

Mandate of the Special Rapporteur on Trafficking in Persons, especially Women and Children

20 Years After:

Implementing and Going Beyond the Palermo Protocol

Webinar on the occasion of the 20th anniversary of the UN Protocol
to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
13-14 July 2020

Concept note

Background

In December 2000, the General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime. The Protocol was the first international agreement on trafficking in persons since the adoption by the General Assembly in 1949 of the narrowly focused Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. The adoption of the Protocol signed a fundamental shift in the international approach to the exploitation of individuals for private profit. The Protocol was also the first international treaty to provide a broad definition of trafficking, to recognize multiple facets of trafficking and to promote the full respect of the victims' human rights.

In the years that followed, other treaties and mechanisms on the subject were developed, along with a substantial body of soft law. In 2002, the Office of the High Commissioner for Human Rights adopted the Recommended Principles and Guidelines on Human Rights and Human Trafficking to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions. In 2004, the UN Commission on Human Rights established the mandate of the Special Rapporteur with the objective to "focus on the human rights aspects of the victims of trafficking in persons, especially women and children". The establishment of such mandate was an affirmation from the international community to place the human rights of trafficked persons at the centre of all efforts in the fight against trafficking in persons, with a particular attention paid to the human rights and dignity of women and children. The mandate was assumed by the Human Rights Council (HRC), which extended it a number of times, with the last extension being through HRC resolution 35/5 of 2017.

The current mandate holder, Ms. Maria Grazia Giammarinaro, appointed in 2014, has developed significant thematic research and expertise with the aim to effectively implement a human rights-based approach to trafficking in persons. During her six year tenure, she contributed to bring on the international agenda the issue of how conflict fuels trafficking in persons. She dedicated a comprehensive research to the issue of child trafficking jointly with the Special Rapporteur on the sale and sexual exploitation of children in situations of conflict and humanitarian crisis. She further reflected on the gendered dimension of trafficking in conflict and post-conflict settings and advocated for the integration of a human rights-based approach to trafficking in the women, peace and security agenda of the Security Council. She played a role in unpacking the interlinkages between trafficking and migration, which culminated in the presentation of a report on 'Early identification, referral and protection of victims and potential victims of trafficking in mixed migration movements'. Mindful that protection does not end with identification and referral to appropriate services but needs to be

translated into meaningful social inclusion of survivors in societies, she dedicated a thematic report on 'Innovative and transformative models of social inclusion of survivors of trafficking'. Moreover, she has been committed to highlight the importance of combatting trafficking in persons for labor exploitation in businesses' operations and supply chains.

Twenty years since its adoption in 2000 and with 176 States parties, the Palermo Protocol remains the landmark instrument for preventing and combating human trafficking. The majority of States have criminalized trafficking in their national laws, generally conforming to the definition in the Protocol, which has proved to be both an impetus and a framework for legal and policy developments that have helped to clearly establish the obligations of States in this area.

Nevertheless, human trafficking remains a widespread human rights violation of a massive dimension, involving more than 20 million people worldwide. Against this background, results are modest especially regarding the number of trafficked persons recognised as such, and supported in their process of social inclusion. This reveals the existence of shortcomings and inconsistencies in the international legal framework, and makes it clear that more efforts need to be done to implement the Palermo Protocol and other relevant international instruments according to a human-rights based approach to anti-trafficking.

Objective

The Special Rapporteur's tenure is coming to an end in July 2020, the same year marking the 20th anniversary of the adoption of the Palermo Protocol. At this juncture, she believes that it is timely and relevant to promote a collective reflection on the achievements since the adoption of the Palermo Protocol as well as the significant gaps in relation to effective actions aimed at preventing and combatting trafficking in persons.

Following a first seminar on 29-30 June covering Europe and the Americas, the Special Rapporteur, in cooperation with the Global Alliance against Traffic in Women, would like to convene a second webinar on 13-14 July 2020, bringing together experts from civil society and academia from Africa and Asia. During the webinar, innovative ideas on the interpretation and implementation of existing international binding instruments and soft-law will be discussed, based on research and experience gained by experts working in the field and researchers. The idea of a new international instrument will also be discussed.

The webinar aims at contributing to the the 20th anniversary of the Palermo Protocol through an open, frank and constructive discussion, in which criticism is a pre-condition for further work and future achievements.

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Agenda

13 July	
9:45- 10:00	Logistic and rules of the online platform
10:00 -10:20	Opening session Opening remarks by Ms. Maria Grazia Giammarinaro, <i>Special Rapporteur on Trafficking in Persons, especially Women and Children</i>
10:20-11:20	Session 1: Taking trafficked and exploited persons' rights seriously Moderator: Victoria Nwogu (<i>Gender Advisor, United Nations in Sudan</i>) Panelists: Tomoya Obokata (<i>Special Rapporteur on contemporary forms of slavery, including its causes and consequences</i>) Paul Adhoc (<i>Executive Director at Trace Kenya</i>) Parosha Chandran (<i>King's College London</i>) Anannya Bhattacharjee (<i>International Coordinator of Asia Floor Wage Alliance</i>)
11:20-11:35	Q&A
11:35 -11:40	Summary of session 1 by Victoria Nwogu
11:40- 12:40	Session 2: Trafficked and exploited persons in mixed migration flows are primarily vulnerable migrants and right holders Moderator: Ratna Mathai-Luke (<i>GAATW</i>) Panelists: Bandana Pattanaik (<i>GAATW</i>) Alex Au (<i>Vice President of Transient Workers Count Too</i>) Eni Lestari (<i>Chairperson of International Migrants Alliance</i>) Amihan Abueva (<i>Child Rights Coalition Asia</i>) (TBC)
12:40- 12:55	Q&A
12:55-13:00	Summary of session 2 by Ratna Mathai-Luke

14 July	
10:00-11:00	<p>Session 3: Human Rights of trafficked and exploited persons beyond the Palermo Protocol</p> <p>Moderator : Aarthi Pai (<i>Legal Advisor for the National Network of Sex Workers</i>)</p> <p>Panelists:</p> <p>Joy Ezeilo (<i>former United Nations Special Rapporteur on Trafficking in Persons, especially Women and Children</i>) Anne Gallagher (<i>Director-General of the Commonwealth Foundation</i>) Mike Dottridge (<i>Independent Human Rights Expert</i>) Marika McAdam (<i>Independent consultant on human trafficking</i>)</p>
11:00-11:15	Q&A
11:15-11:20	Summary of session 3 by Aarthi Pai
11:20-12:20	<p>Session 4: Roundtable: Towards a new human rights international instrument?</p> <p>Moderator: Suzanne Hoff (<i>La Strada International</i>)</p> <p>Panelists:</p> <p>Joy Ezeilo Anne Gallagher Mike Dottridge Marika McAdam Maria Grazia Giammarinaro</p>
12:20-12: 40	Q&A
12:40-12:45	Summary of roundtable by Suzanne Hoff
12:45-13:00	Concluding remarks of the webinar by Ms. Maria Grazia Giammarinaro, Special Rapporteur on Trafficking in Persons, especially Women and Children