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FIGHT AGAINST HUMAN TRAFFICKING IN SOUTHEASTERN EUROPE

QUATERLY LETTER

JULY 2018, N°10



MULTILATERALISM,

FRANCE'S MULTILATERAL COMMITMENT IN

THE FIGHT AGAINST HUMAN TRAFFICKING



EXCLUSIVE INTERVIEW

OF M. YURI FEDOTOV

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Pictured: Mr Jean-Louis Falconi, permanent representative of France at the United Nations and international organisations in Vienna, with Mr Yuri Fedotov, Executive Director of the United Nations Office on Drugs and Crime (UNODC)

Key figures

France and the United Nations Office on Drugs and Crime (UNODC)

⇒ France's general voluntary contributions to the UNODC

€1,830,000 in 2018

⇒ France's contributions to the UNODC Human Trafficking and Migrant Smuggling Section (HTMSS)

€163,500 per year

⇒ France's contributions to the United Nations Victims Trust Fund (UNVTF)

\$333,959 since 2011

⇒ 4 JPOs (Junior Professional Officers) financed by France for the UNODC

Currently deployed JPOs:

- 1 JPO in Vienna working in Terrorism Prevention
- 1 JPO in Vienna working in judicial cooperation with WACAP against fraudulent medicine

Autumn 2018 deployment:

- 1 JPO in Tunis working in Terrorism Prevention
- 1 JPO in Abuja working in Human Trafficking and Migrant Smuggling

France's multilateral commitment in the fight against human trafficking

The tenth issue of the quarterly "Fight against human trafficking in South-East Europe" newsletter focuses on the question of multilateralism, and more specifically the multilateral strategy implemented by France to combat human trafficking.

French representatives have repeatedly underlined the limitations, issues and challenges surrounding multilateralism. page 3

At UNODC, multilateralism means opening discussions, dialogue and **negotiations** between multiple countries to facilitate a coordinated and effective response to current world issues. Last May, during the 26th session of the Commission on Crime Prevention and Criminal Justice in Vienna, France actively contributed to the adoption of a Franco-Romanian resolution on human trafficking. *page 6*

Another facet of multilateralism is the development of **cooperation projects**. France's collaboration with the United Nations Office on Drugs and Crime's Human Trafficking and Migrant Smuggling section is one example. *page 8*

In terms of reflecting on and contributing to identifying good practices and trends relating to the exploitation of persons and their protection, the French delegation regularly participates in human trafficking and migrant smuggling working groups organised by the United Nations Office. page 10

Finally, multilateralism would not survive without constant cooperation to ensure that the instruments negotiated are enforced. Organising seminars and conferences strengthens **technical cooperation**. For example, technical and judicial cooperation carried out in South-East Europe, the South Caucasus region and Central Asia to combat human trafficking is facilitating effective and strengthened cooperation on the ground involving various stakeholders. *page 11*

This issue focuses on highlighting France's action within the United Nations against human trafficking. Particularly noteworthy is the relevant inter-agency expertise developed in parallel by France as part of various organisations such as the Organization for Security and Cooperation in Europe (OSCE) and the International Centre for Migration Policy Development (ICMPD), both of which boast advanced activity and research centres for the fight against human trafficking.







PERSPECTIVES ON **MULTILATERALISM...**

Mr Jean-Yves Le Drian, French Minister of Europe and Foreign Affairs, speaking during his address to the Diplomatic Corps in Paris, 30 January 2018:



The full speech is available here

"In a world as interdependent as ours, we need an effective multilateral approach, capable of guaranteeing the cohesion and resilience of the international system, capable of defending and promoting common interests that our collective future depends on. [...] There are still major differences in social and economic development on a global scale; it is the challenge of an ambitious public aid policy that we are undertaking: contributing to peace and stability with long-term solutions, prioritising education, the reduction of inequalities, health, and economical development."

Mr Alexis Lamek, Director of the United Nations, International Organisations, Human Rights and Francophonie, speaking during his participation in the round table on the question "Can multilateralism still preserve peace?" during the Semaine des Ambassadeurs [Ambassadors Week] on 29 August 2017:



The full exchange from the round table is available <u>here</u>

"Multilateralism for the sake of peace is not only about security, that is to say maintaining the peace and the peacekeepers that we deploy. [...] The third pillar is human rights. I'd like to go back to the quote from Kofi Annan: "There's no peace without development, no development without peace and neither one is possible without human rights". This is the framework we are working within, we cannot deal with one without the other. [...] We cannot adopt a multilateral approach to peace whilst ignoring questions of law, justice and respecting people's rights."

Mr François Delattre, ambassador, permanent French representative at the United Nations in New York, speaking during his speech at the Security Council about "the aims and principles of the Charter of the United Nations as a central element for maintaining international peace and security", 21 February 2018 in New York:



The full speech is available here

"Our biggest challenges, the proliferation of weapons of mass destruction, terrorism, global warming, migration, inequality in development, mass violations of international humanitarian law and human rights, and the new challenges posed by technology, these are global problems and so we have no choice but to tackle them on a global scale in a multilateral approach. France's firm belief is that each time we accept that international crises can be resolved outside of the framework of multilateralism, outside the system of rules we set out in 1945, we allow the law of the strongest to take over."

THREE QUESTIONS TO ... M. YURI FEDOTOV EXECUTIVE DIRECTOR OF THE UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)



1. States regularly present and adopt UN resolutions on trafficking in persons. In the 27th session of the CCPCJ alone, three resolutions aiming at tackling trafficking in persons

were adopted, including one co-sponsored by France and Romania. How do you think these resolutions will help in combating human trafficking more effectively?

The resolutions adopted by Member States at the May 2018 session of the Commission on Crime Prevention and Criminal Justice show their commitment and resolve to prevent and fight this abject crime, which violates core human rights and human dignity. I personally welcome these efforts and I am convinced that the resolutions will not only help Member States advance responses to effectively dismantle human trafficking networks but also, and most importantly, to assist and protect victims of human trafficking, and prevent their re-victimization and re-exploitation.

One of the core elements of our mandate under the Trafficking in Persons Protocol of the United Nations Convention against Transnational Organized Crime is to increase the level of protection and assistance provided to victims of trafficking in persons, as set out in article 2, paragraph (b) and articles 6, 7 and 8 of the Protocol. Victim protection is indeed a key element of UNODC's criminal justice response to human trafficking, and this is always incorporated in the delivery of our technical assistance.

We are all too aware that the protection of victims of trafficking cannot be addressed only by criminal justice practitioners. Indeed, adopting a multidisciplinary approach on national, regional and global levels is key. In this regard, UNODC, together with France, organized a workshop which aimed at improving coordination and cooperation between the French and Romanian Child Protection Services, in order to promote the reintegration of minors and prevent their reexploitation.

One of the important outcomes of the meeting was the proposal to set up a cross-border social inquiry system between both countries, specific to cases of human trafficking and involving central child protection authorities. By putting all the relevant actors together, we will be able to respond more effectively.

« I am convinced that the resolutions will not only help Member States advance responses to effectively dismantle human trafficking networks but also, and most importantly, to assist and protect victims of human trafficking, and prevent their re-victimization and re-exploitation. »

The CCPCJ session had a thematic focus on cybercrime, and the use of increasingly sophisticated technologies and means of communication by traffickers poses obstacles to criminal justice investigations and responses. I am pleased to see that the resolutions adopted at the CCPCJ address criminal misuse of information and communications technologies, thereby supporting better understanding and enabling international cooperation to tackle the problem.

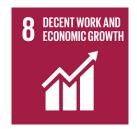
2. In 2015, in one of our previous newsletters, you presented UNODC activities dedicated to the protection of victims of trafficking in criminal proceedings. Since then, what have been the developments in this area and the current issues? Although we have made progress, trafficking in persons is still a highly profitable form of transnational organized crime for traffickers, with a low level of prosecutions. We must always stay alert and seek to identify patterns and modus operandi of human trafficking networks. This is what UNODC seeks to do with the *Global Report on Trafficking in Persons*, the latest issue of which will be coming out at the end of this year. For example, the 2016 report highlighted the terrible problems of forced removal of organs in the context of human trafficking and migrant smuggling, especially along the North Eastern African route to Europe, as well as forced and sham marriages, as two urgent issues that the international community needs to address.

3. What are the major deadlines for UNODC and the Member States in the fight against human trafficking?

The fight against human trafficking is very much a part of our support to Member States to achieve the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals. Targets that address human trafficking include:



5.2: Eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual, and other types of exploitation.



8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.



10.7: Facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies.



16.2: End abuse, exploitation, trafficking and all forms of violence and torture against children.

16.4: By 2030 significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organized crime.



17.9: Enhance international support for implementing effective and targeted capacity building in developing countries to support national plans to implement all the Sustainable Development Goals, including through North-South, South-South and triangular cooperation.

Moreover, UNODC has also significantly contributed to the Global Compact for Safe, Orderly and Regular Migration, which is expected to be the first ever intergovernmental negotiated agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration in a holistic and comprehensive manner. This includes tackling migrant smuggling and identifying and protecting victims of human trafficking among smuggled migrants.

Member States successfully concluded negotiations of the Global Compact on 13 July 2018, and it is expected to be adopted at an intergovernmental conference on international migration in December 2018.

RETURN TO...

... the 27th Commission on Crime Prevention and Criminal Justice (CCPCJ)

From 14-18 May 2018, UNODC, in Vienna

MULTILATERALISM BY NEGOTIATION



Mr Jean-Louis Falconi, France's permanent representative at the UN in Vienna, 15 May 2018, during his speech at the Plenary session of the 27th CCPCJ

Adoption of three resolutions in support of the fight against human trafficking

From 14-18 May 2018, Vienna hosted the twenty-seventh Commission on Crime Prevention and Criminal Justice on the topic of cybercrime. A total of eight resolutions were adopted by consensus, three of which related to the fight against human trafficking. The French delegation proposed one of these resolutions together with the Romanian delegation. The negotiations and adoption of these three additional resolutions will, thanks to this concerted multilateral action, strengthen the fight against organised crime in general, and more specifically human trafficking.

Franco-Romanian resolution

E/CN.15/2018/L.3/REV.1

"Improving the protection of children against trafficking in persons, including by addressing the criminal misuse of information and communications technologies"

This resolution concerns the protection of minors against any type of exploitation, as part of the use of new technologies and communications. It puts particular emphasis on access to the victims identified using guidance mechanisms responding to their needs, reinsertion programmes and transnational mechanisms to ensure their return in a secure manner.

Commended for its technicality, this resolution encourages countries to take measures to help Internet service providers better detect, flag and remove content facilitating the recruitment or exploitation of minors.

It also focuses on strengthening both international and regional cooperation for the purpose of creating informal regional networks to promote the exchange of good practices between national points of contact leading the fight against human trafficking.

Columbian resolution

E/CN.15/2018/L.8/REV.1

"Strengthening measures against trafficking in persons"

This text reiterates the main concepts of the fight against human trafficking, including crime prevention, victim protection and the need for the prosecution of those responsible. In particular, it encourages **financial investigations**.

Further, it provides general protection for victims and members of their direct family, both adults and minors.



Ms. Caroline Charpentier, 17 May 2018, during negotiations of the Franco-Romanian resolution at the 27th CCPCJ

Belarussian resolution

E/CN.15/2018/L.2/Rev.1

"Preventing and combatting trafficking in persons facilitated by the criminal misuse of information and communications technologies"

This resolution is focussed largely on the risks of using the Internet for the purpose of exploiting human beings, without highlighting in particular the vulnerability of children as a result of misuse of new technologies.

However, this resolution underlines the need to raise awareness among public and private sectors of this issue, as well as reinforcing the importance of education and encouraging the adoption of measures to combat the misuse of the Internet for tortious or criminal purposes, all whilst allowing cooperation between public stakeholders, the private sector and civil society.

...and parallel events

Outside of the 27th CCPCJ, France co-sponsored several parallel events. Two of these events were concerned with the fight against human trafficking and migrant smuggling. Such events helped to inform the international community and civil society about the humanitarian and institutional activities supported and led by France, allowing France to spread its multilateral strategic model.







The French NGO, Les amis du bus des femmes, presented its work on the protection and reinsertion of victims of sexual exploitation.

Parallel event: "The United Nations Voluntary Trust Fund for the Victims of Trafficking in Persons (UNVTF): prioritising aid to woman and children, good practices

by France and the Ivory Coast"

The Voluntary Trust Fund for the Victims of Trafficking in Persons (UNVTF) reiterated the importance of the contribution to these funds permitting specialised human trafficking NGOs to take action on the ground through the provision of shelters, medical assistance, legal aid and education programmes promoting the reintegration of victims into civil society.

France has voluntarily contributed over 330,000 dollars to the UNVTF fund Ambassador Jean-Louis Falconi underpinned France's commitment, as a destination and transit country, in the fight against human trafficking though his support of the UNTFV as well as through the work of the interdepartmental unit for protecting women against violence (MIPROF) and the mission against human trafficking in south east Europe led by Ms Caroline Charpentier.

French and Ivorian NGOs, Les amis du bus des femmes and CAVOEQUIVA, both received funding from the UNVTF fund. France's co-sponsorship of this event allowed France to reiterate its support of the fundamental role of civil society in the protection of victims of human trafficking.

Parallel event: "The dismantling of illicit financial flows stemming from migrant smuggling in South-East European countries"

Ambassador Jean-Louis Falconi underlined the importance of financial investigations in inquiries against migrant smuggling. For this reason, together with the UNODC, France financed a cycle of three regional expert meetings in the amount of 150,000 euros, organised in South-East Europe between 2015 and 2017 to reinforce the capabilities of member states to detect and follow illicit financial flows stemming from migrant smuggling. (Details page 9)

The results of this work were presented by a panel composed of a Hungarian procurator, a representative from the French financial intelligence unit, TRAFCIN, and a Bosnian university lecturer. Mr Christophe Labeyrie, head of the TRAFCIN investigations division, explained the advantages of financial intelligence as an additional puzzle piece for detecting the crime, identifying the role of each individual within the network, discovering the roots of and breaking down the criminal networks, and assessing the volumes of illicit financial flows.

He emphasised that passing through the prison system was, in fact, a stage integrated into the course of criminals that itself sometimes establishes their affiliation with criminal networks. These criminals, however, are less prepared to have their assets seized and this is more destabilising.



ADDRESSING ILLICIT FINANCIAL FLOWS DERIVING FROM **SMUGGLING OF MIGRANTS IN SOUTH-EASTERN EUROPE**

"Following the money" to combat migrant smuggling

Based on a series of three regional expert group meetings that took place in South-Eastern Europe, this side-event aims at presenting good practices, challenges and lessons learned from concrete cases on combating smuggling of migrants by detecting and disrupting illicit financial flows. A model protocol for cooperation elaborated from the conclusions of the workshop will also be introduced to the audience







Support of the UNODC Human Trafficking and Migrant Smuggling Section: a French priority

Human Trafficking and Migrant Smuggling Section (HTMSS)

UNODC Human Trafficking and Migrant Smuggling Section serves as a center of global expertise in responding to the trafficking in persons and the smuggling of migrants.



Global Programmes
against Trafficking in Persons
and against Smuggling of Migrants

Global programme against trafficking in persons (GLOT59)

THE GLOBAL PROGRAMME AGAINST THE SMUGGLING OF MIGRANTS



Global Action against Trafficking in Persons and the Smuagling of Migrants Global programme against the smuggling of migrants (GLOT92)

Global action to prevent and address trafficking in persons and the smuggling of migrants (GLO.ACT)

Through its three global programmes against trafficking in persons and the smuggling of migrants, HTMSS delivers technical assistance (point 1) and supports capacity development to enable UN Member States to respond to trafficking and smuggling, including through legislative assistance, strategic planning and policy development, improvement of criminal justice responses, and the protection of and support to victims of trafficking and smuggled migrants. HTMSS also fosters intergovernmental and interagency cooperation (points 2 & 3), provides expert policy guidance and develops specialized technical tools and publications (point 4) to support UN Member States in preventing and responding to these crimes.

1. TECHNICAL ASSISTANCE

In 2017 and 2018 alone, HTMSS delivered, or substantively contributed to, more than 120 technical assistance activities at the national and regional level, which were attended by over 4,600 practitioners, governmental officials and civil society representatives, reaching more than 80 countries in Central and Eastern Europe, Africa, the Middle East, Asia and Central and Latin America.

2. INTERGOVERNMENTAL

HTMSS provides substantive support to the work of intergovernmental bodies and processes. In 2018, HTMSS contributed to the 27th session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) (*pages 6 & 7*) and serviced the 8th Session of the Working Group on TIP and 5th session of the Working Group on SOM (*page 10*). In addition, HTMSS is continuously contributing to the **development of the** *Global Compact for Safe, Orderly and Regular Migration (GCM)*, including in its six informal thematic sessions on the human rights of migrants, the drivers of migration, international cooperation, and the contributions of migrants and labour mobility.



3. INTERAGENCY COOPERATION

HTMSS participates actively in initiatives to promote multilateral cooperation and shared approaches between different organizations working to address TIP and SOM, including the *Inter-Agency Coordination Group Against Trafficking in Persons* (ICAT) and the *Global Migration Group* (GMG).





UNODC also recently developed, together with **IOM**, a *Joint Platform on countering smuggling of migrants*. This initiative aims at pooling together the complementary experience of the two organizations in combating migrant smuggling, and to provide support to States in developing a truly **comprehensive and evidence-informed response** to migrant smuggling, covering criminal investigation and prosecution, protection of smuggled migrants and reinforcing international cooperation.

4. TOOLS AND PUBLICATIONS

UNODC regularly publishes tools and publication for Member States and relevant practitioners to better understand the concept, trends, modus operandi and routes – when applicable – of TIP and SOM. Among recent publications, we can note: the <u>Case Digest on "Evidential Issues in Trafficking in Persons Cases"</u>, based on 135 cases from 31 jurisdictions from the <u>Trafficking in Persons Case Law Database</u>, hosted and administered by HTMSS, and an Issue Paper on <u>The concept of 'Financial or Other Material Benefit' in the Smuggling of Migrants Protocol</u>, which some of the analysed case law were taken from the <u>Smuggling of Migrants Case Law Database</u>.

⇒ France has been contributing to the work by HTMSS since 2010

Since 2010, France has been supporting and actively collaborating with HTMSS in the domain of inter-governmental cooperation (*point 2*) by participating in discussions with other countries within the United Nations as well as by being a predominant figure in activities of technical assistance and development of technical tools (*points 1 & 4*).

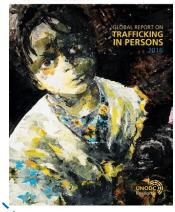
Between 2015 and 2017, France's financial contribution to the UNODC's programme to combat money laundering and seize criminal assets facilitated the organisation of a cycle of three regional expert meetings in South-East Europe. Promoting the exchange between experts from different sectors, this programme enabled the development of investigation strategies in the Balkans, inspired by Europe's approach in the fight against organised crime where the final objective is the seizure and confiscation of criminal assets. A final report documenting this regional cooperation was compiled in French and English. (An event was organised on this topic parallel to the 27th CCPCJ, page 7).



Similarly, over the 2018-2019 period, a new cycle of three regional expert meetings, organised in collaboration between UNODC, France and ECPAT France, is planned. The theme of this cycle will be the fight against forced crime and its judicial treatment. The first seminar will be held from 2-5 October in Sarajevo, Bosnia and Herzegovina.

Finally, France is contributing to the creation of **global reports produced by UN entities** by presenting data documented following inter-departmental consultation:





Contribution to the 2016 Global Report on Trafficking in Persons (right) and to the first Global Report on Migrant Smuggling published on 13 June 2018 (left).

France is currently contributing to the next Global Report on Trafficking in Persons, which will focus on the victims of human trafficking in armed conflict zones.





RETURN TO ...

... FRANCE'S PARTICIPATION IN WORKING GROUPS ON

TRAFFICKING IN PERSONS AND MIGRANT SMUGGLING

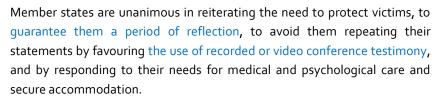
FROM 2-5 JULY 2018, UNODC, VIENNA

From 2-5 July, hosted working groups on trafficking in persons (8th session) and migrant smuggling (5th session) respectively focussing on the implementation of the additional protocol from the Palermo Convention aiming to prevent, suppress and punish trafficking in persons, especially women and children, and the protocol against the smuggling of migrants by land, sea and air.



On 2 and 3 July, the human trafficking working group discussed the text issued by the Secretariat on "international cooperation in affairs relating to human trafficking: recognising the needs and rights of victims". The text was illustrated with national practices presented by the panellists (United Kingdom, Nigeria, Argentina, Thailand and Italy), promoting constructive exchange between the countries represented. As part of its intervention, France underlined the need to develop, in addition to the formal channels of cooperation, extended networks of coordination that include civil society and institutions set up for the protection of victims and minors.

Support of identified victims of human trafficking is encouraged by the development of partnerships with the ambassadors, the strengthening of international cooperation between the countries of origin, transit and destination, and the development of victim compensation primarily through the confiscation of criminal assets originating from trafficking for the Trust Fund for Victims of Human Trafficking.







On 4 and 5 July, the **migrant smuggling working group** reflected on the strengthening of the penal legislative framework in international cooperation facilitating investigations and prosecutions against migrant smugglers. The panellists (Mexico, Egypt, Thailand) presented their national and regional legislative framework for combatting trafficking as well as good education practices.

The countries emphasised the importance of not criminalising illegal migrants and instead prosecuting the traffickers effectively. The protection of human rights was at the heart of the debates and national declarations.

The two working groups committed to finalising questionnaires relating to the implementation of the two additional protocols focussing on two objectives: limiting each questionnaire to the strict field of application of the protocols and keeping these concise to reduce costs of the scheme and improve its efficiency.

... the seminar organised by UNODC in Chisinau

The exemplary nature of a technical and judicial cooperation in Eastern Europe, the South Caucasus region and in Central Asia

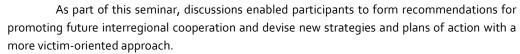
From 5-7 June 2018, Moldova hosted an interregional seminar as part of which the major regional and bilateral stakeholders discussed the best approach for strengthening international cooperation to combat human trafficking. Issues raised included judicial cooperation as well as national reporting, referencing and coordination mechanisms between institutions.

Organised in collaboration between UNODC and the permanent secretariat for human trafficking in Moldova, and with the financial support of the USA, this seminar brought together panellists from countries of origin, transit and destination of victims of human trafficking throughout the EU, Eastern Europe, the South Caucasus region and Central Asia.



Ms. Caroline Charpentier, French magistrate in charge of coordinating the fight against human trafficking in South-East Europe, presented the objectives of coordination mission in the Balkans that she heads, and underlined both the need to strengthen institutional cooperation between countries and the importance of working together with civil society.

The exchange of information on the modes of operation of criminal human trafficking networks was particularly enriching thanks to the participation of experts from UNODC, ICMPD, EUROPOL, INTERPOL and the Council of the Baltic Sea States. Building on this, Mr Davor Raus, Justice Officer for the UNODC's Human Trafficking and Migrant Smuggling section, encouraged countries present to reinforce their transnational investigation and prosecution capacities.







EN BREF

- → 16-19 April, Romania: meetings with enforcement and judicial authorities, civil society and the National Agency for the Prohibition of Trafficking in Persons.
- → 31 May 1 June, Bulgaria: international conference on human trafficking organised as part of the Bulgarian presidency of the EU.
- → 11-14 June, Serbia: presentation of the work by the Serbian NGO for the protection of the victims of human trafficking and sexual violence, ATINA, and promotion of the abolitionist model by French Essonne judicial supervisory association A.C.J.E.
- → 9-12 July, Albania: follow-up to institutional technical cooperation and cooperation between civil society and the Caritas Albania project concerning exploited minors.

À VENIR

- → 17 -21 September, Greece: institutional meetings and meetings with civil society.
- ightarrow 25-28 September, Kosovo: follow-up to technical cooperation.
- ightarrow 2-5 October, Sarajevo: regional seminar on "TEH and forced crime" with UNODC (page 9).
- \rightarrow 15-19 October, Vienna: 9th Conference of Parties to the Palermo Convention.
- → 30 October 2 November, Bulgaria: conference on "TEH and the recruitment and exploitation via new technologies and the Internet" with UNODC.

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