

WORK PLAN  
TO COMBAT TRAFFICKING IN PERSONS IN THE WESTERN HEMISPHERE 2010-2014

(Adopted at the meeting of the Committee on Hemispheric Security held on April 29, 2010, and reviewed at the Third Meeting of National Authorities on Trafficking in Persons held on October 15 and 16, 2012, in Guatemala City, Guatemala)

Based on their commitment to improve their capacity to prevent trafficking in persons, a form of modern-day slavery, and to protect the victims and punish the perpetrators of the crime, the OAS member states requested the Department of Public Security (DPS) of the OAS Secretariat for Multidimensional Security to prepare, within the framework of the Second Meeting of National Authorities on Trafficking in Persons, a proposed work plan for consideration by the Committee on Hemispheric Security.

The contents of the work plan were based on the conclusions and recommendations of the First and Second Meetings of National Authorities on Trafficking in Persons held in Margarita, Bolivarian Republic of Venezuela, and Buenos Aires, Argentina. Recognizing that actions undertaken in the areas of prevention, protection, and prosecution can overlap, the work plan divides possible activities suggested to member states and assigns mandates to the OAS General Secretariat across prevention, protection of victims of trafficking in persons, and prosecution of offenders, consistent with the Palermo Protocol.

The work plan is thus a frame of reference to guide actions by member states and by the OAS General Secretariat in an effort to assist the states in preventing, prosecuting, and penalizing combating trafficking in persons for the 2010-2014 period. The extent to which each member state implements parts or all of this work plan is at the sole discretion of each member state.

This plan of action can be updated in accordance with new agreements reached in this matter.

This work plan uses the definition of trafficking in persons from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Convention) that states that “‘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.”

## **1. POSSIBLE ACTIVITIES FOR MEMBER STATES IN PREVENTION**

1. Assess the availability of legislation, policies, and/or programs for the prevention of trafficking in persons and how legislation and/or policies aimed at promoting human rights protection, reducing poverty and marginalization, preventing violence against women, comprehensive protection of children, education, labor, migration, health, discrimination, and economic development, among others, can be used to prevent trafficking in persons.

2. Ensure that public policies against trafficking in persons, whether at the national or international level, take a comprehensive approach against trafficking in persons (crime prevention, migration, employment, security, health, and protection of refugees, among others).<sup>1/</sup>

3. Identify groups vulnerable to trafficking in persons, including indigenous persons, and develop measures to protect individuals in those groups from falling victims to trafficking in persons.

4. Ensure that comprehensive protection systems for children are in place and solicit their views when developing preventive measures.

5. Implement information and awareness campaigns among vulnerable groups, in cooperation with civil society, when appropriate, especially through free assistance hotlines, to disseminate information translated insofar as possible into different languages on legal employment procedures, information on migration, and dangers of trafficking in persons, including, where applicable, the use of the predominant indigenous languages of the member states.

6. Strengthen information exchange and cooperation among security officers, immigration officers, and/or other relevant authorities.

7. Establish strategies and develop rapid response capabilities against trafficking in persons, including strategies that target vulnerable populations as a result of conflict, natural disaster, and other disasters that result in the displacement of persons.

8. Implement measures to reduce the vulnerability of children, through information and awareness programs at the primary and secondary school level that promote, among others things, respect for rights and responsibilities of individuals (strengthening of civic education).

9. Adopt awareness initiatives in member states that receive trafficking victims, with a view to reduce demand, among other things.

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1. Brazil reaffirms its commitment to the full implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Brazil notes that the document established the classification of human trafficking under international law. Given that the statute, a well-grounded instrument of international law, makes no mention of "internal trafficking," Brazil believes that the Work Plan, which is of a lesser status, should not establish a recognition that does not exist in the Protocol. From the standpoint of the Brazilian Government, it is the member states' prerogative to apply the Protocol in accordance with their criminal law system. Brazil therefore places on record its reservation to the expression "whether at the national or international level."

10. Promote values and practices that contribute to the prevention of trafficking in persons, including through programs for education on coping with diversity, whether ethnic, cultural, religious, gender, or socio-economic.

11. Adopt comprehensive strategies and/or action plans directly or indirectly related to combating trafficking in persons, including but not limited to money laundering, corruption, violence against children, and violence against women.

12. Develop a national system for regular follow-up of strategies and/or action plans to ensure their effectiveness and to identify the problem of trafficking in persons as it evolves.

13. Ensure that officials of the respective governments participating in peacekeeping operations are provided instructions on how to act in relation to the problem of trafficking in persons to prevent conduct that may facilitate this type of crime.

14. Establish coordination mechanisms among the national bodies in charge of implementing coordinated responses to trafficking in persons, including civil society organizations, as appropriate.

15. Move forward in establishing measures to supervise travel agents and job recruiters in countries of origin, transit, and destination, to prevent them from being used to promote trafficking in persons, and encourage said agencies to adopt measures to prevent this crime.

16. Consider signing, ratifying and/or acceding to the Inter-American Convention against Corruption and the United Nations Convention against Corruption, and/or other anti-corruption mechanisms.

17. Ensure that domestic laws, programs, and policies are strengthened to address corruption, including corruption in the context of trafficking in persons, and ensure that such acts are effectively investigated, prosecuted, and punished.

18. Strengthen, in accordance with domestic laws, mechanisms for cooperation among the member states on judicial investigation, mutual legal assistance, and extradition, in accordance with the Inter-American Convention on Mutual Assistance in Criminal Matters and other applicable instruments.

## 2. **POSSIBLE ACTIVITIES FOR MEMBER STATES IN PROSECUTION**

19. Adopt appropriate and comprehensive legislation against trafficking in persons.

20. Consider, in accordance with national capacities and necessities, the establishment of police units and prosecution units specialized in trafficking in persons.

21. Promote comprehensive training for law enforcement, immigration and tax officers, labor inspectors, social workers, and personnel engaged in combating trafficking in persons. Such training should cover the importance of safeguarding and protecting human rights, refugee protection,

gender, and protection of minors, taking into account the mechanisms for cooperation with civil society, and recognizing that trafficking in persons occurs within and across international borders.<sup>2/</sup>

22. Explore the possibility of establishing and/or strengthening bilateral and multilateral agreements for the exchange of criminal records on individuals who have been convicted of the crime of trafficking in persons and related crimes, according to the laws of each country.

23. Consider the adoption of investigation processes and techniques to develop evidence that is independent of the testimonies of victims of trafficking in persons.

24. Develop expertise in special investigative techniques, in keeping with domestic laws, that can be used in national and international investigations, as it relates to trafficking in persons.

25. Continue to strengthen immediate operational contacts for information exchange; as well as mechanisms for coordinated judicial cooperation and research, special investigative techniques, administrative cooperation, mutual legal assistance, extradition, and, as much as possible, intelligence, in order to identify the modus operandi, routes, and movements of traffickers between the countries of origin, transit, and destination.

26. Ensure that laws criminalize trafficking in persons in a manner consistent with the definition of trafficking in persons contained in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

27. Promote procedures and practices within national judicial systems to ensure the effective tracing and confiscation of proceeds and instrumentalities of the crime of trafficking in persons, making use of international cooperation.

28. Encourage the adoption of domestic laws that include provisions for establishing civil, criminal, or administrative penalties, as the case may be, for natural persons acting individually and organized crime groups as well as legal persons engaged in activities related to trafficking in persons.

29. Encourage the adoption of criminal penalties for trafficking offenses that are commensurate with those of other serious crimes as defined by the United Nations Convention on Transnational Organized Crime.

30. Strengthen, according to national capacities, the collection of data on criminal prosecution of trafficking offenses at national and local levels, as the case may be.

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**3. POSSIBLE ACTIVITIES FOR MEMBER STATES IN PROTECTION**

31. Ensure that national legislation is in accordance with the United Nations Convention against Transnational Organized Crime (Palermo Convention) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

32. Take appropriate measures, including assessment of existing legislation, regulations, guidelines, or action plans to assist and protect national and foreign victims of trafficking in persons and/or witnesses, and where appropriate, immediate family members.

33. In collaboration with civil society and private enterprise, create job, educational, and vocational support programs for victims of trafficking and individuals vulnerable to this crime.

34. Ensure that victims of trafficking in persons are informed about protection and other services available to them, in a language they can understand.

35. Ensure that victims of trafficking in persons are aware of and have access to consular services.

36. Ensure that personnel with whom a victim comes into contact, including consular officials, immigration officers, police, labor inspectors, social workers, health personnel, representatives of civil society, have been trained in identifying and assisting victims of trafficking in persons and, where appropriate, their immediate family members.

37. Promote the establishment of or, where appropriate, increase the number of adequate shelters for victims of trafficking in persons, taking into account gender, age, and other factors.

38. Develop policies and programs to protect victims of trafficking in persons based on respect for human rights, taking into account gender, age, health, and other factors.

39. Adapt, when necessary, laws and procedures to protect the identity and privacy of victims and/or witnesses of trafficking in persons to the fullest extent possible, taking steps to ensure the legality and integrity of their statements and testimonies.

40. Ensure that victims of trafficking in persons are provided access to free legal advice as well as to legal aid, where available.

41. Promote measures to provide physical protection of victims or witnesses of trafficking in persons before, during, and after completion of a trial.

42. Cooperate with other states to provide protective measures for victims of trafficking in persons, including the granting of residence for victims and witnesses.

43. Adopt policies to ensure that victims of trafficking in persons without legal immigration status are afforded access to victim protection.

44. Encourage adoption of laws and procedures so that deportation and/or immigration proceedings are not used against victims of trafficking in persons while they are cooperating with law enforcement or involved in a trial against perpetrators of trafficking in persons.

45. Consider the security risks associated with the repatriation and reintegration of the victim of trafficking in persons so that the victim can make an informed decision.

46. Develop awareness campaigns, including reference to legal consequences, to help reduce demand in trafficking in persons, especially as it relates to sexual and labor exploitation.

47. To encourage member states to consider, in the framework of their respective national legislations, criminal laws or other appropriate measures that are applicable to so-called clients, customers, or users of trafficking for purposes of sexual exploitation, as well as other forms of exploitation of persons.

48. Adopt special protective measures to provide for the safety and care of child victims of trafficking in persons in the country of origin, transit, and destination.

49. Establish and strengthen cooperative arrangements with civil society for the protection of child victims of trafficking in persons.

50. Consider allocating resources in national budgets to care for, protect, and, where possible, compensate victims of trafficking in persons and, where appropriate, their immediate family members.

51. Encourage adoption of legislative measures so that victims of trafficking in persons are not tried, detained or punished for their involvement in illegal activities into which they have been coerced.

52. Consider offering to host the Third Meeting of National Authorities on Trafficking in Persons.

### **Mandates to the General Secretariat**

1. Develop materials to raise awareness and to train security forces, law enforcement officers, immigration officers, prosecutors, and judges in the region in the prevention, investigation, and prosecution of the crime of trafficking in persons and in the identification and protection of victims of trafficking in persons.

2. Identify opportunities to incorporate the issue of trafficking in persons and training modules into the curricula of police academies.

3. Adopt measures for training justice system officials in matters related to trafficking in persons.

4. Present to the member states a proposal for the establishment of national, subregional, and regional networks for security forces, law enforcement, prosecutors, and judges to exchange information related to training and awareness programs.

5. Strengthen the training of civil servants in the prevention and identification of the different forms of crimes of trafficking in persons that occur through information and communication technology.

6. Collect, in collaboration with civil society organizations, information on transit routes used by groups vulnerable to trafficking in persons, in order to prioritize preventive measures in areas where vulnerability is greatest.

7. Compile information on best practices that prevent and combat trafficking in persons, including immigration controls in place to identify victims of trafficking in persons. In addition, prepare and disseminate a report that includes laws, policies, and programs of the member states.

8. Request that member states identify a national point of contact for trafficking in persons and provide this information to the General Secretariat.

9. Prepare and disseminate as widely as possible the Directory of National Authorities.

10. Foster and encourage regional and international inter-agency cooperation with international organizations interested in the subject of trafficking in persons, such as UNHCR, IOM, ILO, UNODC, and UNICEF.