**USG Comments on**

**IOM Proposal for TIP Palermo Protocol Indicators**

**Submitted to the Regional Conference on Migration Technical Secretariat**

**August 15, 2012**

Background:

At the November 2011 Regional Consultation Group on Migration (RCGM), the International Organization for Migration (IOM) presented a proposal to establish, for RCM countries, "indicators of compliance" with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime ("UNTOC TIP Protocol"). The Protocol is one of three supplementing the Convention against Transnational Organized Crime ("UNTOC"). All RCM countries are party to the UNTOC and its Protocols.

RCM members engaged in a lengthy discussion about this proposal at the June 2012 meeting of the RCM's Trafficking Liaison Network but did not reach consensus on whether to recommend that IOM's proposal go forward. The countries that participated in that discussion finally agreed that countries would forward their comments on the IOM proposal to the Technical Secretariat (TS), who would synthesize them and distribute them to RCM members for review, and that countries would subsequently recommend an appropriate course of action to Vice Ministers at the next RCM. The Chair of the session, Ms. Virna Luque of the Panama Presidency, further committed to discussing the IOM proposal with UNODC after RCM members' comments had been received and synthesized by the TS.

Comments of the United States:

The United States appreciates the interest that RCM member countries have expressed in vigorously combating trafficking in persons, and fully agrees it is important for all countries to take steps to do so. We strongly support the UNTOC and its three Protocols (including the TIP Protocol), and encourage countries to take all possible measures to strengthen their efforts to combat TIP in compliance with it. We also recognize that those RCM member states that asked IOM to generate indicators to measure compliance with the UNTOC TIP Protocol were acting out of positive intentions to advance UNTOC implementation.

However, after consulting with United States Government legal advisers and agencies involved in human trafficking and implementation of the UNTOC, we oppose the IOM proposal to establish RCM-specific indicators to measure compliance with the UNTOC TIP Protocol, because the UNTOC tasks the Conference of Parties (COP) and United Nations Office on Drugs and Crime (UNODC), as the Secretariat to the COP, with the responsibility for overseeing UNTOC implementation. Having more than one track for implementation information would duplicate efforts unnecessarily, overburden the agencies of the Parties responsible for national implementation of UNTOC obligations, and could mean that neither entity has full information. While individual countries can and should monitor their own efforts to combat trafficking in persons, any mechanism to monitor compliance with the specific provisions of the UNTOC TIP Protocol should be undertaken only at the direction of the UNTOC COP, and in consultation with UNODC.

UNODC has developed a self-assessment software program for the UNTOC and its protocols entitled "Omnibus Survey Software." To minimize duplication, we encourage countries to utilize this software, which is available on UNODC's web site at this link: <http://www.unodc.org/unodc/en/treaties/CTOC/omnibus-tool.html>.

In addition, a new peer review mechanism has been under discussion in the UNTOC COP, which may consider adopting it this October, when the COP meets for its sixth session. We strongly encourage all RCM members to stay abreast of these developments and to participate actively in this fall's COP.

The United States recognizes the aim of the RCM countries who support the IOM proposal as a sincere desire to advance implementation of the UNTOC TIP Protocol. For the reasons stated above, the United States believes that a parallel process outside the UNTOC COP, such as the IOM proposal as currently drafted, does not advance this goal. However, a productive way to advance implementation of the UNTOC TIP Protocol might be to identify those aspects of the Protocol that are of particular concern (which, to our knowledge, has not been done), address those concerns to the COP, and ask that particular emphasis be given to the identified areas during the review process this October. Another possible constructive step would be for RCM countries to complete the UNODC self-assessment tool by a specific date, if they have not already done so, and then ask UNODC if it is possible for them to generate a report that shows how RCM countries responded.  This may help identify gaps regarding implementation, which could then be discussed at the RCM. Unless such efforts are undertaken, it is premature to ask Vice Ministers to consider the IOM proposal.

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