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WHAT DOES THE PRINCIPLE OF NON-PUNISHMENT MEAN FOR VICTIMS OF TRAFFICKING IN IMMIGRATION DETENTION?

25 April 2023

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Implementation of the non-punishment principle by UNODC Human Trafficking & Migrant Smuggling Section

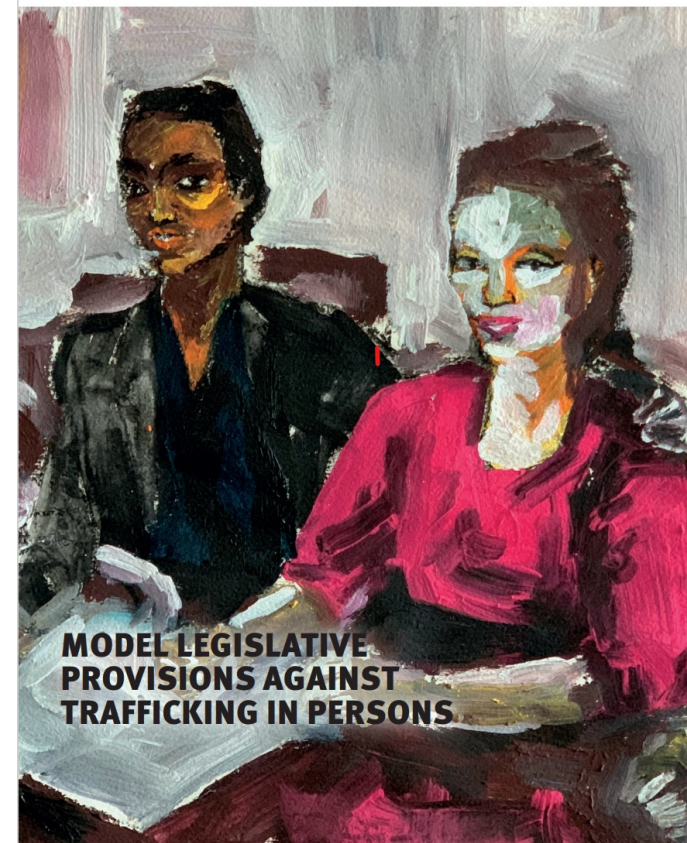
Normative and Policy Work

Technical Cooperation

Human rights-based approach

Victim/survivor-centred approach

Trauma-informed approach



<https://www.unodc.org/unodc/en/human-trafficking/index.html>



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The Trafficking in Persons Protocol

Article 2. Statement of purpose

The purposes of this Protocol are: [...]

(b) To protect and assist the victims of such trafficking, with full respect for their human rights; and

Article 6. Assistance to and protection of victims of trafficking in persons

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society...



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UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO



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Understanding “punishment”

“The range of forms of punishment covered by the non-punishment principle include the following:

- exclusion from refugee status or denial of other immigration relief;
- arbitrary deprivation of nationality;
- termination of social welfare benefits or denial of social security payments;
- restrictions on movement, detention or other undue restrictions on liberty, including non-repatriation;
- and administrative measures, including travel bans, confiscation of travel documents and refusal of entry into, or transit through, countries.”

Report of the Special Rapporteur on Trafficking in persons, “Implementation of the non-punishment principle”, 2021

Need for a victim/survivor-centred approach

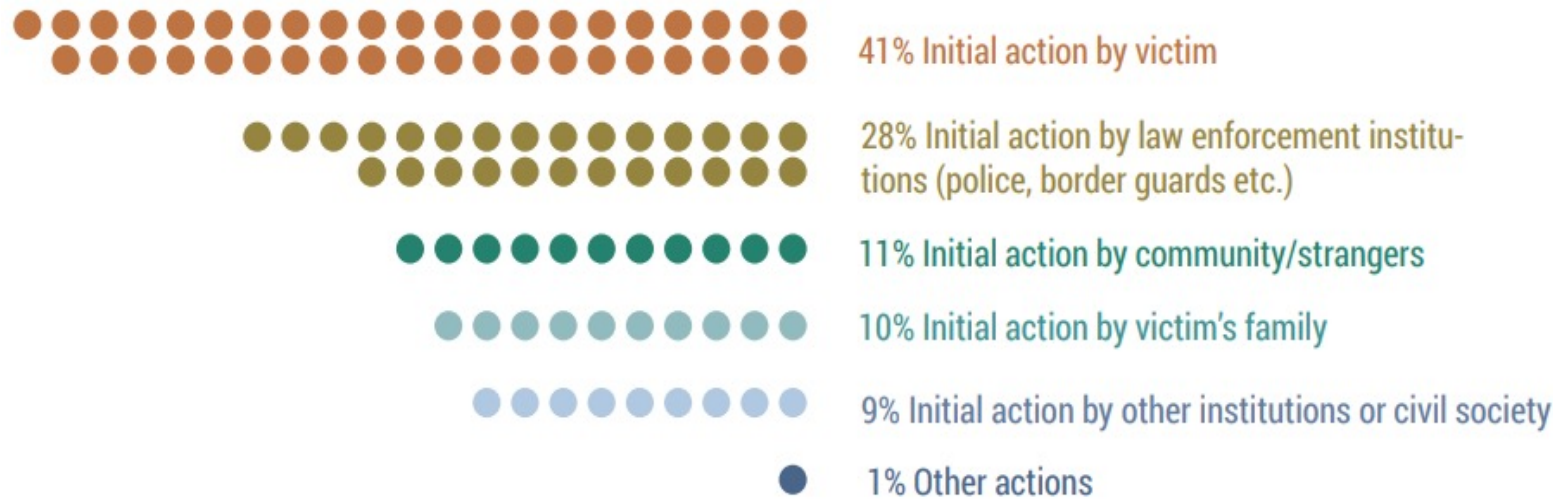


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GLOTIP 2022 Findings

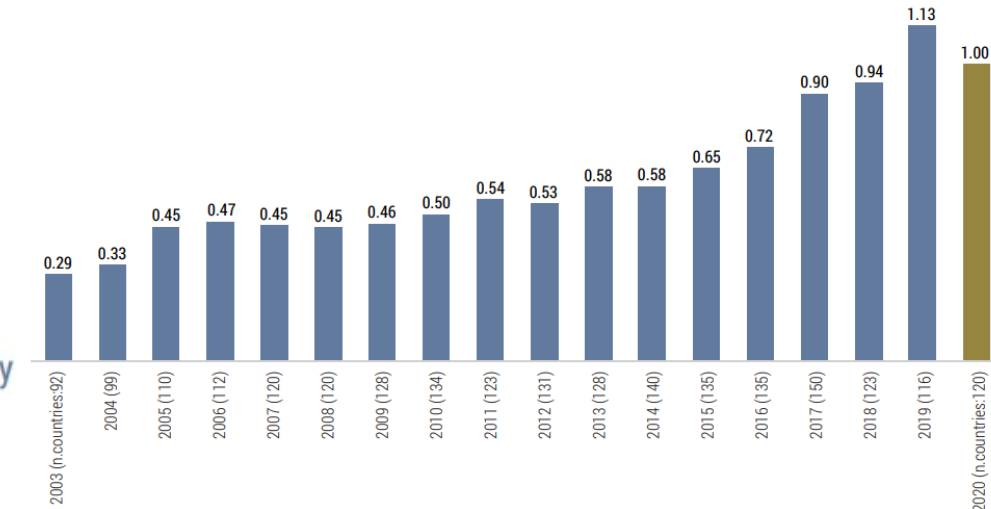
Fig. 48 Discovery patterns, as reported in case narratives, 2012-2020*



Source: GLOTIP collection of court case summaries and Sherlock Case Law Database.

* Based on information reported in 387 court cases (involving 2,497 victims) out of a total of 800 collected by UNODC that concluded with a conviction between 2012 and 2020.

Fig. 1 Total victims detected per 100,000 population, 2003-2020



Source: UNODC elaboration of national data and UNDESA World Population Prospects 2019.



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Intergovernmental level

The Working Group on Trafficking in Persons was established to:

- Improve the capacity of States Parties to combat trafficking in persons
- Support the implementation of the Protocol by enabling exchange of information and ideas
- Recommendations: new soft law

A graphic featuring a stylized globe in shades of blue and green. Two hands, one white and one light blue, are shown reaching towards the globe, symbolizing global cooperation and support.

Providing a Platform for Exchange
Working Group on Trafficking in Persons

2 - 3 October 2023





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2022 – Working Group on Trafficking in Persons

“Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked”

Recommendation 2: States parties should make efforts to provide and promote victim-centred support, with a trauma-informed approach to trafficking victims, that protects their lives, liberties and security and that builds trust between law enforcement and victims and supports their effective participation in prosecutions of traffickers, noting that the provision of support to victims should not be conditional on such participation.

Recommendation 5: States parties [...] should consider taking steps to develop and integrate a victim-centred approach to enhance the proactive and timely identification of trafficking victims and promote such practices through regional and international organizations.



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Opportunities for CSO engagement

A world map with a blue grid background. Numerous small, glowing white and blue dots are scattered across the map, representing various locations or data points. The map is set against a dark blue background.

4 OCTOBER 2023

CONSTRUCTIVE DIALOGUES

 **UNTOC** REVIEW MECHANISM



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