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

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SANTA CLARA LAW
LAWYERS WHO LEAD

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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

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- *more adequate protection of trafficked victims

Luis CdeBaca

Ambassador-at-
Large:

Office to Monitor
and Combat
Trafficking in
Persons

What the Violence Protection Act does:

- focuses on the victim

Exemplary Models in Europe



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

How to Fight Transnational Organized Crime

-Reversing the burden of proof

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- Interception of Communication & Intrusive Surveillance
 - 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 American Ideals & Freedoms

- 
- A simple black outline map of the United States, showing the continental United States and Alaska. The map is centered on the page, with the text overlaid on the western and central parts of the continent.
- Privacy**
 - Liberty & Due Process**
 - Right to Confront
Witnesses**
 - Limits on Police Power**

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