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A Protocol Against Trafficking in Persons: Is it Enough? The Impact of a Trafficking Treaty

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What has been done?

UN Convention against Transnational Organized
Crime

-Sept. 29, 2003, by the UN General Assembly

Action against/Convention on Trafficking in Human Beings

-Feb. 1, 2008 by the Council of Europe

Victims of Trafficking and Violence Protection Act of 2000

-January, 2006, by US Congress

-incorporate the Protocols and Conventions-assess effects

- -monitor the extent of Trafficking -address ongoing needs
 - -take regional countermeasures
- -make more binding agreements

Individuals must be: INFORMED, KNOWLEDGEABLE, DISCUSSING

Nations must: ENFORCE LAWS, ENGAGE INTERNATIONALLY

The Global Community must:

COOPERATE INTERNATIONALLY,

DEVELOP CREATIVE SOLUTIONS,

CREATE ONGOING TREATIES & AGREEMENTS

Understanding the Nature of Trafficking

-flexible
-sophisticated
-unconventional
-hidden
-transnational
-lucrative

-prosecutor burden streamlined

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-definition of "forced labor" broadened

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Luis CdeBaca

Ambassador-at-Large:

Office to Monitor and Combat Trafficking in Persons

What the Violence Protection Act does:

-focuses on the victim



- -The European Union: cooperation
- -Belgium: making trafficking a priority
- -European Court of Human Rights,
- Germany, & France: creative court procedures
- -Italy: looking out for others

-Reversing the burden of proof

-Reversing the burden of proof-Crime Analysis

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-Provisions on membership of criminal organizations

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-Reversing the burden of proof-Crime Analysis

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-Interception of Communication & Intrusive Surveillance

-Cross-border cooperation

-Reversing the burden of proof
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-Cross-border cooperation

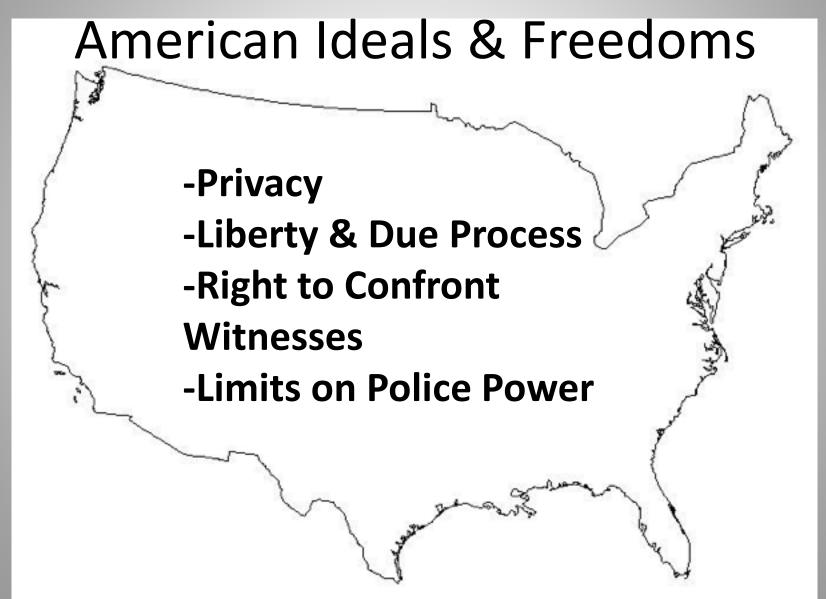
-Cooperation against Trafficking

Witness-Protection

-housing -medical needs -legal assistance -personal protection & privacy -economic aid -employment -urgent measures

Interception of Communication & Intrusive Surveillance

Potential Infringement upon



Safeguards to use of Surveillance

- -limit the use of evidence
- -increased warrant specificity
- -also use less intrusive means

Cross-Border Cooperation

Sources & Models:

-EU

-Treaty of the European Union

- -Convention on Mutual Assistance in Criminal Matters
 - -Convention on Mutual Assistance and Cooperation
 - -*Schengen Agreement & Mondorf Agreement

Cross-Border Cooperation

Example, FINLAND-RUSSIA border:

-*exchange of strategic information

on illegal cross-border phenomena

-regular meetings about strategic decision and guidelines

-a joint working group

- -*regional border delegates
 - -local control authorities

Cross-Border Cooperation

Example, SLOVENIA:

undercover agents of domestic origin and from other countries

Cooperation Against Trafficking

Example, Austria:

-*nine NGO "service centers"

-legislative amendments, signed Palermo Convention

- -*initiatives "to link up law-enforcement bodies, courts, NGO's, and other institutions"
- -*crime Prevention Council, providing advice and supporting preventative measures

-specialists can handle trafficking cases

-*court departments that specialize in sexual offense

-Federal Criminal Police, focus on trafficking

-*cooperation between police, criminal justice offices, social services, and NGO

Cooperation Against Trafficking

Example, Italy:

-thinking about needy countries

-knows unstable countries are very vulnerable to trafficking
-gave financial aid