anglisht/antitrafficking/TIP\\_Report\\_eng\\_Final.pdf](http://www.moi.gov.al/old/anglisht/antitrafficking/TIP_Report_eng_Final.pdf)

<sup>11</sup> <http://www.legislationline.org/?tid=178&jid=2&iid=0&less=true>

<sup>12</sup> See extensive list in Anti-Trafficking In Persons Resource Manual A Women's Legal Rights Initiative Publication Tirana, September 2006 Financed By The U.S. Agency For International Development (USAID)

	<p>Examples are:</p> <ul style="list-style-type: none"> <li>– Vlorë Women's Hearth (Vatra): Vatra, located in Vlorë, provides shelter to trafficking victims, counseling, reintegration services and vocational training.</li> <li>– Different and Equal (D&amp;E) provides shelter and reintegration services for victims of trafficking, also with CAAHT funding.</li> <li>– Tjeter Vizion/Another Vision sponsors residential centers, shelters and secure apartments in the district of Elbasan for children, adolescents and adult female victims of trafficking.</li> <li>– Community Center of Gjirokastra has opened a transit sheltering facility in Gjirokastra where victims receive shelter for up to seven days.</li> <li>– Legal Clinic for Minors (LCM) provides psycho-social counseling and legal assistance to the children and unaccompanied minors who have been returned from other countries.</li> </ul>
<b>Case examples, if provided</b>	<p>In 2007, Albania prosecuted 49 alleged traffickers and convicted seven human trafficking offenders. Seven of the prosecutions were for child labor trafficking. The sentences for convicted traffickers were appropriately severe, ranging from five years' imprisonment with fines to 16 years' imprisonment with fines. It is unknown if the government prosecuted and convicted additional traffickers under other statutes because the government does not separate crime statistics by trafficking offences.</p>
<b>Regional agreements with bordering countries, if info provided</b>	<p>Cooperation with other countries in the region is based on European conventions and bilateral agreements. Cooperation with "The former Yugoslav Republic of Macedonia" has intensified after the adoption of a bilateral agreement on mutual assistance in criminal and civil matters, extradition and execution of court decisions, as well as regular meetings between the two countries.<sup>13</sup></p> <p>Starting with 2002, under the pressure of the international community, Albanian authorities in cooperation with other countries undertook various anti-organised crime measures to bring human trafficking networks down. The Albanian police organised 9 operations in the fight against illegal trafficking. In this year, 48 criminal groups were disrupted; 200 women rescued from trafficking; 486 women returned to Albanian from various EU destinations; 453 settled in rehabilitation centres, and 31 integrated into the society (Tabaku 2007). One of the most important joint police and prosecution operation organised in cooperation with Italian authorities was the police operation 'Puna' from 2002. According to law enforcement officials, the Albanian-Italian operation 'Puna' reduced human trafficking/smuggling from/via Albania (particularly via speed boats to Italy) to almost zero.<sup>14</sup></p> <p>In relation to human trafficking, international organisations have also confirmed that the number of foreign women identified in Albania as victims of trafficking has decreased rapidly after the second half of 2002.</p> <p>Albania has signed a bilateral agreement with Greece on protecting children and assisting child victims of traffic on February 27, 2006. This is the first agreement that Greece has entered into with another country that relates specifically to children.</p>
<b>Illicit drugs and<sup>15</sup> related illegal operations</b>	<p>Increasingly active transshipment point for Southwest Asian opiates, hashish, and cannabis transiting the Balkan route and - to a lesser extent - cocaine from South America destined for Western Europe; limited opium and growing cannabis production; ethnic Albanian narcotrafficking organizations active and expanding in Europe; vulnerable to money laundering associated with regional trafficking in narcotics, arms, contraband, and illegal aliens</p>

<sup>13</sup> This Additional Protocol supplements the Agreement between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on Cooperation in Combating Terrorism, Organized Crime, Illicit Trafficking in Narcotics, Psychotropic Substances, and Precursors, Illegal Migration and Other Illegal Activities (hereinafter referred to as "the Agreement"), signed on June 17th, 2004 in Skopje, in force since May, 20th 2005.

<sup>14</sup> A more comprehensive and detailed analysis on the development of human trafficking and prostitution markets in the western Balkans and the links with politics can be found in: Arsovska, J. (2008) 'Mapping the changing criminal landscape of the Balkan Triangle: human trafficking in Albania, Kosovo and Macedonia', to be published in the Oxford Journal Policing: Journal of Policy and Practice (forthcoming); Arsovska J. (2006) 'Albanian crime laid bare: the development of Albanian organised crime groups in the Balkans', Systematic Transnational Crime, Jane's Intelligence Review, 19(2), 36-40.

<sup>15</sup> Same as 1





## Republic of Armenia



<b>Location</b>	Southwestern Asia, east of Turkey
<b>Capital</b>	Yerevan
<b>Population</b>	2,968,586 <i>note: all data dealing with population are subject to considerable error because of the dislocations caused by military action and ethnic cleansing (July 2008 est.)</i>
<b>Currency</b>	dram (AMD)
<b>Government type</b>	Republic
<b>Administrative divisions</b>	11 provinces (marzer, singular - marz); Aragatsohn, Ararat, Armavir, Geghark'unik', Kotayk', Lorri, Shirak, Syunik', Tavush, Vayots' Dzor, Yerevan
<b>Independence:</b>	21 September 1991 (from Soviet Union)
<b>National holiday</b>	Independence Day, 21 September (1991)
<b>Constitution</b>	Adopted by nationwide referendum 5 July 1995; amendments adopted through a nationwide referendum 27 November 2005
<b>Legal system</b>	Based on civil law system; has not accepted compulsory ICJ jurisdiction
<b>Executive branch</b>	Chief of state: President Serzh SARGSIAN (since 9 April 2008) head of government: Prime Minister Tigran SARGSIAN (since 9 April 2008) cabinet: Council of Ministers appointed by the prime minister elections: president elected by popular vote for a five-year term (eligible for a second term); election last held 19 February 2008 (next to be held February 2013); prime minister appointed by the president based on majority or plurality support in parliament; the prime minister and Council of Ministers must resign if the National Assembly refuses to accept their program election results: Serzh SARGSIAN elected president; percent of vote - Serzh SARGSIAN 52.9%, Levon TER-PETROSSIAN 21.5%, Artur BAGHDASARIAN

	16.7%
<b>Legislative branch</b>	<p>Unicameral National Assembly (Parliament) or Azgayin Zhoghov (131 seats; members elected by popular vote, 90 members elected by party list and 41 by direct vote; to serve four-year terms)</p> <p><i>elections:</i> last held 12 May 2007 (next to be held in the spring of 2012) <i>election results:</i> percent of vote by party - HHK 33.9%, Prosperous Armenia 15.1%, ARF (Dashnak) 13.2%, Rule of Law 7.1%, Heritage Party 6%, other 24.7%; seats by party - HHK 64, Prosperous Armenia 18, ARF (Dashnak) 16, Rule of Law 9, Heritage Party 7, independent 17</p>
<b>Judicial branch</b>	Constitutional Court; Court of Cassation (Appeals Court)
<b>International organization participation</b>	ACCT (observer), ADB, BSEC, CE, CIS, CSTO, EAEC (observer), EAPC, EBRD, FAO, GCTU, IAEA, IBRD, ICAO, ICCT (signatory), ICRM, IDA, IFAD, IFC, IFRCS, ILO, IMF, Interpol, IOC, IOM, IPU, ISO, ITSO, ITU, MIGA, NAM (observer), OAS (observer), OIF (observer), OPCW, OSCE, PFP, UN, UNCTAD, UNESCO, UNIDO, UNWTO, UPU, WCO, WFTU, WHO, WIPO, WMO, WTO
<b>Geographic coordinates</b>	40 00 N, 45 00 E
<b>Area</b>	<p><i>total:</i> 29,800sq km</p> <p><i>land:</i> 28,400 sq km</p> <p><i>water:</i> 1,400 sq km</p>
<b>Border countries</b>	Azerbaijan-proper 566 km, Azerbaijan-Naxcivan exclave 221 km, Georgia 164 km, Iran 35 km, Turkey 268 km
<b>Coastline<sup>16</sup></b>	0 km (landlocked)
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users), routes<sup>17</sup></b>	<p>Armenia is a primarily a source country for women and girls trafficked to the United Arab Emirates (U.A.E.) and Turkey for the purpose of commercial sexual exploitation. Armenian men and women are trafficked to Turkey and Russia for the purpose of forced labor. According to the OSCE, there has been one documented case of Ukrainian and Russian women trafficked to Armenia for the purposes of sexual exploitation. Victims trafficked to the U.A.E. ARMENIA 60 usually fly to Dubai from Yerevan or via Moscow; the trafficking route to Turkey is generally via bus through Georgia. Armenian law enforcement reports indicate that destination countries now also include Qatar, Bahrain, and Kuwait; however, no official cases involving these countries as destinations have surfaced.<sup>18</sup></p>
<b>Law, mutual legal assistance and cooperation</b>	<p>Armenia is placed on Tier 2 Watch List for a fourth consecutive year because its efforts to increase compliance with the minimum standards were assessed based on its commitments to undertake future actions over the coming year, particularly in the areas of improving victim protection and assistance.</p> <p>While the government elevated antitrafficking responsibilities to the ministerial level, adopted a new National Action Plan, and drafted a National Referral Mechanism, it has yet to show tangible progress in identifying and protecting victims or in tackling trafficking complicity of government officials. The Government of Armenia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.</p>
<b>Task force</b>	<p>In 2007, the Government of Armenia demonstrated some progress in the protection of trafficking victims; overall tangible improvements have yet to be realized. The government failed to provide financial or in-kind assistance for anti-trafficking NGOs. Although the government achieved a significant breakthrough by developing a long-promised draft national referral mechanism, it has yet to be implemented. Although the government identified 147 persons as victims of trafficking in 2007, this figure is likely conflated with figures for smuggling and prostitution crimes. The government's efforts to protect victims continue to be hampered by the absence of uniform criteria to facilitate adequate identification; law enforcement officials referred only 17 victims to NGOs in 2007, though this is an increase from the eight it referred in 2006. In 2007, ARMENIA 61 one victim received state-provided housing under a program run by the Ministry of Labor and Social Affairs (MLSA); the MLSA provided a one-time poverty allowance to two trafficking victims, assisted some victims in finding jobs, and helped settle one victim into an elderly home. In May 2007, the government actively worked with an NGO to</p>

<sup>16</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19<sup>th</sup> of June 2008

<sup>17</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June , 2008, U.S. Department of State

<sup>18</sup> U.S. State Dept Trafficking in Persons Report, June, 2007

secure the release and return of two Armenian trafficking victims from Georgia. Armenian law does not explicitly prevent<sup>19</sup>

### Anti-trafficking legislation

With regard to the **fight against organised crime**, a legislative framework to combat human trafficking is largely in place, complemented by the national action plan 2007-2009 on Combating Trafficking in the Republic of Armenia, adopted in December 2007. However, more comprehensive legislation and improved coordination mechanisms are recommended alongside increased financial and human resources to ensure its adequate implementation. A two-year, regional anti-trafficking project was launched mid 2007 to further support the plan's implementation with a particular focus on awareness raising and involvement of labourmarket institutions in preventive actions, capacity building of national authorities to detect trafficking activities and identification and protection of victims.<sup>20</sup>

Primary legislation<sup>21</sup>:

1. Criminal Code (2003)
2. Code on Administrative Infringement

The definition of trafficking adopted in Armenia after the ratification of the Palermo Protocol generally tracks with that of the international instruments above. Article 132 of the Armenian Criminal Code, originally adopted in August 2003 and amended in June 2004, defines trafficking as "the purchase or sale, recruitment, transportation, transfer, harbouring or receipt of persons, committed for the purpose of exploitation, forced labour or services, slavery or practices similar to slavery, or dependency or taking of organs or tissues of a person."

#### Issues with the Armenian Definition of Trafficking in Human Beings

- The definition does not contain a provision removing the consent of the victim as a defense to a trafficking charge, and prosecutor discretion leaves open the possibility that criminal investigations of trafficking will not be pursued or completed.
- The existence of a separate but poorly defined offense for child trafficking detracts from the coherence of the general definition of trafficking in humans.
- Armenian law does not provide for higher penalties when travel or identity document forgery or alteration, or retaining, removing, concealing, damaging or destroying of another person's document has been committed for trafficking purposes.
- Few adequate mechanisms exist within Armenian law for holding corporate entities or organizations liable for trafficking in humans.
- Punishments for trafficking, even in aggravated circumstances, are not severe enough to deter traffickers, and asset confiscation is not available as a law enforcement tool in fighting trafficking.
- Victims of trafficking are vulnerable to prosecution for the crimes they may have committed, even under compulsion.
- There is a mistake in Art 183 of the current CPC, which still lists Art 132 among those for which a criminal case can be initiated only based on the complaint of the injured party.<sup>22</sup>

### Shelters, hotline

The current structure with two shelters is over-dimensioned and too expensive. The assisted number of victims so far suggests that this capacity is not needed. Should there be a surge in numbers of victims, the mobile shelters seem to offer a more flexible and thus preferable solution.

### Case examples, if

Armenian anti-trafficking NGOs are totally dependent on international grants, which makes the development of a longer-term shelter strategy very difficult. To counteract this, the IAC considers it necessary to establish a state shelter financed from the state budget, because this would in their opinion be a sustainable solution. Armenia prohibits trafficking in persons for both labor and sexual exploitation through Article 132 of its penal code, which prescribes penalties of three to 15 years'

<sup>19</sup> same as 16

<sup>20</sup> COMMISSION STAFF WORKING DOCUMENT Accompanying the Communication from the Commission to the Council and the European Parliament 'Implementation of the European Neighbourhood Policy in 2007', Progress Report Armenia, Brussels, 3 April

<sup>21</sup> <http://www.legislationline.org/?tid=179&jid=4&less=true>

<sup>22</sup> Armenian Legislation on Trafficking in Human Beings, Legislative Gap Analysis, OSCE Office Yerevan, 2006

**provided**

imprisonment—penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes. The government investigated 14 cases of trafficking for sexual and labor exploitation in 2007. It prosecuted eight suspects and convicted a total of 11 trafficking offenders, with sentences ranging from one to eight years' imprisonment and fines. Traffickers are eligible for release from prison after serving half of their sentences, and early release is routinely granted. According to a 2007 OSCE Assessment, only a small number of convicted Armenian traffickers receive serious sentences. Although trafficking victims are entitled to seek restitution based on their cases, or in a separate civil suit, Armenian courts continued to reject these claims. In November 2007, an Armenian court denied \$1,110 sought by the victim seeking civil damages from her convicted trafficker, who beat and tortured her to deter her escape; she contracted tuberculosis as a result of being forced into prostitution

**Regional  
agreements with  
bordering  
countries, if info  
provided**

Armenia is a participating member of the Framework Program of Cooperation between the Council of Europe and Ministries of Education of Armenia, Georgia, and Azerbaijan.

**Illicit drugs and  
related illegal  
operations**

CO-OPERATION AGREEMENT Between the Ministry of Interior of the Republic of Armenia and the Ministry of Interior of the Syrian Arab Republic on matters of their competence including organized crimes, 1995.

Illicit cultivation of small amount of cannabis for domestic consumption; minor transit point for illicit drugs - mostly opium and hashish - moving from Southwest Asia to Russia and to a lesser extent the rest of Europe



## Azerbaijan



<b>Location</b>	Southwestern Asia, bordering the Caspian Sea, between Iran and Russia, with a small European portion north of the Caucasus range
<b>Capital</b>	Baku (Baki, Baky)
<b>Population</b>	8,177,717 (July 2008 est.)
<b>Currency</b>	Azerbaijani manat (AZN)
<b>Government type</b>	Republic
<b>Administrative divisions</b>	59 rayons (rayonlar; rayon - singular), 11 cities (saharlar; sahar - singular), 1 autonomous republic (muxtar respublika) <i>rayons:</i> Abseron Rayonu, Agcabadi Rayonu, Agdam Rayonu, Agdas Rayonu, Agstafa Rayonu, Agsu Rayonu, Astara Rayonu, Balakan Rayonu, Barda Rayonu, Beylaqan Rayonu, Bilasuvar Rayonu, Cabrayil Rayonu, Calilabad Rayonu, Daskasan Rayonu, Davaci Rayonu, Fuzuli Rayonu, Gadabay Rayonu, Goranboy Rayonu, Goycay Rayonu, Hacıqabul Rayonu, Imisli Rayonu, Ismayilli Rayonu, Kalbacar Rayonu, Kurdamir Rayonu, Lacin Rayonu, Lankaran Rayonu, Lerik Rayonu, Masalli Rayonu, Neftcala Rayonu, Oguz Rayonu, Qabala Rayonu, Qax Rayonu, Qazax Rayonu, Qobustan Rayonu, Quba Rayonu, Qubadli Rayonu, Qusar Rayonu, Saatli Rayonu, Sabirabad Rayonu, Saki Rayonu, Salyan Rayonu, Samaxi Rayonu, Samkir Rayonu, Samux Rayonu, Siyazan Rayonu, Susa Rayonu, Tartar Rayonu, Tovuz Rayonu, Ucar Rayonu, Xacmaz Rayonu, Xanlar Rayonu, Xizi Rayonu, Xocali Rayonu, Xocavand Rayonu, Yardimli Rayonu, Yevlax Rayonu, Zangilan Rayonu, Zaqatala Rayonu, Zardab Rayonu <i>cities:</i> Ali Bayramli Sahari, Baki Sahari, Ganca Sahari, Lankaran Sahari, Mingacevir Sahari, Naftalan Sahari, Saki Sahari, Sumqayit Sahari, Susa Sahari, Xankandi Sahari, Yevlax Sahari <i>autonomous republic:</i> Naxcivan Muxtar Respublikasi
<b>Independence:</b>	30 August 1991 (from Soviet Union)

<b>National holiday</b>	Founding of the Democratic Republic of Azerbaijan, 28 May (1918)
<b>Constitution</b>	Adopted 12 November 1995
<b>Legal system</b>	Based on civil law system; has not accepted compulsory ICJ jurisdiction
<b>Executive branch</b>	Chief of state: President Ilham ALIYEV (since 31 October 2003) head of government: Prime Minister Artur RASIZADE (since 4 November 2003); First Deputy Prime Minister Yaqub EYYUBOV (since June 2006) cabinet: Council of Ministers appointed by the president and confirmed by the National Assembly elections: president elected by popular vote to a five-year term (eligible for a second term); election last held 15 October 2003 (next to be held in October 2008); prime minister and first deputy prime minister appointed by the president and confirmed by the National Assembly election results: Ilham ALIYEV elected president; percent of vote - Ilham ALIYEV 76.8%, Isa GAMBAR 14%
<b>Legislative branch</b>	Unicameral National Assembly or Milli Mejlis (125 seats; members elected by popular vote to serve five-year terms) <i>elections:</i> last held 6 November 2005 (next to be held in November 2010) <i>election results:</i> percent of vote by party - NA; seats by party - Yeni 58, Azadliq coalition 8, CSP 2, Motherland 2, other parties with single seats 9, independents 42, undetermined 4 (240 seats; members elected by popular vote to serve four-year terms)
<b>Judicial branch</b>	Supreme Court
<b>International organization participation</b>	ADB, BSEC, CE, CIS, EAPC, EBRD, ECO, FAO, GCTU, GUAM, IAEA, IBRD, ICAO, ICRM, IDA, IDB, IFAD, IFC, IFRC, ILO, IMF, IMO, Interpol, IOC, IOM, IPU, ISO, ITSO, ITU, ITUC, MIGA, NAM (observer), OAS (observer), OIC, OPCW, OSCE, PFP, SECI (observer), UN, UNCTAD, UNESCO, UNIDO, UNWTO, UPU, WCO, WFTU, WHO, WIPO, WMO, WTO (observer)
<b>Geographic coordinates</b>	40 30 N, 47 30 E
<b>Area</b>	<i>total:</i> 86,600 sq km <i>land:</i> 86,100 sq km <i>water:</i> 500 sq km <i>note:</i> includes the exclave of Naxcivan Autonomous Republic and the Nagorno-Karabakh region; the region's autonomy was abolished by Azerbaijani Supreme Soviet on 26 November 1991
<b>Border countries</b>	Armenia (with Azerbaijan-proper) 566 km, Armenia (with Azerbaijan-Naxcivan exclave) 221 km, Georgia 322 km, Iran (with Azerbaijan-proper) 432 km, Iran (with Azerbaijan-Naxcivan exclave) 179 km, Russia 284 km, Turkey 9 km
<b>Coastline</b> <sup>23</sup>	0 km (landlocked); note - Azerbaijan borders the Caspian Sea (800 km est.)
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users), routes</b> <sup>24</sup>	Azerbaijan is primarily a source and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Women and some children from Azerbaijan are trafficked to Turkey and the United Arab Emirates (U.A.E.) for the purpose of sexual exploitation. Men and boys are trafficked to Russia for the purpose of forced labor. Men and women are also trafficked to Iran, Pakistan, the U.A.E., and India for purposes of sexual exploitation and forced labor. Azerbaijan serves as a transit country for victims from Uzbekistan, Kyrgyzstan, Kazakhstan, and Moldova trafficked to Turkey and the U.A.E. for sexual exploitation. The Azerbaijani exclave of Nakhchivan serves as a transit point for women trafficked to Turkey. <sup>25</sup>  Reported cases <sup>26</sup> suggest that the following routes traversing Azerbaijan are most frequently used for illegal migration purposes: <ul style="list-style-type: none"> <li>- Iraq - Iran - Azerbaijan - Europe;</li> <li>- Afghanistan - Iran - Azerbaijan - Europe;</li> <li>- Afghanistan - Pakistan - Iran - Azerbaijan - Europe;</li> <li>- Iran - Azerbaijan - China - Japan;</li> <li>- Iran - Azerbaijan - Turkey - Europe.</li> </ul>
<b>Law, mutual legal</b>	The Government of Azerbaijan does not fully comply with the minimum standards

<sup>23</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19<sup>th</sup> of June 2008

<sup>24</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June , 2008, U.S. Department of State,

<sup>25</sup> U.S. State Dept Trafficking in Persons Report, June, 2008

<sup>26</sup> [http://www.mfa.gov.az/eng/foreign\\_policy/inter\\_affairs/fightmigr.shtml](http://www.mfa.gov.az/eng/foreign_policy/inter_affairs/fightmigr.shtml)



**assistance and cooperation**

for the elimination of trafficking; however, it is making significant efforts to do so. Azerbaijan is placed on Tier Two Watch List for its failure to provide evidence of increasing efforts to combat trafficking in persons, particularly efforts to investigate, prosecute and punish traffickers, to address complicity among law enforcement personnel, and to adequately identify and protect victims in Azerbaijan. Although the government-funded shelter housed an increased number of trafficking victims in 2007, Azerbaijan has yet to develop a much-needed mechanism to identify potential trafficking victims and refer them to safety and care. Poor treatment of trafficking victims in courtrooms continues to be a problem.

**Task force**

The Government of Azerbaijan did not improve protections for trafficking victims in 2007. The government again failed to take concrete steps to develop or implement a national mechanism to identify trafficking victims and refer them to providers of protective services, a recommendation since 2005. Although it now regularly shares law enforcement data with some NGOs, the government has yet to make tangible improvements in relationships with the NGO community in Azerbaijan; lack of communication and cooperation hamper real reform in establishing an adequate protection program. Although the government reportedly identified over 100 victims in 2007, only 29 received care and assistance at the government's shelter. Local NGOs report that many victims, due to mistrust of law enforcement, prefer to seek shelter from friends or other NGOs that are viewed as more independent from the government. While the government shelter shares an agreement with a local hospital to provide medical services to victims, most medical staff members are ill-equipped to assist with their unique needs. Relocation assistance is limited, but victims received a one-time payment of \$40 from the government. According to the government, 11 victims also received compensation from traffickers as part of a victim restitution program.

**Anti-trafficking legislation**

Azerbaijan does not have a criminal code provision specifically dealing with trafficking in persons. The term *trafficking* is mentioned in Article 106 of the criminal code, which prohibits slavery.

Trafficking is not identified as a distinct offense, and therefore there is no definition. Article 106 of the criminal code prohibits slavery, defined as "the partial or full possession of rights of a person treated like property." (Article 106.1). Trafficking is listed as an aggravating factor in the crime of slavery, requiring a more severe punishment, but it is not defined.

The penalty for the offense of slavery is from 5 to 10 years in prison. (Article 106.1). If the victim is a child or if the offense has been committed "with a view to trafficking," a phrase that is not further defined, the penalty increases to a minimum of 7 and a maximum of 10 years. (Article 106.2). Slave trading, including forcing into slavery, sale or exchange of a slave, or "any deed related to the slave trading or trafficking, as well as sexual slavery or divestment of sexual freedom under slavery" carries a penalty of 5 to 10 years in prison. (Article 106.3).

Other criminal code provisions relevant to trafficking are: Sexual Abuse (including forced prostitution) (Article 108); Violence of a Sexual Nature (Article 150); Forcing to Sexual Action (Article 151); Sexual Intercourse of Action with a Minor Under 16 (Article 152); Involvement of Minors in Prostitution (Article 171); Trade in Minors (Article 173); Involvement in Prostitution (Article 243); Maintenance of Brothels (Article 244).

Nothing in the criminal code addresses the protection of trafficking victims.<sup>27</sup>

Primary legislation<sup>28</sup>:

1. Criminal Code
2. Draft Law of the Republic of Azerbaijan on amendments and additions to several legislative acts regarding trafficking in human beings (*September 2005*)
3. Law on Fight against Human Trafficking (*June 2005*)
4. Law on State Protection of Persons Taking Part in Criminal Procedure (*1998, amended 2004*)

Secondary legislation:

<sup>27</sup> <http://www.legislationline.org/?jid=6&less=false&tid=178>

<sup>28</sup> <http://www.legislationline.org/?tid=179&jid=6&less=true>

	<p>– Presidential Decree on Enactment of the Law on Trafficking in Persons</p>
<b>Shelters, hotline</b>	<p><i>In nearest future hot line will be opened for victims of human trafficking In Baku, at present talks continue with the government related to this matter.</i> With the support of the United States Embassy and OSCE, the International Organization for Migration (IOM) conducted training for the future staff of a hotline and shelter for trafficked victims.</p> <p>There is a lack of preventive measures for potential victims of trafficking, as well as a lack of witness protection mechanisms, shelters, hotlines, repatriation and rehabilitation/reintegration arrangements for actual victims of trafficking. Trafficked women who return to Azerbaijan are hesitant to seek legal, psychological or medical assistance upon their return and tend to end up continuing to work in the domestic sexual industry or risk being re-trafficked.<sup>29</sup></p>
<b>Case examples, if provided</b>	<p>The Government of Azerbaijan's law enforcement efforts declined in 2007. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits trafficking for both sexual exploitation and forced labor, and prescribes five to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as sexual assault. According to the government, it prosecuted 75 cases and convicted 85 trafficking offenders during the year. However, the government's data on prosecutions appear to conflate trafficking with prostitution and smuggling charges. Moreover, over half of the convicted traffickers received house arrest or delayed or suspended sentences. The remaining traffickers received imposed sentences of one to 10 years' imprisonment. According to most civil society groups in Azerbaijan, corruption and lack of training among low-level law enforcement impedes overall anti-trafficking efforts. Although some judges handed down sufficient sentences during the reporting period, the judiciary remains one of the weakest anti-trafficking actors in Azerbaijan, due to inadequate training and corruption.</p>
<b>Regional agreements with bordering countries, if info provided</b>	<p>Cooperation with Turkey, Pakistan, and Iran is being carried out on the base of contracts and agreements on mutual legal assistance in fighting against organized crime.</p> <p>A similar document is being planned for signing by state bodies of the UAE.</p>
<b>Illicit drugs and related illegal operations</b>	<p>Limited illicit cultivation of cannabis and opium poppy, mostly for CIS consumption; small government eradication program; transit point for Southwest Asian opiates bound for Russia and to a lesser extent the rest of Europe</p>

<sup>29</sup> [http://www.unhcr.se/Pdf/Position\\_countryinfo\\_papers\\_06/Combatting\\_human\\_trafficking.pdf](http://www.unhcr.se/Pdf/Position_countryinfo_papers_06/Combatting_human_trafficking.pdf) , Combatting Human Trafficking, an overview of UNHCR Anti-trafficking activities in Europe, Bureau for Europe Policy Unit, 2005





## Republic of Bulgaria



<b>Location</b>	South-eastern Europe, bordering the Black Sea, between Romania and Turkey
<b>Capital</b>	Sofia
<b>Population</b>	7,262,675 (July 2008 est.)
<b>Currency</b>	lev (BGL)
<b>Government type</b>	Parliamentary democracy
<b>Administrative divisions</b>	28 provinces (oblasti, singular - oblast);
<b>Independence:</b>	3 March 1878 (from Ottoman Empire)
<b>National holiday</b>	Liberation Day, 3 March (1878)
<b>Constitution</b>	Adopted 12 July 1991
<b>Legal system</b>	Civil law and criminal law based on Roman law; accepts compulsory ICJ jurisdiction
<b>Executive branch</b>	Chief of state: President Georgi PARVANOV (since 22 January 2002); Vice President Angel MARIN (since 22 January 2002) head of government: Prime Minister Sergei STANISHEV (since 16 August 2005); Deputy Prime Ministers Ivaylo KALFIN, Daniel VULCHEV, and Emel ETEM (since 16 August 2005) and Meglena PLUGCHIEVA (since 25 April 2008) cabinet: Council of Ministers nominated by the prime minister and elected by the National Assembly elections: president and vice president elected on the same ticket by popular vote for a five-year term (eligible for a second term); election last held 22 and 29 October 2006 (next to be held in 2011); chairman of the Council of Ministers (prime minister) nominated by the president and elected by the National Assembly; deputy prime ministers nominated by the prime minister and elected by the National Assembly election results: Georgi PARVANOV reelected president; percent of vote - Georgi PARVANOV 77.3%, Volen SIDEROV 22.7%; Sergei STANISHEV elected prime

	minister, result of legislative vote - 168 to 67
<b>Legislative branch</b>	Unicameral National Assembly or Narodno Sobranie (240 seats; members elected by popular vote to serve four-year terms)
<b>Judicial branch</b>	Supreme Administrative Court; Supreme Court of Cassation; Constitutional Court (12 justices appointed or elected for nine-year terms); Supreme Judicial Council (consists of the chairmen of the two Supreme Courts, the Chief Prosecutor, and 22 other members; responsible for appointing the justices, prosecutors, and investigating magistrates in the justice system; members of the Supreme Judicial Council elected for five-year terms, 11 elected by the National Assembly and 11 by bodies of the judiciary)
<b>International organization participation</b>	ACCT, Australia Group, BIS, BSEC, CE, CEI, CERN, EAPC, EBRD, EIB, EU (new member), EUROPOL, FAO, G-9, IAEA, IBRD, ICAO, ICC, ICCT, ICRM, IFC, IFRCS, ILO, IMF, IMO, IMSO, Interpol, IOC, IOM, IPU, ISO, ITSO, ITU, ITUC, MIGA, NAM (guest), NATO, NSG, OAS (observer), OIF, OPCW, OSCE, PCA, SECI, UN, UNCTAD, UNESCO, UNIDO, UNMEE, UNMIL, UNMIS, UNWTO, UPU, WCL, WCO, WEU (associate affiliate), WFTU, WHO, WIPO, WMO, WTO, ZC, ICMPD, UNODC, UNICEF
<b>Geographic coordinates</b>	43 00 N, 25 00 E
<b>Area</b>	110,910 sq km
<b>Border countries</b>	Greece 494 km, The Former Yugoslav Republic of Macedonia 148 km, Romania 608 km, Serbia 318 km, Turkey 240 km
<b>Coastline<sup>30</sup></b>	Black Sea 354 km
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users), routes</b>	<p>Bulgaria is a source, transit, and, to a lesser extent, a destination country. It is a destination or transit country for citizens of Moldova, Romania, Russia, Ukraine, and Armenia, trafficked to and through Bulgaria to Germany, Switzerland, Norway, Italy, the Netherlands, Greece, Turkey, Belgium, France, Spain, Austria, the Czech Republic and Poland, for the purposes of sexual exploitation and forced labor. Roma children are trafficked within Bulgaria and to Austria, Italy (small number of cases,) Greece and other West European countries for purposes of forced begging and petty theft. Around 20 percent of identified trafficking victims in Bulgaria are children. A seasonal increase of the cases related to internal traffic to the seaside resorts is in place in summer and to the mountain resorts in winter, and throughout the whole year - to the border towns with Greece.</p> <p>After Bulgaria's accession to EU a process of gradual decrease of trafficking in human beings is observed related to the general tendency of legalization of Bulgarian prostitutes in the countries where prostitution is regulated by law.</p> <p>In 2007 the Government of Bulgaria made substantial progress in addressing the problem of human trafficking. In June 2007, the government appointed a new secretariat to the National Commission for Combating Trafficking in Human Beings, boosting the ability of the country's anti-trafficking coordinating agency to develop and implement a transnational victim referral mechanism; to maintain and analyze victim data for use in policy development; and to implement the annual National Anti-Trafficking Strategy. In 2007 and early 2008, local commissions were established in four towns identified as 'high-risk' for victims of trafficking. The Commission also launched a public awareness campaign targeted at potential victims and customers of sex tourism. The Minister of Interior and Prosecutor General publicly rejected efforts to legalize prostitution in Bulgaria, a strong effort to reduce the domestic demand for commercial sex acts.<sup>31</sup></p>
<b>Law, mutual legal assistance and cooperation</b>	<p>Under the new Criminal Procedure Code international legal assistance in criminal matters is rendered to another state under the provisions of an international treaty executed to this effect, to which the Republic of Bulgaria is a party, or based on the principle of reciprocity. International legal assistance in criminal cases is also made available to international courts whose jurisdiction has been recognised by the Republic of Bulgaria.</p> <p>Since Bulgaria has ratified the conventions of the Council of Europe on mutual legal assistance in criminal matters, extradition, and transfer of sentenced persons, it executes mutual legal assistance with all countries that are parties to those conventions. In addition, within Europe and the BSEC region, Bulgaria has bilateral agreements for mutual legal assistance in criminal matters with Azerbaijan, Armenia, Georgia, Greece, Cyprus, Poland, Romania, Turkey, Hungary, FRY.</p>

<sup>30</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19th of June 2008

<sup>31</sup> Information basea on TIP report 2008, US Department of State, June 2008

**Task force**

Inter-agency cooperation in the field of counter-trafficking between government institutions, non-government and civil sector and international organizations is at advanced level in Bulgaria. Government institutions, NGOs and IOs cooperation is assured through the following inter-institutional bodies.

**National Commission for Combating Trafficking in Human Beings** is set by the Combating Trafficking in Human Beings Act as an interagency body, consisted of representatives of 13 ministries and national agencies, which are involved into the process of prevention, victims support and prosecution of criminals in the field of human trafficking.

The National Commission is responsible to develop, manage, co-ordinate and supervise the implementation of the national policy and strategy for counteracting trafficking in human beings and protection of the victims; To organize and coordinate the interaction between the individual administrative bodies and organizations for the implementation of the Combating Trafficking in Human Beings Act and the National Program for Prevention and Counteraction Trafficking in Human Beings and Protection of the Victims; To organize research, analysis and statistical recording of data on human trafficking, risk factors, risk groups and new tendencies; To carry out information, awareness and educational campaigns targeted at potential victims of trafficking; To work for the protection and reintegration of the victims of human trafficking and to suggest new legal measures for synchronization of Bulgarian law with international law in regards of victims' protection.

The National Commission annually elaborates a National Program for prevention and counteracting trafficking in human beings and protection of its victims, which is being approved by the Council of Ministers in which way the highest level of support for the implementation of the antitrafficking efforts on national level is ensured.

In February 2007 an **expert group** to the National Commission was created. It consists from representatives from all the ministries and institution that are members of the Commission. The International Organization of Migration has its representative; some NGO's will join the Expert Group in 2008.

The National Commission is chaired by a Deputy Prime Minister, as designated by the Council of Ministers. The Commission includes a deputy minister of foreign affairs, a deputy minister of labour and social policy, a deputy minister of the interior; a deputy minister of justice, a deputy minister of health, a deputy minister of education and science, a vice chairman of the State Agency for Child Protection, a deputy chairman of the Central Enforcement Commission for Anti-Social Behaviour of Juveniles and Minors.

The National Commission includes representatives of the Chairman of the Supreme Court of Cassation, the Prosecutor General and the Director of the National Investigation Service. The meetings of the National Commission may be attended by representatives of non-profit legal entities and international organizations with country offices that operate in the area of countering trafficking in human beings and protection of the victims of trafficking.

**Anti-trafficking legislation**

Bulgaria adopted specific anti-trafficking legislation in 2002. Conviction for trafficking carries a penalty of 1 to 15 years, with a fine of up to 15,000 BGL. (Criminal Code)

On the 1-st of January 2007 entered into force the adopted in 2006 Law on support and financial compensation to crime victims, which provides for effective national compensation system for the victims of explicit intentional serious crimes, among which is trafficking in human beings as well. In November 2006 the Republic of Bulgaria signed the Council of Europe Convention on combating trafficking in human beings and on the 7-th of March 2007 the National Assembly adopted the Law on the ratification of the Convention.

A very good mechanism for **witness protection** is established in Bulgaria. **The general witness protection** through keeping the secret of witness identity and/or providing him/her with police guard is regulated under Art. 123 of the Penal Procedure Code. It explicitly stipulates that the measures undertaken by the Prosecutor, the Reporting Judge or the Court should provide immediate witness protection; defines the temporary character of the protection; a possibility is provided for the use of special investigative means for preserving the life, health and property of the persons who are subject to protection and who gave their written consent for this protection; a 30 days term is defined from the moment of adopting the measure for protection in which the Prosecutor or the Reporting Judge could suggest to include the witness in the **Protection Program** under the terms and the procedure provided by the **Law on Protection of Persons Endangered in Connection with Criminal Proceedings**.

The Law on Protection of Persons Endangered in Connection with Criminal

Proceedings, entered into force on 25.05.2005, regulates the conditions and the procedure for providing special protection from the state to persons who are endangered in connection with criminal proceedings and persons who are closely related to them. The Law stipulates the establishment of a **Program for Protection of Endangered Persons**. A Council for Protection of Endangered Persons with the Minister of Justice is established. It is chaired by the Minister of Justice and its members are a Deputy Prosecutor General, a Deputy Chairman of the Supreme Court of Cassation and a Deputy Director of the National Investigation Service. Besides, a **Bureau for Protection of Endangered Persons** is established as a specialized department at the Ministry of Justice with the purpose to implement the Council's decisions.

Primary legislation<sup>32</sup>:

1. Criminal Code (1968, lastly amended 2005)
2. Criminal Procedure Code (2005, lastly amended in 2008) (excerpts)
3. Combating Trafficking in Human Beings Act (2003, last amended in 2008)
4. Law on Protection Of Persons Threatened In Connection With Criminal Procedure (2005)
5. Law on support and financial compensation to crime victims (2006)
6. Criminal Assets Forfeiture Act (2006)
7. Child Protection Act (2000, last amended in 2008 )
8. Law for the Bulgarian Identification Documents (1998, as amended 2008)
9. Law on Measures against Money Laundering (1998, as amended 2008)
10. Law for the Protection of Personal Data (2002, as amended 2007)
11. Law for the Asylum and the Refugees (2002, lastly amended in 2008)
12. Law for the Protection of the Classified Information (2002, lastly amended in 2008)

Secondary legislation:

1. Regulations Governing Temporary Placement Shelters and Protection and Support Centers for Trafficking Victims (2004)
2. Structural and Operational Rules of the National Commission to Combat Trafficking in Persons (2004)
3. Implementing Regulation on the Child Protection Act (2003)

#### Shelters, hotline

According to the National Register of the physical and legal non-profit entities in Bulgaria that provides activities in the field of counteracting human trafficking in Bulgaria there are seven out of twenty-two nongovernmental organizations and International Organization of Migration that provide crisis accommodation and/or shelter for victims of trafficking. Thirteen organizations provide crisis intervention – psychological, medical and social – from which:

- Long-term psychological counseling and psychotherapy – eight organizations;
- Medical care – nine organizations;
- Social support – thirteen organizations;
- Financial support – two organizations;
- Care for victims' children – three organizations;
- Employment opportunities – eleven organizations;
- Educational opportunities – five organizations.

#### Crisis centers for children victims of trafficking

Three crisis centers for children, victims of violence and trafficking have been functioning since the beginning of 2007 – in the village of Balvan -Veliko Tarnovo district, in the towns of Pazardzhik and Dragoman. In 2008 another two were open – in the village of Alfatar – Silistra district and in town of Montana. A sixth center is planned to be open till the end of 2008.

Children between 6 and 18 years of age, victims of trafficking and/or other violence are eligible for accommodation. The crisis centers main activities include shelter provision, food and round-the-clock care for the children, healthcare and educational services, psychological support, as well as work for preparing the child reintegration in his/her biological family. The duration of stay is up to 6 months depending on the individual needs and the level of readiness of the child and the family for reintegration. In cases of unsuccessful reintegration process, the child is directed for placement in an institution. The centers have an overall capacity to accommodate 50 children. As of the end of 2007, the total number of children using the service was 26. The three crisis centers are financed and governed by the state.

**Hotlines** - There are several hotlines for children and adolescents victims of violence including victims of trafficking or potential victims in Bulgaria that provide counseling and information.

The project "National Hotline for Children - 0800 19 100" is a common initiative of

State Agency for Child Protection and UNICEF Office in Bulgaria and it started on 14.11.2007, its pilot phase will last until 31.12.2008. It's a national, free, 24-hour, anonymous line. The Hotline is operated by an NGO "Center Nadya" Foundation.

Animus Association Foundation hotline – 02 981 76 86 exists for almost eleven years. It provides consultations for victims of violence, including adolescents, victims of domestic and sexual violence and human trafficking.

**Case examples, if provided**

**Joint investigation of organized crime group activities acting on the territories of Bulgaria and the Netherlands**

The investigation was started in February 2007 and finalised in May 2007 with the detention of the organized crime group members acting on the territories of Bulgaria and the Netherlands. The Bulgarian Chief Directorate for Combating Organized Crime, The National Investigation Service and the Supreme Prosecutor's Office of Cassation of Bulgaria, the Kennemerland Police (the Netherlands), the liaison officer of the Netherlands in the SECI Center took part in the investigation.

The organized crime group was recruiting and transporting Bulgarian female citizens from Bulgaria to the Netherlands. Some of the victims knew that in the Netherlands they will be prostitutes. There were minor Bulgarian citizens among them that were using forged identity documents.

During the investigation special investigation methods were used (tapping, surveillance). Some working meetings were held on expert level with the participation of the prosecution of the two countries.

European Arrest Warrants were issued for three Bulgarian citizens that were detained during the police operation in Bulgaria. A request for legal aid was made in view of the need for carrying-out procedural investigation activities in Bulgaria with the presence of Dutch investigators. Searches and traces, and seizures were carried-out in order to gather comprehensive documentary evidence for the criminal activities of the perpetrators.

At that time an operation was carried-out in the Netherlands for the detention of the organized crime group members. Seven Bulgarian female citizens that had been prostituting for the organized crime group were identified.

The detained in Bulgaria organized crime group members were surrendered to the Netherlands for execution of the issued European Arrest Warrants. The identified victims in connection with the investigation were interviewed by the police officers in both countries. They were proposed to join support, aid and reintegration programs.

There was a good level of communication between participating authorities that contributed to the successful finalising of the investigation.

**International cooperation, regional agreements with bordering countries, if info provided**

Trafficking in women for the purpose of sexual exploitation has become a serious global problem. As a result of this the co-operation between Ministry of Interior of Bulgaria and its relevant partners has expanded during the last several years. This trend can be seen in the number of measures launched, among them appointment of Bulgarian liaison officers, increase of the information exchange with the foreign services in the process of investigation of THB, strengthening of the legal bases of cooperation.

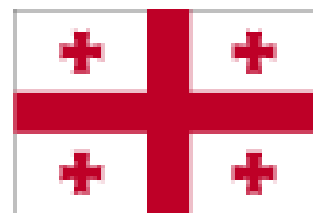
A good example of joint actions against organised crime and particularly against THB is the Southeast European Cooperative Initiative – SECI Regional Center for Combating Trans-border Crime, which is situated in Bucharest. Bulgaria has participated actively in all SECI initiatives – international police operations, exchange of information, ongoing investigations of criminal networks, trainings of police officers and providing for availability of witnesses.

A lot of information is exchanged through foreign police liaison officers, situated in Bulgaria. This cooperation allows quicker exchange of information.

International cooperation is based upon bilateral or multilateral agreements. Bulgaria is cooperating actively on a national and international level with partners from state agencies, NGO's and international organisations. Bulgarian police authorities rely very much on regional bilateral cooperation. Bulgaria has signed bilateral agreements for police cooperation with the following countries in the BSEC region: Albania, Armenia, Greece, Moldova, Romania, Russia, Serbia, Turkey, Ukraine.

Bulgaria has concluded readmission agreements with the following countries in the BSEC region: Albania, Georgia, Greece, Romania, Yugoslavia, Ukraine. A draft has been sent to Russia, and discussions are underway with Turkey.

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## Georgia



<b>Location</b>	Southwestern Asia, bordering the Black Sea, between Turkey and Russia
<b>Capital</b>	Tbilisi
<b>Population</b>	4,630,841 (July 2008 est.)
<b>Currency</b>	lari (GEL)
<b>Government type</b>	Republic
<b>Administrative divisions</b>	<p>11 regions: Guria, Imereti, Kakheti, Kvemo Kartli, Mtskheta-Mtianeti, Racha-Lechkhumi and Kvemo Svaneti, Samegrelo and Zemo Svaneti, Samtskhe-Javakheti, Shida Kartl</p> <p>Tbilisi <i>autonomous republics</i>: Abkhazia or Ap'khazet'is Avtonomiuri Respublika (Sokhumi), Ajaria or Acharis Avtonomiuri Respublika (Bat'umi) <i>note</i>: the administrative centers of the two autonomous republics are shown in parentheses</p>
<b>Independence:</b>	9 April 1991 (from Soviet Union)
<b>National holiday</b>	Independence Day, 26 May (1918); <i>note</i> - 26 May 1918 was the date of independence from Soviet Russia, 9 April 1991 was the date of independence from the Soviet Union
<b>Constitution</b>	Adopted 24 August 1995
<b>Legal system</b>	Based on civil law system; accepts compulsory ICJ jurisdiction
<b>Executive branch</b>	<p>Chief of state: President Mikheil SAKASHVILI ;(since 25 January 2004, reelected in January 2008 for the five-year term); the president is both the chief of state and head of government for the power ministries: state security (includes interior) and defense head of government: President Mikheil SAKASHVILI (since 25 January 2004); Prime Minister Vladimir "Lado" GURGENIDZE (appointed 19 November 2007); the president is both the chief of state and head of government</p>



for the power ministries: state security (includes interior) and defense; the prime minister is head of the remaining ministries of government cabinet: Cabinet of Ministers elections: president elected by popular vote for a five-year term (eligible for a second term); election last held 5 January 2008 (next to be held January 2013)

<b>Legislative branch</b>	Unicameral Parliament or Parlamenti (also known as Supreme Council or Umaghlesi Sabcho) (since 12.03.2008 150 seats; 75 members elected by proportional representation, 75 from single-seat constituencies) <i>elections</i> : last held 21 May 2008 (next to be held in spring 2012) <i>election results</i> : percent of vote by party - National Movement-Democratic Front 59.2%, National Council-New Rights 17.7%, other parties 23.1%; seats by party - National Movement-Democratic Front 120, National Council-New Rights 16.
<b>Judicial branch</b>	Constitutional Court;  General Courts system : regional court, appellation court, supreme court.
<b>International organization participation</b>	ACCT (observer), ADB, BSEC, CE, CIS, EAPC, EBRD, FAO, GCTU, GUAM, IAEA, IBRD, ICAO, ICC, ICCT, ICRM, IDA, IFAD, IFC, IFRCS, ILO, IMF, IMO, Interpol, IOC, IOM, IPU, ISO (correspondent), ITSO, ITU, ITUC, MIGA, OAS (observer), OIF (observer), OPCW, OSCE, PFP, SECI (observer), UN, UNCTAD, UNESCO, UNIDO, UNWTO, UPU, WCO, WHO, WIPO, WMO, WTO
<b>Geographic coordinates</b>	42 00 N, 43 30 E
<b>Area</b>	<i>total</i> : 69,700 sq km <i>land</i> : 69,700 sq km <i>water</i> : 0 sq km
<b>Border countries</b>	Armenia 224 km, Azerbaijan 445 km, Russia 894 km, Turkey 263,5 km
<b>Coastline</b> <sup>33</sup>	310 km
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users)<sup>34</sup>, routes</b>	<p>Hundreds of Georgians are trafficked annually to Turkey, Russia, France and Spain, Greece, the United States, the United Arab Emirates, Germany, the Netherlands, with smaller numbers trafficked to Israel and Portugal, and even as far as Philippines. Because of the proximity of and cheaper travel Turkey seems a chief destination country.</p> <p>Georgia is a country of origin and a country of transit for trafficking in women and children. Victims are trafficked to Greece, Turkey, the United States, Spain, and France (in that order) and, to a lesser extent, to the Netherlands, Germany, the United Kingdom, Belgium, Cyprus, Switzerland, Israel, and Denmark.<sup>35</sup></p> <p>Georgia is also in seldom cases a transit country for trafficking from Russia, Ukraine, and other former Soviet states to Turkey and other Mediterranean countries, such as Israel. Armenians have been trafficked through Georgia en route to the United Arab Emirates and Turkey,<sup>36</sup> and Uzbek women have been trafficked through Georgia en route to United Arab Emirates.<sup>37</sup></p>
<b>Law, mutual legal assistance and cooperation</b>	The Government of Georgia fully complies with the minimum standards for the elimination of trafficking. The government made considerable progress over the past year, particularly in the prosecution and punishment of traffickers, and in the prevention of trafficking.
<b>Task force</b>	Georgia conducted extensive anti-trafficking public awareness campaigns and outreach activities during the reporting period, including TV spots, published materials for wide population, meetings with university students, journalists, and ethnic minority representatives. The Permanent Interagency Anti-Trafficking Coordination Council, led by the head of the Presidential Administration, serves as the coordinating body for all government anti-trafficking efforts and involves representatives from local and international NGOs and embassies. During public meetings and TV and radio shows, the Coordination Council made efforts to reduce the demand for commercial sex acts by highlighting the new proposed

<sup>33</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19th of June 2008

<sup>34</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June 11, 2003, U.S. Department of State, <http://www.state.gov/g/tip/rls/tiprpt/2003/>

<sup>35</sup> [http://www.protectionproject.org/human\\_rights\\_reports/report\\_documents/georgia.doc](http://www.protectionproject.org/human_rights_reports/report_documents/georgia.doc)

<sup>36</sup> International Organization for Migration, *Hardship Abroad or Hunger at Home: A Study of Irregular Migration from Georgia* (Geneva: International Organization for Migration, September 2001), [http://www.iom.int/DOCUMENTS/PUBLICATION/EN/Georgia\\_report\\_sep\\_01.pdf](http://www.iom.int/DOCUMENTS/PUBLICATION/EN/Georgia_report_sep_01.pdf).

<sup>37</sup> "Georgia Holds over Dozen Uzbek Women in 'Major' Human Trafficking Case," *BBC Monitoring International Reports*, June 22, 2004.



legislation criminalizing “clients” who benefit from trafficking victims’ exploitation. The government also broadcast two public service announcements targeting potential victims and “clients” on three television channels during the reporting period. Georgia’s Civil Registry Agency continues to disseminate anti-trafficking brochures with new passports. The Ministry of Internal Affairs’ Informational-Analytical Department maintains a database accessible by all government agencies that stores and organizes trafficking-related information..

Interagency Coordination Council has been established in accordance with Article 10 of the Law on Fight Against Trafficking in Persons (Presidential Decree #534 of September 2006)

The following agencies are represented in the Coordination Council, as full members:

- 1. Office of the Prosecutor General;
- 2. Ministry of Labour, Health, and Social Protection;
- 3. Ministry of Internal Affairs;
- 4. Ministry of Justice;
- 5. Ministry of Education and Science;
- 6. Ministry of Foreign Affairs.

The Coordination Council has also invited members from international organizations (USAID, UNICEF, IOM, OSCE, Council of Europe and the European Commission), NGOs (GYLA and “TANADGOMA”), US Embassy in Georgia, Parliamentary Committee on Human Rights and Civil Integration and Public Defender’s Office of Georgia.

The main tasks of this Council are:

- Coordination of work of state agencies in the fight against trafficking in persons;
- Elaboration of proposals on effective fight against trafficking;
- Monitoring of Existing situation in the fight against Trafficking.

## Anti-trafficking legislation

Parliament of Georgia adopted the Law on “Combating Trafficking in Persons” that entered into force on June 16, 2006

National Action plan on Combating Trafficking in Persons. The Action Plan consists three “P”: Prevention of trafficking, Protection of victims and witness, Prosecution of Trafficking.

National Referral Mechanism. NRM is an immediate action on trafficking facts and it means: Identification of the Victim, Assistance of the victim and witnesses by providing them free medical and legal consultation, offering accommodation in the shelters. Next step of the NRM is a Rehabilitation of the victims. Professionals create individual programmes to help them develop capacities for reintegration in the society.

The Criminal Code<sup>38</sup> prohibits trafficking in persons<sup>39</sup> and trafficking in minors<sup>40</sup> for purposes of sexual, labor, and other forms of exploitation. Punishment for a crime of trafficking is imprisonment from 5 to 12 years. Under certain aggravated circumstances, punishment is imprisonment for up to 20 years.<sup>41</sup>

Anyone who sets up or maintains a brothel is subject to punishment by imprisonment for up to 4 years.<sup>42</sup>

Getting service from the victim when “client” is informed on Trafficking fact, is punishable according the Criminal Code of Georgia<sup>8</sup>

The Criminal Code prohibits involving minors in prostitution or other antisocial activities. Punishment is 170 to 240 hours of socially useful work, corrective labor for up to 2 years, detention for up to 4 months, or imprisonment for up to 2 years.<sup>43</sup>

Coercing a person into sexual intercourse or another action of a sexual character is punishable by a fine, by corrective labor for up to 1 year, or by imprisonment for up to 2 years.<sup>44</sup>

Anyone who engages another person in prostitution by using force, the threat of

<sup>38</sup> [http://www.protectionproject.org/human\\_rights\\_reports/report\\_documents/georgia.doc](http://www.protectionproject.org/human_rights_reports/report_documents/georgia.doc)

<sup>39</sup> Article 143.

<sup>40</sup> Article 172.

<sup>41</sup> Article 143 and 172.

<sup>42</sup> Article 254.

<sup>43</sup> Article 171.

<sup>44</sup> Article 139.

force, or deception is subject to imprisonment for up to 2 years. When this crime is committed by an organized group, punishment is imprisonment for up to 5 years.<sup>45</sup>

Illegal production, distribution, or promotion of pornographic materials is an offense punishable by a fine and corrective labor or imprisonment for up to 2 years.<sup>46</sup>

Illegal restriction of a person's freedom of action is punishable by a fine, corrective labor, or imprisonment for up to 1 year.<sup>47</sup> Also, anyone who threatens another with death, damage to health, or destruction of property is subject to punishment by a fine, socially useful labor or corrective labor for up to 1 year, or imprisonment for up to 3 months.<sup>48</sup>

The Criminal Code punishes forgery by a fine, socially useful labor, or imprisonment for up to 3 years. Under certain aggravated circumstances, imprisonment can be for up to 10 years.<sup>49</sup>

Misappropriation of document, seal, stamp, or blank is punishable by a fine or imprisonment for up to 2 years.<sup>50</sup>

Under the Code of Administrative Violations, prostitution is punished by a warning or a fine.<sup>51</sup>

**Illegal Crossing of state borders** is regulated by Art. 344 of Criminal Code of Georgia

At the same time since June 20, 2006, the following amendment to the same article of the Criminal Code of Georgia is in force:

A TIP victim is exempted from criminal liability for **illegal crossing of the state border**, if he/she committed the said crime due to being the victim of trafficking in persons (Art. 344, CCG).

Primary legislation<sup>52</sup>:

1. Criminal Code (1999, as amended 2003)
2. Criminal proceeding Code
3. Combating trafficking in persons.
4. National Action Plan
5. National Referral Mechanism
6. Code of Administrative Violations

## Shelters, hotline

State shelters were opened in Tbilisi and in Batumi in 2007 with the financial support of USAID. The State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons was established on the basis of the Law. The State Fund functions under the supervision of the Ministry of Labour, Health and Social Welfare. The State Fund provides the payment of compensation to victims of trafficking and finances their protection, assistance and rehabilitation measures. The Compensation amounts to 1,000 GEL per victim.

There is also available assistance to trafficking victims in Georgia provided by a few NGOs on an *ad hoc* basis.

The Law also ensured creation of the institution providing services for the TIP victims (*the shelter*). The first shelter started functioning in summer of 2006. The Government of Adjara Region donated building in the Region where the first shelter is located. The building was renovated and equipped with the relevant inventor and furniture, with the generous support of the USAID and GYLA. The person will be placed in the shelter only if the status of victim of human trafficking is granted to him/her either by the law enforcement bodies or by the Permanent Group, and only on the basis of his/her consent. The shelter provides with following services:

- Secure place of residence with decent living conditions;
- Food and clothes;

<sup>45</sup> Article 253.

<sup>46</sup> Article 255.

<sup>47</sup> Article 150.

<sup>48</sup> Article 151.

<sup>49</sup> Article 180.

<sup>50</sup> Article 363.

<sup>51</sup> Article 172/3.

<sup>52</sup> <http://www.legislationline.org/?tid=178&jid=20&iid=0&less=true>

- Medical assistance;
- Psychological counseling;
- Legal assistance and court representation
- Participation in the long-term and short-term programs of rehabilitation and reintegration.

**Case examples, if provided**

Georgia continued to improve overall victim protections over the reporting period, although there were indications that implementation of victim identification and assistance procedures may need improvement. The government allocated \$180,000 to the State Fund for Victim Protection and Assistance (SFVPA) in 2007 and pledged to increase funding again by 50 percent in the next year. With this funding, the government funds 70 percent of the operating costs of two trafficking victim shelters and provides victims with free legal and medical assistance. The SFVPA also provides trafficking victims with a \$650 victim assistance allowance, regardless of whether the victim cooperates with law enforcement authorities. Foreign victims of human trafficking are afforded full victim assistance benefits under Georgian law, including legal alternatives to removal to countries where they would face hardship or retribution. Trafficking victims and witnesses can also be placed under protection of separate witness protection procedures in accordance with Georgia's criminal procedure legislation.

**Regional agreements with bordering countries, if info provided**

A 2-day conference of the Council of the Commonwealth of Independent States (CIS) interior ministers took place in Moldova in June 2004. Representatives of Armenia<sup>53</sup>, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine, and Uzbekistan participated. The council was to discuss the criminal situation in the CIS and methods to combat drug trafficking and international terrorism, with special attention given to trafficking in persons and illegal migration.<sup>54</sup>

In May 2005, Georgia signed the Council of Europe adopted the Convention on Action against Trafficking in Human Beings.<sup>55</sup>

Georgia, as a party to the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Council of Europe Convention on Action against Trafficking in Human Beings, and the Convention on the Rights of the Child, undertakes all possible measures to ensure protection of victims of trafficking in the best possible way.

With Turkey there are in place: Agreement between Georgia and the Republic of Turkey on legal assistance in civil, trade and criminal matters. Agreement on border issues between Georgia and the Republic of Turkey. Protocol between Georgia and the Republic of Turkey on the implementation of Article 9 (trafficking in human beings) to the "Agreement between the Republic of Azerbaijan, Georgia and the Republic of Turkey on cooperation in the fight against terrorism, organized crime and other serious crimes".

**Illicit drugs and related illegal operations**

In The field of Combating Human Trafficking Ministry of Internal Affairs of Georgia Cooperates with Following Countries: Turkey , Hungary, Slovenia, Greece, Bosnia and Herzegovina, Ukraine, Khorvatia, republic of Moldova, Azerbaijan, Bulgaria, Macedonia, Romania, Serbia and Albania.

Limited cultivation of cannabis and opium poppy, mostly for domestic consumption; used as transshipment point for opiates via Central Asia to Western Europe and Russia.

<sup>53</sup> [http://www.protectionproject.org/human\\_rights\\_reports/report\\_documents/georgia.doc](http://www.protectionproject.org/human_rights_reports/report_documents/georgia.doc)

<sup>54</sup> "Moldova to Host Conference of CIS Interior Ministers," *Arminfo*, 15 June 2004.

<sup>55</sup> Council of Europe, *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*, Warsaw, 16 May 2005, [http://www.coe.int/T/E/Human\\_Rights/Equality/PDF\\_Conv\\_197\\_Trafficking\\_E.pdf](http://www.coe.int/T/E/Human_Rights/Equality/PDF_Conv_197_Trafficking_E.pdf).

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## Greece - Hellenic Republic (Elliniki Dhimokratia)



<b>Location</b>	Southern Europe, bordering the Aegean Sea, Ionian Sea, and the Mediterranean Sea, between Albania and Turkey
<b>Capital</b>	Athens
<b>Population</b>	10,722,816 (July 2008 est.)
<b>Currency</b>	euro (EUR);
<b>Government type</b>	Parliamentary republic
<b>Administrative divisions</b>	51 prefectures (nomoi, singular - nomos) and 1 autonomous region* - Agion Oros* (Mt. Athos)
<b>Independence:</b>	1829 (from the Ottoman Empire)
<b>National holiday</b>	Independence Day, 25 March (1821)
<b>Constitution</b>	11 June 1975; amended March 1986 and April 2001
<b>Legal system</b>	Based on codified Roman law; judiciary divided into civil, criminal, and administrative courts; accepts compulsory ICJ jurisdiction with reservations
<b>Executive branch</b>	chief of state: President Karolos PAPOULIAS (since 12 March 2005) head of government: Prime Minister Konstandinos (Kostas) KARAMANLIS (since 7 March 2004) cabinet: Cabinet appointed by the president on the recommendation of the prime minister elections: president elected by parliament for a five-year term (eligible for a second term); election last held 8 February 2005 (next to be held by February 2010); according to the Greek Constitution, presidents may only serve two terms; president appoints leader of the party securing plurality of vote in election to become prime minister and form a government

<b>Legislative branch</b>	Unicameral Parliament or Vouli ton Ellinon (300 seats; members are elected by direct popular vote to serve four-year terms)
<b>Judicial branch</b>	Supreme Judicial Court; Special Supreme Tribunal; all judges appointed for life by the president after consultation with a judicial council
<b>International organization participation</b>	Australia Group, BIS, BSEC, CE, CERN, EAPC, EBRD, EIB, EMU, ESA, EU, FAO, IAEA, IBRD, ICAO, ICC, ICCT, ICRM, IDA, IEA, IFAD, IFC, IFRCS, IHO, ILO, IMF, IMO, IMSO, Interpol, IOC, IOM, IPU, ISO, ITSO, ITU, ITUC, MIGA, MINURSO, NAM (guest), NATO, NEA, NSG, OAS (observer), OECD, OIF, OPCW, OSCE, PCA, Schengen Convention, SECI, UN, UN Security Council (temporary), UNCTAD, UNESCO, UNHCR, UNIDO, UNIFIL, UNMEE, UNMIS, UNOMIG, UNWTO, UPU, WCO, WEU, WFTU, WHO, WIPO, WMO, WTO, ZC
<b>Geographic coordinates</b>	39 00 N, 22 00 E
<b>Area</b>	131,940 sq km
<b>Border countries</b>	Albania 282 km, Bulgaria 494 km, Turkey 206 km, The Former Yugoslav Republic of Macedonia 246 km
<b>Coastline</b> <sup>56</sup>	13,676 km
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users)</b> <sup>57</sup> , routes	Greece is a destination and transit country for women and children trafficked for the purposes of sexual exploitation and forced labor. Women are trafficked from Eastern Europe, the Balkans, and Africa for the purposes of commercial sexual exploitation and forced labor. Source countries over the reporting period include Romania, Bulgaria, Russia, Lithuania, Moldova, Ukraine, Albania, Nigeria, and Sudan. Some Albanian men are trafficked to Greece for forced labor. Most children trafficked from Albania to Greece are subjected to forced labor, including forced begging and petty crimes; some are trafficked for the purpose of sexual exploitation. Reportedly, trafficking of Nigerian victims for the purposes of sexual exploitation continued to increase and some victims were forced to marry traffickers or their associates to "legalize" their status in the country.
<b>Law, mutual legal assistance and cooperation</b>	The Government of Greece does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While Greece continued to fund prevention programs in source countries, co-sponsor anti-trafficking training, and provide for domestic shelters in Greece, long-standing recommendations in previous reports concerning victim identification, victim protection, and punishment for traffickers remain unaddressed. Greece has yet to ratify a 2004 child repatriation agreement negotiated with Albania, shelters remain underutilized, and convicted traffickers are not serving imposed sentences. Inadequate protection of both identified and potential trafficking victims remain serious concerns.
<b>Task force</b>	<p>In 2002, an international task force was established within the SECI Center to deal with trafficking in persons. It is composed of specialized officers from SECI member states.<sup>58</sup> The Government of Greece sustained previous prevention efforts in 2007. The government continued to support NGOs in source countries that conduct trafficking prevention work. However, due to elections and a subsequent reorganization of a new government, Greece suspended formal inter-ministerial cooperation on trafficking for nine months of 2007. The government in 2007 failed to conduct any awareness campaigns to reduce domestic demand for commercial sex acts offered in Greece's legal sex trade; nor did it take any steps to prevent child sex tourism of its nationals traveling abroad. Greece has not ratified the 2000 UN TIP Protocol.</p> <p>The Task Force for Combating Trafficking in Human Beings is an inter-ministerial and multi disciplinary group headed by the Chief of the Hellenic Police.</p>
<b>Anti-trafficking legislation</b>	<p>The Greek Law analyses all forms of trafficking in human beings, in other words trafficking in women, men and children for sexual exploitation, work exploitation, removal of body organs and use in armed clashes.</p> <p>Trafficking in human beings is punished as a felony. The offenders are punished by a jail sentence up to ten years and a fine. In case of aggravating circumstances (child victim, abuse of authority, heavy bodily harm or death of the victim, exercise of the criminal activity as a profession), the offenders are punished by imprisonment of at least ten years and the fines imposed may reach up to 100,000 €.</p>

<sup>56</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19th of June 2008

<sup>57</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June 11, 2003, U.S. Department of State, <http://www.state.gov/g/tip/rls/tiprpt/2003/>

<sup>58</sup> "Fighting against Trafficking in Human Beings in Romania," PC.DEL/643/02, Ministry of Foreign Affairs, Council of Europe and Human Rights Department, Bucharest, 2 September 2002.

Foresees an imprisonment sentence of at least six months for persons who consciously use victims' services. In cases of minor victims of trafficking in human beings, increased protection is foreseen.

Potential victims of trafficking in human beings (victims that have not yet been officially identified by the public prosecutor), are granted a reflection period of one month

Identified victims have the right to be granted a residence permit in Greece

**PENAL CODE:**

- Article 323A (Trafficking in human beings)
- Article 351 (Trade in humans)
- Article 348A (Child Pornography)
- Article Article 187 (Organized crime)
- Article 351A (Lewd act with minors for payment)

**Victims' protection**

- N. 3064/02 articles 12 and 13
- N. 3386/05 articles 46 – 52: reference is made to the right of victims of trafficking in human beings to obtain a residence permit and a work permit in Greece, as well as to the possibility of granting a reasonable period of time so that the victims can decide whether to cooperate with the Greek prosecuting authorities for the punishment of the offenders (reflection period).
- Π.Δ. 233/03 - Was issued in order to regulate matters relating to the protection of and assistance to victims of human trafficking. Its provisions refer to the measures of protection and assistance enacted by the Greek State in order to support persons who have been officially identified as victims of trafficking in human beings (identified victims).

**Shelters, hotline**

A few NGOs have been running shelters and operating hotlines for trafficking victims. The government also has a 24-hour hotline for trafficking victims.<sup>59</sup>

**Case examples, if provided**

The Government of Greece's law enforcement efforts decreased in 2007, although authorities reportedly initiated 48 trafficking prosecutions. Greek law 3064, adopted in 2002, prohibits trafficking for both sexual exploitation and forced labor, and prescribes imprisonment of up to 10 years and a fine of \$13,000 to \$65,000. These penalties are sufficiently stringent and commensurate with those for other grave crimes. Law enforcement arrests decreased from 206 in 2006 to 121 in 2007, and investigations decreased from 70 to 41 in the same year. The government did not provide specific data on the number of traffickers convicted during this reporting period. The government's record on punishing convicted traffickers remained unclear. Many NGOs report that convicted traffickers who face lengthy prison sentences are granted bail pending appeals of their convictions. The government did report that in February 2007, a court in Athens sentenced a Nigerian defendant to 19 years' imprisonment and denied his request for bail pending appeal.

**Regional agreements with bordering countries, if info provided**

Agreement on Combating Crime, especially terrorism, organized crime, illicit drug trafficking and illegal immigration (came into force on July 17, 2001) In implementation of this Agreement, a Readmission Protocol was signed to provide cooperation between the Ministry of Public Order of Greece and the Ministry of Interior of Turkey on readmission of citizens of either country or third country nationals who have illegally entered the territory of either Greece or Turkey. The readmission procedure falls under specific rules agreed upon by the two countries (came into force on August 5, 2002). Greece is participating in the Initiative of Adriatic and the Ionian Sea, which was initiated by Italy, with the participation of Albania, Croatia, Slovenia, Bosnia-Herzegovina and the Federal Republic of Yugoslavia.

**Illicit drugs and related illegal operations**

Greece has developed a considerable network of bilateral agreements for police cooperation with 20 countries, through which all forms of organized crime are covered. A gateway to Europe for traffickers smuggling cannabis and heroin from the Middle East and Southwest Asia to the West and precursor chemicals to the East; some South American cocaine transits or is consumed in Greece; money laundering related to drug trafficking and organized crime

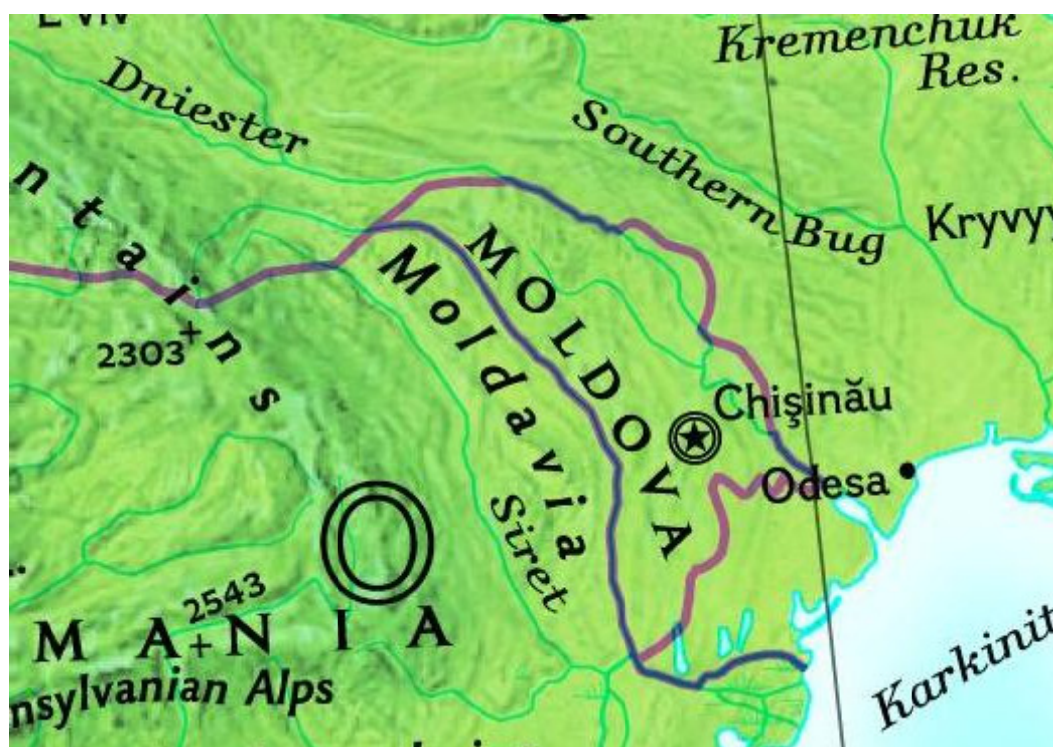
<sup>59</sup> [http://www.unhcr.se/Pdf/Position\\_countryinfo\\_papers\\_06/Combatting\\_human\\_trafficking.pdf](http://www.unhcr.se/Pdf/Position_countryinfo_papers_06/Combatting_human_trafficking.pdf), Combatting Human Trafficking, an overview of UNHCR Anti-trafficking activities in Europe, Bureau for Europe Policy Unit, 2005

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## Republic of Moldova (Republica Moldova)



<b>Location</b>	Eastern Europe, northeast of Romania
<b>Capital</b>	Chisinau
<b>Population</b>	4,324,450 (July 2008 est.)
<b>Currency</b>	Moldovan leu (MDL)
<b>Government type</b>	Republic
<b>Administrative divisions</b>	32 raions (raioane, singular - raionul), 3 municipalities (municipiul), 1 autonomous territorial unit (unitatea teritoriala autonoma), and 1 territorial unit (unitatea teritoriala)
<b>Independence</b>	27 August 1991 (from Soviet Union)
<b>National holiday</b>	Independence Day, 27 August (1991)
<b>Constitution</b>	New constitution adopted 28 July 1994; replaces old Soviet constitution of 1979
<b>Legal system</b>	Based on civil law system; Constitutional Court reviews legality of legislative acts and governmental decisions of resolution; Moldova accepts many UN and Organization for Security and Cooperation in Europe (OSCE) documents.  The cooperation that exists between the law enforcement bodies of the Republic of Moldova and international organizations on combating transborder crimes, in particularly THB, is currently being enhanced and strengthened. The Government of the Republic of Moldova is conducting complex measures that were worked out and executed in compliance with the requirements set by international and regional organizations.

<b>Executive branch</b>	chief of state: President Vladimir VORONIN (since 4 April 2001) head of government: Prime Minister Zinaida GRECEANII (since 31 March 2008); First Deputy Prime Minister Igor DODON (since 31 March 2008) cabinet: Cabinet selected by president, subject to approval of Parliament elections: president elected by Parliament for a four-year term (eligible for a second term); election last held 4 April 2005 (next to be held in 2009); note - prime minister designated by the president upon consultation with Parliament; within 15 days from designation, the prime minister-designate must request a vote of confidence from the Parliament regarding his/her work program and entire cabinet; prime minister designated 21 March 2008; cabinet received a vote of confidence 31 March 2008
<b>Legislative branch</b>	Unicameral Parliament or Parlamentul (101 seats; parties and electoral blocs, as well as independent candidates, elected by popular vote to serve four-year terms)
<b>Judicial branch</b>	Supreme Court; Constitutional Court (the sole authority for constitutional judicature)
<b>International organization participation</b>	BSEC, CE, CEI, CIS, EAEC (observer), EAPC, EBRD, FAO, GCTU, GUAM, IAEA, IBRD, ICAO, ICCT (signatory), IDA, IFAD, IFC, IFRC, ILO, IMF, IMO, Interpol, IOC, IOM, IPU, ISO (correspondent), ITU, MIGA, OIF, OPCW, OSCE, PFP, SECI, UN, UNCTAD, UNESCO, UNIDO, Union Latina, UNMIL, UNMIS, UNOCI, UNOMIG, UNWTO, UPU, WCO, WHO, WIPO, WMO, WTO
<b>Geographic coordinates</b>	47 00 N, 29 00 E
<b>Area</b>	33,843 sq km
<b>Border countries</b>	Romania 450 km, Ukraine 939 km
<b>Coastline</b> <sup>60</sup>	0 km (landlocked)
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users)</b> <sup>61</sup>	Moldova is a major source, and to a lesser extent, a transit country for women and girls trafficked for the purpose of commercial sexual exploitation. It is estimated that slightly more than one percent of the approximately 750,000 Moldovans working abroad are trafficking victims. Moldovan women are trafficked to Turkey, Russia, the U.A.E., Ukraine, Israel, Cyprus, Greece, Albania, Romania, Hungary, Slovakia, the Czech Republic, Italy, France, Portugal, Austria, and other Western European countries. Girls and young women are trafficked within the country from rural areas to Chisinau. Children are also trafficked for forced labor and begging to neighboring countries. Labor trafficking of men to work in the construction, agriculture, and service sectors of Russia is increasingly a problem. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a significant source and transit area for trafficking in persons.
<b>Law, mutual legal assistance and cooperation</b>	The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts MOLDOVA 183 to do so. While the new government has shown initial political will very recently, it was insufficient to make up for inadequate action in the remainder of the March 2007–March 2008 reporting period, particularly the lack of follow-up on cases of alleged complicity of government officials in trafficking in persons cited in the 2007 Report. While there were a few modest positive developments over the past year—the number of trafficking investigations increased, the government hired social workers to focus on vulnerable populations, and a pilot program for the referral of trafficking victims to protective services continues to develop—the government's lack of visible follow-up on allegations of government officials complicit in trafficking in persons greatly offset the aforementioned gains. The government approved a 2008-2009 antitrafficking national action plan on March 19, 2008, and while it allocated funds for 2008 and sustained cooperation with NGOs during the reporting period, it did not demonstrate proactive efforts to identify trafficking victims.
<b>Task force</b>	In the aim of enhancing the fight against illegal migration and trafficking in human beings, the Government of Republic of Moldova, in the year <b>2001</b> created the <b>National Committee</b> for combating trafficking in human beings (composed from the vice ministers of all the ministries) – as Governmental consultative organ, which coordinates the antitrafic politic of the Republic of Moldova. <b>During two years, (2005-2007) it was implemented the National Plan for prevention</b> and countering trafficking in human beings, which provides the fulfillment of all the concrete actions regarding prevention and combating this phenomenon. <b>On 26.03.2008, by the Governmental Decision no 234</b> was approved the New National Plan on Prevention and Combating Trafficking in Human Beings for the period of <b>2008-2009</b> years.

<sup>60</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19th of June 2008

<sup>61</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June 11, 2003, U.S. Department of State, <http://www.state.gov/g/tip/rls/tiprpt/2003/>

**Anti-trafficking legislation**

On 16 September 2005, the Republic of Moldova has ratified the UN Convention against Transnational Organized Crime (New York, 15 November 2000; entry into Force: 29 September 2003; as of 19 September, 110 States are parties to this Convention) as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against Smuggling of Migrants by Land, Sea and Air, both supplementing the Convention against Transnational Organized Crime.

Primary Legislation<sup>62</sup>:

1. Law No. 241-XVI on Preventing and Combating of Trafficking in Human Beings (2005)
2. Criminal Code (2002, as amended 2006)
3. Administrative Offences Code (1985)
4. Law on State Protection of the Victim, of Witnesses and Other Persons who Provide Assistance in Criminal Proceedings (1998) **On 16 may 2008, was adopted the new Law on State protection of injured party, witnesses and other persons offering assistance in criminal process.**
5. Law on Refugee Status (2002)
6. Law on Operative Investigation Activity (1994 as amended 2003)
7. Law nr. 42-XVI of 06.03.2008 on organs transplant, cell or bodily tissues;
8. Law nr. 105 - XVI from 23 May 2008 on witnesses protection and others participants in the trial process;

Secondary legislation:

1. National Committee to Combat Trafficking in Human Beings Decision on creation of a unified system for monitoring the implementation of the National Plan to Prevent and Combat Trafficking in Human Beings (2006)
2. National Plan to Prevent and Combat Trafficking in Human Beings (2005)
3. Government Decision No.775 on the approval of amendments and completions to the Government Decision No. 1219/2001 on the approval of the nominal composition of the National Committee to Combat THB and of the National Plan of Action for combating THB (2005)
4. Decision of the Plenum of the Supreme Court of Justice on application of legislative provisions in cases of trafficking in human beings and trafficking in children (2004)
5. Regional Legal Best Practices in Assistance to Victims of Trafficking in Human Beings. Handbook (Centre for Prevention of Trafficking in Women) (2007)
6. EU – Moldova Action Plan (2005)

**Shelters, hotline**

**The CCTP** ("the Center") is a specialized body of prosecutors, investigators, analysts and support personnel created to combat trafficking in persons. The mission of the Center is to investigate, apprehend, and prosecute individuals and organizations involved in trafficking in persons within Moldova and the region.

**The Center was established on the premise that the capabilities** of investigators and prosecutors to successfully prosecute trafficking in persons and related crimes are enhanced in a collaborative setting where information, resources and expertise can be shared in working towards a common goal.

**The Center integrates the work of specialists from** the Ministry of Interior (MOI), Department of Customs (MDC), Border Guards Department, Security and Information Service (SIS), Center for Combating Economic Crimes and Corruption (CCECC), and the Office of the Prosecutor General.

The Center host the IAAB ("the Bureau") to facilitate the exchange of information on trafficking in persons among the countries of the Southeast Europe Cooperation Initiative (SECI), the GUAM group, and other countries and international organizations as appropriate.

**The Center** is the primary agency within the Republic of Moldova, having jurisdiction to investigate and prosecute trafficking in persons and related crimes.

In order to prevent such kind of crimes, in common with the state institutions,

<sup>62</sup> <http://www.legislationline.org/?tid=178&jid=35&less=true>

international and nongovernmental organizations, at the national level there were organized seminars for the information the civil society regarding the consequences of trafficking in human beings.

As well, it was carried out a prevention **campaign of trafficking** within the studies institutions from Chisinau, where participated the personnel from different lyceums from the municipality, as well priests.

**It was organized** an ample publicity antitraffic campaign, with the diffusion of the documentary movie „MIRAJ” on the national channels, with ant trafficking subject, there were organized and carried series of direct emissions with the population,

**among** which were underline problems of trafficking in persons, in special trafficking in man in the aim of labor exploitation.

**The information** regarding all these activities was published on the WEB page of the Ministry of Internal Affairs, in the view of informing the civil society concerning the consequences on trafficking and illegal migration.

**Vulnerability reduction programs (economic programs)** are implemented. These programs include professional orientation and training, and job placement for risk group. These programs are mostly implemented by international and nongovernmental organizations.

**OPERATIVE “HOT LINE” within the Ministry of Interieur of the the Republic of Moldova:**

In accordance with the indication of Minister of MIA, were lunched 5 hot lines for complaining in different matters regarding corruption facts within following subdivisions:

- Direction of Internal Security – tel. (+373 22) 26-11-12;
- Direction of Fraud Investigation – tel. (+373 22) 57-72-38;
- General Police Station of Chisinau – tel. (+373 22) 27-95-95;
- Police Station of Balti city – (+373- 231) 2 – 00-99;
- Police Station of Cahul district – (+373 – 299) 2-44-88;
- Center for Combating Economical Crimes and Corruption – tel. (+373 22) 25 - 72 – 25.

An active cooperation was established between the states structures and the local public administration in the field of prevention trafficking in human beings and illegal migration in the rural localities. In this field, the sciences of the National Committee are organized with regularity in the different zone of the Republic of Moldova.

In the view of creation of a system of repatriation of victims of THB, it was established a fruitful cooperation of our law enforcement bodies with: International Organization for Migration, Organization for Security and Cooperation in Europe, UNICEF, Center for prevention trafficking in women, International Center for Protection Woman Rights “La Strada”, Judicial Association for Women Career. Asylum for THB Victims, founded and financial supported by IOM.

As well, these organizations offer judicial, social, psychological assistance to the victims of trafficking, their rehabilitation and reintegration within the society, counseling, professional orientation and professional training, job placement, humanitarian assistance etc.

**Assistance program:**

- Voluntary return
- Sheltering
- Medical aid
- Psychological counseling
- Free legal support
- Educational program
- Professional training and labor insertion
- Humanitarian aid

Memorandum of understanding has been signed on 23 may 2008 between the Center for combating trafficking in persons, CPTW and IOM.

The government continued to rely on NGOs and international organizations to provide the majority of public awareness campaigns. CCTIP, with NGOs and international organizations, developed and conducted seminars for high school students, teaching staff from schools and universities, priests, local authorities, and local law enforcement officials. CCTIP leadership provided TV interviews to update viewers on anti-trafficking operations and increase awareness regarding the consequences of human trafficking. The Moldovan government provides free air time for anti-trafficking campaigns.

The Rehabilitation Centre in Chisinau provides assistance to adults, adolescents and

**Case examples, if provided**

younger children. Physically separated from the main shelter, the Children & Mother Friendly Wing (CMFW) is opened to minors (younger than 18 years old) and to mothers with small children. Its specialized protection and recovery programme is based on the principle that the best interests of the child will be the paramount consideration in assisting trafficked minors and mothers. The government has no resources for victim protection, but international organizations and NGOs work with repatriated women and have established shelters and service programs for victim assistance. Trafficked women are not jailed or prosecuted for prostitution activities.

There are two shelters in the Rep. of Moldova. One is the shelter provided by "La Strada" NGO and IOM., where the victims are accommodated for 30 days and are offered immediate medical assistance. Another one is found in the structures provided by "Save the Children" Moldova NGO, where victims are accommodated and offered social and psychological assistance.

The witness protection and other security measures are established in Law no.1458/28.01.1998 regarding the state protection of victims, witnesses and other persons helping in the criminal process.

Reports of Moldovan officials' complicity in trafficking marred anti-trafficking law enforcement efforts during the last year. The Government of Moldova prohibits all forms of trafficking through Articles 165 and 206 of its criminal code. Penalties prescribed range from seven years' to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes. The Prosecutor General's Office reported that authorities initiated 507 trafficking investigations in 2007—including 17 criminal investigations under the child trafficking statute—which is an increase from 466 investigations in 2006. Moldova's Center to Combat Trafficking in Persons (CCTIP) reported 250 trafficking prosecutions and at least 60 convictions of traffickers. While the government's statistical system still does not provide complete statistics on length of sentences for trafficking convictions, CCTIP reported that at least 50 traffickers convicted in 2007 are serving seven- to 10-year prison sentences. The government has not prosecuted or criminally punished any government official allegedly complicit in trafficking. The government has also not informed the international community whether investigations of some government officials dismissed in August 2006 have yielded sufficient evidence to permit a prosecution. With respect to allegations of complicity of a former high-level CCTIP official, the government states that prosecutors investigated the allegations and found no evidence of a crime. There were several victim reports that border guards and police officers were complicit in trafficking. Moldovan law enforcement authorities reported eight bribery attempts by suspects seeking to have cases dismissed. Prosecutors noted that poor-quality investigations and corruption may have resulted in light or suspended sentences for traffickers.

Trough the Regional SECI Center, were conducted several special operations such as: **"Urma", "Expediție", "Mirage", "Hotar"**, where attended around **13** countries.

Actually is carried out the International Operation **"Hotar"**, where is participating also Republic of Moldova.

In this context, it worth mentioning, the efficient cooperation with the law enforcement bodies from Dubai, Emirates Arab Union regarding the repatriation in the Republic of Moldova the victims of trafficking, who were detained in Dubai.

As well, the Government of the Republic of Moldova initiated the proceeding in perspective of signing the Cooperation Agreement between the Government of the RM and Israel on prevention and combating THB.

The importance of signing the Agreements of cooperation among the Government of the Republic of Moldova and other States in the view of prevention, combating and prosecution of trafficking in human beings, is an incontestable fact, especially in the situation in which the trafficking is a trans-border crime.

In the result of conducted operative and investigative measures, during 2006 year, there were detected and repatriated within the prisons – 28 victims of THB, the majority of them originated from Transnistria.

**Regional agreements with bordering countries, if info provided**

There was established efficient cooperation with all the destination countries of trafficking in human beings and illegal migration, in the view of a fruitful co-operation. In the view of establishing the cooperation on the international level, it were concluded 31 bilateral Agreements with 22 States in the view of countering the criminality, organized crime, trafficking in human beings, and readmission of the persons.

The EU Border Assistance Mission to Moldova and Ukraine (EUBAM) contributes to the delivery of good quality border and customs services to the citizens and companies of

Moldova, Ukraine and the European Union.

Together with various Ministries in Moldova and the Russian Federation, there are followed children's cases from meeting them in Moscow, to their integration into host families in Moldova. From December 2004 to December 2006, 80 children were repatriated. And since December 2004, the Moldovan Ministry for Education and the Ministry for Foreign Affairs, have been evaluating the procedure together with the appropriate Romanian and Russian ministries.

**Republic of Moldova** signed series of bilateral Agreements in the field of the cooperation in domain of combating trafficking in human beings, with such countries as: **Turkey, Slovakia, Italy, Croatia, Hungary and** others.

**At the same time**, the Ministry of Internal Affairs initiated the procedure of signing the Agreement on collaboration between the Government of the Republic of Moldova and the Government of the **United Arab Emirates**, which represents a destination country of trafficking of human beings.

Bilateral cooperation agreements on combating THB (Russia 1993, Belarus 1993, Ukraine 1993, Lithuania 1993, Latvia 1993, Romania 1996, Turkey 1996, Italy 2002, Turkey 2006, Italy 2006, Slovakia 2007).

On going negotiations with: United Arab Emirates and Israel.

**Illicit drugs and  
related illegal  
operations**

limited cultivation of opium poppy and cannabis, mostly for CIS consumption; transshipment point for illicit drugs from Southwest Asia via Central Asia to Russia, Western Europe, and possibly the US; widespread crime and underground economic activity<sup>63</sup>

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<sup>63</sup> same as 32





## Romania



<b>Location</b>	Southeastern Europe, bordering the Black Sea, between Bulgaria and Ukraine
<b>Capital</b>	Bucharest
<b>Population</b>	22,246,862 (July 2008 est.)
<b>Currency</b>	leu (RON)
<b>Government type</b>	Republic
<b>Administrative divisions</b>	41 counties (judete, singular - judet) and 1 municipality* (municipiu)
<b>Independence</b>	9 May 1877 (independence proclaimed from Turkey; independence recognized 13 July 1878 by the Treaty of Berlin; kingdom proclaimed 26 March 1881; republic proclaimed 30 December 1947)
<b>National holiday</b>	Unification Day (of Romania and Transylvania), 1 December (1918)
<b>Constitution</b>	8 December 1991
<b>Legal system</b>	Based on civil law system; has not accepted compulsory ICJ jurisdiction
<b>Executive branch</b>	Chief of state: President Traian BASESCU (since 20 December 2004); note - President Traian BASESCU was suspended by vote of parliament on 19 April 2007, but resumed his duties on 23 May 2007 after a popular referendum confirmed that his impeachment should not stand head of government: Prime Minister Calin Popescu-TARICEANU (since 29 December 2004) cabinet: Council of Ministers appointed by the prime minister elections: president elected by popular vote for a five-year term (eligible for a second term); election last held 28 November 2004 with runoff between the top two candidates held 12 December 2004 (next to be held in November-December 2009);

	prime minister appointed by the president with the consent of the Parliament.
<b>Legislative branch</b>	Bicameral Parliament or Parlament consists of the Senate or Senat (140 seats; members are elected by direct, popular vote on a proportional representation basis to serve four-year terms) and the Chamber of Deputies or Adunarea Deputatilor (345 seats; members are elected by direct, popular vote on a proportional representation basis to serve four-year terms)
<b>Judicial branch</b>	Supreme Court of Justice (judges are appointed by the president on the recommendation of the Superior Council of Magistrates)
<b>International organization participation</b>	Australia Group, BIS, BSEC, CE, CEI, EAPC, EBRD, EIB, ESA (cooperating state), EU (new member), FAO, G-9, IAEA, IBRD, ICAO, ICC, ICt, ICRM, IDA, IFAD, IFC, IFRCS, IHO, ILO, IMF, IMO, IMSO, Interpol, IOC, IOM, IPU, ISO, ITSO, ITU, ITUC, LAIA (observer), MIGA, NAM (guest), NATO, NSG, OAS (observer), OIF, OPCW, OSCE, PCA, SECI, UN, UNCTAD, UNESCO, UNHCR, UNIDO, Union Latina, UNMEE, UNMIL, UNMIS, UNOCI, UNOMIG, UNWTO, UPU, WCL, WCO, WEU (associate partner), WFTU, WHO, WIPO, WMO, WTO, ZC
<b>Geographic coordinates</b>	46 00 N, 25 00 E
<b>Area</b>	237,500 sq km
<b>Border countries</b>	Bulgaria 608 km, Hungary 443 km, Moldova 450 km, Serbia and Montenegro 476 km, Ukraine (north) 362 km, Ukraine (east) 169 km
<b>Coastline</b> <sup>64</sup>	Black Sea, 225 km
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users)</b> <sup>65</sup> , routes	Romania is a source, destination, and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Romanian men, women, and children are trafficked to Spain, Italy Greece, Germany, France, the Czech Republic, Switzerland, the Netherlands, Turkey, Austria, and Israel for the purposes of commercial sexual exploitation and forced labor in the agriculture, construction, and hotel industries. There has been an increase in trafficking of persons from Romania for labor exploitation, likely related to Romania's entrance into the European Union and new opportunities for Romanians from rural parts of the country to work abroad. Romanian men, women, and children are also trafficked internally for the purposes of commercial sexual exploitation, forced labor, and forced begging. Women from Moldova, Ukraine, and Russia are trafficked to Romania for commercial sexual exploitation. Men from other European countries may travel to Romania to sexually exploit Romanian children.
<b>Law, mutual legal assistance and cooperation</b>	The Government of Romania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2007, the Romanian government made efforts to combat child sex tourism and provided some funding to NGOs providing victim assistance., National Agency against Trafficking in Persons (NAATIP) is reporting on THB cases and the fight against THB is mainly conducted via DGCCO and the similar structure within IGPF Nonetheless, the government was not able to report significant efforts to address labor trafficking, since this was a newly identified phenomenon, or to institute formal procedures to identify victims of trafficking throughout the country and refer them to service providers. The number of trafficking convictions remained stable; however, the government reported a significant decrease in the total number of trafficking prosecutions, and the number of traffickers serving time in prison also decreased.
<b>Task force</b>	Romania increased its efforts to prevent incidents of human trafficking during the reporting period. The government conducted two national anti-trafficking public awareness campaigns that included messages on reducing demand for commercial sex acts, although they did not specifically target "clients" of the sex trade. The government also worked with NGOs and the tourism industry to continue a project to prevent trafficking of Romanian children for child sex tourism. There were no reported investigations, prosecutions, convictions, or sentences of foreign visitors engaging in such sexual exploitation of Romanian children in 2007. The government provided all Romanian troops with trafficking awareness training prior to their deployment abroad on international peacekeeping missions. In 2007, the national trafficking database was instrumental in identifying trafficking trends, particularly concerning the trafficking of Romanian victims to the Czech Republic for the urpose of labor exploitation..
<b>Anti-trafficking</b>	Romania adopted specific anti-trafficking legislation in 2001. Conviction for trafficking carries a penalty of 5 – 15 years. Trafficking is criminalized pursuant to a special anti-

<sup>64</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19th of June 2008

<sup>65</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June 11, 2003, U.S. Department of State, <http://www.state.gov/g/tip/rls/tiprpt/2003/>



**legislation**

trafficking law (678/201 art 12 and 13) prescribing sentences from 3 to 12 years, and depending on aggravating factors up to 25 years; however, no convictions were brought under this law during the reporting period. Law no. 39/2003, art 7 prescribe sentences from 5 to 15 years for criminal organized groups.

In 2002, the Romanian parliament adopted Law No.682 on Witness Protection (2002) (Romania 2002). The law establishes a National Office for Witness Protection (Oficiul National Pentru Protectia Martorilor, ONPM) within the Ministry of the Interior (ibid., Art. 3). The ONPM is responsible for receiving requests, processing and setting up witness protection measures as well for as maintaining the program's records (ibid.). Protection measures for witnesses accepted into the program may include protecting their identity, protecting their court deposition, allowing them to testify under a different identity, protecting witnesses who have been detained, providing increased safety measures for the witness' residence, relocating the witness, altering their appearance, and providing them with a change of employment, which may include re-training and income compensation when this is not immediately possible.

Primary Legislation<sup>66</sup>:

1. Law No. 678 on the Prevention and Combat of Trafficking in Human Beings (*December 2001*), revised and republished
2. Criminal Code
3. Code of Criminal Procedure
4. Law No. 682 on Witness Protection (*2002*)
5. Law No. 211 on Certain Measures to Ensure the Protection of Victims of Crime (*2004*)
6. Law No. 656 on the Prevention and Sanctioning of money Laundering (*2002*)
7. Law No. 39 on Preventing and Combating Organised Crime (*2003*)

Secondary legislation:

1. Emergency Ordinance no. 112 referring to the punishment of some actions committed abroad by Romanian citizens or by persons without citizenship residing in Romania (*2001*)
2. Emergency Ordinance n° 143 for the amendment and supplementation of certain provisions in the Criminal Code and of certain special laws, to the purpose of protecting minors against sexual abuses (*October 2002*)
3. Emergency Ordinance n° 194 on the Regime of Aliens (*2002 as amended 2005*)
4. Emergency Ordinance n° 105 on Romania's state border (*2001*) (*excerpts*)
5. National Strategy against Trafficking in Persons 2006-2010
6. 2006-2007 National Action Plan for Implementing the national Strategy against Trafficking in Persons 2006-2010

There is a full list of other relevant documents available.

**Shelters, hotline**

There are six shelters providing services to victims in Romania. Three shelters are in Timisoara, one in Pitesti, one in Bistrita and one in Bucharest, which is located within the accommodation centre run by the National Refugee Office. In every county there is operational one protection and assistance center run by ANPDC. There is also a shelter developed under public-private partnership in Recas, for THB victims, that offers long term assistance. The private part is represented by 5 NGO's to offer long term assistance and 11 short term assistance.

Romania has a hotline operational – 0800.800.678 – able to offer 24/24 assistance by ANITP. More on: <http://anitp.mira.gov.ro>

The government provides space and police protection at a refugee center turned trafficking shelter, although the shelter did not operate consistently throughout the year. The government actively assists in preparing documents for repatriations but relies on IOM to carry out repatriations from destination countries. The Government generally respected the legal prohibition against punishing victims for crimes committed through the course of the trafficking. Foreign and domestic victims are provided support services, including rights presentations and legal assistance. Foreign victims' right to work is regulated per domestic law on work permits and they are free to leave unless they are participating in a criminal proceeding.

According to Law no. 678/2001, Art. 26-28, 38, victims of crimes enumerated herein shall be granted special physical, legal and social protection and assistance. The Ministry of Interior shall provide protection, safety and welfare to victims of these crimes at the request of the victims. Foreign trafficked victims can be sheltered, for their physical security in the special Center, according to Law no. 123/2001. Trafficked victims have a right to be advised of legal and administrative procedures in a language they can understand.

**Case examples, if**

Romania sustained, but did not improve on, efforts to prosecute and punish traffickers

<sup>66</sup> <http://www.legislationline.org/?tid=178&jid=41&less=true>

**provided**

during the reporting period. Romania prohibits all forms of trafficking in persons through Law no. 678/2001, which prescribes penalties of three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. In 2007, authorities investigated 232 trafficking cases both domestically as well as with foreign law enforcement counterparts, compared to 61 investigations in 2006. The government prosecuted 398 people for trafficking, a significant decrease from 780 prosecutions in 2006. During the reporting period, Romania convicted 188 individuals for trafficking offenses, similar to 187 convictions in 2006; 144 of these convicted traffickers served time in prison, a decrease from 2006 when 164 traffickers served some time in prison. One trafficker was sentenced to six to 12 months' imprisonment, 76 traffickers were sentenced to one to five years' imprisonment, 66 traffickers were sentenced to five to 10 years' imprisonment, and one trafficker was sentenced to 10 to 15 years' imprisonment. The government did not provide a breakdown of data for arrests, prosecutions, convictions, and sentences related to trafficking for forced labor. Labor trafficking appears to be increasing in Romania. Romania did not report any efforts to investigate, prosecute, or convict government officials complicit in trafficking.

**Regional  
agreements with  
bordering  
countries, if info  
provided**

In order to address organized crime more effectively, Romania has signed bilateral agreements with several countries, including Moldova (*Basapress* 10 Feb. 2005), Bulgaria, Greece (BTA 27 Dec. 2005) and Georgia (AP 14 May 2004). The mutual legal assistance with Albania, Bulgaria, Croatia, Hungary, Moldova Slovenia and FYROM is regulated by the conventions of the Council of Europe on Mutual Legal Assistance in Criminal Matters, on extradition and on transfer of sentenced person. Bilateral agreements have been concluded with Croatia, Hungary, and Moldova.

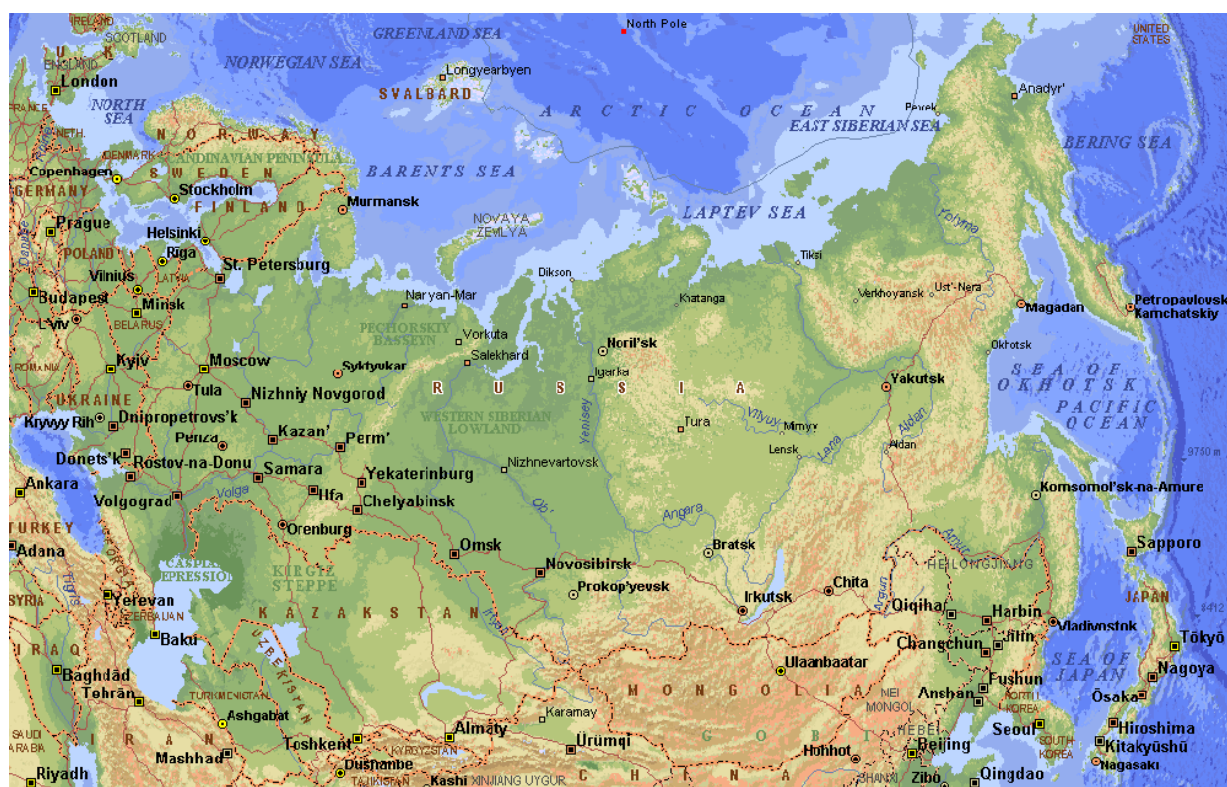
The Government of Romania played a substantial role in organizing and coordinating the SECI-led Operation Mirage. Border monitors have procedural guidelines for identifying and responding to trafficking situations, and police interdicted several trafficking operations at the borders.

**Illicit drugs and  
related illegal  
operations**

Major transshipment point for Southwest Asian heroin transiting the Balkan route and small amounts of Latin American cocaine bound for Western Europe; although not a significant financial center, role as a narcotics conduit leaves it vulnerable to laundering, which occurs via the banking system, currency exchange houses, and casinos



## Russia



<b>Location</b>	Northern Asia (the area west of the Urals is considered part of Europe), bordering the Arctic Ocean, between Europe and the North Pacific Ocean
<b>Capital</b>	Moscow
<b>Population</b>	140,702,094 (July 2008 est.)
<b>Currency</b>	Russian ruble (RUB)
<b>Government type</b>	Republic
<b>Administrative divisions</b>	46 oblasts (oblastey, singular - oblast), 21 republics (respublik, singular - respublika), 4 autonomous okrugs (avtonomnykh okrugov, singular - avtonomnyy okrug), 9 krais (krayev, singular - kray), 2 federal cities (goroda, singular - gorod), and 1 autonomous oblast (avtonomnaya oblast')
<b>Independence</b>	24 August 1991 (from Soviet Union)
<b>National holiday</b>	Russia Day, 12 June (1990)
<b>Constitution</b>	Adopted 12 December 1993
<b>Legal system</b>	Based on civil law system; judicial review of legislative acts; has not accepted compulsory ICJ jurisdiction
<b>Executive</b>	Chief of state: President Dmitriy Anatolyevich MEDVEDEV (since 7 May 2008) head of government: Premier Vladimir Vladimirovich PUTIN (since 8 May 2008); First

<b>branch</b>	Deputy Premiers Igor Ivanovich SHUVALOV and Viktor Alekseyevich ZUBKOV (since 12 May 2008); Deputy Premiers Sergey Borisovich IVANOV (since 12 May 2008), Aleksey Leonidovich KUDRIN (since 24 September 2007), Igor Ivanovich SECHIN (since 12 May 2008), Sergey Semenovich SOBYANIN (since 12 May 2008), and Aleksandr Dmitriyevich ZHUKOV (since 9 March 2004) cabinet: Ministries of the Government or "Government" composed of the premier and his deputies, ministers, and selected other individuals; all are appointed by the president note: there is also a Presidential Administration (PA) that provides staff and policy support to the president, drafts presidential decrees, and coordinates policy among government agencies; a Security Council also reports directly to the president elections: president elected by popular vote for a four-year term (eligible for a second term); election last held 2 March 2008 (next to be held in March 2012); note - no vice president; if the president dies in office, cannot exercise his powers because of ill health, is impeached, or resigns, the premier serves as acting president until a new presidential election is held, which must be within three months; premier appointed by the president with the approval of the Duma
<b>Legislative branch</b>	Bicameral Federal Assembly or Federalnoye Sobraniye consists of the Federation Council or Sovet Federatsii (168 seats; as of July 2000, members appointed by the top executive and legislative officials in each of the 84 federal administrative units - oblasts, krays, republics, autonomous okrugs and oblasts, and the federal cities of Moscow and Saint Petersburg; to serve four-year terms) and the State Duma or Gosudarstvennaya Duma (450 seats; as of 2007, all members elected by proportional representation from party lists winning at least 7% of the vote; members elected by popular vote to serve four-year terms)
<b>Judicial branch</b>	Constitutional Court; Supreme Court; Supreme Arbitration Court; judges for all courts are appointed for life by the Federation Council on the recommendation of the president
<b>International organization participation</b>	APEC, Arctic Council, ARF, ASEAN (dialogue partner), BIS, BSEC, CBSS, CE, CERN (observer), CIS, CSTO, EAEC, EAPC, EBRD, G-8, GCTU, IAEA, IBRD, ICAO, ICC, ICCT (signatory), ICRM, IDA, IFC, IFRCS, IHO, ILO, IMF, IMO, IMSO, Interpol, IOC, IOM (observer), IPU, ISO, ITSO, ITU, ITUC, LAIA (observer), MIGA, MINURSO, NAM (guest), NSG, OAS (observer), OIC (observer), OPCW, OSCE, Paris Club, PCA, PFP, SCO, UN, UN Security Council, UNCTAD, UNESCO, UNHCR, UNIDO, UNITAR, UNMEE, UNMIL, UNMIS, UNOCI, UNOMIG, UNTSO, UNWTO, UPU, WCO, WFTU, WHO, WIPO, WMO, WTO (observer), ZC
<b>Geographic coordinates</b>	60 00 N, 100 00 E
<b>Area</b>	<i>total</i> : 17,075,200 sq km <i>land</i> : 16,995,800 sq km <i>water</i> : 79,400 sq km
<b>Border countries</b>	Azerbaijan 284 km, Belarus 959 km, China (southeast) 3,605 km, China (south) 40 km, Estonia 294 km, Finland 1,340 km, Georgia 723 km, Kazakhstan 6,846 km, North Korea 19 km, Latvia 217 km, Lithuania (Kaliningrad Oblast) 280.5 km, Mongolia 3,485 km, Norway 196 km, Poland (Kaliningrad Oblast) 232 km, Ukraine 1,576 km
<b>Coastline</b> <sup>67</sup>	37,653 km
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users)</b> <sup>68</sup> , routes	Russia is a source, transit, and destination country for men, women, and children trafficked for various forms of exploitation. Men and women from the Russian Far East are trafficked to China, Japan, the Middle East, and South Korea for purposes of sexual exploitation, debt bondage, and forced labor, including in the agricultural and fishing industries. Russian women are trafficked to Turkey, Greece, Germany, Italy, Spain, Malta, the United States, Canada, Vietnam, Thailand, Australia, New Zealand, Costa Rica, and the Middle East for the purpose of sexual exploitation. Moscow and St. Petersburg are destination centers for children trafficked within Russia and from Ukraine and Moldova for purposes of sexual exploitation and forced begging. Moscow continues to be a significant destination for men and women trafficked within Russia and from Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, Moldova, and Belarus for purposes of sexual exploitation and forced labor, including work in the construction industry; in 2007, the number of Belarusian men trafficked to Moscow increased for purposes of forced labor in the construction, textile, and food industries. The ILO reported that an estimated one million illegal migrant workers may be victims of labor trafficking in Russia. Moscow remains a transit point for women trafficked from Uzbekistan and Armenia to the United Arab Emirates for purposes of sexual exploitation. Men from Western Europe and the United States travel to Western Russia, specifically St. Petersburg, for the purpose of child sex tourism; however, law enforcement authorities report a decrease in the number of cases of child sex tourism and attribute this to aggressive police

<sup>67</sup> All the data above are sources in the CIA - The World Factbook 2002, last update 19th of June 2008

<sup>68</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June 11, 2003, U.S. Department of State, <http://www.state.gov/g/tip/rls/tiprpt/2003/>

investigations and Russian cooperation with foreign law enforcement.

Experts identify several basic routes used by “transporters” in taking people out of the Russian Federation.

- The Baltic route through Lithuania, as well as the Central European route through Warsaw

and Prague are regarded as the easiest methods to transport illegal migrants to Germany, Scandinavia and other European countries and the United States.

Recently, these countries have substantially tightened up their cross-border travel rules. Nonetheless, European countries and the United States remain main destination countries for human trafficking out of Russia.

- The Central European route via Poland and Czech Republic further to EU countries.
- The Caucasus (or Georgian) transit route is made easier by weak borders with Turkey.

Experts note that the majority of illegal migrants, including women and children, have been transported via Georgia into Turkey, Greece and the Mediterranean countries for sexual and labor exploitation.

Large resorts in Europe and Asia and armed conflict zones or regions where military and peacekeeping forces are stationed, in the later case primarily in the Balkans, are regarded as notable trafficking hubs for sexual exploitation of women.

Routes through Egypt and into Israel as well as other Middle East countries are also common. In particular, many women and children are taken from the southern regions of European Russia to the UAE for sexual exploitation.

**Law, mutual  
legal assistance  
and cooperation**

The Government of the Russian Federation does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Russia is placed on Tier 2 Watch List for a fifth consecutive year for its failure to show evidence of increasing efforts to combat trafficking over the previous year, particularly in providing assistance to victims of trafficking.

Comprehensive trafficking victim assistance legislation, which would address key deficiencies, has been pending before the Duma since 2003 and was neither passed nor enacted in 2007. Although a few municipalities across Russia have victim identification and referral systems, relatively few victims assisted were referred by government officials in 2007. During the reporting period, the federal government provided no funding to antitrafficking NGOs while it gave approximately \$40 million to other NGOs involved in civic and social work issues throughout Russia; during the previous reporting period, the Public Chamber reportedly provided funding to three anti-trafficking NGOs. Russia again increased the total number of trafficking investigations and demonstrated improved efforts to identify labor trafficking cases. Although modest improvements were noted in particular regions, the Russian government has yet to provide comprehensive victim assistance, covering the entire process from victim identification through reintegration and support systematically and throughout the country. Victim identification and assistance remains the weakest component of Russia’s anti-trafficking efforts.

**Task force**

Russia demonstrated minimal prevention efforts during the reporting period. A few local governments provided modest funding or in-kind support to NGOs to conduct public awareness campaigns targeting at-risk populations. Various national ministries continued operating informational websites about trafficking. State-controlled media aired several documentaries about trafficking and featured frequent stories throughout Russia during the reporting period which aided public awareness. Russia actively monitors immigration and emigration patterns for signs of trafficking. The government did not take specific steps to reduce the demand for commercial sex acts. Russian law permits the government to prosecute Russian nationals who travel abroad to engage in child sex tourism. In 2007, one Russian man was charged and incarcerated by the Cambodian government for the commercial exploitation of a child; the case was pending at the time of this report.

**Anti-trafficking  
legislation**

In 2000, Russia signed the UN Convention against Transnational Organized Crime and its supplementing Protocol on Trafficking in Persons, which was ratified in March 2004. During this period, Russia also legally defined trafficking in human beings within its criminal code and has initiated steps towards responding to trafficking issues. Fora such as government interagency meetings and anti-trafficking conferences like the All-Russian Assemblies of Anti-Trafficking NGOs have fostered dialogue among decision makers and practitioners in the establishment of strategies to better combat trafficking in human beings.

In order to create a special legal basis for prevention of human trafficking in the Russian Federation, an Inter-Agency Working Group (WG) was established under the auspices of

the Legislative Committee of the State Duma in 2002<sup>69</sup>. Members of Working Group (the State Duma deputies, representatives of various ministries and departments, and non-government organizations) initiated and developed the draft Federal Law on Prevention of Human Trafficking, which determines the legal and organizational regulations for prevention of human trafficking in the Russian Federation and the way of coordination of activities of executive federal agencies, public institutions, and unions. The draft Law also determines the legal status and state guarantees for the victims of human trafficking. The provisions of the draft Law were discussed during the parliamentary hearings in February 2003 and March 2006. At present, the Working Group is carrying out the revision and upgrading of the existing draft Law based on the comments and amendments proposed by participating ministries, state departments, and political parties.

In 2003, Federal Law No. 162 on Introducing Changes and Additions to the Criminal Code of the Russian Federation was adopted in Russia. With the adoption of this Law, the Russian law enforcement authorities received a legal basis for the criminalization and prosecution of trafficking-related offences. The Law envisages criminal liability for trafficking in persons (Article 127-1), use of slave labour (Article 127-2), involvement of minors in prostitution (Article 240, part 3), organization of prostitution (Article 241), and manufacture and distribution of materials or objects with pornographic depictions of minors (Article 242-1). The Law defined trafficking in persons as "the buying and selling of a person or other actions committed for the purpose of his exploitation in the form of recruitment, transportation, transfer, harboring, or receipt". The Law differentiated the criminal liability for trafficking in persons. Depending on the gravity of the crime (committed with regard to two or more persons, with the use or threat of force, etc.), the punishment might be up to 15 years of imprisonment.

The Law defined slave labour as "the use of person's labor with regard to whom power characteristic of the right of ownership is exercised, in the event when a person, for reasons beyond his control, cannot refuse doing the work (providing services)". The maximum punishment by imprisonment is up to 15 years.

The criminal liability for involvement of minors in prostitution was increased to up to eight years of imprisonment, and the criminal liability of organization in the engagement of other persons in prostitution was broadened. Aggravating circumstances included the use or threat of force, the use of authority of official position, and the deliberate use of minors for engaging in prostitution, among others.

The Federal Law of 20 August 2004 No. 119-Ø3 on State Protection of Victims, Witnesses and Other Parties to Criminal Proceedings entered into force on 1 January 2005 plays an important role in combating the criminal business of human trafficking. It enacts a set of state-guaranteed security measures for the protected persons. In accordance to the Law, claimants, witnesses, and victims shall be eligible for government protection.

The Law creates normative and legal bases for protection of victims of human trafficking and members of their families through relocation to a different permanent place of residence, issuance of new documents, change of appearance, personal protection and protection of home and property, provision of special individual protection, communication and security alarm devices, protection of confidential information on the protected person, transfer to a new job or educational institution, and temporary relocation to a secured shelter (Article 6, Chapter 2).

To enhance coordination of anti-trafficking activity, a programme of cooperation of CIS member states in combating trafficking in persons for 2007-2010<sup>70</sup> was adopted on 28 November 2006 in Minsk in which specialized units have been created within the Ministry of Interior<sup>71</sup> and regional departments with the purpose of preventing, detecting, and investigating criminal cases in the sphere of illegal migration, trafficking in persons, and use of slave labour. The methodological practices on investigation of trafficking-related crimes were worked out. The practices contain criminal qualification of trafficking in humans, investigation procedures of trafficking-related cases, ways of cooperation, tactical characteristics of some initial investigative actions, and subsequent and final stages of investigation.

Russian authorities are increasing their efforts towards strengthening anti-trafficking response and improving corresponding legislation. In particular, the State Duma Committee

<sup>69</sup> Mukomel, Vladimir and Nikita Mkrtchyan (2008): Expert memorandum drafted for this Country Profile, Moscow, January 2008.

<sup>70</sup> <http://cis.minsk.by/main.aspx?uid=8046>

<sup>71</sup> According to Article 151 (Investigative Jurisdiction) of the Criminal Procedural Code of the Russian Federation in the criminal cases for crimes, envisaged by Articles 127.1 and 127.2, a preliminary investigation shall be conducted by the investigators of the internal affairs bodies of the Russian Federation.

for Civil, Criminal, Arbitral and Remedial Legislation is drafting three alternative bills for enriching the definition of trafficking in human beings. Under the new amendments, it is proposed that trafficking in human beings should include a human being's purchase and sale or his recruiting, transportation, transfer, harbouring or receiving for the purpose of his or her exploitation.. It is also proposed that a new article on Trafficking in Minors be added as well as increasing the length of imprisonment for trafficking in minors. The Committee intends to give the bills their first reading in early 2008.<sup>72</sup>

Furthermore, the leaders of the Russian Ministry of Foreign Affairs and the Interior Ministry are calling for better international cooperation and exchange of information, experiences and best practices on combating human trafficking, with emphasis on the key role of the UN in the prevention of human trafficking worldwide.<sup>73</sup>

The law enforcement authorities of the Russian Federation actively cooperate with law enforcement agencies in other countries, with Russian and international NGOs, and with UN and other international organizations, including the IMO.

Primary legislation<sup>74</sup>:

1. Criminal Code (1997)
2. Federal Law No. 162-FZ amending Criminal Code (16 December 2003)
3. Draft Federal Law on Countering Trafficking in Persons (18 March 2003)

#### **Shelters, hotline**

Some local NGOs (such as the Perm Centre Against Violence and Human Trafficking and the Angel Coalition) are running information centres on the internet and provide material and physical help to victims.<sup>75</sup>

**Rescue and repatriation** of victims is mainly developed with the help of an international toll-free hotline, and the Angel Coalition Trafficking Victim Assistance Center (TVAC); During 2003, five safe houses were started to receive trafficking victims rescued by the TVAC - two in St. Petersburg, and one each in Murmansk, Petrozavodsk, and Kazan with funding from the US Department of State Office to Monitor and Combat Trafficking in Persons. The projects provide shelter and psychological counseling, assist in repatriation, and facilitate access to medical and legal services for trafficking victims. In mid-2004, 4 more Russian NGO partners opened shelters under The Russian Project in Yaroslavl, Nizhni Novgorod, Chelyabinsk and Irkutsk.

In November 2004, the Angel Coalition's Moscow Trafficking Victim Assistance Center (TVAC) opened four Russian-language toll-free help-lines in Russia, Germany, the Netherlands and Belgium. A similar line will be established in the United States in 2005, and help-lines will be set up in additional countries soon. There are hot-lines of other NGO's in the cities of Russia and Countries of CIS for consultations and help to victims of trafficking

#### **Case examples, if provided**

The government's anti-trafficking law enforcement efforts were very limited during the reporting period; no prosecutions or convictions of traffickers were reported. Rwandan law does not prohibit all forms of trafficking in persons, though existing statutes prohibit slavery, child labor, kidnapping, forced prostitution, and child prostitution, under which traffickers could be prosecuted. Comprehensive draft anti-trafficking legislation was incorporated into penal code revisions that passed Parliament's first review in September 2007 and remain under consideration by Parliament's Political Committee. The existing Child Protection Law is also undergoing reform; during the year, a draft law intended to protect street children by criminalizing the actions of hotels and cinema halls that provide venues for child prostitution was incorporated into this revision. On the local level, some districts, such as Nyaruguru District, adopted and began to implement bylaws preventing child labor, and child labor benchmarks were integrated into district performance contracts. According to Voronina(2006),<sup>76</sup> as of 2006, there were more than 10 federal acts, over 100 presidential decrees, parliamentary resolutions, and ministerial acts, and dozens of international and intergovernmental agreements that together form the migration legislation of the Russian Federation.

#### **Regional agreements with bordering countries, if**

<sup>72</sup> <http://www.rosbalt.ru/2008/02/12/455755.html>

<sup>73</sup> <http://www.rian.ru/world/20080213/99134102.html>, <http://gzt.ru/world/2008/02/15/200652.html>

<sup>74</sup> <http://www.legislationline.org/?tid=178&jid=42&iid=0&less=true>

<sup>75</sup> [http://www.unhcr.se/Pdf/Position\\_countryinfo\\_papers\\_06/Combatting\\_human\\_trafficking.pdf](http://www.unhcr.se/Pdf/Position_countryinfo_papers_06/Combatting_human_trafficking.pdf), *Combatting Human Trafficking, an overview of UNHCR Anti-trafficking activities in Europe, Bureau for Europe Policy Unit, 2005*

<sup>76</sup> Voronina, Natalia (2006) "Outlook on Migration Policy Reform in Russia: Contemporary Challenges and Political Paradoxes", in Roger Rodriguez Rios (ed.) *Migration Perspectives – Eastern Europe and Central Asia*, IOM Technical Cooperation Centre for Europe and Central Asia, Vienna.

**info provided**

The main laws regulating the international migration into the territory of the Russian Federation include the Scheme of Exit from the Russian Federation and Entry into the Russian Federation (dated 15 August 1996, No. 114-FL, with amendments effective 18 July 1998, No. 110-FL), the Law on the Legal Status of Foreigners in the Russian Federation (dated 25 July 2002, No. 115-FL, with amendments effective 18 July 2006, No. 110-FL), the Law on Russian Federation Citizenship (with amendments effective 11 November 2003, No. 151-FL), and the Law on Migration Registration of Foreigners and Stateless Persons in the Russian Federation (dated 18 July 2006, No. 109-FL). The migration policy of Russia is also reflected in decrees of the President such as: On Involvement and Application of Foreigners' Labor Force in the Russian Federation (dated 16 December 1993, No. 2146) and On Measures for Assistance in Voluntary Resettlement to the Russian Federation of Compatriots Residing Abroad (dated 22 June 2006, No. 637). Most issues of the migration policy are also addressed in regulative acts of the Russian Federation government.

Russia ratified the UN Convention on the Status of Refugees and its 1967 Protocol in 1993. It is also a party to a number of international treaties and agreements in the sphere of migration management.

**International agreements on resistance to illegal migration**

- Agreement on cooperation of members of CIS in the struggle against migration (Moscow, 6 March 1998)
- Agreement between the Government of the Russian Federation and the Government of the Republic of Uzbekistan on cooperation in the struggle against illegal migration (Tashkent, 4 July 2007)
- Protocol between the Government of the Russian Federation and the Government of the Republic of Latvia on establishment of a working group on issues of illegal migration (Moscow, 28 June 2006).

**International readmission agreements**

- Agreement between the Government of the Russian Federation and the Government of the Republic of Lithuania on admission and return of persons residing illegally in the territory of the Russian Federation and in the territory of the Republic of Lithuania ((Vilnius, 12 May 2003).
  - Agreement between the Russian Federation and the European Association on readmission (Sochi, 25 May 2006)
  - Agreement between the Government of the Russian Federation and the Government of the Kingdom of Norway on readmission (Moscow, 8 June 2007)
- Agreement between the Government of the Russian Federation and the Government of the Republic of Uzbekistan on readmission (Tashkent, 4 July 2007)
- Agreement between the Government of the Russian Federation and the Cabinet of Ministers of Ukraine on readmission (Kiev, 22 December 2006)

**International agreements on citizenship problems:**

- Agreement among the Republic of Belarus', the Republic of Kazakhstan, the Kyrgyz Republic, and the Russian Federation on simplified procedure of obtaining citizenship, effective 26 February 1999
- Agreement between the Republic of Kazakhstan on simplified procedure of obtaining citizenship by citizens of the Russian Federation arriving in the Republic of Kazakhstan for permanent residency and by citizens of the Republic of Kazakhstan arriving for permanent residency in the Russian Federation, effective 20 January 1995
- Agreement between the Russian Federation and the Kyrgyz Republic on simplified procedure of obtaining citizenship by the citizens of the Russian Federation arriving in the Kyrgyz Republic for permanent residency, and by the citizens of the Kyrgyz Republic arriving in the Russian Federation for permanent residency, and on abatement of previous citizenships, effective 28 March 1996
- Agreement between the Russian Federation and Turkmenistan on adjustment of dual citizenship, effective 23 December 1993



**International agreements on international citizens' reciprocal travels**

- Agreement among the Government of the Russian Federation, Government of the Republic of Belarus, Government of the Republic of Kazakhstan, Government of the Kyrgyz Republic, and Government of the Republic of Tadjikistan on citizens' reciprocal free-of-visa travel, effective 30 November 2000
- Agreement between the Government of the Russian Federation and the Government of the Azerbaijan Republic on citizens' reciprocal free-of-visa travel, effective 3 July 1997
- Agreement between the Government of the Russian Federation and the Government of Armenia on citizens' reciprocal free-of-visa travel, effective 25 September 2000
- Agreement between the Government of the Russian Federation and the Government of the Republic of China on citizens' reciprocal free-of-visa travel, effective 29 February 2000
- Agreement between the Government of the Russian Federation and the Government of the Republic of Moldova on citizens' reciprocal free-of-visa travel, effective 30 November 2000
- Agreement between the Government of the Russian Federation and the Government of Ukraine on citizens' reciprocal free-of-visa travel, effective 16 January 1997

**International agreements on labour force migration**

- Agreement on cooperation in labour force migration and social maintenance of migrant workers, effective 15 April 1994 (signed under CIS), ratified on 24 April 1995, No. 47-FL. The Protocol on insertion of amendments and additions to the Agreement was signed on 25 November 2005 and came into force on 15 December 2006
- Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on labour activity and social maintenance of the Russian Federation citizens working in the territory of the Republic of Armenia, and of citizens of the Republic of Armenia working in the territory of the Russian Federation, effective 19 July 1994
- Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on labour activity and social maintenance of citizens of the Russian Federation working in the territory of the Republic of Belarus, and of citizens of the Republic of Belarus working in the territory of the Russian Federation, effective 24 September 1993
- Agreement between the Government of the Russian Federation and the Government of the Federal Republic of Germany on employment of persons working for hire, targeted at improvement of their professional and language knowledge (The Agreement on Employment of Guest Workers of 17 May 1992)
- Agreement between the Government of the Russian Federation and the Government of the Kyrgyzstan on labor activity and social protection of working migrants, dated 28 March 1996 (came into effect on 15 January 1998, ratified on 14 November 1997, No. 139-FL, with amendments, Protocol of 22 September 2003, ratified on 3 January 2006, No. 3-FL)
- Agreement between the Russian Federation and the Government of the People's Republic of China on temporary labour activity of citizens of the Russian Federation in China and the citizens of the People's Republic of China in the Russian Federation, dated 3 November 2000

Agreement between the Russian Federation and the Government of the People's Republic of China on cooperation in mutual development of forest resources, dated 3 November 2000.

- Agreement between the Russian Federation and the Government of the Republic of Lithuania on temporary labour activity of citizens, dated 29 June 1999
- Agreement between the Russian Federation and the Government of the Republic of

Moldova on labour activity and social maintenance of citizens of the Russian Federation and the Republic of Moldova, working outside the boundaries of their states, dated 27 May 1993 (with amendments, Protocol No. 105, dated 12 February 1994)

- Agreement between the Government of the Russian Federation and the Government of the Republic of Poland on principles of labour activity of the Russian citizens in the territory of Poland and Polish citizens in the territory of the Russian Federation, dated 15 March 1994
- Agreement between the Government of the Russian Federation and the Government of the Slovak Republic on organization of citizens' employment under contractual agreements and on employment assistance to citizens, dated 13 February 1995 (came into effect on 27 March 1995)
- Agreement between the Government of the Russian Federation and the Government of Ukraine on labour activity and social maintenance of the citizens of Russia and Ukraine working outside the borders of their countries, dated 14 January 1993
- Agreement between the Government of the Russian Federation and the Government of Switzerland Confederation on exchange of probationers, dated 2 September 1993
- Agreement between the Government of the Russian Federation and the Government of the Republic of Tadjikistan on labour activity of citizens of the Russian Federation in the Republic of Tadjikistan and citizens of Tadjikistan in the Russian Federation, dated 16 October 2004 (ratified on 3 January 2006, No. 2-FL)
- Agreement between the Government of the Russian Federation and the Government of the Republic of Uzbekistan on labour activity and protection of rights of labour migrants who are citizens of the Russian Federation in the Republic of Uzbekistan and the rights of labour migrants who are citizens of the Republic of Uzbekistan in the Russian Federation, signed on 3 July 2007

**Illicit drugs and  
related illegal  
operations**

Limited cultivation of illicit cannabis and opium poppy and producer of methamphetamine, mostly for domestic consumption; government has active illicit crop eradication program; used as transshipment point for Asian opiates, cannabis, and Latin American cocaine bound for growing domestic markets, to a lesser extent Western and Central Europe, and occasionally to the US; major source of heroin precursor chemicals; corruption and organized crime are key concerns; major consumer of opiates



## Serbia



<b>Location</b>	Southeastern Europe, between Macedonia and Hungary
<b>Capital</b>	Belgrade
<b>Population</b>	10,159,046 <i>note: all population data includes Kosovo (July 2008 est.)</i>
<b>Currency</b>	Serbian dinar (RSD)
<b>Government type</b>	Republic
<b>Administrative divisions</b>	161 municipalities (općstine, singular - općstina).
<b>Independence</b>	5 June 2006 (from Serbia and Montenegro)
<b>National holiday</b>	National Day, 15 February
<b>Constitution</b>	Adopted 8 November 2006; effective 10 November 2006
<b>Legal system</b>	Based on civil law system; has not accepted compulsory ICJ jurisdiction
<b>Executive branch</b>	chief of state: President Boris TADIC (since 11 July 2004) head of government: Prime Minister Mirko CVETKOVIC (since 7 July 2008) cabinet: Federal Ministries act as cabinet elections: president elected by direct vote for a five-year term (eligible for a second term); election last held 3 February 2008 (next to be held in 2013); prime minister elected by the

	Assembly election results: Boris TADIC elected president in the second round of voting; Boris TADIC received 51.2% of the vote and Tomislav NIKOLIC 48.8%
<b>Legislative branch</b>	unicameral National Assembly (250 seats; deputies elected by direct vote to serve four-year terms) <i>elections</i> : last held on 11 May 2008 (next to be held in May 2012) <i>election results</i> : percent of vote by party - For a European Serbia 38.7%, SRS 29.1%, DSS-NS 11.3%, coalition led by the SPS 7.9%, LPD 5.2%, other 7.8%; seats by party - For a European Serbia 103, SRS 77, DSS-NS 30, coalition led by the SPS 20, LDP 13, other 7
<b>Judicial branch</b>	Constitutional Court, Supreme Court (to become court of cassation under new constitution), appellate courts, district courts, municipal courts
<b>International organization participation</b>	BSEC, CE, CEI, EAPC, EBRD, FAO, G-9, IAEA, IBRD, ICAO, ICC, ICt, ICRM, IDA, IFAD (suspended), IFC, IFRCS, IHO, ILO, IMF, IMO, IMSO, Interpol, IOC, IOM, IPU, ISO, ITSO, ITU, ITUC, MIGA, MONUC, NAM (observer), OAS (observer), OIF (observer), OPCW, OSCE, PCA, PFP, SECI, UN, UNCTAD, UNESCO, UNHCR, UNIDO, UNMIL, UNOCI, UNWTO, UPU, WCL, WCO, WHO, WIPO, WMO, WTO (observer)
<b>Geographic coordinates</b>	44 00 N, 21 00 E
<b>Area</b>	<i>total</i> : 77,474 sq km <i>land</i> : 77,474 sq km <i>water</i> : 0 sq km
<b>Border countries</b>	Bosnia and Herzegovina 302 km, Bulgaria 318 km, Croatia 241 km, Hungary 151 km, Kosovo 352 km, Macedonia 62 km, Montenegro 124 km, Romania 476 km
<b>Coastline</b> <sup>77</sup>	0 km (landlocked)
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users)<sup>78</sup>, routes</b>	Serbia is a source, transit, and destination country for women and girls trafficked transnationally and internally for the purpose of commercial sexual exploitation. Foreign victims are trafficked to Serbia from Macedonia, Ukraine, Moldova, Bosnia and Herzegovina, Bulgaria, Romania, Croatia, Albania, and the People's Republic of China. Serbia continued to serve as a transit country for victims trafficked from Bosnia, Croatia, and Slovenia and destined for Italy and other countries in Western Europe. Internal sex trafficking of Serbian women and girls continued to increase, comprising more than three-fourths of trafficking cases in 2007. Some children continued to be trafficked into forced labor or forced street begging. According to NGOs and law enforcement, efforts to shut down known brothels continued to prompt traffickers to better conceal victims of trafficking.
<b>Law, mutual legal assistance and cooperation</b>	The Government of Serbia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased national funding for combating trafficking in persons, actively investigated trafficking, prosecuted high-level cases, and took a step in addressing trafficking-related corruption by investigating and charging a state prosecutor for complicity. During the reporting period, the government improved its capacity to assist trafficking victims via the establishment of 11 new municipal teams made up of government officials and NGO representatives. An inefficient judicial system resulted in trials that lasted months or years, and convicted traffickers continued to delay serving their sentences, sometimes by several years, by filing multiple appeals. This sometimes resulted in convicted traffickers remaining free and possibly continuing to exploit victims. Sentences continued to be light in many cases, and did not serve to deter trafficking in Serbia. Although the government expanded its training program to educate law enforcement how to identify victims, concerns remained about victims sometimes not correctly identified and punished as a result of being trafficked
<b>Task force</b>	The Government of Serbia demonstrated mixed efforts in its prevention activities in 2007. The government has yet to begin implementation of its December 2006 National Strategy to Combat Trafficking in Persons. Furthermore, the government's anti-trafficking team charged with leading Serbia's anti-trafficking efforts met only once during the year. However, the government increased its educational prevention programs during the year, and in 2007, launched a fund-raising drive for the Agency for Coordination. It also sponsored a month of anti-trafficking programs on national television during October 2007. Although the government finalized scripts for a project to which it earmarked \$100,000 for a 13-episode television series entitled "Modern Slavery," NGOs expressed concerns about the series being completed. The government did not conduct any awareness campaigns aimed to reduce demand for commercial sex acts.

<sup>77</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19th of June 2008

<sup>78</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June 11, 2003, U.S. Department of State, <http://www.state.gov/g/tip/rls/tiprpt/2003/>

**Anti-trafficking legislation****Shelters, hotline**

Victims of trafficking are accommodated in one of the two existing shelters in Serbia managed by two national NGOs which provide basic medical and psychological assistance, social support, legal counselling and, based on assessed needs, education and training activities as well as preparation for voluntary return. One of the shelters is managed by the NGO Counselling Centre for Victims of Violence and is intended to accommodate foreign nationals as well as SCG national victims of trafficking. Victims are provided with medical, legal and psychological assistance. A second shelter is run by the NGO Atina and is intended to assist victims of trafficking who are in the process of local reintegration. Also, a national SOS hotline for potential victims of trafficking is run by the anti-trafficking NGO Astra and offers direct counselling services for potential victims of trafficking. 79

**Case examples, if provided**

The Government of Serbia continued its efforts to actively investigate trafficking cases, though its court often imposed insufficient sentences on convicted trafficking offenders. The criminal code for Serbia criminally prohibits sex and labor trafficking in article 388 and prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other grave offenses, such as rape. In 2007, the government investigated and charged 62 persons with trafficking. The government reported at least 23 trafficking convictions during the reporting period. In December 2007, in a high-profile case in Novi Sad, the judge sentenced 11 defendants, including one police officer, to a total of 42 years' imprisonment, and the defendants are reportedly serving their sentences. In another high profile case, the government investigated and indicted seven traffickers, including the Deputy Public Prosecutor, in Novi Pazar in December 2007. The prosecutor sexually exploited some of the victims and was aware of trafficking abuses they had suffered, including the death of one victim. In 2007, the government investigated a police officer for his role in facilitating the trafficking of a forced labor victim. This trial is scheduled to begin in May 2008. In March 2007, a Belgrade court convicted 12 suspects to a total of 42 years' imprisonment for trafficking Chinese nationals through Serbia. Most convicted traffickers in Serbia continue to be freed pending appeal and there was at least one case of a convicted trafficker who remained free and continued his trafficking activities. Due to vacancies in the office of the National Coordinator, the government did not provide comprehensive law enforcement data on trafficking prosecutions, convictions, and sentences.

**Regional agreements with bordering countries, if info provided**

NA

**Illicit drugs and related illegal operations**

Transshipment point for Southwest Asian heroin moving to Western Europe on the Balkan route; economy vulnerable to money laundering

<sup>79</sup> [http://www.unhcr.se/Pdf/Position\\_countryinfo\\_papers\\_06/Combatting\\_human\\_trafficking.pdf](http://www.unhcr.se/Pdf/Position_countryinfo_papers_06/Combatting_human_trafficking.pdf), *Combatting Human Trafficking, an overview of UNHCR Anti-trafficking activities in Europe*, Bureau for Europe Policy Unit, 2005

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## Republic of Turkey (Türkiye Cumhuriyeti)



<b>Location</b>	Southeastern Europe and southwestern Asia (that portion of Turkey west of the Bosphorus is geographically part of Europe), bordering the Black Sea, between Bulgaria and Georgia, and bordering the Aegean Sea and the Mediterranean Sea, between Greece and Syria
<b>Capital</b>	Ankara
<b>Population</b>	71,892,807 (July 2008 est.)
<b>Currency</b>	Turkish lira (TRL)
<b>Government type</b>	Republican parliamentary democracy
<b>Administrative divisions</b>	81 provinces (iller, singular - il);
<b>Independence</b>	29 October 1923 (successor state to the Ottoman Empire)
<b>National holiday</b>	Independence Day, 29 October (1923)
<b>Constitution</b>	7 November 1982
<b>Legal system</b>	<p>The principle of separation of powers exists in Turkey. In line with this principle, judicial power is exercised by independent courts on behalf of Turkish nation. (Article 9 of the Turkish Constitution)</p> <p>Independence of courts, security of tenure of judges and public prosecutors, organisation of courts, profession of judge and prosecutor, supervision of judges and public prosecutors, military courts and their organisation, powers and duties of high courts are outlined in the Constitution. (Articles 138-160 of the Constitution)</p> <p>The organisation, duties and jurisdiction of the courts, their functioning and trial</p>

	procedures shall be regulated by law. (Article 142 of the Constitution).
<b>Executive branch</b>	<p>Chief of state: President Abdullah GUL (since 28 August 2007)  head of government: Prime Minister Recep Tayyip ERDOGAN (since 14 March 2003);  Deputy Prime Minister Cemil CICEK (since 29 August 2007); Deputy Prime Minister Hayati YAZICI (since 29 August 2007); Deputy Prime Minister Nazim EKREN (since 29 August 2007)</p> <p>Executive power and function shall be exercised and carried out by the President of the Republic and the Council of Ministers in conformity with the Constitution and the law. (Article 8 of the Turkish Constitution)</p> <p>The President of the Republic shall be elected by the public from among the Turkish Grand National Assembly members who are over 40 years of age and have completed higher education or from among ordinary Turkish citizens who fulfill these requirements and are eligible to be deputies. The president's term of office shall be five years. The President of the Republic can be elected to two terms at most.</p> <p>The Council of Ministers shall consist of the Prime Minister and the ministers. The Prime Minister shall be appointed by the President of the Republic from among the members of the Turkish Grand National Assembly.</p> <p>The ministers shall be nominated by the Prime Minister and appointed by the Turkish Grand National Assembly, or from among those eligible for election as deputies; and they can be dismissed by the President of the Republic, upon the proposal of the Prime Minister when deemed necessary. (Article 109 of the Turkish Constitution)</p>
<b>Legislative branch</b>	<p>Legislative power is vested in the Turkish Grand National Assembly on behalf of the Turkish Nation. This power cannot be delegated. (Article 7 of the Turkish Constitution)</p> <p>The Turkish Grand National Assembly shall be composed of five hundred and fifty deputies elected by universal suffrage. (Article 75 of the Constitution). Elections for the Turkish Grand National Assembly shall be held every four years (Article 77 of the Constitution).</p> <p>The functions and powers of the Turkish Grand National Assembly comprise the enactment, amendment, and repeal of laws; the supervision of the Council of Ministers and the Ministers; authorisation of the Council of Ministers to issue governmental decrees having the force of law on certain matters; debating and approval of the budget draft and the draft law of final accounts, making decisions on the printing of currency and the declaration of war; ratifying international agreements, making decisions with 3/5 of the Turkish Grand National Assembly on the proclamation of amnesties and pardons according to the Constitution; and exercising the powers and executing the functions envisaged in the other articles of the Constitution. (Article 87 of the Constitution)</p>
<b>Judicial branch</b>	<p>The court system in Turkey can be classified under 5 main titles,</p> <ol style="list-style-type: none"> <li>1- Constitutional Court</li> <li>2- Court of Jurisdictional Disputes</li> <li>3- Civil and Criminal Courts</li> <li>4- Administrative Courts</li> <li>5- Military Courts</li> </ol> <p>The Constitutional Court, the Supreme Court of Appeals, the Council of State, the Supreme Military Court of Appeals, the Supreme Military Administrative Court and the Court of Jurisdictional Conflicts are the supreme courts mentioned in the judicial section of the Constitution. The Supreme Council of Judges and Public Prosecutors and the Supreme Council of Public Accounts are also two organizations having special functions in the judicial section of the Constitution.</p>
<b>International organization participation</b>	ADB (nonregional members), Australia Group, BIS, BSEC, CE, CERN (observer), EAPC, EBRD, ECO, EU (applicant), FAO, IAEA, IBRD, ICAO, ICC, ICRM, IDA, IDB, IEA, IFAD, IFC, IFRCS, IHO, ILO, IMF, IMO, IMSO, Interpol, IOC, IOM, IPU, ISO, ITSO, ITU, ITUC, MIGA, NATO, NEA, NSG, OAS (observer), OECD, OIC, OPCW, OSCE, PCA, SECI, UN, UNAMID, UNCTAD, UNESCO, UNHCR, UNIDO, UNIFIL, UNMIS, UNOCI, UNOMIG, UNRWA, UNWTO, UPU, WCO, WEU (associate), WFTU, WHO, WIPO, WMO, WTO, ZC
<b>Geographic coordinates</b>	39 00 N, 35 00 E
<b>Area</b>	780,580 sq km
<b>Border countries</b>	Armenia 268 km, Azerbaijan 9 km, Bulgaria 240 km, Georgia 252 km, Greece 206 km, Iran 499 km, Iraq 352 km, Syria 822 km



<b>Coastline</b> <sup>80</sup>	7,200 km
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users)</b> <sup>81</sup> , routes	Turkey is a significant destination, women and children trafficked primarily for the purpose of commercial sexual exploitation. This year (in 2007) five men were reported trafficked from Turkmenistan for purposes of forced labor. Women and girls are trafficked from Moldova, Russia, Ukraine, Belarus, Bulgaria, Kyrgyzstan, Turkmenistan, Uzbekistan, Azerbaijan, Georgia, and Romania for sexual exploitation. In 2007, three victims were reported trafficked to Turkey from outside of Eastern Europe and Eurasia—from Morocco, Tunisia, and Sri Lanka.
<b>Law, mutual legal assistance and cooperation</b>	The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government significantly increased its law enforcement response in 2007 by convicting and punishing more traffickers. It further improved interagency and NGO cooperation and continued to institutionalize and implement comprehensive law enforcement training. In addition, the Government of Turkey made efforts to address trafficking-related official complicity among law enforcement. However, a lack of secure and consistent government support for Turkey's trafficking shelters frustrated solid improvements in Turkey's anti-trafficking efforts.
<b>Task force</b>	<p>"The National Task Force on Fight Against Human Trafficking " (NTF) was established in 2002 under the chairmanship of Ministry of Foreign Affairs. NTF convenes every two months in Ankara with the participation of relevant institutions/organizations. Representatives of International Organization for Migration and European Commission Delegations in Turkey also participate in NTF meetings as observers.</p> <p>NTF plays a significant role in policy making for prevention of human trafficking in Turkey, identification and protection of victims and prosecution of human traffickers. NTF is a regular platform, where trafficking in human beings issues are discussed between governmental and non-governmental organizations and international organizations.</p> <p>At the beginning, "National Action Plan in Fight Against Human Trafficking" (NAP) was developed by NTF and approved and implemented by the Prime Ministry in 2003. 2003 NAP lists the objectives and tasks of the Ministries in the fight against human trafficking. These NAP objectives have been successfully achieved and the remarkable developments in the fight against human trafficking have been reflected to 2006 Turkey Report on Fight Against Human Trafficking.</p> <p>The second National Action Plan (SNAP) has been prepared as an outcome of "Strengthening the Institutional Capacity in the Fight Against Trafficking in Human Beings Project" completed in July 2007 under the coordination of the Ministry of Interior, General Directorate of Security within Turkey - EU Financial Cooperation program. The SNAP is currently at the stage of approval.</p>
<b>Anti-trafficking legislation</b>	<p>The government amended its criminal code in the past year to prohibit trafficking in persons (Article 201/b). The law prescribes serious penalties that are increased with aggravating circumstances.</p> <p>The new Criminal Code which was put into force on 1 June 2005. The article 80 describes Trafficking in human beings and foresees sentences to eight to twelve years of imprisonment and to judicial fines up to an amount corresponding to ten thousand days. The said article includes safety measures for the legal entities which commit this offence intentionally. On 19 December 2006 "forced for prostitution" is included in the description of Trafficking in Human Beings in article 80 of Turkish Criminal Code.</p>
<b>Shelters, hotline</b>	There are two shelters for trafficked persons in Turkey. The first shelter for victims of trafficking, which opened in Istanbul in August 2004 and is run by the Human Resources Development Foundation (HRDF). HRDF has assisted 350 trafficked persons as of 2007. One UNHCR-recognized case stayed in the HRDF Shelter. The Ankara Shelter, has been managed since November 2004 by the Foundation for Women's Solidarity, has assisted 136 victims as of 2007. A project to open shelters in, Izmir, Antalya and Trabzon is underway. Governorates may issue 6-months residence permit for a victim of trafficking, which may be further extended to allow them stay in Turkey for rehabilitation and treatment. Counseling services are provided during this period. Free medical care is assured for victims of human trafficking by the Ministry of Health. . 651 trafficked persons identified by Turkish Ministry of Interior have been provided with safe and voluntary return since 2004 by IOM. A 157 toll free helpline for trafficked persons has been operational since 23 May 2005. Set up and owned by the Turkish Government and operated by IOM, the Help Line works in close cooperation with law enforcement agencies and is a part of the Turkish National Referral System. The Help Line can be reached by dialing 157 from landlines and mobile phones anywhere in Turkey and can also be reached

<sup>80</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19th of June 2008

<sup>81</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June 11, 2003, U.S. Department of State, <http://www.state.gov/g/tip/rls/tiprpt/2003/>

from abroad by dialing 90.312.157 11 22. The line is operated by six consultants and one coordinator and is operational on a round-the-clock basis. Consultants provide services in Russian, Romanian, Kyrgyz, Uzbek, Kazach English and Turkish languages. The idea lying behind the establishment of the 157 Helpline is to assist in the rescue of trafficked persons. It also provides information on a non-emergency basis for individuals who may be at risk for trafficking. The long term goal for the 157 Helpline service is its transfer to an independent NGO or another appropriate institution. All the staff costs and technical equipment of the 157 helpline has been covered by the EC funded two years project which has started as of December 2007 and will end by 2009.

The emergency calls to 157 helpline are conveyed to the security authorities for their immediate action, according to a statement by the Ministry of Foreign Affairs from March 2005. IOM Turkey is working closely with La Strada-Moldova on training and cross-promoting respective caller lines. Cross promotion areas include a jointly produced television commercial to run on Moldova channels publicizing caller lines in both countries. The multi-country promotion campaign was also conducted between 2005-2007 and included distribution of small handouts (or passport inserts) to potential victims of trafficking traveling to Turkey from the Crimea and Odessa regions of the Ukraine. A television commercial was also broadcasted on television in Moldova and Ukraine. Stations. Back in Turkey, border police early this month are expanding their distribution of inserts from Istanbul airports to Antalya airport and Trabzon seaport, Istanbul seaport. On 30 June 2008 the project launched the national information campaign called "React Against Human Trafficking, Don't Be Passive!" aiming to raise awareness on human trafficking and promote 157 Helpline.

**Case examples, if provided**

The Government of Turkey demonstrated strong anti-trafficking law enforcement and prosecutorial efforts during the reporting period. Article 80 of the Penal Code prohibits trafficking for, for forced prostitution, forced labour or services, slavery and removal of organs and prescribes penalties of eight to 12 years' imprisonment and a judicial fine up to ten thousand days which are sufficiently stringent and commensurate with prescribed penalties for other grave crimes, such as sexual assault. The government reported convicting four traffickers during 2007 for human trafficking.

**Regional agreements with bordering countries, if info provided**

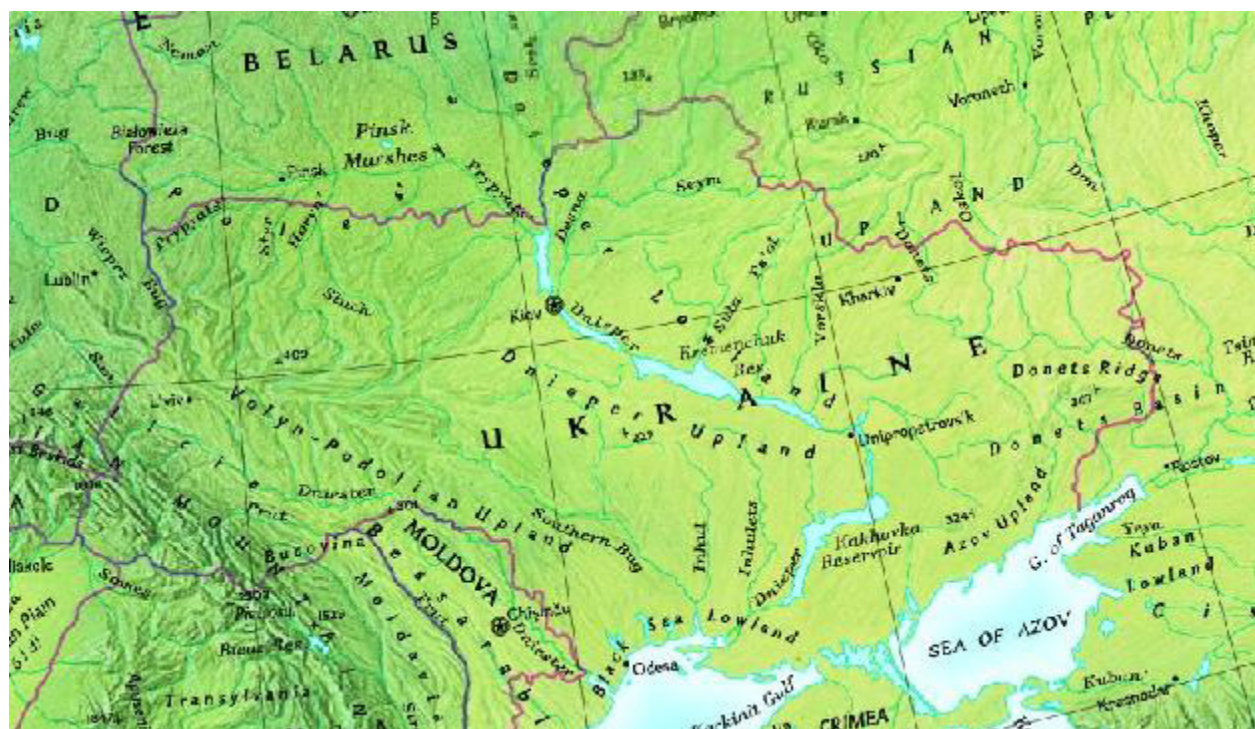
There are agreements signed as the following examples: Agreement between Georgia and the Republic of Turkey on legal assistance in civil, trade and criminal matters. Agreement on border issues between Georgia and the Republic of Turkey. Protocol between Georgia and the Republic of Turkey on the implementation of Article 9 (trafficking in human beings) the "Agreement on Fighting Terrorism, Organized Crime and Other Important Crimes between the Republic of Azerbaijan, Georgia and the Republic of Turkey on cooperation in the fight against terrorism, organized crime and other serious crimes" A Memorandum of Cooperation for Combating Human Trafficking and Illegal Migration was signed with Belarus on 28<sup>th</sup> July 2004 and is in force. A protocol on combating trafficking in human beings was signed by ministries of MoI between Ukraine and Turkey including police cooperation and exchanging information in the field of trafficking on 07 June 2005, with Moldova on 8 February 2006 and finally with Kyrgyzstan on 5 September 2006

**Illicit drugs and related illegal operations**

Turkey has signed agreements on judicial/legal assistance and cooperation with Ukraine, Romania, Kazakhstan, Moldova, Georgia, Azerbaijan, and others. These agreements include provisions on cooperation on issues such as witness hearings, the serving court documents, the conduct of investigations and the provision of expertise. Turkey has a very sensitive position due to its geographical position. Turkey is affected negatively from the trafficking of Southwest Asian originated opium and derivative, Europe originated synthetic drugs and chemical substances necessary to produce both. Turkey Government maintains strict controls over areas of legal opium poppy cultivation and over output of poppy straw concentrate; strict enforcement of money-laundering controls



## Ukraine (Ukrayina)



<b>Location</b>	Eastern Europe, bordering the Black Sea, between Poland and Russia
<b>Capital</b>	Kiev (Kyiv)
<b>Population</b>	45,994,287 (July 2008 est.)
<b>Currency</b>	hryvnia (UAH)
<b>Government type</b>	Republic
<b>Administrative divisions</b>	24 oblasti (singular - oblast'), 1 autonomous republic* (avtomnaya respublika), and 2 municipalities (mista, singular - misto) with oblast status**; <i>note: oblasts have the administrative center name following in parentheses</i>
<b>Independence</b>	24 August 1991 (from Soviet Union)
<b>National holiday</b>	Independence Day, 24 August (1991)
<b>Constitution</b>	Adopted 28 June 1996
<b>Legal system</b>	Based on civil law system; judicial review of legislative acts; has not accepted compulsory ICJ jurisdiction
<b>Executive branch</b>	chief of state: President Viktor A. YUSHCHENKO (since 23 January 2005) head of government: Prime Minister Yuliya TYMOSHENKO (since 18 December 2007); First Deputy Prime Minister Oleksandr TURCHYNOV (since 18 December 2007); Deputy Prime Ministers Hryhoriy NEMYRYA and Ivan VASYUNYK (since 18 December 2007) cabinet: Cabinet of Ministers selected by the prime minister; the only exceptions are the foreign and defense ministers, who are chosen by the president <i>note: there is also a National Security and Defense Council or NSDC originally created in 1992 as the National Security Council; the NSDC staff is tasked with developing national security policy on domestic and international</i>

	matters and advising the president; a Presidential Secretariat helps draft presidential edicts and provides policy support to the president
<b>Legislative branch</b>	Unicameral Supreme Council or Verkhovna Rada (450 seats; under Ukraine's new election law, 225 of the Supreme Council's seats are allocated on a proportional basis to those parties that gain 4% or more of the national electoral vote; the other 225 members are elected by popular vote in single-mandate constituencies; all serve four-year terms)
<b>Judicial branch</b>	Supreme Court; Constitutional Court
<b>International organization participation</b>	Australia Group, BSEC, CBSS (observer), CE, CEI, CIS, EAEC (observer), EAPC, EBRD, FAO, GCTU, GUAM, IAEA, IBRD, ICAO, ICC, ICt (signatory), ICRM, IDA, IFC, IFRCS, IHO, ILO, IMF, IMO, IMSO, Interpol, IOC, IOM, IPU, ISO, ITU, ITUC, LAIA (observer), MIGA, NAM (observer), NSG, OAS (observer), OIF (observer), OPCW, OSCE, PCA, PFP, SECI (observer), UN, UNCTAD, UNESCO, UNIDO, UNMEE, UNMIL, UNOMIG, UNWTO, UPU, WCL, WCO, WFTU, WHO, WIPO, WMO, WTO (observer), ZC
<b>Geographic coordinates</b>	49 00 N, 32 00 E
<b>Area</b>	603,700 sq km
<b>Border countries</b>	Belarus 891 km, Hungary 103 km, Moldova 939 km, Poland 526 km, Romania (south) 169 km, Romania (west) 362 km, Russia 1,576 km, Slovakia 97 km
<b>Coastline</b> <sup>82</sup>	2,782 km
<b>Profile of trafficking in country (source, destination or transit, victims, traffickers, users)</b> <sup>83</sup> , routes	<p>Ukraine is a source, transit, and destination country for men, women, and children trafficked transnationally for the purposes of commercial sexual exploitation and forced labor. Ukrainian women are trafficked to Russia, Poland, Turkey, the Czech Republic, the United Arab Emirates, Austria, Italy, Portugal, Germany, Greece, Israel, Spain, Lebanon, Hungary, Slovak Republic, Cyprus, United Kingdom, Netherlands, Serbia, Argentina, Norway, and Bahrain.<sup>84</sup></p> <p>The majority of Ukrainian labor trafficking victims were men exploited in Russia, the Czech Republic and Poland, primarily forced to work as construction laborers, sailors, and factory and agriculture workers. There are indications Ukraine is a destination for people from neighboring countries trafficked for forced labor and sexual exploitation. In addition, trafficking occurs within Ukraine; men and women are trafficked within the country for the purposes of labor exploitation in the agriculture and service sectors, commercial sexual exploitation, and forced begging.</p> <p>Ukrainian children are trafficked both internally and transnationally for commercial sexual exploitation, forced begging, and involuntary servitude in the agriculture industry. An IOM survey released in December 2006 concluded that since 1991, approximately 117,000 Ukrainians had been forced into exploitative situations</p>
<b>Law, mutual legal assistance and cooperation</b>	<p>The Government of Ukraine does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While there was little evidence of efforts to curb trafficking complicity of government officials and of concrete steps to protect and assist trafficking victims at the national level, local governments made some progress on victim assistance. The government also made modest, but tangible, progress in improving the punishment of convicted traffickers, prosecuting labor trafficking, training the judiciary, and carrying out prevention activities</p> <p>Ukraine has concluded several multilateral and bilateral agreements on mutual legal assistance with more than 30 countries as well as 84 consular conventions on a bilateral basis. In accordance with these conventions, legal assistance is provided to citizens of Ukraine who live in other countries with which such agreements have been concluded.</p>
<b>Task force</b>	The government continued its efforts to increase public awareness of human trafficking. In mid-2007, the government used the annual Labor Day and Day of the African Child celebrations to raise public awareness about child trafficking and promote the new child labor laws. The police's Child and Family Protection Unit used community meetings, school visits, and radio programs to raise awareness of trafficking. The government-run press, radio, and television stations ran public service announcements about trafficking. The Ugandan government, which currently chairs the Commonwealth, raised anti-trafficking issues as a priority for member states at the Commonwealth Heads of Government Meeting in November 2007.
<b>Anti-trafficking</b>	Ukraine is party to the major UN binding instruments on the issue. In 2004 it was ratified

<sup>82</sup> All the data above are sources in the CIA – The World Factbook 2002, last update 19th of June 2008

<sup>83</sup> Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons June 11, 2003, U.S. Department of State, <http://www.state.gov/g/tip/rls/tiprpt/2003/>

<sup>84</sup> <http://www.gvnet.com/humantrafficking/Ukraine.htm>

**legislation**

The Convention against Transnational Organized Crime and - The Protocol against the Smuggling of Migrants by Land, Sea and Air as well as The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children.

Ukraine was the first among the newly independent States to adopt a law on trafficking in 1998, i.e. article 124-1 of the former Criminal Code (Levchenko, 1999: 17; and Antislavery International, 2002: 199). In September 2001, Ukraine adopted the new Criminal Code, including article 149, a new provision on "trafficking in people", which replaced the former article 124-1<sup>85</sup>. A conviction for trafficking carries a penalty from 3 to 15 years imprisonment. The current criminal code prohibits international trafficking and related crimes, but it does not proscribe internal trafficking, which must be pursued under related offenses.

Primary legislation<sup>86</sup>:

1. Criminal Code (2001 as amended 2006)
2. Law on the Protection of Individuals involved in Criminal Proceedings (1994 as amended 2003)
3. Law on Social Services (2003)

Secondary legislation:

1. Presidential Decree No. 509 on the Concept of Reforming the System of Free Legal Aid in Ukraine (2006)
2. Decree on approving the State Programme on Combating Trafficking in Human Beings for the period until 2010 (2007)
3. Governmental Decree on Enactment of the Complex Program on Anti-Trafficking in Human Beings 2002-2005 (2002)
4. Governmental Resolution on the Establishment of the Interagency Coordinating Council for Combating Trafficking in Human Beings (2002)

**Shelters, hotline**

The government largely relies on NGOs and international organizations to conduct prevention programmes and to provide assistance to victims. Trafficking victims are able to receive various types of assistance including medical, psychological, legal, accommodation in shelters, job skills training, job placement and micro credits. Several hotline services are available all around the country, some of which are toll-free. IOM supports 19 hotlines along with the national toll-free hotline as well as regional information campaigns. <sup>87</sup> There is a national "hotline" and "hotlines" in the regions. Informational-consultative help lines of Centers "Woman for Woman".

Regional referral systems between police and NGOs exist throughout Ukraine, due to the allocation of specific anti-trafficking police officers in each region and active victim assistance NGOs. According to provisions of Criminal Procedure Code the Law "On security measures of participants of criminal procedure" there is an appropriate body of administrative militia (MIA), which is responsible for victim's security and welfare.

It should be noted that there aren't governmental shelters for the purposes of criminal investigation but there is non-governmental one (for instance the shelter of IOM). There are several shelters in Ukraine, where victims of trafficking in persons may stay: IOM shelter in Kyiv providing free medical examination of the trafficking victims coming from abroad and psychological assistance. There also exists a shelter for trafficking victims in Odessa. Preparations for servicing victims of trafficking are also underway in shelters in Kherson and Rivne oblasts. All other shelters are trafficking-specialized: one in Kyiv and one in Kharkiv – for victims of domestic violence, one in Lviv oblast – for various target groups, including violence victims.

NGOs rehabilitate and reintegrate victims and put them in touch with police for protection and pursuit of criminal cases. In the absence of a functioning program at the central level, NGOs collaborate with local police and secure ad hoc witness and victim protection. In specific cases, they provide mobile phones to call police, apartment relocation assistance, and police and victim joint surveillance of the potential movement by traffickers. Local NGOs that provide victim assistance enhanced their cooperation with local police, and referrals between NGOs and police are increasingly common

**Case examples, if provided**

In 2006, Ukraine made progress in prosecuting and punishing trafficking offenses. The government prohibits all forms of trafficking through Article 149 of its Criminal Code, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. This year, the government completed 82 criminal investigations and arrested 56 people on trafficking charges. The Interior Ministry reported

<sup>85</sup> [http://www.unicri.it/www/trafficking/minors/docs/dr\\_ukraine.pdf](http://www.unicri.it/www/trafficking/minors/docs/dr_ukraine.pdf)

<sup>86</sup> <http://www.legislationline.org/?tid=178&jid=53&iid=0&less=true>

<sup>87</sup> [http://www.unhcr.se/Pdf/Position\\_countryinfo\\_papers\\_06/Combatting\\_human\\_trafficking.pdf](http://www.unhcr.se/Pdf/Position_countryinfo_papers_06/Combatting_human_trafficking.pdf), *Combatting Human Trafficking, an overview of UNHCR Anti-trafficking activities in Europe*, Bureau for Europe Policy Unit, 2005

that the number of prosecutions for labor trafficking increased from 3 in 2006 to 23 in 2007. Overall, the government prosecuted 95 cases resulting in 83 convictions of trafficking offenders under Article 149. Of the total number of persons convicted, 59 were placed on probation and not subjected to imprisonment. In June 2007, the Prosecutor General ordered prosecutors to take a more aggressive posture with regard to sentencing convicted trafficking offenders and to appeal every case in which a judge ordered probation rather than jail time. As a result, during the second half of 2007, the share of convicted trafficking offenders receiving jail time rose to 44 percent, up from 36 percent during the first half of the year. Despite widespread reports of trafficking-related corruption, Ukraine failed to demonstrate any efforts to vigorously investigate, prosecute, convict, or sentence government officials complicit in trafficking this year.

**Regional  
agreements  
with bordering  
countries, if info  
provided**

In the last decade, the Ministry of Internal Affairs of Ukraine signed 16 inter-governmental and inter-departmental agreements on cooperation in combating organised crime that regulate trafficking in persons and witness protection. Among these are agreements with Moldova, Romania, Russia, Turkey.

**Illicit drugs and  
related illegal  
operations**

Limited cultivation of cannabis and opium poppy, mostly for CIS consumption; some synthetic drug production for export to the West; limited government eradication program; used as transshipment point for opiates and other illicit drugs from Africa, Latin America, and Turkey to Europe and Russia; Ukraine has improved anti-money-laundering controls, resulting in its removal from the Financial Action Task Force's (FATF's) Noncooperative Countries and Territories List in February 2004; Ukraine's anti-money-laundering regime continues to be monitored by FATF

## ***Running projects***

### ***Introduction***

The Section provides information based on public sources regarding running projects at the dated of the present published documents, projects and initiatives under development in the countries of BSEC region.

In the BSEC regions there are under development projects and initiatives aimed to raise awareness and foster commitment of the countries and relevant agencies to adopt and implement policies to counter trafficking in persons, to increase the knowledge base about human trafficking; to build and strengthen greater commitment to existing and new partnerships with Governments, the international community, NGOs, the private sector, civil society organizations and the media, to mobilize resources to support action; and implement projects to fight human trafficking on a local, regional and international level.

In March 2007, UNODC formally launched a **Global Initiative to fight Human Trafficking (UN.GIFT)** with a grant made on behalf of the United Arab Emirates. The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was conceived to join forces and coordinate the global fight on human trafficking, on the basis of foremost international agreement reached at the UN. It is managed in cooperation with the International Labor Organization (ILO); the International Organization for Migration (IOM); the UN Children's Fund (UNICEF); the Office of the High Commissioner for Human Rights (OHCHR); and the Organization for Security and Co-operation in Europe (OSCE).

UN.GIFT works with all stakeholders - governments, business, academia, civil society and the media - to support each other's work, create new partnerships and develop effective tools to fight human trafficking. The Global Initiative is based on a simple principle: human trafficking is a crime of such magnitude and atrocity that it cannot be dealt with successfully by any government alone. This global problem requires a global, multi-stakeholder strategy that builds on national efforts throughout the world.

By encouraging and facilitating cooperation and coordination, UN.GIFT aims to create synergies among the anti-trafficking activities of UN agencies, international organizations and other stakeholders to develop the most efficient and cost-effective tools and good practices.

**The framework of UN.GIFT provided for a global conference, the Vienna Forum to Fight Human Trafficking, held in Vienna from 13 to 15 February 2008.** The Forum offered a unique opportunity to bring together representatives of Member States, United Nations entities, non-governmental and international organizations, the business community, academia and civil society. The Vienna Forum was a step towards generating consolidated support and political will behind the goals of UN.GIFT. Its aims were to raise awareness of all forms of trafficking, to facilitate cooperation and partnerships among participants, to take stock of progress and to set the directions for follow-up measures to prevent and counter human trafficking. The Forum also provided an opportunity to assess lessons learned regarding the dimensions of the issue and current actions being taken in response to trafficking in persons.<sup>1</sup>

<sup>1</sup> See Vienna Forum Report at <http://www.ungift.org/docs/ungift/pdf/vf/ebook2.pdf>

In May 2008, it was organized in **Vienna the OSCE conference to identify ways to combat child trafficking in urban areas**. The Conference focused on authorities' ways in combating child trafficking in their capitals and how their responses are affected by national policy. The meeting will brought together representatives of local and national authorities, international and non-governmental organizations, who presented what they do to prevent child trafficking and discuss ways of identifying and protecting victims.

### **Stability Pact - Police Force Initiatives project and initiatives - Organized Crime Training Network (OCTN)**

The OCTN project aims at training specialized investigators from the SEE national police services in fighting organized crime. Initially based on the conclusions of the London Conference on defeating organized crime in South Eastern Europe, held in November 2002, and based on a donor meeting held in Bern in May 2003, organized together with the SEE countries, the OCTN project is designed to last until 2011. The pre-project, called the inception phase, lasted 6 months and ended in April 2005. It served to design the project framework and objectives.

The implementation of the project started in March 2005. The project contains a concrete training approach in which the participants discuss regional practical cases on organized crime, together with regional and international experts and analyze the cases according to European and international law and methods. The Police Forum has so far received a positive feedback from the SEE, saying that the OCTN training sessions are considered as very useful within the police environment.

Since the project implementation started, the project manager organized four Standard training courses, made up of three modules for operational managers in 2005 and 2006, as follows: a 3 week seminar on combating drugs trafficking, a 3 week seminar on fighting financial crime, a 3 week seminar on trafficking in human beings and a 3 week seminar on tackling extreme violence. Annually, 15 seminars and meetings for specialized investigators, local contact points and policy makers from the region have been organized by the project manager.

OCTN is a donor driven project under the umbrella of the Stability Pact. Norway, Slovenia, Switzerland and United Kingdom are the main donors. The Police Forum organizes the Steering Committee meetings, which take decision on the project strategy, management plan, seminar planning and annual budget. The donor countries are represented by the Foreign Ministry of Norway, the Foreign Ministry of Slovenia, the SDC-Swiss Agency for Development and Cooperation and the Foreign Ministry of United Kingdom. The International Organization for Migration (IOM), as the independent accountancy authority for the project, also takes part in the Steering Committee, as well as the Stability Pact, who's Police Forum Chair leads the meeting.



## ***Republic of Albania (Republika e Shqiperise)***

Project	Partners	Duration
<b>Promoting safe migration and preventing human trafficking in Albania</b>	IOM	permanent

To promote safe migration and prevent human trafficking in Albania, IOM is developing and implementing wide-reaching information campaigns in the country. Activities include establishing a mobile centre to carry out the campaigns in selected areas, training media professionals and employment offices to sensitize reporting on migration and counter trafficking issues, and establishing a hotline for providing information on safe migration and reporting cases of human trafficking.

<b>Conference on national strategy to combat human trafficking hosted by OSCE Presence and Albanian Government</b>	OSCE	May 2008
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The national strategy on combating human trafficking was discussed at a conference, organized by the OSCE Presence and the Albanian Interior Ministry. The strategy aims to improve the legislative, organizational and co-operation framework in the fight against human trafficking in the country. The drafting process involved state and non-state actors, and was supported by a number of international organizations, including the OSCE Presence. Support for anti-trafficking activities remains a top priority for the OSCE Presence.

<b>Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe</b>	ICMPD	2006 - 2008
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This ICMPD project addresses a key challenge to a human rights based and victim-centered anti-trafficking response: to ensure that all trafficked persons have access to comprehensive assistance and protection schemes.

Country: AL / BA / BG / HR / KS / MK / MD / CS / RO / CS

## ***Republic of Armenia***

Project	Partners	Duration
Important migration management challenges are deterring smugglers and irregular migrants from using Armenia as a transit corridor on the Iran–Russia–Western Europe route, while facilitating the entry of bona fide travelers. The following <b>projects</b> are managed by IOM:	IOM	permanent

- **Capacity Building for the Consular Personnel in Counter Trafficking: Armenia (CPARM)**
- **Combating Trafficking in Humans in Armenia: A Social Mobilization Project (CTSMP)**

**Development of a comprehensive anti-trafficking response in Armenia, Azerbaijan and Georgia**

ILO  
SAP FL

December  
2006 -  
December  
2008

The project seeks to contribute to the progressive reduction of trafficking in human beings in Armenia, Azerbaijan and Georgia through capacity building and empowerment of actual and potential victims.

<http://www.ilo.org/sapfl/Projects/Byregion/EuropeandMiddleeast/index.htm>

**Azerbaijan**

Project

Partners

Duration

**Return and Reception Assistance for Victims of Trafficking**

IOM

permanent

IOM provides assistance to the victims of trafficking returning to, through and from Azerbaijan by helping them upon requests of IOM sending missions or governments, NGOs and other partners. Assistance packages include protection, return and reception/referral upon arrival, arranging secure accommodation and their reintegration into the society.

**Development of a comprehensive anti-trafficking response in Armenia, Azerbaijan and Georgia**

ILO  
SAP FL

December  
2006 -  
December  
2008

The project seeks to contribute to the progressive reduction of trafficking in human beings in Armenia, Azerbaijan and Georgia through capacity building and empowerment of actual and potential victims.

<http://www.ilo.org/sapfl/Projects/Byregion/EuropeandMiddleeast/index.htm>

**Republic of Bulgaria**

Project

Partners

Duration

IOM is a key government counterpart in combating and preventing trafficking in persons. Trafficking in human beings continues to be a serious migration and human rights challenge to Bulgaria, which remains a country of transit, origin and to a lesser extent, final destination, for victims of trafficking.

IOM

permanent

IOM Sofia, in cooperation with other IOM missions and partner organizations or within its own programmes, implements the following activities:

- Return and reintegration of victims of trafficking
- Procurement of documents and visas for victims of trafficking and irregular migrants
- A Multi-agency Model of Cooperation for Combating

- Trafficking in Human Beings in Bulgaria
- Repatriation and Reintegration Assistance for Unaccompanied Minors, Victims of Trafficking to Bulgaria
- Support to IOM National Counter-trafficking Network - Sustainable Approach to Combat and Prevent Trafficking in Persons in Bulgaria
- Prevention of Human Trafficking into the United Kingdom Following the EU Accession of Bulgaria

**Danish Programme against Human Trafficking in Eastern and South-Eastern Europe**

**Animus  
Associa  
tion.**

**Duration:**  
January  
2007 –  
January  
2008

**Location:** Sofia, Bulgaria, Ukraine, Moldova, Belarus, Rumania

**Source:** Royal Danish Ministry of Foreign Affairs

**Aims and activities:** Ukraine, Belarus, Moldova and Romania are now facing the challenge of enforcing effectively their recently introduced anti-trafficking legislations and national action plans. In this process of transferring the responsibility from external actors to the national welfare system, there is a need of strengthening the capacity of the already established and functioning local networks of service providers through a process ensuring that their experience will be preserved, adapted to the new environment and upgraded in a way resulting in an increased efficiency of the overall reintegration support to survivors of trafficking. The present project focuses on clinical aspects of the reintegration work and aims at promoting among service providers a common language and shared principles and methods, uniform standards and procedures through the installation of new practices, by systematizing and consolidating knowledge and experience for the purposes of transferability in both the direct work and in the communication with other actors, and by using and replicating the existing best practices while addressing existing capacity and training needs.

**Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe**

ICMPD 2006 - 2008

This ICMPD project addresses a key challenge to a human rights based and victim-centered anti-trafficking response: to ensure that all trafficked persons have access to comprehensive assistance and protection schemes.

**Country:** AL / BA / BG / HR / KS / MK / MD / CS / RO / CS

**Anti-Trafficking Commission Launches Website, Opens First Local Commission**

USAID 30 Jan 2008  
IOM

The National Anti-Trafficking Commission, with assistance from USAID and the International Organization for Migration, is progressing with implementation of the Action Plan for Combating Trafficking in Human Beings. In the beginning of 2008, it launched its new bi-lingual website at <http://antitrafficking.government.bg>. Another important achievement is the opening of the first Local Anti-Trafficking Commission in the municipality of Bourgas.

## Georgia

Project	Partners	Duration
<b>Capacity Building of Government Officials on the Combat of Trafficking in Persons and Smuggling of Migrants</b>	IOM	permanent

IOM is assisting the government in addressing some of these migration challenges including the adoption of the laws on the legal status of aliens and counter-trafficking; training of up to 150 law enforcement officials on investigating trafficking cases and victim assistance; and high-level meetings between Georgian and Turkish law enforcement officials to boost cooperation. In addition, upgrading the border data management system at key entry points and work in developing and delivering training for over 700 border check point staff continue to be given priority. Return assistance for reintegration is provided to migrants coming back to Georgia from a number of European countries. IOM is also working with redundant personnel from the Ministry of Defense and has created a job-counseling centre to assist these people as well as other returning or potential migrants.

<b>Development of a comprehensive anti-trafficking response in Armenia, Azerbaijan and Georgia</b>	ILO SAP FL	December 2006 - December 2008
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The project seeks to contribute to the progressive reduction of trafficking in human beings in Armenia, Azerbaijan and Georgia through capacity building and empowerment of actual and potential victims.

<http://www.ilo.org/sapfl/Projects/Byregion/EuropeandMiddleeast/index.htm>

## Greece - Hellenic Republic (*Elliniki Dhimokratia*)

Project	Partners	Duration
<p>IOM Greece implements programs aiming at the voluntary return of refugees and asylum seekers, as well as victims of trafficking. Also, it implements activities aiming at combating discriminations suffered by victims of trafficking, protecting and claiming for their fundamental rights and creating appropriate conditions for their social and labor integration.</p> <ul style="list-style-type: none"> <li>– <b>ASPIDDA (Shield) - Combating Exploitation, Creating Perspective</b></li> <li>– <b>Trafficking in Human Beings - Voluntary Returns</b></li> <li>– <b>Assisted Voluntary Returns from Greece</b></li> <li>– <b>Assisted Voluntary Returns of Afghans "AKTINERGIA"</b></li> </ul>	IOM	permanent

**Republic of Moldova (Republica Moldova)  
Project**

IOM is enhancing coordinated regional cooperation on migration in order to further develop common migration standards and mechanisms, and to share best practices to prevent irregular migratory flows and combat criminal activities, such as trafficking and smuggling of human beings.

Partners

IOM

Duration

permanent

**Counter-Trafficking.** The programme has two major elements: (1) protection and direct assistance of victims of trafficking and at-risk cases, and (2) prevention of trafficking, which is done both through direct assistance and through awareness-raising by peer-to-peer education, information seminars using various materials developed by IOM, and support of a Hotline in Transnistria.

- **Direct Assistance to Victims of Trafficking in Moldova: Road Towards Sustainability**
- **Mobilizing Church Networks to Prevent Human Trafficking in Moldova**
- **Hope is a Waking Dream: A Decent Life for Young Women in Moldova**
- **Prevention and Protection Assistance for Victims of Trafficking and At-Risk Cases**
- **Combating Trafficking in Human Beings in Ukraine and Moldova**
- **SIDA Regional 2007-2008 (Local Action and Direct Assistance to Victims of Trafficking)**
- **Protecting Victims of Trafficking in Moldova**
- **Playground for the Rehabilitation Centre for Victims of Trafficking**
- **Prevention of Irregular Migration and Trafficking in Persons in the Transnistria Region of the Republic of Moldova**

**Danish Programme against Human Trafficking in Eastern and South-Eastern Europe**

**Animus  
Associatio  
n.**

**Duration:**

January  
2007 –  
January  
2008

**Location:** Sofia, Bulgaria, Ukraine, Moldova, Belarus, Rumania

**Source:** Royal Danish Ministry of Foreign Affairs

**Aims and activities:** Ukraine, Belarus, Moldova and Romania are now facing the challenge of enforcing effectively their recently introduced anti-trafficking legislations and national action plans. In this process of transferring the responsibility from external actors to the national welfare system, there is a need of strengthening the capacity of the already established and functioning local networks of service providers through a process ensuring that their experience will be preserved, adapted to the new environment and upgraded in a way resulting in an increased efficiency of the overall reintegration support to survivors of trafficking. The present project focuses on clinical aspects of the reintegration work and aims at

promoting among service providers a common language and shared principles and methods, uniform standards and procedures through the installation of new practices, by systematizing and consolidating knowledge and experience for the purposes of transferability in both the direct work and in the communication with other actors, and by using and replicating the existing best practices while addressing existing capacity and training needs.

**Elimination of human trafficking from Moldova and Ukraine through labor market based measures**

ILO  
SAP FL

November  
2006 -  
November  
2008

For the Republic of Moldova, labor migration represents one of the most acute social-economical problems. More than 10% of the population left the country during 2004 and 2005 in search of better jobs abroad. For Moldova, migration is a consequence of poverty and also a key strategy to handle it. Though migration represents an important element within economical development of the country, national policies on labor migration contain underdeveloped mechanisms of protection during migration process phases (pre-emigration, emigration and post-emigration). The citizens of Moldova do not have viable leverages of protection, and thus become victims of human trafficking for sexual and labor exploitation. The project offers a long-term perspective against trafficking in human beings in Moldova and Ukraine by addressing gaps in the current implementation of National Action Plans against Human Trafficking.

**Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe**

ICMPD

2006 - 2008

This ICMPD project addresses a key challenge to a human rights based and victim-centered anti-trafficking response: to ensure that all trafficked persons have access to comprehensive assistance and protection schemes.

**Country:** AL / BA / BG / HR / KS / MK / MD / CS / RO / CS

**Romania**

Project

Partners

Duration

- **Performing Arts Against Trafficking in Persons (PAAT)**
- **Counter-trafficking Activities in Romania 2004 (CTAR 2004)**
- **Legal Assistance for Victims of Human Trafficking (LAVT)**

IOM

permanent

**Danish Programme against Human Trafficking in Eastern and South-Eastern Europe**

**Animus  
Associatio  
n.**

**Duration:**  
January  
2007 –  
January  
2008

**Location:** Sofia, Bulgaria, Ukraine, Moldova, Belarus, Rumania

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**Aims and activities:** Ukraine, Belarus, Moldova and Romania are now facing the challenge of enforcing effectively their recently introduced anti-trafficking legislations and national action plans. In this process of transferring the responsibility from external actors to the national welfare system, there is a need of strengthening the capacity of the already established and functioning local networks of service providers through a process ensuring that their experience will be preserved, adapted to the new environment and upgraded in a way resulting in an increased efficiency of the overall reintegration support to survivors of trafficking. The present project focuses on clinical aspects of the reintegration work and aims at promoting among service providers a common language and shared principles and methods, uniform standards and procedures through the installation of new practices, by systematizing and consolidating knowledge and experience for the purposes of transferability in both the direct work and in the communication with other actors, and by using and replicating the existing best practices while addressing existing capacity and training needs.

**Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe**

This ICMPD project addresses a key challenge to a human rights based and victim-centered anti-trafficking response: to ensure that all trafficked persons have access to comprehensive assistance and protection schemes.

**Country:** AL / BA / BG / HR / KS / MK / MD / CS / RO / CS

International Centre for Migration Policy Development (ICMPD) 2006 - 2008

**Russia**

Project	Partners	Duration
<b>Prevention of Human Trafficking in the Russian Federation (PHTRU)</b>	IOM	permanent

**Serbia**

Project	Partners	Duration
NA		

**Republic of Turkey (Turkiye Cumhuriyeti)**

Project	Partners	Duration
By providing legal assistance to trafficked persons, and organizing capacity building workshops and trainings to Bar Associations, IOM's " <b>Combating Trafficking in Turkey: A Strategic Approach to Law Enforcement</b> " project aims to increase prosecution of traffickers in Turkey and in the region.	IOM	permanent

A second project, "**Supporting Turkey's Efforts to Combat Human Trafficking and Promote Access to Justice for All Trafficked Persons**", provides support to Turkish institutions

in their fight against human trafficking and protection of victims in line with the EU Acquis, through aiming increase in identification and protection of victims of trafficking and prosecution of trafficking crimes in Turkey.

The project “**Combating Trafficking: Turkey, Local Action and Direct Assistance**” implements a comprehensive strategy to combat human trafficking in Turkey, fostering community-based solutions, increasing humanitarian protection of trafficked individuals and bolstering law enforcement interventions.

### ***Ukraine (Ukrayina)***

Project	Partners	Duration
<b>Counter-Trafficking Programme.</b> Ukraine is a country of origin, transit and destination for trafficking in men, women and children. Internal trafficking is also a significant problem.	IOM	permanent

IOM’s counter trafficking activities have three integrated components:

1. Prevention and Advocacy. Through a network of over 75 NGOs and Ukrainian government bodies, IOM coordinates a wide variety of prevention activities including informational campaigns, public service announcements, telephone hotlines, teachers’ manuals for use in schools, trainings for journalists, etc.
2. Criminalization and Prosecution. IOM provides law enforcement officials with training and technical support, and funds networking visits to countries of destination to improve international cooperation for the prosecution of traffickers.
3. Protection and Reintegration. IOM Kyiv has provided reintegration assistance to more than 4,000 victims of human trafficking since 2000. IOM reintegration assistance includes safe return home, retrieval of lost documents, medical and psychological counseling, vocational training, reintegration grants, and legal assistance.

The IOM Medical Rehabilitation Centre established in 2002 has provided comprehensive medical and psychological assistance to over 1,000 victims of trafficking during 2001-2006. Additionally, IOM’s partners have opened seven reintegration shelters in the regions.

### **Main Projects**

- Counter Trafficking in Persons in Ukraine
- Combating Trafficking in Human Beings in Ukraine and Moldova (AENEAS)
- Combating Trafficking in Human Beings: Ukraine. Criminalization and Prosecution: Measures Addressing Non-Sexual Forms of Trafficking



- Programme against Human Trafficking in Eastern and South Eastern Europe
- Ukraine: Combating Trafficking in Human Beings "Phase Out"
- Support of IOM Red Cross Liaison Officer (Ukraine, Belarus and Moldova) through the Red Cross Response to Human Trafficking through Cross-Border Networking and Activities to Reduce Risks Programme

**Danish Programme against Human Trafficking in Eastern and South-Eastern Europe**

**Animus  
Associatio  
n.**

**Duration:**  
January  
2007 –  
January  
2008

**Location:** Sofia, Bulgaria, Ukraine, Moldova, Belarus, Rumania

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**GDISC Capacity Building and Technical Support to Ukrainian Authorities to Effectively Respond to Irregular Transit-Migration (ERIT)**

Ministry of  
Interior of  
the Czech  
Republic

2008 - 2010

Ukraine is a country of origin and transit for migration and is also gradually becoming a country of destination: its geographical position has turned the young State into one of the main transit countries along several routes used by migrants from the Far and Middle East, South East Asia and the Commonwealth of Independent States (CIS) into the EU.

**Country:** UA

**Strengthening capacities and co-operation in the identification of forged and falsified documents in Ukraine**

There is a sharp increase in migratory movements of persons from abroad coming to and crossing the territory of Ukraine reported over the period of the last 15 years. This concerns both legal and illegal migratory movements. More than 34 million people are registered as having crossed the State Border of Ukraine in 2004, which is an increase by 13% compared to the previous year. Of the illegal migrants the majority have crossed Russia en route towards the EU. This makes Ukraine a major transit country for illegal migrants.

**Country:** UA

## References

1. <http://www.antislavery.org/homepage/resources/humantraffichumanrights.htm>

On the site you can find useful information on **Human Traffic, Human Rights: Redefining victim protection**. There are also available downloadable documents on measures to protect trafficked people in Belgium, Colombia, Italy, the Netherlands, Nigeria, Poland, Thailand, Ukraine, the UK and the US. It includes case studies and documents good and bad treatment by authorities. It concludes with recommendations on areas such as investigation and prosecution, residency status, protection, in-court evidentiary protection, support and assistance, and legal redress and compensation.

2. [www.bsec.gov.tr/cooperation.htm](http://www.bsec.gov.tr/cooperation.htm) BSEC

Agreement among the governments of the Black Sea Economic Cooperation participating states on cooperation in combating crime, in particular in its organized forms - ratified/approved by: **Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey and Ukraine.**

3. <http://assembly.coe.int> Campaign against **trafficking** in women

The site is offering a comprehensive collection of information and documents regarding the activity of Parliamentary Assembly of Council of Europe in general and recommendations and other documents related to trafficking, in particular. The documents included are the Report of the Committee on Equal Opportunities for Women and Men, on rights of human beings and references on Parliamentary Assembly of the Council of Europe recommendations on fighting trafficking, illegal transportation of human beings etc.

4. [www.catwinternational.org](http://www.catwinternational.org) Coalition Against **Trafficking** in Women

The Coalition Against Trafficking in Women (CATW) is a non-governmental organization that promotes women's human rights. It works internationally to combat sexual exploitation in all its forms.

5. [www.cia.gov/csi/monograph/women/trafficking.pdf](http://www.cia.gov/csi/monograph/women/trafficking.pdf) [PDF] **International Trafficking** in Women to the United States: A ...

Center for the Study of Intelligence DCI Exceptional Intelligence Analyst Program prepared an Intelligence Monograph International Trafficking in Women to the United States and rest of the world. It has interesting information and definitions about the routes, traffickers, cases.

6. [www.hrw.org/about/projects/traffcamp/intro.html](http://www.hrw.org/about/projects/traffcamp/intro.html) Campaign Against the **Trafficking** of Women and Girls - Human ...

The Human Rights Watch site - Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. There is information available about Campaigns against the Trafficking of Women and Girls Trafficking in persons — the illegal and highly profitable recruitment, transport, or sale of human beings.

7. [www.usdoj.gov/dea/pubs/intel/01020/](http://www.usdoj.gov/dea/pubs/intel/01020/) DEA Resources, For Law Enforcement Officers, Intelligence Reports ...

DEA Resources, For Law Enforcement Officers, Intelligence Reports, Drug **Trafficking** in the United States

8. [www.hrlawgroup.org/initiatives/trafficking\\_persons/](http://www.hrlawgroup.org/initiatives/trafficking_persons/) International Human Rights Law Group

The International Human Rights Law Group is a non-profit organization engaged in advocacy, strategic human rights advocacy and training around the world. For more than a decade, IHRLG has played a leading role in the international movement to place women's rights at the forefront of the human rights struggle.

9. [www.vachss.com/help\\_text/human\\_trafficking.html](http://www.vachss.com/help_text/human_trafficking.html) Human **Trafficking** Resources : The Zero 5.0laf - The Official ...

## REFERENCES

Listings of and links to articles, agencies, organizations and websites to find help for and information about human **trafficking**, slavery, debt bondage, etc. See also related links.

10. <http://www.protectionproject.org/main1.htm>

The project aims to establish an International Framework for the Elimination of Trafficking in Persons, Especially Women and Children; A comprehensive report and analysis of legislation and routes.

11. <http://www.globalmarch.org/worstformsreport/world/childtrafficking.html>

Statistics, general notes and observations and other figures regarding trafficking in countries all over the world.

12. <http://www.lib.msu.edu/harris23/crimjust/human.htm>

Criminal Justice Resources – a site with comprehensive links to reports and information regarding trafficking, legislation and other initiatives.

13. <http://www.csd.bg/publications/book10/content.htm>

*Smuggling in Southeast Europe* analyzes and reviews the connection between the conflicts in the former Yugoslavia and the growth of the trans-border crime in the region, and also looks at the related issue of corruption. The paper highlights the decisive impact the Yugoslav wars had on the development of the regional criminal networks, which were often set up and maintained not only with the knowledge, but even with active participation of the highest state officials.

14. <http://www.copine.ie/trafficking.php>

This study explores the extent of child sex tourism in Europe, the nature and extent of child trafficking in Europe, and the situation of child victims. The study works collaboratively with law enforcement, Customs agencies and NGOs to generate an understanding of the processes involved in child trafficking and child sex tourism. To date, two field studies have explored the situation in Romania and in the Czech Republic. Ongoing analysis of related material is being used to develop conceptual structures to assist in our understanding of the factors that support commercial sex exploitation of children. Project partners include law enforcement and other agencies.

15. [http://www.ud.se/inenglish/projects/africa-europe\\_meeting/reference.htm](http://www.ud.se/inenglish/projects/africa-europe_meeting/reference.htm)

Suggested readings for the Africa-Europe (EU) meeting on trafficking in human beings, especially women and children, 1-3 September 2002

16. <http://www.unifemantitrafficking.org/EUROPE.htm>

A site with comprehensive links to reports and information regarding trafficking, legislation and other initiatives in Europe

17. <http://www.asylumsupport.info/links/trafficking.htm>

A site with comprehensive links to reports and information regarding trafficking, legislation, NGO's and other initiatives in Europe

18. Trafficking in Human Beings in Southeastern Europe, Current Situation and Responses to Trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The Federal Republic of Yugoslavia, The Former Yugoslav Republic of Macedonia, Moldova, Romania, Published by UNICEF, printed in June 2002.

19. SPTF –Regional Clearing Point Project Report – RCP, Published by Stability Pact, IOM, ICMC, printed in September 2003, Vienna.

## USEFUL LINKS

### United Nations Organizations

<http://www.un.org/> **United Nations Home page**  
<http://www.unsystem.org> **Official Web Site Locator for the United Nations System of Organizations**  
<http://www.unesco.org/> **UNESCO - United Nations Educational, Scientific and Cultural Organization**  
<http://www.unodc.org/> **UNODC – UN Office on Drugs control and Crime prevention**  
<http://uncaps.unsystem.org> **United Nations**  
<http://www.unvienna.org> **UNOV - United Nations Office at Vienna**  
<http://www.undp.org/> **UNDP - United Nations Development Programme**  
**System Shared Cataloguing and Public Access System**  
<http://www.ilo.org/> **ILO - International Labour Organization**  
<http://www.imo.org/> **IMO - The International Maritime Organization**  
<http://www.un.org/esa/governance/index.html> **DPEPA - Department of Social and Economic Affairs**  
[http://www.un.org/partners/civil\\_society/home.htm](http://www.un.org/partners/civil_society/home.htm) **UN Partners in Civil Society**  
<http://www.uncjin.org/CICP/cicp.html> **CICP - Centre for International Crime Prevention**  
<http://www.unctad.org/> **UNCTAD - United Nations Conference on Trade and Development**  
<http://www.undp.org/unifem> **United Nations Development Fund for Women**  
<http://www.unfpa.org> **United Nations Populations Fund**  
<http://www.unhcr.ch> **UNHCR - United Nations High Commissioner for Refugees**  
<http://www.unicef.org/> **UNICEF - International Child Development Centre**  
<http://www.unicef-icdc.org/> **UNICEF IRC - UNICEF Innocenti Research Centre**  
<http://www.unicri.it/> **UNICRI - United Nations Interregional Crime & Justice Research Institute, Turin, (Rome), Italy**  
<http://www.unido.org/> **UNIDO - United Nations Industrial Development Organization**  
<http://www.unifem.undp.org/> **UNIFEM - United Nations Development Fund for Women**  
<http://www.unrisd.org/> **UNRISD - The United Nations Research Institute for Social Development**  
<http://www.unu.edu/> **UNU - United Nations University**  
<http://www.upu.int/> **UPU - Universal Postal Union**  
<http://www.wfp.org/index.htm> **WFP - World Food Programme**

<http://www.who.int/> **WHO - The World Health Organization**  
<http://www.wipo.int/> **WIPO - World Intellectual Property Organization**  
<http://www.wmo.ch/> **WMO - World Meteorological Organization**  
<http://www.worldbank.org/> **The World Bank Group**

### International Organizations

<http://europa.eu.int/> **Europa - The Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors and other bodies of the European Union (EU) invite you to their server.**  
<http://www.aic.gov.au/> **AIC - Australian Institute of Criminology, Canberra, Australia**  
<http://www.amnesty.org/> **Amnesty International, International Secretariat, London**  
<http://www.antichildporn.org/> **ACPO - AntiChildPorn Org**  
<http://www.antislavery.org> **Antislavery International**  
<http://www.asem.org/> **ASEM - Asia-Europe Child Welfare Initiative Resource**  
<http://www.baltinfo.org/> **Council of the Baltic Sea States**  
<http://www.ban-ying.org> **Ban-Ying Coordination Centre**  
<http://www.bayswan.org/FoundTraf.html> **STV Foundation against Trafficking in Women**  
<http://www.captive.org> **Captive Daughters**  
<http://www.casa-alianza.org> **Casa Alianza**  
<http://www.cmt-wcl.org/> **WCL - World Confederation of Labour**  
<http://www.coe.int> **Council of Europe**  
<http://www.crime-prevention-intl.org/> **ICPC - International Centre for the Prevention of Crime, Montreal, Canada**  
<http://www.dhcour.coe.fr/> **European Court of Human Rights**  
<http://www.ebrd.com/> **EBRD - The European Bank for Reconstruction and**  
<http://www.ecb.int/> **ECB - European Central Bank**  
<http://www.ecpat.org> **End Child Prostitution and Trafficking**  
<http://www.eib.org/> **European Investment Bank**  
<http://www.eurochild.gla.ac.uk/default.htm> **Centre for Europe's Children**  
<http://www.europarl.eu.int/default.htm> **EUROPARL - European Parliament**  
<http://www.europol.eu.int/home.htm> **EUROPOL - The European Police Office**  
<http://www.fh-niederrhein.de/fb06/index-home.html> **World Society of Victimology**  
<http://www.freethechildren.org/> **Free the Children International**  
<http://www.fundacionesperanza.org.co> **Foundation "Esperanza"**  
<http://www.g7.utoronto.ca> **Group 7**  
<http://www.globalfundforwomen.org> **Global Fund for Women**  
<http://www.globalsurvival.net> **Global Survival**

## USEFUL LINKS

### Network

<http://www.hrlawgroup.org> **International Human Rights Law Group**  
<http://www.hrw.org> **Human Rights Watch**  
<http://www.iaca.net/> **IACA - International Association of Crime Analysts**  
<http://www.iap.nl.com/> **IAP - International Association of Prosecutors**  
<http://www.icmpd.org> **International Centre for Migration Policy Development**  
<http://www.icmpd.org> **International Centre for Migration Policy Development**  
<http://www.icrc.ch/home.nsf/home/icrc-ch> **ICRC - The International Committee of the Red Cross**  
<http://www.ilo.org/> **ILO - International Labour Organization**  
<http://www.inet.co.th/org/qaatw> **Global Alliance against Traffic in Women**  
<http://www.interpol.com/> **INTERPOL - International Criminal Police Organization**  
<http://www.interpol.int> **Interpol**  
<http://www.iom.int/> **IOM - International Organization for Migration**  
<http://www.lawschool.cornell.edu/library/cijwww/> **International Court of Justice**  
<http://www.nato.int/> **NATO - North Atlantic Treaty Organisation**  
<http://www.netaid.org/> **Netaid.org**  
<http://www.neww.org> **Network of East-West Women**  
<http://www.oas.org/lowdefault.asp> **OAS - Organization of American States**  
<http://www.odci.gov/cia/publications/factbook/index.html> **CIA World Factbook**  
<http://www.odhr.org> **Organization for Democratic Institutions and Human Rights**  
<http://www.oecd.org/> **OECD - Organisation for Economic Co-operation and Development**  
<http://www.ojp.usdoj.gov/nij/international/> **NIJIC - National Institute of Justice, International Center**  
<http://www.osce.org/> **OSCE - Organization for Security and Co-operation in Europe**  
<http://www.provincia.torino.it/xatlante/00start.htm> **Provincia di Torino: RETE IMMIGRAZIONE**  
<http://www.qweb.kvinnoforum.se> **Q Web Sweden, a women's empowerment base**  
<http://www.sais-jhu.edu/protectionproject/index.html> **The Protection Project**  
<http://www.savethechildren.net/> **ISCA - International Save the Children Alliance**  
<http://www.sipri.se/> **Stockholm International Peace Research Institute**  
<http://www.soros.org/> **Open Society Institute**  
<http://www.stabilitypact.org/Default.htm> **SCSP - Special Co-ordinator of the Stability Pact for South Eastern Europe**  
[http://www.state.gov/www/global/human\\_rights/hrp\\_reports\\_mainhp.html](http://www.state.gov/www/global/human_rights/hrp_reports_mainhp.html) **U.S. Department of State: Country Reports on Human Rights Practices**  
<http://www.theiacp.org/> **IACP - International**

### Association of Chiefs of Police

<http://www.trafficked-women.org> **Coalition to Abolish Slavery and Trafficking**  
<http://www.transparency.de/> **Transparency International**  
<http://www.udhr50.org/> **Franklin and Eleanor Roosevelt Institute's web site for the**  
<http://www.uia.org/> **UIA - Union of International Associations**  
<http://www.uri.edu/artsci/wms/hughes/catw> **Coalition against Trafficking in Women**  
<http://www.wcoomd.org/> **WCO - World Customs Organization**  
<http://www.wodc.nl> **Research and Documentation Centre of the Dutch Ministry of Justice**  
<http://www.worldbank.org/> **The World Bank Group**

## Law Enforcement Agencies

<http://www.europol.eu.int/> **Europol**  
<http://www.oecd.org/fatf/index.htm> **Financial Action Task Force on Money Laundering**  
<http://www.ipa-iac.org/> **International Police Association**  
<http://193.123.144.14/interpol-pr/index2.htm> **Interpol**  
<http://www.cclec.org/lc/> **Caribbean Customs Law Enforcement Council**  
<http://www.policiesupers.com> **The Police Superintendents' Association of England and Wales**  
<http://www.leolinks.com/> **Directory of Law Enforcement Related Sites**  
<http://www.fsu.edu/~crimdo/outside.html> **Florida State University School of Criminology & Criminal Justice**  
<http://www.bright.net/~gltf/> **Grand Lake Task Force**  
<http://users.cybercity.dk/~kam1645/> **Project Bornholm**  
<http://www.bka.de/> **Bundeskriminalamt Wiesbaden , Germany**  
<http://www.zollkriminalamt.de/gb/index.htm> **Zollkriminalamt (ZKA- German Customs)**  
<http://www.sinet.it/carabinieri/> **Arma dei Carabinieri**  
<http://195.94.179.43/> **Guardia di Finanza (Customs)**  
<http://www.mininterno.it/> **Italian Police (Ministry of Interior / Department of Public Security)**  
<http://www.copscops.com/computercrime.htm> **Cyber crime and computers for law enforcement**  
<http://www.atf.treas.gov/> **Bureau of Alcohol, Tobacco, and Firearms (ATF)**  
<http://www.odci.gov/> **CIA - Central Intelligence Agency**  
<http://www.usdoj.gov/dea/> **Drug Enforcement Administration (U.S. Department of Justice)**  
<http://www.fbi.gov/> **FBI - Federal Bureau of Investigation**  
<http://www.bop.gov/> **Federal Bureau of Prisons**  
<http://www.odci.gov/ic/> **Intelligence Community**

<http://www.tva.gov/oig/home.htm> **Office of the Inspector General (OIG)**  
<http://www.customs.ustras.gov/about/about.htm> **U.S. Customs Service**  
<http://www.state.gov/> **U.S. Department of State**  
<http://www.doi.gov/indexj.html> **U.S. Department of the Interior**  
<http://members.aol.com/usfpsi/organ.html> **U.S. Federal Protective Service Police**  
<http://www.copscops.com>  
[www.copscops.com](http://www.copscops.com); **Police and Surveillance**

## Other useful links

### Search Engines

<http://www.my-edu2.com/> **ABCentral**  
<http://www.about.com/> **About**  
<http://www.altavista.com/> **AltaVista**  
<http://search.aol.com/> **AOL Search**  
<http://www.clearinghouse.net/> **Argus Clearinghouse: Broad Categories**  
<http://www.searchenginecolossus.com/> **Colossus**  
<http://www.copernic.com/> **Copernic**  
<http://www.dogpile.com/index.gsp> **Dogpile**  
<http://www.galaxy.com/> **EINet Galaxy**  
<http://www.excite.com/> **Excite**  
<http://www.alltheweb.com/> **Fast**  
<http://www.go.com/> **Go**  
<http://www.google.com/> **Google**  
<http://www.goto.com/> **GoTo**  
<http://hotbot.lycos.com/> **HotBot**  
<http://www.inferencefind.com/> **inferenceFind**  
<http://www.go.com/> **Infoseek**  
<http://www.invisibleweb.com/> **InvisibleWeb**  
<http://www.looksmart.com/> **LookSmart**  
<http://www.lycos.de/> **Lycos**  
<http://msdn.microsoft.com/voices/ie55.asp> **Mamma**  
<http://www.metacrawler.com/index.html> **Metacrawler**  
<http://www.dogpile.com/> **Meta-Search**  
<http://www.savvysearch.com/> **Meta-Search**  
<http://www.meteor.com/> **Metor**  
<http://www.monkeysweat.com/> **Monkeysweat**  
<http://www.moreover.com> **Moreover - The Dynamic Web**  
<http://search.msn.com/> **MSN Search**  
<http://www.multimeta.com/> **Multimeta**  
<http://search.netscape.com/> **Netscape Search**  
<http://www.newatlantis.com/search.htm> **New Atlantis**  
<http://www.northernlight.com/> **Northern Light**  
<http://www.oingo.com/> **Oingo**  
<http://dmoz.org/> **Open Directory**  
<http://www.openhere.com/> **OpenHere**  
<http://www.raging.com/> **Raging**  
<http://www.centraal.com/Frontpage/RealNamesHomepage.html> **Realnames**  
<http://www.nbc.com/> **Snap**  
<http://subjex.com> **Subjex.com**  
<http://www.voila.co.uk/> **Voila**

<http://cui.unige.ch/meta-index.html> **W3 search engines**  
<http://www.webcrawler.com/> **WebCrawler**  
<http://www.whitepages.com/> **WhitePages**  
<http://www.who哪里.lycos.com/> **WhoWhere**  
<http://www.yahoo.com/> **Yahoo**  
<http://www.yellowpages.com/> **YellowPages**  
<http://www.yep.com/> **Yep**

## Journals

<http://www.scj.albany.edu:90/jcipc/> **The Journal of Criminal Justice and Popular Culture**  
<http://www.camh.net/egambling> **EJGI - The Electronic Journal of Gambling Issues**  
<http://www.talkjustice.com/files/page58.htm> **Electronic Journals in Criminology**  
<http://www.yorku.ca/faculty/academic/ishwaran/ijcs> **International Journal of Comparative Sociology**  
<http://www.brill.nl/catalogue/productinfo.asp?product=7289> **International Journal of Comparative Sociology**  
<http://www.afpc.org/issues/crime.htm> **International Organized Crime**  
<http://www.intersec.co.uk/> **Intersec, the Journal of International Security**  
[http://www.vanuatu.usp.ac.fj/sp\\_law\\_journal/Journal/journal\\_main](http://www.vanuatu.usp.ac.fj/sp_law_journal/Journal/journal_main)  
<http://www.mediafinder.com/index.cfm> **Media finder**  
[http://www.gbhap.com/Police\\_Practice\\_Research/](http://www.gbhap.com/Police_Practice_Research/) **Police Practice and Research**  
<http://www.blackwellpublishers.co.uk/asp/journal.asp?ref=0265-5527> **The Howard Journal of Criminal Justice**  
<http://www.frankcass.com/jnls/index.htm> **Transnational Organized Crime**

## Literature References

[http://www.kwpattorneys.com/links/law\\_journals.htm](http://www.kwpattorneys.com/links/law_journals.htm) **Law Journals**  
<http://www.aic.gov.au/publications/tandi/index.html> **Australian Institute of Criminology -- Trends & Issues in Crime and Criminal Justice Series**  
<http://www.uncjin.org/country/GBOPS/gbops.html> **Global Bibliography of Prison Systems (GBOPS)**  
<http://www.intersec.co.uk/> **Intersec, the Journal of International Security**  
[http://www.vanuatu.usp.ac.fj/sp\\_law\\_journal/Journal/journal\\_main.html](http://www.vanuatu.usp.ac.fj/sp_law_journal/Journal/journal_main.html) **Journal of South Pacific Law**  
<http://www.leolinks.com/book.htm> **Larry Wilson's "Law Enforcement Links"**  
<http://204.168.83.126/lindq.htm> **Lindesmith Center Library: Search the Lindesmith Center Library Online Catalog**  
<http://www.ncjrs.org/html/nij/mapping/pdf.html> **Mapping Crime: Principle and Practice (NIJ)**  
<http://liinwww.ira.uka.de/bibliography/> **The Collection of Computer Science Bibliographies**  
<http://www.demon.co.uk/penlex> **The Penal**

## USEFUL LINKS

### Lexicon

<http://www.unicri.it/html/databases.htm>

**UNICRI Documentation Centre LMS  
bibliographic collection database**

### Libraries and Information Systems

[http://www.la.utexas.edu/research/crime\\_criminaljustice\\_research/](http://www.la.utexas.edu/research/crime_criminaljustice_research/) **American Statistical Association's Guide to Abstracts and Bibliographies**

[http://www.state.gov/www/GLOBAL/human\\_rights/](http://www.state.gov/www/GLOBAL/human_rights/) **Annual Human Rights Reports and other country background notes from the U.S. State Department**

<http://www.intelcenter.com> **Articles and Books to order (terrorists,Chembio)**

<http://ilms.nla.gov.au/webpac-bin/wgbroker?new+-access+top> **Australian National Library**

<http://www.umi.com/hp/PressRel/990524.html> **Bell & Howell Information**

<http://www.ebig.com/> **Britannica Internet Guide**

<http://www.britannica.com/> **Britannica.com**

<http://www.eb.com/> **Britannica.com,**

**Britannica Online**

<http://www.lexpert.ca/> **Canadian Legal Expert Directory**

<http://www.wu-wien.ac.at/bib/katalog.html> **Catalogue of the University of Economics, Vienna: including "Verbundkatalog" (National Library, other University Libraries in Austria)**

<http://www.odci.gov/cia/publications/factbook/index.html> **CIA World Factbook**

<http://www.law.cornell.edu/library/default.html> **Cornell Law Library**

<http://www.britannica.com/religion/>

**Encyclopædia Britannica, Inc.**

<http://www.lib.berkeley.edu/TeachingLib/Guides/Internet/FindInfo.html> **Finding Information on the Internet, a tutorial via the UC Library Berkeley**

<http://www.brzn.de/direkt/gbvdirekt.html>

**German Union catalogue: Databases, articles are sent formoney**

<http://www1.umn.edu/humanrts/> **Human Rights Library at University of Minnesota**

<http://www-sul.stanford.edu/depts/jonsson/igos.html>

**International Governmental Organizations Library and Information Resources via the Stanford University**

<http://www.lectlaw.com/inll/1.htm> **Internet**

**Law Library off 'Lectric Law Library.**

<http://www.kluwerlaw.com/> **Kluwer Law International**

<http://www.lectlaw.com/> **'Lectric Law Library**

<http://library.berkeley.edu/> **Library at**

**Berkeley, UC**

<http://lcweb.loc.gov/homepage/lchp.html>

**Library of Congress**

<http://lcweb.loc.gov/z3950/> **Library of**

### Congress USA (Z39.50 Gateway)

<http://sunsite.berkeley.edu/Libweb/> **LIBWEB**

**Library Servers via WWW**

<http://www.lindesmith.org/> **Lindesmith Center Library**

<http://www.uslawbooks.com/books/legalist.html> **List**

**of Legal Sources for Researching the Law**

<http://www.nisc.com/> **National Information Services Corporation (NISC USA)**

<http://www.ojp.usdoj.gov/nij/international/> **NIJIC - National Institute of Justice, International Center**

<http://www.oclc.org/> **OCLC - Online Computer Library Center**

<http://www.regard.ac.uk/> **REGARD, bibliographic database on UK social science research**

<http://www-sul.stanford.edu/> **Stanford University Libraries & Academic Information Resources**

<http://www.lib.uchicago.edu/LibInfo/Law/> **The University of Chicago's D'Angelo Law Library**

<http://www.state.gov/index.html> **U.S. Department of State Information**

<http://law.house.gov/rdm.html> **U.S. House of Representatives Internet Law Library**

<http://www.lib.berkeley.edu/> **UC Library Berceley**

<http://andromeda.rutgers.edu/~wcjlen/WCJ/mainpages/wcjl.htm> **WCJLN - World Criminal Justice Library Network**

[http://www.unicri.it/html/world\\_directory\\_of\\_criminology.htm](http://www.unicri.it/html/world_directory_of_criminology.htm) **World Directory of Criminological Resources**

<http://sunsite.berkeley.edu/Libweb/> **World Libraries on the Web**

<http://www.univie.ac.at/UB-Wien/andere.htm> **World Libraries on the Web**

<http://www.law.indiana.edu/law/lawindex.html>

**World Wide Web Virtual Library: Law**

<http://vlib.org/> **WWW Virtual Library**

<http://bartleby.com/> **bartleby.com/**

<http://www.ginie.org> **GINIE - Global Information Networks in Education**

<http://www.unsystem.org> **Official Web Site Locator for the United Nations System of Organizations**

<http://www.cs.oberlin.edu/students/pjaques/prison/home.html> **Prison-related sources**

<http://refdesk.com> **refdesk.com**

<http://www.wodc.nl> **Research and Documentation Centre of the Dutch Ministry of Justice**

<http://www.bl.uk/index.html> **The British Library**

<http://www.polisci.com/almanac/almanac.htm> **The Political Reference Almanac**

<http://www.sais-jhu.edu/protectionproject/index.html>

**The Protection Project**

<http://uncaps.unsystem.org> **United Nations System Shared Cataloguing and Public Access System**

<http://www.un.org/Depts/german/h2-d.htm> **Vereinte Nationen: Dokumente in deutscher Sprache**



# UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME



## Article 1

### *Statement of purpose*

The purpose of this Convention is to promote cooperation to prevent and combat transnational organized crime more effectively.

## Article 2

### *Use of terms*

For the purposes of this Convention:

(a) "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;

(b) "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;

(c) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;

(d) "Property" shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;

(e) "Proceeds of crime" shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence;

(t) "Freezing" or "seizure" shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;

(g) "Confiscation", which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority;

(h) "Predicate offence" shall mean any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in article 6 of this Convention;

(i) "Controlled delivery" shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence;

(j) "Regional economic integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it; references to "States Parties" under this Convention shall apply to such organizations within the limits of their competence.

## Article 3

### *Scope of application*

1. This Convention shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of:

(a) The offences established in accordance with articles 5, 6, 8 and 23 of this Convention; and

(b) Serious crime as defined in article 2 of this Convention; where the offence is transnational in nature and involves an organized criminal group.

2. For the purpose of paragraph 1 of this article, an offence is transnational in nature if:

(a) It is committed in more than one State;

(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;

(c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or

(d) It is committed in one State but has substantial effects in another State.

## Article 4

### *Protection of sovereignty*

1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

2. Nothing in this Convention entitles a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.

## Article 5

### *Criminalization of participation in an organized criminal group*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:

(i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;

(ii) Conduct by a person who, with knowledge of either the aim and general criminal

activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:

- a. Criminal activities of the organized criminal group;
  - b. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;
- (b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.

2. The knowledge, intent, aim, purpose or agreement referred to in paragraph 1 of this article may be inferred from objective factual circumstances.

3. States Parties whose domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article shall ensure that their domestic law covers all serious crimes involving organized criminal groups. Such States Parties, as well as States Parties whose domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article, shall so inform the Secretary-General of the United Nations at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention.

#### *Article 6*

##### **Criminalization of the laundering of proceeds of crime**

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

(b) Each State Party shall include as predicate offences all serious crime as defined in article 2 of this Convention and the offences established in accordance

with articles 5, 8 and 23 of this Convention. In the case of States Parties whose legislation sets out a list of specific predicate offences, they shall, at a minimum, include in such list a comprehensive range of offences associated with organized criminal groups;

(c) For the purposes of subparagraph (b), predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence;

(f) Knowledge, intent or purpose required as an element of an offence set forth in paragraph 1 of this article may be inferred from objective factual circumstances.

#### *Article 7*

##### **Measures to combat money-laundering**

1. Each State Party:

(a) Shall institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer identification, record-keeping and the reporting of suspicious transactions;

(b) Shall, without prejudice to articles 18 and 27 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

3. In establishing a domestic regulatory and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the

relevant initiatives of regional, interregional and multilateral organizations against money -laundering.

4. States Parties shall endeavour to develop and promote global, regional, sub-regional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money laundering.

#### *Article 8*

##### **Criminalization of corruption**

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences conduct referred to in paragraph 1 of this article involving a foreign public official or international civil servant. Likewise, each State Party shall consider establishing as criminal offences other forms of corruption.

3. Each State Party shall also adopt such measures as may be necessary to establish as a criminal offence participation as an accomplice in an offence established in accordance with this article.

4. For the purposes of paragraph 1 of this article and article 9 of this Convention, "public official" shall mean a public official or a person who provides a public service as defined in the domestic law and as applied in the criminal law of the State Party in which the person in question performs that function.

#### *Article 9*

##### **Measures against corruption**

1. In addition to the measures set forth in article 8 of this Convention, each State Party shall, to the extent appropriate and consistent with its legal system, adopt legislative, administrative or other effective measures to promote integrity and to prevent, detect and punish the corruption of public officials.

2. Each State Party shall take measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

#### *Article 10*

##### **Liability of legal persons**

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences established in accordance with articles 5, 6, 8 and 23 of this Convention.

2. Subject to the legal principles of the State

Party, the liability of legal persons may be criminal, civil or administrative.

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

#### *Article 11*

##### **Prosecution, adjudication and sanctions**

1. Each State Party shall make the commission of an offence established in accordance with articles 5, 6, 8 and 23 of this Convention liable to sanctions that take into account the gravity of that offence.

2. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences covered by this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

3. In the case of offences established in accordance with articles 5, 6, 8 and 23 of this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

4. Each State Party shall ensure that its courts or other competent authorities bear in mind the grave nature of the offences covered by this Convention when considering the eventuality of early release or parole of persons convicted of such offences.

5. Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence covered by this Convention and a longer period where the alleged offender has evaded the administration of justice.

6. Nothing contained in this Convention shall affect the principle that the description of the offences established in accordance with this Convention and of the applicable legal defences or other legal principles controlling the lawfulness of conduct is reserved to the domestic law of a State Party and that such offences shall be prosecuted and punished in accordance with that law.

#### *Article 12*

##### **Confiscation and seizure**

1. States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of:

(a) Proceeds of crime derived from offences covered by this Convention or property the value of which corresponds to that of such proceeds;

(b) Property, equipment or other instrumentalities used in or destined for use in offences covered by this Convention.

2. States Parties shall adopt such measures as may be necessary to enable the identification, tracing,

freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

3. If proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

4. If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

5. Income or other benefits derived from proceeds of crime, from property into which proceeds of crime have been transformed or converted or from property with which proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

6. For the purposes of this article and article 13 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. States Parties shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

7. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law and with the nature of the judicial and other proceedings.

8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.

9. Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with and subject to the provisions of the domestic law of a State Party.

### *Article 13*

#### **International cooperation for purposes of confiscation**

1. A State Party that has received a request from another State Party having jurisdiction over an offence covered by this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with article 12, paragraph 1, of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, situated in the territory of the requested State Party.

2. Following a request made by another State Party having jurisdiction over an offence covered by this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities

referred to in article 12, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

3. The provisions of article 18 of this Convention are applicable, *mutatis mutandis*, to this article. In addition to the information specified in article 18, paragraph 15, requests made pursuant to this article shall contain:

(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested;

(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested.

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral treaty, agreement or arrangement to which it may be bound in relation to the requesting State Party.

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

7. Cooperation under this article may be refused by a State Party if the offence to which the request relates is not an offence covered by this Convention.

8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.

9. States Parties shall consider concluding bilateral or multilateral treaties, agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this article.

### *Article 14*

#### ***Disposal of confiscated proceeds of crime or property***

1. Proceeds of crime or property confiscated by a State Party pursuant to articles 12 or 13, paragraph 1, of this Convention shall be disposed of by that State Party in accordance with its domestic law and administrative procedures.

2. When acting on the request made by another State Party in accordance with article 13 of this Convention, States Parties shall, to the extent permitted by domestic law and if so requested, give priority

consideration to returning the confiscated proceeds of crime or property to the requesting State Party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners.

3. When acting on the request made by another State Party in accordance with articles 12 and 13 of this Convention, a State Party may give special consideration to concluding agreements or arrangements on:

(a) Contributing the value of such proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof to the account designated in accordance with article 30, paragraph 2 (c), of this Convention and to intergovernmental bodies specializing in the fight against organized crime;

(b) Sharing with other States Parties, on a regular or case-by-case basis, such proceeds of crime or property, or funds derived from the sale of such proceeds of crime or property, in accordance with its domestic law or administrative procedures.

### *Article 15*

#### **Jurisdiction**

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with articles 5, 6, 8 and 23 of this Convention when:

(a) The offence is committed in the territory of that State Party; or

(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State Party;

(b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or

(c) The offence is:

(i) One of those established in accordance with article 5, paragraph 1, of this Convention and is committed outside its territory with a view to the commission of a serious crime within its territory;

(ii) One of those established in accordance with article 6, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 6, paragraph 1 (a) (i) or (ii) or (b) (i), of this Convention within its territory.

3. For the purposes of article 16, paragraph 10, of this Convention, each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

4. Each State Party may also adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not

extradite him or her.

5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that one or more other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.

6. Without prejudice to norms of general international law, this Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

### *Article 16*

#### **Extradition**

1. This article shall apply to the offences covered by this Convention or in cases where an offence referred to in article 3, paragraph 1 (Ca) or (Cb), involves an organized criminal group and the person who is the subject of the request for extradition is located in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.

2. If the request for extradition includes several separate serious crimes, some of which are not covered by this article, the requested State Party may apply this article also in respect of the latter offences.

3. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

4. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

5. States Parties that make extradition conditional on the existence of a treaty shall:

(a) At the time of deposit of their instrument of ratification, acceptance, approval of or accession to this Convention, inform the Secretary-General of the United Nations whether they will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and

(b) If they do not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

6. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

7. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

8. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to

simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

9. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.

10. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

11. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 10 of this article.

12. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting Party, consider the enforcement of the sentence that has been imposed under the domestic law of the requesting Party or the remainder thereof.

13. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.

14. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for anyone of these reasons.

15. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

16. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide

information relevant to its allegation.

17. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

#### *Article 17*

##### *Transfer of sentenced persons*

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences covered by this Convention, in order that they may complete their sentences there.

#### *Article 18*

##### *Mutual legal assistance*

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention as provided for in article 3 and shall reciprocally extend to one another similar assistance where the requesting State Party has reasonable grounds to suspect that the offence referred to in article 3, paragraph 1 (a) or (b), is transnational in nature, including that victims, witnesses, proceeds, instrumentalities or evidence of such offences are located in the requested State Party and that the offence involves an organized criminal group.

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 10 of this Convention in the requesting State Party.

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

- (a) Taking evidence or statements from persons;
- (b) Effecting service of judicial documents;
- (c) Executing searches and seizures, and freezing;
- (d) Examining objects and sites;
- (e) Providing information, evidentiary items and expert evaluations;
- (f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
- (g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;
- (h) Facilitating the voluntary appearance of persons in the requesting State Party;
- (i) Any other type of assistance that is not contrary to the domestic law of the requested State Party.

4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.

5. The transmission of information pursuant to

paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restrictions on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to the disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.

6. The provisions of this article shall not affect the obligations under any other treaty, bilateral or multilateral, that governs or will govern, in whole or in part, mutual legal assistance.

7. Paragraphs 9 to 29 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty of mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 9 to 29 of this article in lieu thereof. States Parties are strongly encouraged to apply these paragraphs if they facilitate cooperation.

8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

9. States Parties may decline to render mutual legal assistance pursuant to this article on the ground of absence of dual criminality. However, the requested State Party may, when it deems appropriate, provide assistance, to the extent it decides at its discretion, irrespective of whether the conduct would constitute an offence under the domestic law of the requested State Party.

10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent;

(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

11. For the purposes of paragraph 10 of this article:

(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

(c) The State Party to which the person is transferred shall not require the State Party from which

the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally, but shall be confirmed in writing forthwith.

15. A request for mutual legal assistance shall contain:

(a) The identity of the authority making the request;

(b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;

(c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial

documents;

(d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;

(e) Where possible, the identity, location and nationality of any person concerned; and

(t) The purpose for which the evidence, information or action is sought.

16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

18. Wherever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

21. Mutual legal assistance may be refused:

(a) If the request is not made in conformity with the provisions of this article;

(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;

(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

23. Reasons shall be given for any refusal of mutual legal assistance.

24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requested State Party shall respond to reasonable requests by the requesting State Party on progress of its handling of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

29. The requested State Party:

(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;

(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.

30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of this article.



## *Article 19*

### ***Joint investigations***

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

## *Article 20*

### ***Special investigative techniques***

1. If permitted by the basic principles of its domestic legal system, each State Party shall, within its possibilities and under the conditions prescribed by its domestic law, take the necessary measures to allow for the appropriate use of controlled delivery and, where it deems appropriate, for the use of other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, by its competent authorities in its territory for the purpose of effectively combating organized crime.

2. For the purpose of investigating the offences covered by this Convention, States Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

3. In the absence of an agreement or arrangement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods to continue intact or be removed or replaced in whole or in part.

## *Article 21*

### ***Transfer of criminal proceedings***

States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence covered by this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

## *Article 22*

### ***Establishment of criminal record***

Each State Party may adopt such legislative or

other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence covered by this Convention.

## *Article 23*

### ***Criminalization of obstruction of justice***

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences covered by this Convention;

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences covered by this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public officials.

## *Article 24*

### ***Protection of witnesses***

1. Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them.

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

(b) Providing evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as permitting testimony to be given through the use of communications technology such as video links or other adequate means.

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.

4. The provisions of this article shall also apply to victims insofar as they are witnesses.

## *Article 25*

### ***Assistance to and protection of victims***

1. Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.

2. Each State Party shall establish appropriate procedures to provide access to compensation and

restitution for victims of offences covered by this Convention.

3. Each State Party shall, subject to its domestic law, enable views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

#### *Article 26*

##### **Measures to enhance cooperation with law enforcement authorities**

1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in organized criminal groups:

(a) To supply information useful to competent authorities for investigative and evidentiary purposes on such matters as:

- (i) The identity, nature, composition, structure, location or activities of organized criminal groups;
- (ii) Links, including international links, with other organized criminal groups;
- (iii) Offences that organized criminal groups have committed or may commit;

(b) To provide factual, concrete help to competent authorities that may contribute to depriving organized criminal groups of their resources or of the proceeds of crime.

2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.

3. Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.

4. Protection of such persons shall be as provided for in article 24 of this Convention.

5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.

#### *Article 27*

##### **Law enforcement cooperation**

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. Each State Party shall, in particular, adopt effective measures:

(a) To enhance and, where necessary, to establish channels of

communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

(b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:

(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

(ii) The movement of proceeds of crime or property derived from the commission of such offences;

(iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

(c) To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;

(d) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;

(e) To exchange information with other States Parties on specific means and methods used by organized criminal groups, including, where applicable, routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities;

(t) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the Parties may consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

3. States Parties shall endeavour to cooperate within their means to respond to transnational organized crime committed through the use of modern technology.

#### *Article 28*

##### **Collection, exchange and analysis of information on the nature of organized crime**

1. Each State Party shall consider analysing, in consultation with the scientific and academic communities, trends in organized crime in its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved.

2. States Parties shall consider developing and sharing analytical expertise concerning organized criminal activities with each other and through international and regional organizations. For that purpose, common definitions, standards and methodologies should be developed and applied as appropriate.

3. Each State Party shall consider monitoring its policies and actual measures to combat organized crime and making assessments of their effectiveness and efficiency.

#### *Article 29*

##### ***Training and technical assistance***

1. Each State Party shall, to the extent necessary, initiate, develop or improve specific training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, and other personnel charged with the prevention, detection and control of the offences covered by this Convention. Such programmes may include secondments and exchanges of staff. Such programmes shall deal, in particular and to the extent permitted by domestic law, with the following:

(a) Methods used in the prevention, detection and control of the offences covered by this Convention;

(b) Routes and techniques used by persons suspected of involvement in offences covered by this Convention, including in transit States, and appropriate countermeasures;

(c) Monitoring of the movement of contraband;

(d) Detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities, as well as methods used in combating moneylaundering and other financial crimes;

(e) Collection of evidence;

(f) Control techniques in free trade zones and free ports;

(g) Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations;

(h) Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology; and

(i) Methods used in the protection of victims and witnesses.

2. States Parties shall assist one another in planning and implementing research and training programmes designed to share expertise in the areas referred to in paragraph 1 of this article and to that end shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and to stimulate discussion on problems of mutual concern, including the special problems and needs of transit States.

3. States Parties shall promote training and technical assistance that will facilitate extradition and mutual legal assistance. Such training and technical assistance may include language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.

4. In the case of existing bilateral and multilateral agreements or arrangements, States Parties shall strengthen, to the extent necessary, efforts to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements.

#### *Article 30*

##### ***Other measures: implementation of the Convention through economic development and technical assistance***

1. States Parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation, taking into account the negative effects of organized crime on society in general, in particular on sustainable development.

2. States Parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations:

(a) To enhance their cooperation at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat transnational organized crime;

(b) To enhance financial and material assistance to support the efforts of developing countries to fight transnational organized crime effectively and to help them implement this Convention successfully;

(c) To provide technical assistance to developing countries and countries with economies in transition to assist them in meeting their needs for the implementation of this Convention. To that end, States Parties shall endeavour to make adequate and regular voluntary contributions to an account specifically designated for that purpose in a United Nations funding mechanism. States Parties may also give special consideration, in accordance with their domestic law and the provisions of this Convention, to contributing to the aforementioned account a percentage of the money or of the corresponding value of proceeds of crime or property confiscated in accordance with the provisions of this Convention;

(d) To encourage and persuade other States and financial institutions as appropriate to join them in efforts in accordance with this article, in particular by providing more training programmes and modern equipment to developing countries in order to assist them in achieving the objectives of this Convention.

3. To the extent possible, these measures shall be without prejudice to existing foreign assistance commitments or to other financial cooperation arrangements at the bilateral, regional or international level.

4. States Parties may conclude bilateral or multilateral agreements or arrangements on material and logistical assistance, taking into consideration the financial arrangements necessary for the means of international cooperation provided for by this Convention to be effective and for the prevention, detection and control of transnational organized crime.

#### *Article 31*

##### ***Prevention***

1. States Parties shall endeavour to develop and evaluate national projects and to establish and promote best practices and policies aimed at the prevention of transnational organized crime.

2. States Parties shall endeavour, in accordance with fundamental principles of their domestic law, to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime, through appropriate legislative,

administrative or other measures. These measures should focus on:

(a) The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry;

(b) The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants;

(c) The prevention of the misuse by organized criminal groups of tender procedures conducted by public authorities and of subsidies and licences granted by public authorities for commercial activity;

(d) The prevention of the misuse of legal persons by organized criminal groups; such measures could include:

(i) The establishment of public records on legal and natural persons involved in the establishment, management and funding of legal persons;

(ii) The introduction of the possibility of disqualifying by court order or any appropriate means for a reasonable period of time persons convicted of offences covered by this Convention from acting as directors of legal persons incorporated within their jurisdiction;

(iii) The establishment of national records of persons disqualified from acting as directors of legal persons; and

(iv) The exchange of information contained in the records referred to in subparagraphs (d) (i) and (iii) of this paragraph with the competent authorities of other States Parties.

3. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences covered by this Convention.

4. States Parties shall endeavour to evaluate periodically existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups.

5. States Parties shall endeavour to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime. Information may be disseminated where appropriate through the mass media and shall include measures to promote public participation in preventing and combating such crime.

6. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime.

7. States Parties shall, as appropriate, collaborate with each other and relevant international and regional organizations in promoting and developing the measures referred to in this article. This includes participation in international projects aimed at the prevention of transnational organized crime, for example by alleviating the circumstances that render socially marginalized groups vulnerable to the action of transnational organized crime.

#### *Article 32*

##### ***Conference of the Parties to the Convention***

1. A Conference of the Parties to the Convention

is hereby established to improve the capacity of States Parties to combat transnational organized crime and to promote and review the implementation of this Convention.

2. The Secretary-General of the United Nations shall convene the Conference of the Parties not later than one year following the entry into force of this Convention. The Conference of the Parties shall adopt rules of procedure and rules governing the activities set forth in paragraphs 3 and 4 of this article (including rules concerning payment of expenses incurred in carrying out those activities).

3. The Conference of the Parties shall agree upon mechanisms for achieving the objectives mentioned in paragraph 1 of this article, including:

(a) Facilitating activities by States Parties under articles 29, 30 and 31 of this Convention, including by encouraging the mobilization of voluntary contributions;

(b) Facilitating the exchange of information among States Parties on patterns and trends in transnational organized crime and on successful practices for combating it;

(c) Cooperating with relevant international and regional organizations and non-governmental organizations;

(d) Reviewing periodically the implementation of this Convention;

(e) Making recommendations to improve this Convention and its implementation.

4. For the purpose of paragraphs 3 (d) and (e) of this article, the Conference of the Parties shall acquire the necessary knowledge of the measures taken by States Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them and through such supplemental review mechanisms as may be established by the Conference of the Parties.

5. Each State Party shall provide the Conference of the Parties with information on its programmes, plans and practices, as well as legislative and administrative measures to implement this Convention, as required by the Conference of the Parties.

#### *Article 33*

##### **Secretariat**

1. The Secretary-General of the United Nations shall provide the necessary secretariat services to the Conference of the Parties to the Convention.

2. The secretariat shall:

(a) Assist the Conference of the Parties in carrying out the activities set forth in article 32 of this Convention and make arrangements and provide the necessary services for the sessions of the Conference of the Parties;

(b) Upon request, assist States Parties in providing information to the Conference of the Parties as envisaged in article 32, paragraph 5, of this Convention; and

(c) Ensure the necessary coordination with the secretariats of relevant international and regional organizations.

#### *Article 34*

##### **Implementation of the Convention**

1. Each State Party shall take the necessary

measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.

2. The offences established in accordance with articles 5, 6, 8 and 23 of this Convention shall be established in the domestic law of each

State Party independently of the transnational nature or the involvement of an organized criminal group as described in article 3, paragraph 1, of this Convention, except to the extent that article 5 of this Convention would require the involvement of an organized criminal group.

3. Each State Party may adopt more strict or severe measures than those provided for by this Convention for preventing and combating transnational organized crime.

#### *Article 35*

##### **Settlement of disputes**

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, anyone of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### *Article 36*

##### **Signature, ratification, acceptance, approval and accession**

1. This Convention shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Convention shall also be open for signature by regional economic integration organizations provided that at least one Member State of such organization has signed this Convention in accordance with paragraph 1 of this article.

3. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its Member States has done likewise. In that instrument of ratification, acceptance or approval, such

organization shall declare the extent of its competence with respect to the matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Convention is open for accession by any State or any regional economic integration organization of which at least one Member State is a Party to this Convention. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

#### *Article 37*

##### **Relation with pro to cols**

1. This Convention may be supplemented by one or more protocols.

2. In order to become a Party to a protocol, a State or a regional economic integration organization must also be a Party to this Convention.

3. A State Party to this Convention is not bound by a protocol unless it becomes a Party to the protocol in accordance with the provisions thereof.

4. Any protocol to this Convention shall be interpreted together with this Convention, taking into account the purpose of that protocol.

#### *Article 38*

##### **Entry into force**

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Convention after the deposit of the fortieth instrument of such action, this Convention shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument.

#### *Article 39*

##### **Amendment**

1. After the expiry of five years from the entry into force of this Convention, a State Party may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes

equal to the number of their member States that are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Convention and any earlier amendments that they have ratified, accepted or approved.

#### *Article 40*

##### ***Denunciation***

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Convention when all of its member States have denounced it.

3. Denunciation of this Convention in accordance with paragraph 1 of this article shall entail the denunciation of any protocols thereto.

#### *Article 41*

##### **Depositary and languages**

1. The Secretary-General of the United Nations is designated depositary of this Convention.

2. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

**PROTOCOL TO PREVENT, SUPPRESS  
AND PUNISH TRAFFICKING IN  
PERSONS, ESPECIALLY WOMEN AND  
CHILDREN, SUPPLEMENTING THE  
UNITED NATIONS CONVENTION  
AGAINST TRANSNATIONAL  
ORGANIZED CRIME**



**Preamble**

*The States Parties to this Protocol,*

*Declaring* that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,

*Taking* into account the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,

*Concerned* that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

*Recalling* General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing trafficking in women and children,

*Convinced* that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime,

*Have agreed as follows:*

**I. General provisions**

*Article 1*

***Relation with the United Nations Convention against Transnational Organized Crime***

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

*Article 2*

***Statement of purpose***

The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet those objectives.

*Article 3*

***Use of terms***

For the purposes of this Protocol:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, 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;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

d) "Child" shall mean any person under eighteen years of age.

*Article 4*

***Scope of application***

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

*Article 5*

***Criminalization***

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

(a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;

(b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(c) Organizing or directing other persons to commit an offence established in accordance with

paragraph 1 of this article.

## **II. Protection of victims of trafficking in persons**

### *Article 6*

#### ***Assistance to and protection of victims of trafficking in persons***

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:

(a) Information on relevant court and administrative proceedings;

(b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

(a) Appropriate housing;

(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;

(c) Medical, psychological and material assistance; and (d) Employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

### *Article 7*

#### ***Status of victims of trafficking in persons in receiving States***

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

### *Article 8*

#### ***Repatriation of victims of trafficking in persons***

1. The State Party of which a victim of

trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

## **III. Prevention, cooperation and other measures**

### *Article 9*

#### ***Prevention of trafficking in persons***

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.

2. States Parties shall endeavour to undertake measures such as, research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and



multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

#### *Article 10* **Information exchange and training**

1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:

(a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;

(b) The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and

(c) The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.

2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

#### *Article 11* **Border measures**

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic

law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

#### *Article 12* **Security and control of documents**

Each State Party shall take such measures as within available means:

(a) To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and

(b) To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use, may be necessary,

#### *Article 13* **Legitimacy and validity of documents**

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

### **IV. Final provisions**

#### *Article 14* **Saving clause**

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.

#### *Article 15* **Settlement of disputes**

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, anyone of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature,

ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### *Article 16*

##### *Signature, ratification, acceptance, approval and accession*

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one Member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

#### *Article 17*

##### *Entry into force*

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

#### *Article 18*

##### *Amendment*

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

#### *Article 19*

##### *Denunciation*

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

#### *Article 20*

##### *Depositary and languages*

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

# **PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME**



## **Preamble**

*The States Parties to this Protocol,*  
*Declaring* that effective action to prevent and combat the smuggling of migrants by land, sea and air requires a comprehensive international approach, including cooperation, the exchange of information and other appropriate measures, including socio-economic measures, at the national, regional and international levels,

*Recalling* General Assembly resolution 54/212 of 22 December 1999, in which the Assembly urged Member States and the United Nations system to strengthen international cooperation in the area of international migration and development in order to address the root causes of migration,

especially those related to poverty, and to maximize the benefits of international migration to those concerned, and encouraged, where relevant, interregional, regional and subregional mechanisms to continue to address the question of migration and development,

*Convinced* of the need to provide migrants with humane treatment and full protection of their rights,

*Taking into account* the fact that, despite work undertaken in other international forums, there is no universal instrument that addresses all aspects of smuggling of migrants and other related issues,

*Concerned* at the significant increase in the activities of organized criminal groups in smuggling of migrants and other related criminal activities set forth in this Protocol, which bring great harm to the States concerned,

*Also concerned* that the smuggling of migrants can endanger the lives or security of the migrants involved,

*Recalling* General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing illegal trafficking in and transporting of migrants, including by sea,

*Convinced* that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the smuggling of migrants by land, sea and air will be useful in preventing and combating that crime,

*Have agreed as follows:*

## **I. General provisions**

### *Article 1*

#### ***Relation with the United Nations Convention against Transnational Organized Crime***

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 6 of this Protocol shall be regarded as offences established in accordance with the Convention.

### *Article 2*

#### ***Statement of purpose***

The purpose of this Protocol is to prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants.

### *Article 3*

#### ***Use of terms***

For the purposes of this Protocol:

(a) "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;

(b) "Illegal entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;

(c) "Fraudulent travel or identity document" shall mean any travel or identity document:

(i) That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or

(ii) That has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or

(iii) That is being used by a person other than the rightful holder;

(d) "Vessel" shall mean any type of water craft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service.

### *Article 4*

#### ***Scope of application***

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 6 of this Protocol, where the offences are transnational in nature and involve an organized criminal group, as well as to the protection of the rights of persons who have been the object of such offences.

*Article 5*  
***Criminal liability of migrants***

Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in article 6 of this Protocol.

*Article 6*  
***Criminalization***

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit:

- (a) The smuggling of migrants;
- (b) When committed for the purpose of enabling the smuggling of migrants:
  - (i) Producing a fraudulent travel or identity document;
  - (ii) Procuring, providing or possessing such a document;
- (c) Enabling a person who is not a national or a permanent resident to remain in the State concerned without complying with the necessary requirements for legally remaining in the State by the means mentioned in subparagraph (b) of this paragraph or any other illegal means.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

- (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
- (b) Participating as an accomplice in an offence established in accordance with paragraph 1 (a), (b) (i) or (c) of this article and, subject to the basic concepts of its legal system, participating as an accomplice in an offence established in accordance with paragraph 1 (b) (ii) of this article;
- (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

3. Each State Party shall adopt such legislative and other measures as may be necessary to establish as aggravating circumstances to the offences established in accordance with paragraph 1 (a), (b) (i) and (c) of this article and, subject to the basic concepts of its legal system, to the offences established in accordance with paragraph 2 (b) and (c) of this article, circumstances:

- (a) That endanger, or are likely to endanger, the lives or safety of the migrants concerned; or
- (b) That entail inhuman or degrading treatment, including for exploitation, of such migrants.

4. Nothing in this Protocol shall prevent a State Party from taking measures against a person whose conduct constitutes an offence under its domestic law.

**II. Smuggling of migrants by sea**

*Article 7*  
***Cooperation***

States Parties shall cooperate to the fullest extent possible to prevent and suppress the smuggling of migrants by sea, in accordance with the international law of the sea.

*Article 8*  
***Measures against the smuggling of migrants by sea***

1. A State Party that has reasonable grounds to suspect that a vessel that is flying its flag or claiming its registry, that is without nationality or that, though flying a foreign flag or refusing to show a flag, is in reality of the nationality of the State Party concerned is engaged in the smuggling of migrants by sea may request the assistance of other States Parties in suppressing the use of the vessel for that purpose. The States Parties so requested shall render such assistance to the extent possible within their means.

2. A State Party that has reasonable grounds to suspect that a vessel exercising freedom of navigation in accordance with international law and flying the flag or displaying the marks of registry of another State Party is engaged in the smuggling of migrants by sea may so notify the flag State, request confirmation of registry and, if confirmed, request authorization from the flag State to take appropriate measures with regard to that vessel. The flag State may authorize the requesting State, *inter alia*:

- (a) To board the vessel;
- (b) To search the vessel; and
- (c) If evidence is found that the vessel is engaged in the smuggling of migrants by sea, to take appropriate measures with respect to the vessel and persons and cargo on board, as authorized by the flag State.

3. A State Party that has taken any measure in accordance with paragraph 2 of this article shall promptly inform the flag State concerned of the results of that measure.

4. A State Party shall respond expeditiously to a request from another State Party to determine whether a vessel that is claiming its registry or flying its flag is entitled to do so and to a request for authorization made in accordance with paragraph 2 of this article.

5. A flag State may, consistent with article 7 of this Protocol, subject its authorization to conditions to be agreed by it and the requesting State, including conditions relating to responsibility and the extent of effective measures to be taken. A State Party shall take no additional measures without the express authorization of the flag State, except those necessary to relieve imminent danger to the lives of persons or those which derive from relevant bilateral or multilateral agreements.

6. Each State Party shall designate an authority or, where necessary, authorities to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures. Such designation shall be notified through the Secretary-General to all other States Parties within one month of the designation.

7. A State Party that has reasonable grounds to suspect that a vessel is engaged in the smuggling of migrants by sea and is without nationality or may be assimilated to a vessel without nationality may board and search the vessel. If evidence confirming the suspicion is found, that State Party shall take appropriate measures in accordance with relevant domestic and international law.

*Article 9*  
***Safeguard clauses***

1. Where a State Party takes measures against a vessel in accordance with article 8 of this Protocol, it shall:

- (a) Ensure the safety and humane treatment of

the persons on board;

(b) Take due account of the need not to endanger the security of the vessel or its cargo;

(c) Take due account of the need not to prejudice the commercial or legal interests of the flag State or any other interested State;

(d) Ensure, within available means, that any measure taken with regard to the vessel is environmentally sound.

2. Where the grounds for measures taken pursuant to article 8 of this Protocol prove to be unfounded, the vessel shall be compensated for any loss or damage that may have been sustained, provided that the vessel has not committed any act justifying the measures taken.

3. Any measure taken, adopted or implemented in accordance with this chapter shall take due account of the need not to interfere with or to affect:

(a) The rights and obligations and the exercise of jurisdiction of coastal States in accordance with the international law of the sea; or

(b) The authority of the flag State to exercise jurisdiction and control in administrative, technical and social matters involving the vessel.

4. Any measure taken at sea pursuant to this chapter shall be carried out only by warships or military aircraft, or by other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

### **III. Prevention, cooperation and other measures**

#### *Article 10 Information*

1. Without prejudice to articles 27 and 28 of the Convention, States Parties, in particular those with common borders or located on routes along which migrants are smuggled, shall, for the purpose of achieving the objectives of this Protocol, exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(a) Embarkation and destination points, as well as routes, carriers and means of transportation, known to be or suspected of being used by an organized criminal group engaged in conduct set forth in article 6 of this Protocol;

(b) The identity and methods of organizations or organized criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol;

(c) The authenticity and proper form of travel documents issued by a State Party and the theft or related misuse of blank travel or identity documents;

(d) Means and methods of concealment and transportation of persons, the unlawful alteration, reproduction or acquisition or other misuse of travel or identity documents used in conduct set forth in article 6 of this Protocol and ways of detecting them;

(e) Legislative experiences and practices and measures to prevent and combat the conduct set forth in article 6 of this Protocol; and

(f) Scientific and technological information useful to law enforcement, so as to enhance each other's ability to prevent, detect and investigate the conduct set

forth in article 6 of this Protocol and to prosecute those involved.

2. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

#### *Article 11 Border measures*

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect the smuggling of migrants.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of the offence established in accordance with article 6, paragraph 1 (a), of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

#### *Article 12 Security and control of documents*

Each State Party shall take such measures as may be necessary, within available means:

(a) To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and

(b) To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

#### *Article 13 Legitimacy and validity of documents*

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for purposes of conduct set forth in article 6 of this Protocol.

#### *Article 14*

##### ***Training and technical cooperation***

1. States Parties shall provide or strengthen specialized training for immigration and other relevant officials in preventing the conduct set forth in article 6 of this Protocol and in the humane treatment of migrants who have been the object of such conduct, while respecting their rights as set forth in this Protocol.

2. States Parties shall cooperate with each other and with competent international organizations, non-governmental organizations, other relevant organizations and other elements of civil society as appropriate to ensure that there is adequate personnel training in their territories to prevent, combat and eradicate the conduct set forth in article 6 of this Protocol and to protect the rights of migrants who have been the object of such conduct. Such training shall include:

(a) Improving the security and quality of travel documents;

(b) Recognizing and detecting fraudulent travel or identity documents;

(c) Gathering criminal intelligence, relating in particular to the identification of organized criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol, the methods used to transport smuggled migrants, the misuse of travel or identity documents for purposes of conduct set forth in article 6 and the means of concealment used in the smuggling of migrants;

(d) Improving procedures for detecting smuggled persons at conventional and non-conventional points of entry and exit; and

(e) The humane treatment of migrants and the protection of their rights as set forth in this Protocol.

3. States Parties with relevant expertise shall consider providing technical assistance to States that are frequently countries of origin or transit for persons who have been the object of conduct set forth in article 6 of this Protocol. States Parties shall make every effort to provide the necessary resources, such as vehicles, computer systems and document readers, to combat the conduct set forth in article 6.

#### *Article 15*

##### ***Other prevention measures***

1. Each State Party shall take measures to ensure that it provides or strengthens information programmes to increase public awareness of the fact that the conduct set forth in article 6 of this Protocol is a criminal activity frequently perpetrated by organized criminal groups for profit and that it poses serious risks to the migrants concerned.

2. In accordance with article 31 of the Convention, States Parties shall cooperate in the field of public information for the purpose of preventing potential migrants from falling victim to organized criminal groups.

3. Each State Party shall promote or strengthen, as appropriate, development programmes and cooperation at the national, regional and international levels, taking into account the socio-economic realities of migration and paying special attention to economically and socially depressed areas, in order to combat the root socio-economic causes of the smuggling of migrants, such as poverty and underdevelopment.

#### *Article 16*

##### ***Protection and assistance measures***

1. In implementing this Protocol, each State Party shall take, consistent with its obligations under international law, all appropriate measures, including legislation if necessary, to preserve and protect the rights of persons who have been the object of conduct set forth in article 6 of this Protocol as accorded under applicable international law, in particular the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

2. Each State Party shall take appropriate measures to afford migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of conduct set forth in article 6 of this Protocol.

3. Each State Party shall afford appropriate assistance to migrants whose lives or safety are endangered by reason of being the object of conduct set forth in article 6 of this Protocol.

4. In applying the provisions of this article, States Parties shall take into account the special needs of women and children.

5. In the case of the detention of a person who has been the object of conduct set forth in article 6 of this Protocol, each State Party shall comply with its obligations under the Vienna Convention on Consular Relations, where applicable, including that of informing the person concerned without delay about the provisions concerning notification to and communication with consular officers.

#### *Article 17*

##### ***Agreements and arrangements***

States Parties shall consider the conclusion of bilateral or regional agreements or operational arrangements or understandings aimed at:

(a) Establishing the most appropriate and effective measures to prevent and combat the conduct set forth in article 6 of this Protocol; or

(b) Enhancing the provisions of this Protocol among themselves.

#### *Article 18*

##### ***Return of smuggled migrants***

1. Each State Party agrees to facilitate and accept, without undue or unreasonable delay, the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who is its national or who has the right of permanent residence in its territory at the time of return.

2. Each State Party shall consider the possibility of facilitating and accepting the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who had the right of permanent residence in its territory at the time of entry into the receiving State in accordance with its domestic law.

3. At the request of the receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who has been the object of conduct set forth in article 6 of this Protocol is its national or has the right of permanent residence in its territory.

4. In order to facilitate the return of a person who has been the object of conduct set forth in article 6 of this Protocol and is without proper documentation, the State Party of which that person is a national or in which he or she has the right of permanent residence shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and reenter its territory.

5. Each State Party involved with the return of a person who has been the object of conduct set forth in article 6 of this Protocol shall take all appropriate measures to carry out the return in an orderly manner and with due regard for the safety and dignity of the person.

6. States Parties may cooperate with relevant international organizations in the implementation of this article.

7. This article shall be without prejudice to any right afforded to persons who have been the object of conduct set forth in article 6 of this Protocol by any domestic law of the receiving State Party.

8. This article shall not affect the obligations entered into under any other applicable treaty, bilateral or multilateral, or any other applicable operational agreement or arrangement that governs, in whole or in part, the return of persons who have been the object of conduct set forth in article 6 of this Protocol.

#### **IV. Final provisions**

##### *Article 19* *Saving clause*

1. Nothing in this Protocol shall affect the other rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of nonrefoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are the object of conduct set forth in article 6 of this Protocol. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.

##### *Article 20* *Settlement of disputes*

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, anyone of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

##### *Article 21* *Signature, ratification, acceptance, approval and accession*

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

##### *Article 22* *Entry into force*

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

*Article 23*  
***Amendment***

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

*Article 24*  
***Denunciation***

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

*Article 25*  
***Depositary and languages***

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.





*Council of Europe Treaty Series - No. 197*

# Council of Europe Convention on Action against Trafficking in Human Beings

Warsaw, 16.V.2005

**Preamble**

The member States of the Council of Europe and the other Signatories hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering that trafficking in human beings constitutes a violation of human rights and an offence to the dignity and the integrity of the human being;

Considering that trafficking in human beings may result in slavery for victims;

Considering that respect for victims' rights, protection of victims and action to combat trafficking in human beings must be the paramount objectives;

Considering that all actions or initiatives against trafficking in human beings must be non-discriminatory, take gender equality into account as well as a child-rights approach;

Recalling the declarations by the Ministers for Foreign Affairs of the Member States at the 112th (14-15 May 2003) and the 114th (12-13 May 2004) Sessions of the Committee of Ministers calling for reinforced action by the Council of Europe on trafficking in human beings;

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and its protocols;

Bearing in mind the following recommendations of the Committee of Ministers to member states of the Council of Europe: Recommendation No. R (91) 11 on sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults; Recommendation No. R (97) 13 concerning intimidation of witnesses and the rights of the defence; Recommendation No. R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation and Recommendation Rec (2001) 16 on the protection of children against sexual exploitation; Recommendation Rec (2002) 5 on the protection of women against violence;

Bearing in mind the following recommendations of the Parliamentary Assembly of the Council of Europe: Recommendation 1325 (1997) on traffic in women and forced prostitution in Council of Europe member states; Recommendation 1450 (2000) on violence against women in Europe; Recommendation 1545 (2002) on a campaign against trafficking in women; Recommendation 1610 (2003) on migration connected with trafficking in women and prostitution; Recommendation 1611 (2003) on trafficking in organs in Europe; Recommendation 1663 (2004) Domestic slavery: servitude, au pairs and mail-order brides;

Bearing in mind the European Union Council Framework Decision of 19 July 2002 on combating trafficking in human beings, the European Union Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings and the European Union Council Directive of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;

Taking due account of the United Nations Convention against Transnational Organized Crime and the Protocol thereto to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children with a view to improving the protection which they afford and developing the standards established by them;

Taking due account of the other international legal instruments relevant in the field of action against trafficking in human beings;

Taking into account the need to prepare a comprehensive international legal instrument focusing on the human rights of victims of trafficking and setting up a specific monitoring mechanism,

Have agreed as follows:

## **Chapter I – Purposes, scope, non-discrimination principle and definitions**

### **Article 1 – Purposes of the Convention**

- 1 The purposes of this Convention are:
  - a to prevent and combat trafficking in human beings, while guaranteeing gender equality;
  - b to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
  - c to promote international cooperation on action against trafficking in human beings.
- 2 In order to ensure effective implementation of its provisions by the Parties, this Convention sets up a specific monitoring mechanism.

### **Article 2 – Scope**

This Convention shall apply to all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime.

**Article 3 – Non-discrimination principle**

The implementation of the provisions of this Convention by Parties, in particular the enjoyment of measures to protect and promote the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

**Article 4 – Definitions**

For the purposes of this Convention:

- a "Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, 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;
- b The consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d "Child" shall mean any person under eighteen years of age;
- e "Victim" shall mean any natural person who is subject to trafficking in human beings as defined in this article.

**Chapter II – Prevention, co-operation and other measures****Article 5 – Prevention of trafficking in human beings**

- 1 Each Party shall take measures to establish or strengthen national co-ordination between the various bodies responsible for preventing and combating trafficking in human beings.
- 2 Each Party shall establish and/or strengthen effective policies and programmes to prevent trafficking in human beings, by such means as: research, information, awareness raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings.

- 3 Each Party shall promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment of all the policies and programmes referred to in paragraph 2.
- 4 Each Party shall take appropriate measures, as may be necessary, to enable migration to take place legally, in particular through dissemination of accurate information by relevant offices, on the conditions enabling the legal entry in and stay on its territory.
- 5 Each Party shall take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them.
- 6 Measures established in accordance with this article shall involve, where appropriate, non-governmental organisations, other relevant organisations and other elements of civil society committed to the prevention of trafficking in human beings and victim protection or assistance.

#### **Article 6 – Measures to discourage the demand**

To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures including:

- a research on best practices, methods and strategies;
- b raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings;
- c target information campaigns involving, as appropriate, inter alia, public authorities and policy makers;
- d preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.

#### **Article 7 – Border measures**

- 1 Without prejudice to international commitments in relation to the free movement of persons, Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in human beings.
- 2 Each Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with this Convention.

- 3 Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.
- 4 Each Party shall take the necessary measures, in accordance with its internal law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.
- 5 Each Party shall adopt such legislative or other measures as may be necessary to permit, in accordance with its internal law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Convention.
- 6 Parties shall strengthen co-operation among border control agencies by, *inter alia*, establishing and maintaining direct channels of communication.

#### **Article 8 – Security and control of documents**

Each Party shall adopt such measures as may be necessary:

- a To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and
- b To ensure the integrity and security of travel or identity documents issued by or on behalf of the Party and to prevent their unlawful creation and issuance.

#### **Article 9 – Legitimacy and validity of documents**

At the request of another Party, a Party shall, in accordance with its internal law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in human beings.

### **Chapter III – Measures to protect and promote the rights of victims, guaranteeing gender equality**

#### **Article 10 - Identification of the victims**

- 1 Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention.

- 2 Each Party shall adopt such legislative or other measures as may be necessary to identify victims as appropriate in collaboration with other Parties and relevant support organisations. Each Party shall ensure that, if the competent authorities have reasonable grounds to believe that a person has been victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence provided for in Article 18 of this Convention has been completed by the competent authorities and shall likewise ensure that that person receives the assistance provided for in Article 12, paragraphs 1 and 2.
3. When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age.
4. As soon as an unaccompanied child is identified as a victim, each Party shall:
  - a provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child;
  - b take the necessary steps to establish his/her identity and nationality;
  - c make every effort to locate his/her family when this is in the best interests of the child.

#### **Article 11 – Protection of private life**

- 1 Each Party shall protect the private life and identity of victims. Personal data regarding them shall be stored and used in conformity with the conditions provided for by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).
- 2 Each Party shall adopt measures to ensure, in particular, that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known, through the media or by any other means, except, in exceptional circumstances, in order to facilitate the tracing of family members or otherwise secure the well-being and protection of the child.
- 3 Each Party shall consider adopting, in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms as interpreted by the European Court of Human Rights, measures aimed at encouraging the media to protect the private life and identity of victims through self-regulation or through regulatory or co-regulatory measures.

#### **Article 12 – Assistance to victims**

1. Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:

- a standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;
  - b access to emergency medical treatment;
  - c translation and interpretation services, when appropriate;
  - d counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;
  - e assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;
  - f access to education for children.
- 2 Each Party shall take due account of the victim's safety and protection needs.
- 3 In addition, each Party shall provide necessary medical or other assistance to victims lawfully resident within its territory who do not have adequate resources and need such help.
- 4 Each Party shall adopt the rules under which victims lawfully resident within its territory shall be authorised to have access to the labour market, to vocational training and education.
- 5 Each Party shall take measures, where appropriate and under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.
- 6 Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness.
- 7 For the implementation of the provisions set out in this article, each Party shall ensure that services are provided on a consensual and informed basis, taking due account of the special needs of persons in a vulnerable position and the rights of children in terms of accommodation, education and appropriate health care.



**Article 13 – Recovery and reflection period**

- 1 Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. During this period it shall not be possible to enforce any expulsion order against him or her. This provision is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. During this period, the Parties shall authorise the persons concerned to stay in their territory.
- 2 During this period, the persons referred to in paragraph 1 of this Article shall be entitled to the measures contained in Article 12, paragraphs 1 and 2.
- 3 The Parties are not bound to observe this period if grounds of public order prevent it or if it is found that victim status is being claimed improperly.

**Article 14 – Residence permit**

- 1 Each Party shall issue a renewable residence permit to victims, in one or other of the two following situations or in both:
  - a the competent authority considers that their stay is necessary owing to their personal situation;
  - b the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.
- 2 The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.
- 3 The non-renewal or withdrawal of a residence permit is subject to the conditions provided for by the internal law of the Party.
- 4 If a victim submits an application for another kind of residence permit, the Party concerned shall take into account that he or she holds, or has held, a residence permit in conformity with paragraph 1.
- 5 Having regard to the obligations of Parties to which Article 40 of this Convention refers, each Party shall ensure that granting of a permit according to this provision shall be without prejudice to the right to seek and enjoy asylum.

**Article 15 – Compensation and legal redress**

- 1 Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings in a language which they can understand.
- 2 Each Party shall provide, in its internal law, for the right to legal assistance and to free legal aid for victims under the conditions provided by its internal law.
- 3 Each Party shall provide, in its internal law, for the right of victims to compensation from the perpetrators.
- 4 Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation or measures or programmes aimed at social assistance and social integration of victims, which could be funded by the assets resulting from the application of measures provided in Article 23.

**Article 16 – Repatriation and return of victims**

- 1 The Party of which a victim is a national or in which that person had the right of permanent residence at the time of entry into the territory of the receiving Party shall, with due regard for his or her rights, safety and dignity, facilitate and accept, his or her return without undue or unreasonable delay.
- 2 When a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary.
- 3 At the request of a receiving Party, a requested Party shall verify whether a person is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving Party.
- 4 In order to facilitate the return of a victim who is without proper documentation, the Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving Party shall agree to issue, at the request of the receiving Party, such travel documents or other authorisation as may be necessary to enable the person to travel to and re-enter its territory.

- 5 Each Party shall adopt such legislative or other measures as may be necessary to establish repatriation programmes, involving relevant national or international institutions and non governmental organisations. These programmes aim at avoiding re-victimisation. Each Party should make its best effort to favour the reintegration of victims into the society of the State of return, including reintegration into the education system and the labour market, in particular through the acquisition and improvement of their professional skills. With regard to children, these programmes should include enjoyment of the right to education and measures to secure adequate care or receipt by the family or appropriate care structures.
- 6 Each Party shall adopt such legislative or other measures as may be necessary to make available to victims, where appropriate in co-operation with any other Party concerned, contact information of structures that can assist them in the country where they are returned or repatriated, such as law enforcement offices, non-governmental organisations, legal professions able to provide counselling and social welfare agencies.
- 7 Child victims shall not be returned to a State, if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child.

#### **Article 17 – Gender equality**

Each Party shall, in applying measures referred to in this chapter, aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures.

### **Chapter IV – Substantive criminal law**

#### **Article 18 – Criminalisation of trafficking in human beings**

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct contained in article 4 of this Convention, when committed intentionally.

#### **Article 19 – Criminalisation of the use of services of a victim**

Each Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences under its internal law, the use of services which are the object of exploitation as referred to in Article 4 paragraph a of this Convention, with the knowledge that the person is a victim of trafficking in human beings.

#### **Article 20 - Criminalisation of acts relating to travel or identity documents**

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conducts, when committed intentionally and for the purpose of enabling the trafficking in human beings:

- a forging a travel or identity document;

- b procuring or providing such a document;
- c retaining, removing, concealing, damaging or destroying a travel or identity document of another person.

#### **Article 21 – Attempt and aiding or abetting**

- 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 18 and 20 of the present Convention.
- 2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences when committed intentionally, an attempt to commit the offences established in accordance with Articles 18 and 20, paragraph a, of this Convention.

#### **Article 22 – Corporate liability**

- 1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that a legal person can be held liable for a criminal offence established in accordance with this Convention, committed for its benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:
  - a a power of representation of the legal person;
  - b an authority to take decisions on behalf of the legal person;
  - c an authority to exercise control within the legal person.
- 2 Apart from the cases already provided for in paragraph 1, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority.
- 3 Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.
- 4 Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.

**Article 23 – Sanctions and measures**

- 1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that the criminal offences established in accordance with Articles 18 to 21 are punishable by effective, proportionate and dissuasive sanctions. These sanctions shall include, for criminal offences established in accordance with Article 18 when committed by natural persons, penalties involving deprivation of liberty which can give rise to extradition.
- 2 Each Party shall ensure that legal persons held liable in accordance with Article 22 shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions or measures, including monetary sanctions.
- 3 Each Party shall adopt such legislative and other measures as may be necessary to enable it to confiscate or otherwise deprive the instrumentalities and proceeds of criminal offences established in accordance with Articles 18 and 20, paragraph a, of this Convention, or property the value of which corresponds to such proceeds.
- 4 Each Party shall adopt such legislative or other measures as may be necessary to enable the temporary or permanent closure of any establishment which was used to carry out trafficking in human beings, without prejudice to the rights of *bona fide* third parties or to deny the perpetrator, temporary or permanently, the exercise of the activity in the course of which this offence was committed.

**Article 24 – Aggravating circumstances**

Each Party shall ensure that the following circumstances are regarded as aggravating circumstances in the determination of the penalty for offences established in accordance with Article 18 of this Convention:

- a the offence deliberately or by gross negligence endangered the life of the victim;
- b the offence was committed against a child;
- c the offence was committed by a public official in the performance of her/his duties;
- d the offence was committed within the framework of a criminal organisation.

**Article 25 - Previous convictions**

Each Party shall adopt such legislative and other measures providing for the possibility to take into account final sentences passed by another Party in relation to offences established in accordance with this Convention when determining the penalty.

**Article 26 – Non-punishment provision**

Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.

**Chapter V – Investigation, prosecution and procedural law****Article 27 - *Ex parte* and *ex officio* applications**

- 1 Each Party shall ensure that investigations into or prosecution of offences established in accordance with this Convention shall not be dependent upon the report or accusation made by a victim, at least when the offence was committed in whole or in part on its territory.
- 2 Each Party shall ensure that victims of an offence in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence. The competent authority to which the complaint is made, insofar as it does not itself have competence in this respect, shall transmit it without delay to the competent authority of the Party in the territory in which the offence was committed. The complaint shall be dealt with in accordance with the internal law of the Party in which the offence was committed.
- 3 Each Party shall ensure, by means of legislative or other measures, in accordance with the conditions provided for by its internal law, to any group, foundation, association or non-governmental organisations which aims at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence established in accordance with Article 18 of this Convention.

**Article 28 – Protection of victims, witnesses and collaborators with the judicial authorities**

- 1 Each Party shall adopt such legislative or other measures as may be necessary to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for:
  - a Victims;
  - b As appropriate, those who report the criminal offences established in accordance with Article 18 of this Convention or otherwise co-operate with the investigating or prosecuting authorities;
  - c witnesses who give testimony concerning criminal offences established in accordance with Article 18 of this Convention;
  - d when necessary, members of the family of persons referred to in subparagraphs a and c.
- 2 Each Party shall adopt such legislative or other measures as may be necessary to ensure and to offer various kinds of protection. This may include physical protection, relocation, identity change and assistance in obtaining jobs.

- 3 A child victim shall be afforded special protection measures taking into account the best interests of the child.
- 4 Each Party shall adopt such legislative or other measures as may be necessary to provide, when necessary, appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for members of groups, foundations, associations or non-governmental organisations which carry out the activities set out in Article 27, paragraph 3.
- 5 Each Party shall consider entering into agreements or arrangements with other States for the implementation of this article.

#### **Article 29 – Specialised authorities and co-ordinating bodies**

- 1 Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialised in the fight against trafficking and the protection of victims. Such persons or entities shall have the necessary independence in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions effectively and free from any undue pressure. Such persons or the staffs of such entities shall have adequate training and financial resources for their tasks.
- 2 Each Party shall adopt such measures as may be necessary to ensure co-ordination of the policies and actions of their governments' departments and other public agencies against trafficking in human beings, where appropriate, through setting up co-ordinating bodies.
- 3 Each Party shall provide or strengthen training for relevant officials in the prevention of and fight against trafficking in human beings, including Human Rights training. The training may be agency-specific and shall, as appropriate, focus on: methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers.
- 4 Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.

#### **Article 30 – Court proceedings**

In accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 6, each Party shall adopt such legislative or other measures as may be necessary to ensure in the course of judicial proceedings:

- a the protection of victims' private life and, where appropriate, identity;
- b victims' safety and protection from intimidation,

in accordance with the conditions under its internal law and, in the case of child victims, by taking special care of children's needs and ensuring their right to special protection measures.

**Article 31 – Jurisdiction**

- 1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:
  - a in its territory; or
  - b on board a ship flying the flag of that Party; or
  - c on board an aircraft registered under the laws of that Party; or
  - d by one of its nationals or by a stateless person who has his or her habitual residence in its territory, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State;
  - e against one of its nationals.
- 2 Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1 (d) and (e) of this article or any part thereof.
- 3 Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in this Convention, in cases where an alleged offender is present in its territory and it does not extradite him/her to another Party, solely on the basis of his/her nationality, after a request for extradition.
- 4 When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.
- 5 Without prejudice to the general norms of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with internal law.

**Chapter VI – International co-operation and co-operation with civil society****Article 32 – General principles and measures for international co-operation**

The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- preventing and combating trafficking in human beings;
- protecting and providing assistance to victims;



- investigations or proceedings concerning criminal offences established in accordance with this Convention.

### **Article 33 - Measures relating to endangered or missing persons**

- 1 When a Party, on the basis of the information at its disposal has reasonable grounds to believe that the life, the freedom or the physical integrity of a person referred to in Article 28, paragraph 1, is in immediate danger on the territory of another Party, the Party that has the information shall, in such a case of emergency, transmit it without delay to the latter so as to take the appropriate protection measures.
- 2 The Parties to this Convention may consider reinforcing their co-operation in the search for missing people, in particular for missing children, if the information available leads them to believe that she/he is a victim of trafficking in human beings. To this end, the Parties may conclude bilateral or multilateral treaties with each other.

### **Article 34 – Information**

- 1 The requested Party shall promptly inform the requesting Party of the final result of the action taken under this chapter. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.
- 2 A Party may, within the limits of its internal law, without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter.
- 3 Prior to providing such information, the providing Party may request that it be kept confidential or used subject to conditions. If the receiving Party cannot comply with such request, it shall notify the providing Party, which shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.
- 4 All information requested concerning Articles 13, 14 and 16, necessary to provide the rights conferred by these Articles, shall be transmitted at the request of the Party concerned without delay with due respect to Article 11 of the present Convention.

### **Article 35 – Co-operation with civil society**

Each Party shall encourage state authorities and public officials, to co-operate with non-governmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention.

**Chapter VII – Monitoring mechanism****Article 36 – Group of experts on action against trafficking in human beings**

- 1 The Group of experts on action against trafficking in human beings (hereinafter referred to as “GRETA”), shall monitor the implementation of this Convention by the Parties.
- 2 GRETA shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical balance, as well as a multidisciplinary expertise. They shall be elected by the Committee of the Parties for a term of office of 4 years, renewable once, chosen from amongst nationals of the States Parties to this Convention.
- 3 The election of the members of GRETA shall be based on the following principles:
  - a they shall be chosen from among persons of high moral character, known for their recognised competence in the fields of Human Rights, assistance and protection of victims and of action against trafficking in human beings or having professional experience in the areas covered by this Convention;
  - b they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions and shall be available to carry out their duties in an effective manner;
  - c no two members of GRETA may be nationals of the same State;
  - d they should represent the main legal systems.
- 4 The election procedure of the members of GRETA shall be determined by the Committee of Ministers, after consulting with and obtaining the unanimous consent of the Parties to the Convention, within a period of one year following the entry into force of this Convention. GRETA shall adopt its own rules of procedure.

**Article 37 – Committee of the Parties**

- 1 The Committee of the Parties shall be composed of the representatives on the Committee of Ministers of the Council of Europe of the member States Parties to the Convention and representatives of the Parties to the Convention, which are not members of the Council of Europe.
- 2 The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GRETA. It shall subsequently meet whenever one-third of the Parties, the President of GRETA or the Secretary General so requests.
- 3 The Committee of the Parties shall adopt its own rules of procedure.

**Article 38 – Procedure**

- 1 The evaluation procedure shall concern the Parties to the Convention and be divided in rounds, the length of which is determined by GRETA. At the beginning of each round GRETA shall select the specific provisions on which the evaluation procedure shall be based.
- 2 GRETA shall define the most appropriate means to carry out this evaluation. GRETA may in particular adopt a questionnaire for each evaluation round, which may serve as a basis for the evaluation of the implementation by the Parties of the present Convention. Such a questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GRETA.
- 3 GRETA may request information from civil society.
- 4 GRETA may subsidiarily organise, in co-operation with the national authorities and the “contact person” appointed by the latter, and, if necessary, with the assistance of independent national experts, country visits. During these visits, GRETA may be assisted by specialists in specific fields.
- 5 GRETA shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments are taken into account by GRETA when establishing its report.
- 6 On this basis, GRETA shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of the present Convention. This report and conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned.
- 7 Without prejudice to the procedure of paragraphs 1 to 6 of this article, the Committee of the Parties may adopt, on the basis of the report and conclusions of GRETA, recommendations addressed to this Party (a) concerning the measures to be taken to implement the conclusions of GRETA, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of the present Convention.

**Chapter VIII – Relationship with other international instruments****Article 39 – Relationship with the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime**

This Convention shall not affect the rights and obligations derived from the provisions of the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime, and is intended to enhance the protection afforded by it and develop the standards contained therein.

**Article 40 – Relationship with other international instruments**

- 1 This Convention shall not affect the rights and obligations derived from other international instruments to which Parties to the present Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention and which ensure greater protection and assistance for victims of trafficking.
- 2 The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.
- 3 Without prejudice to the object and purpose of the present Convention and without prejudice to its full application with other Parties, Parties which are members of the European Union shall, in their mutual relations, apply Community and European Union rules in so far as there are Community or European Union rules governing the particular subject concerned and applicable to the specific case.
- 4 Nothing in this Convention shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of *non-refoulement* as contained therein.

**Chapter IX – Amendments to the Convention****Article 41 – Amendments**

- 1 Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by him or her to the member States of the Council of Europe, any signatory, any State Party, the European Community, to any State invited to sign this Convention in accordance with the provisions of Article 42 and to any State invited to accede to this Convention in accordance with the provisions of Article 43.
- 2 Any amendment proposed by a Party shall be communicated to GRETA, which shall submit to the Committee of Ministers its opinion on that proposed amendment.
- 3 The Committee of Ministers shall consider the proposed amendment and the opinion submitted by GRETA and, following consultation of the Parties to this Convention and after obtaining their unanimous consent, may adopt the amendment.
- 4 The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 3 of this article shall be forwarded to the Parties for acceptance.
- 5 Any amendment adopted in accordance with paragraph 3 of this article shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General that they have accepted it.

**Chapter X – Final clauses****Article 42 – Signature and entry into force**

- 1 This Convention shall be open for signature by the member States of the Council of Europe, the non member States which have participated in its elaboration and the European Community.
- 2 This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
- 3 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 Signatories, including at least 8 member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.
- 4 In respect of any State mentioned in paragraph 1 or the European Community, which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

**Article 43 – Accession to the Convention**

- 1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20 *d.* of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.
- 2 In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

**Article 44 – Territorial application**

- 1 Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
- 2 Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
- 3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary

General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

#### **Article 45 – Reservations**

No reservation may be made in respect of any provision of this Convention, with the exception of the reservation of Article 31, paragraph 2.

#### **Article 46 – Denunciation**

- 1 Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

#### **Article 47 – Notification**

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State signatory, any State Party, the European Community, to any State invited to sign this Convention in accordance with the provisions of Article 42 and to any State invited to accede to this Convention in accordance with the provisions of Article 43 of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Articles 42 and 43;
- d any amendment adopted in accordance with Article 41 and the date on which such an amendment enters into force;
- e any denunciation made in pursuance of the provisions of Article 46;
- f any other act, notification or communication relating to this Convention
- g any reservation made under Article 45.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Warsaw, this 16<sup>th</sup> day of May 2005, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, to the European Community and to any State invited to accede to this Convention.