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**DRAFT ACTION PLAN TO COMBAT
TRAFFICKING IN HUMAN BEINGS
ESPECIALLY WOMEN AND CHILDREN**

PREAMBLE

The Parties to the Action Plan:

Reaffirming their commitments to, among others, the following relevant International and Regional legal instruments:

- The Universal Declaration of Human Rights (1948);
- The UN Convention on the Elimination of all Forms of Discrimination against Women (1979);
- The Beijing Declaration and Platform of Action (1995);
- The UN Convention on the Rights of the Child (1989);
- The UN Convention against Transnational Organised Crime and its Protocol to prevent, suppress and punish Trafficking in Persons, especially Women and Children (2000);
- The Declaration of the World Summit for Children (1990);
- A World Fit for Children - UN General Assembly Special Session on Children (2002)

Having due regard to:

- The Constitutive Act of the African Union (2000);
- The African Charter on Human and Peoples Rights (1981) and its Protocol relating to the Rights of Women (2002);
- The African Charter on the Rights and Welfare of the Child (1990);
- The African Common Position on Children (Declaration and Plan of Action (2001);

Recognizing that women and children occupy unique and privileged positions in the society, they are entitled to all rights and require legal protection in conditions of freedom, dignity and security;

Concerned that the situation of women and children remain critical, in particular, in Africa, due to the socio-economic situation and cultural and traditional practices;

Also deeply Concerned about the increasing phenomenon of sex tourism and other sexual exploitation and abuse of women and girls;

Conscious that effective actions to prevent and combat trafficking in persons, especially Children and Women, require a comprehensive regional and international approach involving the countries of origin, countries of transit, as well as those of destination, that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including protecting their internationally recognised human rights;

Convinced that reinforcing the UN Convention against Transnational Organized Crime with a joint International Framework for Action between Europe and Africa for the prevention, suppression and punishment of Trafficking in Persons, particularly Women and Children, will be useful in preventing and combating that crime.

Determined to deal, through effective cooperation, with aspects of the problem of trafficking in human beings, especially women and children.

Have resolved therefore to adopt the following Action Plan:

General Principles

- Trafficking in human beings is a scourge which states are determined to address.
- Measures to prevent and combat trafficking in human beings should be based on the principles of protection and respect for human rights and should not adversely affect the rights of victims of trafficking. (Special attention can be given to the UN recommended principles and guidelines on human rights and human trafficking.) The best interest of the child shall be considered paramount at all times.
- A gender perspective should be applied when adopting and implementing measures to prevent and combat trafficking in human beings.
- Poverty, an unbalanced distribution of wealth, *unemployment, armed conflicts, poor law enforcement system, degraded environment*, poor governance, societies under stress, corruption, lack of education and discrimination, *increased demand for sex trade and sex tourism* are among the root causes of trafficking in human beings and must be addressed.

I. Prevention and Awareness Raising

Parties should:

- Ensure education and training, including life-skills, ***awareness raising and counselling*** as key preventive measures to combat trafficking in human beings.
- Endeavour to provide viable employment or other livelihood opportunities ***for youth in general and in particular, for young women at risk, especially in regions prone to trafficking.***
- Promote the empowerment ***of girls*** and women in their national policies.
- Raise awareness about trafficking in human beings through engagement of the mass media and information campaigns.
- Promote training of those in key positions, ***in particular the police authorities in African countries***, and capacity building to combat trafficking in human beings.
- Take measures to improve the registration of births and the provision of identity documents.
- ***Accept the "Universal Jurisdiction" of the national judiciary of any State through which any of the elements of trafficking in human beings transit.***
- ***Improve the economic and living conditions of families and extended families.***
- Mobilise support from NGOs, local communities, families, other members of civil society and businesses to combat trafficking in human beings and promote best practice.
- ***Create rehabilitation centres to assist victims of trafficking especially children and ensure their safety, protection and facilitate their recovery and social reintegration.***
- Take measures to reduce the demand for services involving the exploitation of victims of trafficking in human being.
- Take measures to eliminate the abuse of customs and traditional practices and to counter cultural stereotypes, which can lead to trafficking.

- Commission further research and information, including on the extent, forms and root causes of trafficking.
- *Exchange information on the means and methods used by the traffickers.*

II. Victim Protection and Assistance

Parties should:

- Base their policies and programmes for victim protection and assistance on international human rights instruments, particularly those relating to forced labour, child labour, trafficking in persons
- Identify victims of trafficking as such, *rehabilitate them* and provide them with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs.
- Find the most appropriate measures to ensure protection and assistance to victims of trafficking, especially for children and their families, taking into account in particular the rural and urban divide.
- Adopt appropriate measures for the protection of victims of trafficking and provide them with information on their legal rights.
- Adopt specific measures to avoid criminalisation of victims of trafficking, as well as stigmatisation and the risk of re-victimisation.
- Endeavour to provide victims of trafficking with short - and long-term, appropriate, psychological, medical and social assistance in order to promote the full recovery of the victims.
- Pay particular attention to children-headed households, especially girls.
- (Promote an HIV/AIDS sensitive approach for victims infected, as well as children living in families affected by HIV/AIDS). *Final text to be elaborated by Sweden/Italy.*

III. Legislative Framework, Policy Development and Law Enforcement

Legislative Framework

Parties are called upon to:

- Sign, ratify and fully implement the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish

Trafficking in Persons, especially Women and Children, supplementing the Convention, as well as other relevant *regional and* international legal instruments.

- Adopt and review, as appropriate, legislation, policies and programmes to implement the above mentioned Convention and Protocol and other relevant *regional and* international legal instruments.
- Introduce, *where it does not exist*, a comprehensive legislative and institutional framework that cover all aspects of trafficking in human beings in line with the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
- Amend or adopt national legislation in accordance with *regional and* international legal instruments so that the crime of trafficking is precisely defined in national law and ensure that all practices covered by the definition of trafficking, such as *abduction, slavery*, debt bondage, forced labour, *child labour, child pornography and paedophilia*, enforced prostitution, *sex tourism, and other sexual exploitation and abuse* are also criminalized.
- Enact legislation to provide for administrative, civil and criminal liability of legal persons for trafficking offences in addition to the liability of natural persons.
- Make legislative provisions for confiscation of instruments and proceeds of trafficking and related offences.
- Adopt legal provisions *to severely punish traffickers/offenders* and for the protection of victims of trafficking.
- Ensure that their laws and administrative practices provide information to victims about the status of relevant criminal and other legal proceedings, and that status of these proceedings are considered prior to any repatriation of the victim.
- Consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in their territory, temporarily or permanently, in appropriate cases; and give appropriate consideration to humanitarian and compassionate factors in the consideration of permitting victims of trafficking to remain in their territory.

- Encourage victims of trafficking to testify in the investigation and prosecution of cases of trafficking in persons by giving due consideration to the safety and security of victims and witnesses at all stages of legal proceedings, in particular with regard to children.
- ***Adopt legislation to prevent recruitment and use of children in armed conflict and demobilize all combatants aged below eighteen and develop programmes for their rehabilitation and social reintegration.***

Policy development

Parties should:

- Initiate or expand efforts to gather and analyse data on trafficking in persons, including on the means and methods used, on the situation, magnitude, nature and economics of trafficking in persons, particularly of women and children. Systematic research and effective methodologies for such data collection and exchange of information should be advanced.
- Consider developing a National Action Plan which, in a comprehensive manner, outlines all necessary efforts to combat trafficking.
- Consider establishing a multi-disciplinary National Task Force on Trafficking in Persons to formulate and implement National Action Plans. The National Task Force could bring together relevant ministries and agencies to formulate policy and take action against trafficking in persons and in this regard call on Inter-Governmental Organisations, Non-Governmental Organisations, and other representatives of civil society, as necessary.
- The National Task Forces could also monitor and report through their respective governments to the appropriate regional and international bodies on the progress of the implementation of the National Action Plans.
- ***Include trafficking in human beings in the poverty reduction strategies at national level and allocate the necessary budget for combating this crime.***

Law Enforcement

Parties should:

- Consider creating special units, within existing law enforcement structures, with a specific mandate to develop and effectively target

operational activities to combat trafficking of persons, as well as establishing special national focal points.

- Consider establishing direct channels of communication between competent authorities, agencies, services, including special units and focal points. They should further, where appropriate, establish joint border patrols trained in the prevention of trafficking in persons ***and strengthen the existing ones.***
- Consider the establishment of joint investigation units ***and enact laws for the extradition of the traffickers/offenders;***
- Provide and strengthen training for law enforcement personnel, customs and immigration officials, prosecutors and judges, and other relevant officials, on the prevention of trafficking in persons. The training should focus on the methods used in preventing such trafficking, prosecuting the traffickers, and protecting the rights of victims, including protecting the victims from the traffickers. This training should encourage co-operation with non-governmental organisations and other elements of civil society.

IV. Co-operation and co-ordination

Parties should:

- Enhance multi-disciplinary co-ordination and co-operation at the national level with a view to ensure an integrated approach to victims of trafficking, distinguishing between adult and children victims.
- Enhance and exchange documentation of experiences and lessons learned regarding recovery, repatriation and reintegration, in order to develop and provide appropriate short- and long-term assistance to the victims of trafficking.
- Enhance bilateral and multilateral co-operation ***among European and African countries***, countries of origin, countries of transit and countries of destination, regarding identification, assistance, protection, repatriation and reintegration of victims.
- Facilitate and develop co-operation between governments, inter-governmental, international and non-governmental organisations and relevant actors of civil society in order to strengthen the overall

capacity to assist the victims, including by educational measures and/or work opportunities for the empowerment of victims.

- Consider the creation of focal points at national and regional level to collect, analyse and distribute information on trafficking in human beings, and to co-ordinate efforts to prevent trafficking.
- Encourage co-operation at bilateral, regional and sub-regional levels on all aspects of trafficking in persons, including prevention, investigation, prosecution and protection of and assistance to victims, fully reflecting the important role of inter-governmental organisations, NGOs and other members of civil society.
- Encourage development of Regional Action Plans to combat trafficking taking into account particularly the need for international and regional as well as bilateral co-operation to address the transnational dimensions of trafficking in persons. Regional and sub-regional organisations may consider establishing a specialised Unit for the co-ordination of the efforts to combat trafficking in persons.
- ***Develop collaborative efforts between governments, international, inter-governmental, and non-governmental organisations to mobilise resources to combat trafficking in human beings.***
- ***Establish a mechanism at regional level in collaboration with Governments, International, Inter-governmental and non-governmental organisations and the civil society to follow-up on the implementation of the Action Plan.***