

PERMANENT COUNCIL OF THE
ORGANIZATION OF AMERICAN STATES
COMMITTEE ON HEMISPHERIC SECURITY

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Working Group to Prepare for the
Fifth Meeting of National Authorities on
Trafficking in Persons

HEMISPHERIC EFFORTS AGAINST TRAFFICKING IN PERSONS (DECLARATION OF
MEXICO)^{1/}

(Adopted in the framework of the Working Group and submitted to the CSH for consideration and subsequent referral to the Fifth Meeting of National Authorities on Trafficking in Persons)

RECOGNIZING that the crime of trafficking in persons and the human exploitation that is its ultimate purpose is a serious problem in the Americas that warrants its classification as a contemporary form of slavery;

EMPHASIZING that the crime of trafficking in persons, particularly when committed by transnational criminal organizations, demands an intense cooperation effort among victims' States of origin, transit, and destination in order effectively to prevent and combat it with comprehensive measures;

RECOGNIZING the need to continue developing and perfecting national and subregional migration policies to prevent violations of the human rights of migrant persons and protect them in their vulnerability to trafficking in persons associated with the increase in migrant flows;

UNDERSCORING the role of civil society and other social actors, in accordance with domestic law, as partners in the development and implementation of activities to prevent and combat trafficking in persons and, in particular, in the protection of and assistance to victims of trafficking in persons;

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1. On March 5, the delegation of Paraguay announced its ad referendum reservation to the whole document.

REITERATING the Inter-American Declaration against Trafficking in Persons (Declaration of Brasilia), adopted on December 15, 2014;

RECOGNIZING that most victims of human trafficking worldwide are women and girls, as well as marginalized and vulnerable people, who, as victims, require a response that pays attention to age and gender;

WELCOMING the ratification or accession by 172 States Parties of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (hereinafter “Palermo Protocol”),^{2/} supplementing the United Nations Convention against Transnational Organized Crime, which provides an effective global legal framework to promote international cooperation against this crime;

RECOGNIZING the 2030 Agenda as a framework for sustainable development that can help countries work toward achievement of peace and prosperity in the world, including the goals and targets relating to the eradication of trafficking in persons: SDG Targets 5.2, 8.7, and 16.2;

TAKING NOTE of the New York Declaration for Refugees and Migrants, adopted on December 13, 2016, which notes the importance of coordinating efforts related to assisting and protecting the migrant population that is subject to smuggling and which, on account of its vulnerability, includes potential victims of trafficking in persons;

STRESSING that the United Nations General Assembly decided, from 2014 onward, to mark World Day against Trafficking in Persons on July 30 each year, in order to create greater awareness about the plight of victims of this crime as well as to promote and protect their rights;

RECOGNIZING the advances made in the Political Declaration adopted at the High-level Meeting of the United Nations General Assembly on the Appraisal of the UN Global Plan of Action to Combat Trafficking in Persons, held at New York on September 27 and 28, 2017;

2. The Palermo Protocol to which this document refers is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

RECOGNIZING that in order to prevent, punish, and eradicate violence against women, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará, 1994) includes, *inter alia*, trafficking in persons in its definition of “violence against women” and establishes the obligation to ensure that women who are victims of trafficking have access to fair and effective legal procedures, as well as effective access to restitution, reparation for damages, or other just and effective remedies; (Article 7)

RECALLING the resolution entitled “Promotion of Hemispheric Security: A Multidimensional Approach”, adopted by the OAS General Assembly at its forty-seventh regular session in June 2017, and Permanent Council resolutions CP/RES. 1087/17 and CP/RES. 1089/17 concerning the place and date of the Fifth Meeting of National Authorities on Trafficking in Persons; and

REAFFIRMING the objectives of the Second Work Plan against Trafficking in Persons in the Western Hemisphere 2015-2018 and its suggested indicators,

WE DECLARE THE IMPORTANCE OF:

1. Rejecting any act that might constitute the crime of trafficking of persons in our Hemisphere and prosecuting those responsible for that crime under applicable national law.
2. Taking steps region-wide to prevent and eliminate trafficking in person and all its manifestations in the public as well as private arenas, especially when it targets women and children.
3. Promoting the implementation by States Parties of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and encouraging national experts and civil society representatives from the Americas to promote the exchange of good practices and lessons learned at the global level regarding implementation of this protocol.

4. Taking immediate and effective measures throughout the Americas to eradicate trafficking in persons and all its manifestations, and securing the prohibition and elimination of the worst forms of child labor, including unlawful recruitment and use of child soldiers.

5. Encouraging partnerships and networks between the public and private sectors that bring together national authorities, businesses, media, academia, civil society organizations, and other social actors, to foster cooperation in the design and implementation of policies and programs to prevent and eliminate trafficking in persons and protect victims and their dependents, as appropriate, in order to facilitate the sharing of information, experiences, and lessons learned.

6. Fostering the creation of partnerships of the public and private sectors, civil society, and other actors, to exchange information on effective practices to prevent, reduce, and eliminate forced labor in the supply chains for all goods and services.

7. Fostering cooperation between the public and private sectors to prevent and combat trafficking in persons and other forms of exploitation of migrant workers, particularly women and children.

8. Encouraging the private sector, trade unions, relevant civil society institutions, and other social actors, to promote activities, including codes of conduct, to ensure protection of the human rights and fundamental freedoms of workers throughout the supply chain in order to prevent the exploitative situations that foster trafficking in persons.

9. Urging the General Secretariat of the Organization to develop or revise, as appropriate, policies or regulations to strengthen protection against trafficking in persons in the institution's procurement of goods and services.

10. Promoting partnerships of the public sector, the private sector, civil society, and other social actors to provide people with appropriate accommodation and services, especially for women and children who are identified as victims of trafficking in persons and their dependents, as appropriate.

11. Promoting adequate psychological, social, and medical care and legal assistance, as well as educational and employment opportunities to facilitate recovery and reintegration for victims of trafficking in persons and, where appropriate, for their dependents, in addition to strengthening regional and international cooperation and action as a result.

12. Promoting access to free legal aid for victims of trafficking in persons, including protection of their human rights as migrants, as appropriate, and their legal rights in the relevant judicial and administrative proceedings.

13. Promoting prevention of trafficking in persons and identification of victims of trafficking in persons at the national, regional, and international levels.

14. Promoting the region-wide development of model laws, programs, and policies that are focused on identifying, caring for, protecting, and assisting victims of trafficking in persons, as established in the Palermo Protocol, and, where appropriate, their dependents, to serve the member states as a guide and reference for the design and implementation of their own national efforts, including with regard to the definition of human trafficking offenses and their criminalization.

15. Adopting appropriate legislative or other domestic measures to permit migrants identified as victims of trafficking in persons and their dependents, as appropriate, to receive protection and comprehensive specialized assistance, including work permits, as well as temporary or permanent residence in the country where they are, as appropriate, in accordance with international law and pertinent domestic law.

16. Encouraging bilateral, regional, and multilateral cooperation mechanisms for the approval of procedures, where necessary, for the safe and humane repatriation of victims of trafficking in persons and their dependents, as appropriate, including access to assistance for their reintegration, where applicable, in accordance with international law and pertinent domestic law.

17. Strengthening cooperation with civil society organizations, academia, and other social actors, in order to implement strategies to inform, raise awareness, and sensitize society as a

whole, as well as targeted groups, especially those identified as vulnerable to trafficking in persons, with a view to preventing and combating this crime and improving information-sharing.

18. Promoting ongoing training for public sector employees about the legal consequences of trafficking in persons, in order to address and confront the factors that may precondition the commission of such crimes, including the demand that may foster any type of exploitation. Identifying essential training content that should be delivered to public sector employees, depending on their area of work and duties.

19. Continuing to promote ongoing, comprehensive training, among other measures, for officials and staff in the immigration, health, foreign affairs, consular, security, labor inspection, and social services sectors, among others, on the different characteristics of trafficking in persons in all its forms, in order to enhance their skills in preventing, detecting, investigating, prosecuting, and securing convictions for trafficking in persons, and in providing comprehensive, timely, adequate care for victims of trafficking in persons, including those emotionally traumatized, taking into consideration the specifics of each population group and the particular vulnerabilities of each, in accordance with the domestic and international law in force.

20. Strengthening the capacities of the national authorities and personnel responsible for the investigation, prosecution, and punishment of crimes of trafficking in persons in the member states, and strengthening national, regional, and international coordination and cooperation among law enforcement agencies to prevent and investigate the crime of trafficking in persons; arrest, prosecute and convict those responsible for the crime and their accomplices; and address victims' need for assistance and protection during the investigation and prosecution of this crime.

21. Developing public policies that include input from the private sector, civil society and other social actors, including survivors of the crime of human trafficking, with a view to helping victims of this crime to become reintegrated in society and find employment.

22. Considering the establishment and/or application of mutual legal assistance and extradition agreements, as pertinent, to detect, investigate, prosecute, and convict those responsible

for trafficking in persons in accordance with the relevant provisions of national and international law, including the United Nations Convention against Transnational Organized Crime and its Protocols.

23. Promoting the promulgation or update of national anti-trafficking laws that clearly define and criminalize the specific acts, means, and purpose of human trafficking crimes, as required of States Parties to the Palermo Protocol.

24. Ensuring, through the Secretariat for Multidimensional Security and the Technical Secretariat of the Mechanism to Follow up on Implementation of the Convention of Belém do Pará (MESECVI), the coordination, synergy, and exchange of information between national authorities on trafficking in persons and competent national authorities for women's rights, with a view to strengthening the prevention, punishment and eradication of trafficking in persons, especially of women and girls, with a gender perspective based on respect for human rights and in accordance with the Convention of Belém do Pará, in keeping with the agreements adopted by the Seventh Conference of States Parties to the Convention of Belém do Pará.

25. Increasing international, regional, and subregional cooperation and assistance among countries of origin, transit, and destination to strengthen their capacity to combat trafficking in persons, including by engaging in efforts to prevent, investigate, prosecute, and condemn all forms of the crime of trafficking in persons.

26. Increasing efforts, in accordance with domestic laws, to produce standardized, common indicators, as well as variables, and increasing the availability and quality of comparable statistical data that can be shared locally, regionally, and worldwide. Such information is needed to enable trends and characteristics of trafficking in persons to be documented, support good practices, determine technical assistance needs, and contribute to policy formulation, including the adoption of measures to deal with demand that encourages trafficking in persons.

27. Promoting the allocation of appropriate financial resources, to the extent possible, for the implementation of national programs, plans, and actions for the prevention of trafficking in persons, the prosecution and trial of those responsible for that crime, and the provision of

comprehensive assistance, including an adequate approach to cases of emotional trauma, as well as care and protection for victims and, where appropriate, their dependents.

28. Instructing the General Secretariat of the Organization of American States, to include in the draft program-budget to be considered by the General Assembly the necessary financial resources for the Department of Public Security and the Department to Combat Transnational Organized Crime to implement the work plans to combat trafficking in persons in the Western Hemisphere; and providing the necessary technical assistance to those member states that may request it.

29. Supporting within the Inter-American Network for the Prevention of Violence and Crime of a region-wide knowledge base on trafficking in persons, and assisting in the presentation to the Department of Public Security of the information and data required for that knowledge base.

30. Commending all member states for having signed and ratified the United Nations Convention against Transnational Organized Crime and its Protocol against Trafficking in Persons, especially Women and Children, and urging them to implement them effectively on behalf of the victims of that crime.

31. Extending the period of implementation of the Second Work Plan against Trafficking in Persons in the Western Hemisphere until 2020.

32. Inviting the General Secretariat of the Organization of American States, through the Secretariat for Multidimensional Security, to continue supporting the implementation of the Second Work Plan against Trafficking in Persons in the Western Hemisphere 2015-2020 and to provide the necessary technical assistance to member states should they request it.