

**THE VIENNA FORUM TO FIGHT HUMAN TRAFFICKING  
13-15 February 2008**

**Vienna, Austria**

**AIDE MEMOIRE**

**LEGAL FRAMEWORKS AND ANTI-TRAFFICKING LEGISLATION**

*(Friday, February 15, 09:30-12:30)*

**BACKGROUND**

*The Vienna Forum to Fight Human Trafficking to be held at United Nations Headquarters in Vienna from 13 to 15 February 2008 will focus on the three overriding themes of vulnerability, impact and action. It will offer plenary sessions and a series of panels and workshops on different aspects of the three themes.*

*This event is part of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). The Global Initiative aims to mobilize state and non-state actors to eradicate human trafficking by i) reducing the vulnerability of potential victims and the demand for exploitation in all its forms; ii) ensuring adequate protection and support to those who do fall victim, and iii) supporting the efficient prosecution of the criminals involved, while respecting the fundamental human rights of all persons.*

*UN.GIFT is part of a wide partnership by the UN-System and other international and regional organizations (ILO, IOM, OSCE, OHCHR, UNICEF, UNODC). These organizations, which form part of UN.GIFT Steering Committee, are responsible for the organization of the panels and workshops of The Vienna Forum.*

*The panel "Legal frameworks and anti-trafficking legislation" is organized by UNODC, as part of its role in promoting the ratification and implementation of the United Nations Protocol to prevent, Suppress and Punish Trafficking in Persons Especially women and children, supplementing the United Nations Convention against Transnational Organized Crime.*

**CONTEXT**

*Several United Nations conventions and instruments, in particular the United Nations Convention against Transnational Organized Crime and its supplementary Protocol to prevent, Suppress and Punish Trafficking in Persons Especially women and children, form the international legal framework to combat trafficking in persons.*

*States Parties to the Protocol are under an obligation to implement the provisions of this instrument, by adopting adequate laws to effectively*

*address the problem of human trafficking. This Panel will examine the challenges and complexities of dealing with human trafficking through the national legal system, and will provide examples and suggested approaches from various domestic legal systems. Specifically, the outcome of the workshop will be a checklist of all the relevant legal areas that should be amended or regulated in order to effectively protect victims and prosecute traffickers.*

## **OBJECTIVES**

*The overall objective of this panel is to discuss the complexity of issues that a legal framework needs to address in order to effectively combat trafficking in persons, and to raise awareness among decision makers and national players to the importance of a comprehensive and coordinated approach to trafficking. Moreover, various legislative approaches and methodologies will be examined in light of comparative models and experiences of different countries in order to inform participants of alternative approaches to legislation.*

## **EXPECTED OUTPUTS**

*A checklist with relevant legal issues, needed to be addressed by national legislation and a set of recommendations of legislative approaches and methodologies to effectively combat Trafficking in Persons.*

*A concise statement of key messages will be elaborated and a summary of the panel/workshop discussions will be prepared by the organizers and be incorporated into the overall final report of the Vienna Forum.*

## **STRUCTURE AND CONTENT**

*The panel will take place on 15<sup>th</sup> February, 09.30am-12.30am, with two consecutive sessions of 1.5 hours.*

*The Panel will be officially opened by Ms. Kuniko Ozaki, UNODC (Director, Division of Treaty Affairs).*

*One moderator and four panellists will address issues related to the creation of legal frameworks to effectively combat trafficking in persons.*

*In order to allow for a highly dynamic session the moderator will introduce and present each topic and then pose questions to the panellists on various issues followed by 10 minutes presentation of each panellist. In order to add value to the discussions, ample time will be set aside for participation from the audience after each topic has been presented.*

## **THEMES**

### *Session I: The Status of National and International Anti-Trafficking Legislation*

*(1) The International Legal Framework to Combat Trafficking in Persons: An overview of International conventional law and the international legislative mandate*

*(2) Issues to be addressed by Legislation, the Legislative Approaches and Methodologies to Combat Trafficking in Persons:*

- *The complexity of TIP cases*
- *Relevant legislation: labor Law, immigration law, administrative law, health law*
- *What areas should be covered by law and which should be left to administrative regulations?*
- *Comprehensive law versus amendments to existing criminal law*
- *Legislation as a tool to change attitudes, disseminate information, create awareness and effectuate deterrence*
- *Gaps and omissions*

### *Session II: Comparative Models and Best Practices in Anti-Trafficking Legislation*

*(1) Identification of Victims:*

- *The legal definition of a trafficking victim*
- *Recognition of a trafficked person as a victim*
- *The principle on non-punishment of a trafficking victim*

*(2) Criminalization of all forms of trafficking:*

- *Defining trafficking in persons in accordance with Article 3 of the UN Protocol*
- *Sex trafficking including child sex tourism and mail order bride*
- *Labor trafficking: When does exploitative labor amount to trafficking?*

*(3) Immigration status of a victim of trafficking*

- *Interpretation of Article 7 of the UN Protocol in accordance with national laws.*
- *Temporary residency status linked to court proceedings*
- *Granting a victim of trafficking a residency status on a humanitarian basis*
- *Repatriation*

*(4) The right of a victim of trafficking to compensation*

- *Existing models, including: mandatory restitution, civil compensation, punitive damages, confiscation of seized assets, and state funds.*
- *Legal aid and access to the criminal justice system for victims of trafficking*

## **PARTICIPANTS**

*Approximately 150 participants are expected, including government officials, parliamentarians, representatives of the private sector, civil society, academia and international organizations.*

**Opening speech:** *The Panel will be officially opened by Ms. Kuniko Ozaki, UNODC, Director Division of Treaty Affairs. **(Confirmed)***

**Moderator:** *Prof. Mohammed Mattar, The Protection Project, John Hopkins University, USA **(Confirmed)***

### **Panellists:**

- 1. Ms. Estelle M. Appiah, Director, Legislative Drafting, Attorney General's Department, Ministry of Justice, Ghana **(Confirmed)***
- 2. Ms. Rahel Gershuni, National Coordinator against TIP, Ministry of Justice, Israel **(Confirmed)***
- 3. Mr. Fernando Garcia-Robles, Coordinator, Anti-Trafficking of Persons Section, Department of Public Security, Organization of American States (OAS) **(Confirmed)***
- 4. Dr. PM Nair, Project Manager, UNODC office, India **(Confirmed)***

**Rapporteur:** *Julie Platou Kvammen, AHTU, UNODC*

## **WORKING LANGUAGE**

*All panellists will be presenting in English. The panel will provide translation in the six UN languages.*

## **CONTACT INFORMATION**

**Name:** Julie Platou Kvammen

**Division:** Division for Operation, Anti-Human Trafficking Unit

**Organization:** UNODC

**E-mail:** Julie.kvammen@unodc.org