

GUIDING PRINCIPLES AND PLAN OF ACTION TO COMBAT THE SMUGGLING OF AND TRAFFICKING IN HUMAN BEINGS

The Communique of the Birmingham Summit (May 1998) committed the G8 States to:

- "develop a multidisciplinary and comprehensive strategy, including principles and an action plan for future cooperation amongst ourselves and with third countries, including countries of origin, transit and destination, to tackle all forms of trafficking in human beings"; and
- "consider the future comprehensive UN Organised Crime Convention an important instrument for this purpose".

In developing guiding principles and an action plan, the Lyon Group considers that the organised smuggling of human beings refers to the intentional movement or transport of persons across an international boundary contrary to, or through the abuse of, the immigration legislation of the transit or receiving State. Trafficking in human beings is a form of smuggling, which may include prima facie legal entry, whereby the person subject to trafficking remains under the control of the smuggling or trafficking organization, or another organization, for the purpose of exploiting that person after arrival in the receiving State.

The Lyon Group will intensify its efforts to develop, enact and facilitate national, multilateral and international principles, agreements, strategies and actions to prevent and counter the smuggling of and trafficking in human beings.

The guiding principles which will form the basis for the future efforts of and joint approach by the G-8 States are founded upon the understanding that the smuggling of and trafficking in human beings are grave crimes which may contribute to human rights abuses and that it is in the interests of all States -origin, transit and destination - to prevent, counteract and suppress them.

The following are guiding principles which all countries should embrace:

1. There must be no safe havens for those who organize, aid or abet, profit from, or participate in the smuggling of or trafficking in human beings;
2. The primary means to prevent illegal migration and the related activities of smuggling and trafficking organizations is to reduce the root causes of illegal migration and flight in the countries of origin;
3. in undertaking to combat all forms of smuggling of and trafficking in human beings, State must maintain the protection of refugees in accordance with the 1951 United Nations Convention relating to the Status of Refugees, respect human rights and sustain the lawful movement of persons across national borders;

4. States should enact legislation to criminalize the smuggling of and trafficking in human beings and, to the extent possible, harmonize sanctions against smugglers and traffickers. Such sanctions should reflect the gravity and circumstances of the crime;
5. States should endeavour to improve and maximize existing domestic laws and measures aimed at preventing, detecting and combating activities related to the smuggling of and trafficking in human beings. Whenever possible, States should adopt common standards with respect to such laws and measures;
6. investigation and prosecution of smugglers of and traffickers in human beings must be a coordinated, cooperative effort among and within States. To this end, States should strive to improve communication, information sharing and cooperation for the purposes of disrupting, suppressing and eradicating such smuggling and trafficking activities and bringing to justice those persons involved in such activities;
7. where persons in a receiving State have been found to have been conducted there through smuggling and trafficking in human beings, and where the receiving State requests assistance in returning those persons to their country of nationality, the State of which the persons are nationals should facilitate their return; and
8. the smuggling of and trafficking in human beings may endanger the lives or security of the persons being smuggled or trafficked. States should ensure appropriate assistance to those persons where circumstances warrant and provide for their safe return.

ACTION PLAN

In support of these principles, we are directing our officials to proceed with the establishment and harmonization of law enforcement instruments and with other measures to facilitate cooperation amongst ourselves and with other countries to combat the organized smuggling of and trafficking in human beings.

1. INTERNATIONAL LAW, MEASURES AND PROCEDURES

States should;

- a) contribute to the development of the UN Convention on Transnational Organized Crime and its Protocols and seek their adoption;
- b) strive, independently and through international fora, to develop norms and standards which will help strengthen domestic laws and measures against smuggling of and trafficking in human beings, to adopt common standards with respect to anti-smuggling and anti-trafficking laws and measures and to enhance practical measures for cooperation in investigations, prosecutions and the targeting of smuggling and trafficking associations;

- c) recognize that the smuggling of and trafficking in human beings may be facilitated by corruption and support the development in international fora of legal instruments to combat and suppress all forms of corruption;
- d) in negotiating mutual legal assistance arrangements, endeavour to include the facilitation of cooperation to counter organized smuggling of and trafficking in human beings;
- e) in negotiating bilateral and multilateral agreements to provide developmental and economic assistance, where appropriate, take into consideration the need to address and reduce the root causes of illegal migration;
- f) in negotiating asset confiscation agreements, endeavour to include the confiscation of assets upon conviction for the crime of smuggling of and trafficking in human beings;
- g) facilitate the exchange of information among G8 States, including the collection and analysis of information on smugglers of and traffickers in human beings, smuggling and trafficking associations and their movements and methodologies, through the establishment or identification of central authorities or contact points in each G8 State;
- h) encourage and support activities, including the collection and analysis of information, in other international fora which facilitate cooperation among all countries, including countries of origin and transit, to combat the smuggling of and trafficking in human beings;
- i) where appropriate, negotiate agreements with other countries, including countries of origin and transit, to facilitate the exchange, collection and analysis of information for the purpose of combating the smuggling of and trafficking in human beings;
- j) where appropriate, adopt norms and standards, legislative or other measures to suppress and reduce the use of commercial carriers in the smuggling of and trafficking in human beings;
- k) strengthen cooperation, including with countries of origin and transit, to establish a framework to facilitate the return of smuggled and trafficked persons and, after appropriate legal action, the return of smugglers and traffickers;
- l) consider the provision of programs of technical and training assistance to other countries to assist them in combating the smuggling of and trafficking in human beings;
- m) improve mechanisms for the exchange of information within G8 countries, and encourage the negotiation of agreements with other countries, including countries of origin and transit, regarding scientific and technical developments in forensic science related to secure documentation;
- n) collect and exchange information regarding fraudulent, lost and stolen documents used, and authentic travel or identity documents misused, by smugglers and traffickers;

o) promote awareness of the negative consequences of smuggling of and trafficking in human beings so as to inform potential migrants of the risks involved; and

p) encourage and support the provision of information and public education campaigns in countries of origin which are intended to prevent trafficking in human beings, particularly women and children through, inter alia, advising of the risks involved to trafficked persons, deceitful strategies utilized by traffickers and means of lawful migration.

2. DOMESTIC LAWS, MEASURES AND PROCEDURES

States should:

a) establish as criminal offenses activities which involve, aid or abet the smuggling of and trafficking in human beings; create, maintain or strengthen sanctions against smugglers and traffickers, brokers and others who profit from the smuggling of and trafficking in human beings and organized smuggling of and trafficking in human beings;

b) establish levels of sanctions arising from conviction for smuggling of or trafficking in human beings which reflect the gravity of the crime and the circumstances, including: numbers of smuggled or trafficked persons; profits derived from the smuggling of or trafficking in human beings; the endangerment of the lives, health or safety of the persons being smuggled or trafficked, and whether the smuggled or trafficked persons were abused by the smugglers or traffickers or their agents;

c) ensure that the crime of smuggling of and trafficking in human beings is an extractable offense;

d) legislate the means to seize, dispose of or confiscate assets and profits derived from the smuggling of and trafficking in human beings, as well as vehicles, vessels and other property, and seize the travel or identity documents (fraudulent or authentic) used in smuggling and trafficking operations;

e) consider the imposition of appropriate sanctions, in accordance with administrative regulations or criminal law, which may include the closing of establishments or suspension of economic activities which provide the basis for committing offenses relating to the smuggling of or trafficking in human beings;

f) take action to combat corruption which assists smuggling and trafficking;

g) develop and provide information to prosecutors, the judiciary and other justice officials regarding the serious consequences of smuggling of and trafficking in human beings;

- h) ensure that sufficient number of trained and appropriately equipped personnel are allocated to the task of combating the smuggling of and trafficking in human beings and that those officials are appropriately trained and instructed regarding the serious consequences of smuggling of and trafficking in human beings, obligations under the 1951 Convention relating to the Status of Refugees as well as in human rights and gender sensitivity;
- i) ensure that appropriate laws and procedures exist to protect the confidentiality and privacy of information received from other States;
- j) establish or improve inter-agency channels of communication to ensure the appropriate exchange of information on smugglers of and traffickers in human beings, such smuggling and trafficking associations and their methods;
- k) review and amend where necessary passport issuance, visa issuance and entry procedures to prevent and counter the smuggling of and trafficking in human beings;
- l) improve training or establish expertise concerning scientific and technical developments in forensic science related to secure documentation and ensure that national travel and identity documents are of the highest possible quality and security;
- m) where appropriate, promote the assignment to Diplomatic Missions abroad of migration control officers responsible for working with local officials, representatives of international organizations and representatives of the transportation industry to prevent and combat the smuggling of and trafficking in human beings; and
- n) ensure, where appropriate, that protection, assistance and support is available to smuggled or trafficked persons who provide information concerning the smugglers or traffickers for investigative and judicial proceedings, which may include provision to remain in the country for this purpose.

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