

**Written Statement, United Nations Office on Drugs and Crime**  
**On the occasion of The Global Refugee Forum**  
**Parallel Session II: High-level dialogue on protection capacity**

18 December 2019, Room XIX, Palais des Nations

Thank you to our longstanding partners and co-hosts of this event, UNHCR and the Swiss Confederation. The United Nations Office on Drugs and Crime (UNODC) wishes to echo the call for urgent, united action to address immense human suffering and loss of life that continues to affect large part of the world population, and specifically the suffering of those living in areas affected by armed conflict or transitioning to post-conflict scenarios. Those people, often resorting to migration, find themselves in situations of vulnerability throughout their search for sanctuary and safety, a vulnerability that often endures after arrival in a transit or destination state.

The Global Compact on Refugees now provides us with an historic opportunity to intensify efforts to support states receiving large numbers of refugees in a manner that fosters political inclusion, and provides the best possibility for durable solutions, and leading a safe and dignified life, recognising that vulnerability often endures after arrival in a transit or destination state.

We know that those fleeing conflict and persecution are particularly at risk of violence, abuse and exploitation, including by smugglers or traffickers, as many factors that may increase vulnerability - such as uncertain status, lack of economic opportunities, discrimination and gender-based violence - are exacerbated. Positively, we have a large body of relevant frameworks including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air, the Global Plan of Action to Combat Trafficking in Persons, the Global Compact for Safe, Orderly and Regular Migration, the Global Compact on Refugees and the 2030 Agenda for Sustainable Development, which provide a foundation of related protection commitments and targets.

Implementation, however, is lagging and the Global Compact on Refugees and Programme of Action to Implement the Comprehensive Refugee Response Framework have the potential to facilitate concrete action to meet multiple protection needs. The Trafficking and Smuggling Protocols, coherently, provide an agreed legal framework for how to successfully and effectively combat these crimes, including within refugee flows, while assisting and supporting trafficking victims and smuggled migrants in accordance with international obligations. Sustainably implementing these frameworks, however, requires the dedication of resources and comprehensive responses.

As we look to implementation of the Global Compact on Refugees, accordingly, we would highlight five related priorities:

1. First, **identification**. While an international legal framework to support trafficking victims is in place, there remains considerable work ahead of us. For example, we know that most are never actually identified as such, and we continue to fail to address basic impediments to increased identification including better informing, mobilising and learning from the many front-line actors who have a high likelihood of interacting with victims.
2. Second, **non-criminalization**. *Security Council Resolution 2331/2016* called upon Member States to comprehensively address trafficking victims' needs, and ensure that victims are treated as victims of crime, and in line with domestic legislation not penalized or stigmatized for unlawful activities in which they were compelled to engage. UNODC believes this should be fully taken into consideration in implementing the Global Compact. Similarly, protection and assistance should not be made conditional upon cooperation with relevant authorities.
3. Third, **non-detention**. Prosecution of human traffickers cannot come at the expense of holding trafficked persons in immigration detention or other forms of custody against their will. In this respect, we highlight the importance of consular access, as well as support for victims who have been arrested, detained, charged, or threatened with deportation.
4. Fourth, genuine **legal assistance** and the right to remain. Victims of trafficking often find themselves in a fraught legal situation, with a lack of understanding even of their most basic rights, and including those relating to protection, reflection and recovery periods, non-prosecution and participation in legal proceedings. As the Trafficking Protocol recognizes, states parties of destination are required to ensure that return should be undertaken with due regard for the status of any legal proceedings related to the fact that the person is a victim of trafficking. Witness support and protection must also extend throughout any criminal justice process.
5. Fifth, and finally, **comprehensive responses**. In line with with the spirit of the 2030 Agenda, and in particular, of SDG 17 on Partnerships, it is crucial that all stakeholders, primarily Member States, International and Regional Organizations and non-Governmental actors cooperate to provide effective responses to trafficked persons, regardless of any restraint deriving from their legal status. The *Inter-Agency Coordination Group against Trafficking in Persons (ICAT)* which UNODC coordinates, is currently working to bring the UN system together to facilitate collective practical and policy responses to trafficking. Furthermore, UNODC wishes to echo the call from our partner UN agencies and Member States on the occasion of the Annual Meeting of the UN Network on Migration, last week here in Geneva: the complementarity between the 2 Compacts in providing a solid baseline to provide a 360° response to migration, especially for what concerns mixed migration movements.

These are all aspects UNODC would like to see highlighted in the implementation of the Global Compact on Refugees in the years ahead. UNODC stands ready to continue providing, on request, technical cooperation to support receiving states to ensure safety and security for victims of trafficking and smuggled migrants and to promote improved implementation of the relevant international instruments.

We also continue to stress the essential role that civil society and local communities play in this respect. Enhanced cooperation, responsibility and information-sharing and coordination of efforts is key, including in the implementation of the programme of action and global compact on refugees.

We stand ready to continue working with all our partners and call for collective responses that are sensitive, integrated and effective.

Many thanks