

PERMANENT COUNCIL OF THE
ORGANIZATION OF AMERICAN STATES

COMMITTEE ON HEMISPHERIC SECURITY

OEA/ Ser.K/XXXIX.6
RTP-VI/doc.4/21 rev. 1
14 May 2021
Original: Spanish

Sixth Meeting of National Authorities
on Trafficking in Persons

May 13-14, 2021

Virtual

RECOMMENDATIONS OF THE SIXTH MEETING OF NATIONAL AUTHORITIES ON
TRAFFICKING IN PERSONS, “CHALLENGES IN THE FIGHT
AGAINST TRAFFICKING IN TIMES OF PANDEMIC”

(Adopted on May 14, 2021)

We, the National Authorities on Trafficking in Persons of the Americas and representatives of the member states of the Organization of American States (OAS), meeting virtually on May 13 and 14, 2021, at the Sixth Meeting of National Authorities, chaired by Argentina,

RECALLING our commitment to the principles that inspired the Universal Declaration of Human Rights; the American Declaration on the Rights and Duties of Man; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; the American Convention on Human Rights, especially the provisions pertaining to the protection of children; the United Nations Convention on the Rights of the Child; the optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography; the United Nations Declaration on the Rights of Indigenous Peoples; the Inter-American Convention on International Traffic in Minors; the International Labour Organization’s Convention No. 182 on the Worst Forms of Child Labour; the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará, 1994); as well as resolutions on the matter adopted in the United Nations General Assembly, Economic and Social Council, and Commission on Crime Prevention and Criminal Justice, the Global Plan of Action against Trafficking in Persons, and the Sustainable Development Goals of the 2030 Agenda;

REAFFIRMING the obligations of the United Nations Convention against Transnational Organized Crime (Palermo Convention) and of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, which supplements said Convention, of which all the member states are parties; and welcoming the twentieth anniversary of the adoption of both instruments;

EMPHASIZING that the United Nations General Assembly established July 30 as “World Day Against Trafficking in Persons,” starting in 2014, in an effort to boost awareness about the situation of victims and survivors of this crime and to promote and protect their rights, and declared 2021 as the International Year for the Elimination of Child Labour;

RECOGNIZING the contributions of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) in fostering coordination and cooperation in efforts to prevent and combat trafficking in persons, within the existing mandates of its United Nations and regional organization members and partners, as well as the development of various issue papers on current topics having an impact on global anti-trafficking efforts, and welcoming the OAS's participation as ICAT's newest member, including at the Principals level;

HIGHLIGHTING the 2020 United Nations Office on Drugs and Crime (UNODC) Global Report on Trafficking in Persons;

EMPHASIZING the shared commitment toward taking effective steps to prevent and combat human trafficking, particularly of women and children, including measures to prevent this crime, punish traffickers, and protect trafficking victims and survivors and protecting their internationally recognized human rights;

REAFFIRMING the principle of co-responsibility among the states and upholding our Governments' commitment to strengthen regional and international cooperation and coordination to combat this serious crime;

RECALLING that the fight against this crime must be in accordance with obligations under international law, including international human rights law and respect for the rule of law;

RECALLING that countries of origin, transit, and destination must continue to work to develop public policies and, in a coordinated manner, prevention, identification, assistance, protection, recovery, voluntary repatriation, and reintegration programs, using a comprehensive and multidisciplinary victim-centered and trauma-informed approach that takes into account gender-, sexual diversity-, age-, disability-, language-, and culture-related issues, without neglecting the safety of victims and survivors and respecting their human rights;^{1/2/3/}

FURTHER RECOGNIZING member states' determination to make protection of victims and survivors one of the core pillars of national public policies and international cooperation to combat trafficking in persons;

RECALLING, likewise, that trafficking in persons and migrant smuggling are crimes that, on some occasions, may be interrelated, for which reason it is advisable that both crimes, with the different particular characteristics, be addressed by the member states through strategic actions that encompass both phenomena, where warranted;

DRAWING ATTENTION to the relatively low visibility in our society of different forms of exploitation, which, in addition to sexual exploitation, include, *inter alia*, domestic servitude, forced labor, forced marriage, recruitment of minors for organized crime groups, and slavery-like practices;

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1. Paraguay joins the consensus on the understanding that it will not implement any recommendation that is contrary to its domestic laws.
 2. The Government of Jamaica is committed to respecting and promoting human rights and to protecting and upholding the human rights of all its citizens, including from any form of violence...
 3. The Government of Saint Lucia remains committed to its obligations under the Universal Declaration of Human Rights and related international conventions to which Saint Lucia is signatory. The Government ...

TAKING INTO ACCOUNT the increasing misuse of information and communications technologies by criminal groups, including the various existing online platforms, as tools for forced labor or services, sexual and other forms of exploitation of their victims and survivors, particularly in the context of the COVID-19 pandemic;

REITERATING that addressing the protection of victims and survivors of trafficking requires a victim-centered and trauma-informed response that pays special attention to age, gender, language, sexual diversity, disability, and culture, without discrimination, and bears in mind specific situations of vulnerability;^{4/5/6/}

ACKNOWLEDGING the importance of addressing the systemic disparities that marginalize certain communities and embolden traffickers and of integrating an equity-based approach into anti-trafficking policies and programs;

RECALLING the principles and recommendations of the Inter-American Declaration on Hemispheric Efforts to Combat Trafficking in Persons (Declaration of Mexico), adopted on March 13, 2018; the Inter-American Declaration against Trafficking in Persons (Declaration of Brasilia), adopted on December 5, 2014; and the documents stemming from previous meetings that form part of the institutional legacy of this forum;

RECALLING ALSO resolution AG/RES. 2950 (L-O/20), “Advancing Hemispheric Security: A Multidimensional Approach,” adopted at the fiftieth regular session of the OAS General Assembly in October 2020, as well as Permanent Council resolution CP/RES. 1170 (2318/21), “Place and Date of the Sixth Meeting of National Authorities on Trafficking in Persons”; and

WELCOMING the progress made in the countries of the Hemisphere since the adoption and implementation of the Second Work Plan to Combat Trafficking in Persons in the Western Hemisphere (2015–2020),

RECOMMEND:

1. Continuing to work to more effectively to prevent and combat human trafficking, as well as protect and assist the victims of this crime, using the 3P approach reflected in the Palermo Convention and its protocol (prevention, prosecution, and protection), as well as partnerships, and also including strategies for providing victims with redress in accordance with each country’s domestic legislation.

2. Emphasizing that trafficking in persons must be addressed from the standpoint of shared responsibility among the countries of origin, transit, and destination, and calling on member states to strengthen legal and administrative cooperation, as appropriate, and to work as a whole to fight this scourge that transcends national borders, in accordance with domestic law and the international instruments in force.

3. Calling on all states to exercise due diligence to prevent and investigate trafficking in persons and punish those responsible, and to rescue victims and survivors and take measures to protect

4. Idem 1.

5. Idem 2

6. Idem 3

them and avoid any adverse impact on their enjoyment of their human rights and fundamental freedoms.

4. Emphasizing the importance of not re-victimizing and criminalizing victims of trafficking and providing assistance, backing, and support to victims and survivors of this crime after they are rescued in order to ease their reintegration into society and prevent them from once again falling into the hands of trafficking organizations, working to build and pursue their life plans, involving different segments of the population and local governments.

5. Emphasizing the importance of not criminalizing victims of trafficking in persons for crimes traffickers compelled them to commit, and where there is a criminal record of such acts, provide them with access to channels for remedy for the expungement or vacatur of their criminal records, within the framework of existing domestic law, and providing assistance and support to victims of this crime after their release or escape from exploitation in order to ease their reintegration into society and prevent them from re-victimization.

6. Urging member states to identify opportunities for integrating anti-trafficking components into existing or planned work related to preventing and combating gang and criminal activity, particularly among children, and to educate policy makers and first responders on potential anti-trafficking components to these issues, particularly policies related to identifying children forced to commit crimes and treating them as victims rather than criminals.

7. Urging states to continue to work actively to prevent trafficking in persons, with an emphasis on the underlying causes of the population becoming vulnerable to this crime, working in a coordinated fashion in communities, in coordination with public institutions, civil society, and international organizations.

8. Urging member states to enhance, as appropriate, the effectiveness and efficiency of border control mechanisms, in a manner consistent with their obligations under international law, including the right to leave any country, including one's own, and those relating to international protection, and coordination with social service agencies, with special emphasis on age-, gender-, and sexual diversity-based protection, while also emphasizing the importance of examining human trafficking indicators and the importance of working on preventive measures, when applicable, linking irregular migration and trafficking in persons.^{7/8/9/}

9. Coordinating national, bilateral, and multilateral efforts and working in key geographic zones, especially those located in border regions, to identify, refer, and care for potential victims of trafficking in persons, through the provision of *inter alia*, shelters, temporary care, and social services.

10. Involving relevant actors and their views, including international organizations, representatives of civil society, and survivors, in the development and application of victim-centered and trauma-informed policies and measures to fight against trafficking in persons and in supporting victims and survivors.

7. Idem 1.

8 Idem 2

9 Idem 3

11. Proactively identify victims of trafficking in persons without delay, to provide them with access to protection and the assistance to which they are entitled under domestic law and to effectively prosecute the crime.

12. Promoting and implementing, with the participation of civil society and other social actors, mass informational campaigns aimed at raising public awareness about preventing and combating the crime of trafficking in persons and ensuring that these campaigns focus on respect for human rights and take into account the age, gender, sexual diversity, disability, culture, and predominant languages of the target population. In addition, encourage the implementation of mass campaigns to promote the responsible and safe use of information and communication technologies, with special emphasis on preventing trafficking in children and adolescents.^{10/11/12/}

13. Urging member states to integrate a human rights-based, victim-centered, and trauma-informed approach into national responses to combating trafficking in persons and working to ensure victim and survivor protection, taking into account age, language, gender, sexual diversity, disability, and culture, including gender-based violence, without discrimination, and bearing in mind specific situations of vulnerability.^{13/14/15/}

14. Strengthening operational contacts for the expeditious sharing of information and, to the extent possible, intelligence that allows for direct and timely communication among member states to help in investigations of trafficking-in-persons crimes, within the framework of existing domestic law, and to identify the *modus operandi*, routes, the organizations' top leaders, and flows of traffickers between countries of origin, transit, and destination, specifically through implementation and operation of the Knowledge Platform on Trafficking in Persons.

15. Ensuring, throughout the entire investigation and legal process—including during the testimony stage—comprehensive victim-centered and trauma-informed protection for trafficking victims and their immediate family members, as well as support from psycho-social professionals, taking into consideration age, gender, sexual diversity, disability, and culture and respect for victims' human rights, safety, and well-being.^{16/17/18/}

16. Promoting comprehensive policies and measures for victims and survivors of trafficking, including support and access to remedies after their release or escape from exploitation, and to this end using—to the extent allowed under each state's domestic law—monies, and funds confiscated from the tracing and recovery of proceeds from this criminal conduct, and that such assets can be allocated to institutions dealing with the issue of trafficking in persons and the justice system.

17. Fostering proactive parallel financial investigations of illicit monetary or financial flows associated with the crime of trafficking in persons, and not focusing solely on the initial matter

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- 10. Idem 1
 - 11. Idem 2
 - 12. Idem 3
 - 13. Idem 1
 - 14. Idem 2
 - 15. Idem 3
 - 16. Idem 1
 - 17. Idem 2
 - 18. Idem 3

of exploitation and those directly responsible for it, including through collaboration with public and private institutions, as appropriate, when investigating and prosecuting trafficking in persons crimes, with a view to tracing, freezing, and confiscating proceeds acquired through this crime.

18. Supporting victims and survivors to obtain control, independence, and dignity by facilitating access to work opportunities, including by providing work permits to foreign victims, and encouraging the financial sector to facilitate access to bank accounts, job openings, and opportunities for entrepreneurship for victims and survivors, in order to encourage reintegration and avoid re-victimization.

19. Calling on member states to fully implement their obligations under the Palermo Protocol, including the promulgation or update of national anti-trafficking laws that clearly define and criminalize the specific acts, means, and purpose of human trafficking and that do not require the means in the case of exploitation of children, as set forth by the Palermo Protocol, and that take into account the prevention of trafficking, prosecution of its perpetrators, protection of and assistance to its victims and respect for their human rights, and strengthening of international cooperation in this area.

20. Urging the states parties to the United Nations Convention against Transnational Organized Crime (Palermo Convention) and to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, that supplements said Convention, to participate actively in the evaluation cycles of the Mechanism to Review Implementation of the Palermo Convention and the protocol against trafficking.

21. Promoting the development, or strengthening as appropriate, of measures to reduce the risk of human trafficking in government procurement by taking targeted action, including by adopting appropriate due diligence processes to identify, prevent, mitigate, remedy, combat, and account for human trafficking, including applying penalties for noncompliance, and resources for partnership, in accordance with national legislations.

22. Increasing awareness of and government efforts to prevent and address human trafficking, including forced labor in the formal and informal sectors, particularly in fields where a higher incidence of trafficking is observed, while encouraging the private sector to conduct due diligence with respect to their supply chains, in accordance with national legislations.

23. Pushing for the use of new information and communication technologies to provide information to the public on the particulars of the crime, prevent human trafficking, and offer assistance to victims and survivors, with special emphasis on the use or implementation of applications designed to fight the crime and specialization in investigating and prosecuting the crime of human trafficking over digital media or new technologies.

24. Extending for one year the Second Work Plan against trafficking in persons in the Western Hemisphere in order to continue providing member states with specific guidelines and mandates for the OAS General Secretariat on identification, prevention, assistance and protection for victims and survivors, prosecution and punishment, information and awareness, and cooperation.

25. Requesting that the OAS Committee on Hemispheric Security establishes a working group in order to continue the process of developing and approving the Third Work Plan, with the

participation of National Authorities on Trafficking in Persons, as a guide for action by member states and the OAS General Secretariat for the 2022–2027 period.

26. Effectively executing all of the above actions through the implementation of policies and measures that especially take into account the context and circumstances generated by the COVID-19 pandemic, considering that despite the pandemic, traffickers continue to operate and that economic uncertainty, movement restrictions, lockdowns, and disruptions to state services have increased the ability of traffickers to exploit vulnerable individuals and groups.

FOLLOW-UP:

1. To thank the Government of Argentina for chairing the Sixth Meeting of National Authorities on Trafficking in Persons of the Americas and take note of its report.

2. To welcome the offer by the Government of the United States to host the Seventh Meeting of National Authorities on Trafficking in Persons.

3. To consider inviting persons who have experienced and survived various forms of trafficking to share their points of view with member states and the General Secretariat.

4. For the General Secretariat to strengthen and implement existing policies and regulations to increase protection against trafficking in persons in the OAS's procurement of goods and services, and in that regard collaborate with other international organizations, such as the OSCE, among others, and report back to member states on progress made to that effect.

5. For the General Secretariat to strengthen the role of the Secretariat for Multidimensional Security as the OAS body responsible for assisting member states in policies, projects, and programs aimed at preventing and combating trafficking in persons, as well as assisting and protecting victims, requesting the Secretary of Multidimensional Security to play a central, coordinating role, further elevating trafficking in persons issues within the OAS system.

6. Bearing in mind the need to strengthen the social protection and assistance that institutions provide to survivors of human trafficking in the region, and following up on the commitments undertaken at the Fourth Meeting of Ministers and High Authorities of Social Development, request that the OAS General Secretariat, via the Secretariat for Access to Rights and Equity and the Secretariat for Multidimensional Security, in collaboration with the International Organization for Migration (IOM), present, for the review and consideration of the Committee on Hemispheric Security and the National Authorities on Trafficking in Persons, proposed "Regional Guidelines for the Social Inclusion of Survivors of Human Trafficking in the Americas," to serve as a guide for actions and areas of intervention that should be taken into account when planning and implementing strategies for the effective social inclusion of survivors of trafficking in the Americas.

7. To encourage member states, permanent observers, international agencies, and non-governmental organizations to continue to support the Department of Public Security and the Department against Transnational Organized Crime by providing external funding to make their programs and projects sustainable.

FOOTNOTES

2. ... and exploitation in accordance with the Constitution of Jamaica. In this context, Jamaica expresses its reservation regarding the use of the terms in the resolution “sexual diversity” and “sexual diversity-based protection” which are not defined in Jamaican law.

3. ... is guided by the provision of its Constitution which promotes and protects the human rights, non-discrimination, and fundamental freedoms of all persons.

The Government of Saint Lucia is committed to the fight against trafficking in persons and supports all efforts aimed at the prevention, identification, assistance, protection and recovery of victims and survivors of this crime and will continue to apply these principles in the accordance to its laws and policies.

The term “sexual diversity” is not in keeping with the laws of Saint Lucia. Saint Lucia’s reservation on the term “sexual diversity” is therefore premised on the understanding that our national laws will continue to be applied to protect the rights and freedoms of all victims and survivors of trafficking, without discrimination.