



Yury Fedotov
Executive Director

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3 September 2013

(Prev. related corlog 13-06699)

Dear Ms. Malcorra, *Dear Susana,*

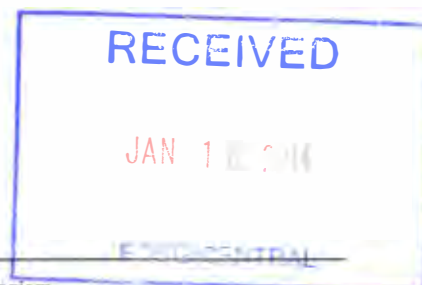
It is my pleasure to refer, once again, to the note of the Secretary-General's meeting with H.E. Mr. Osman Mohammed Saleh, Minister of Foreign Affairs of Eritrea, held at Headquarters on 14 May 2013. The note was shared with my Office on 29 May 2013, requesting UNODC to follow up on Eritrea's request for an investigation of occurrences of human trafficking, and to propose a course of action for the consideration of the Secretary-General.

The consultation process on this matter with other relevant organizations, as requested by your Office and outlined in my preliminary note of 17 July 2013, has now been completed. I thus have the honour to transmit to you a more detailed note, which conveys the result of these consultations and contains a consolidated proposal for action based on inputs from seven organizations with pertinent mandates in the field of trafficking in persons, including UNODC. The note has also been coordinated with the Department of Political Affairs in New York.

Should any further follow-up action be required, UNODC stands ready to assist.

Best regards,
[Signature]

Ms. Susana Malcorra
Chef de Cabinet
Executive Office of the Secretary-General
United Nations
New York



Making the world safer from drugs, crime and terrorism

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Yury Fedotov
Executive Director

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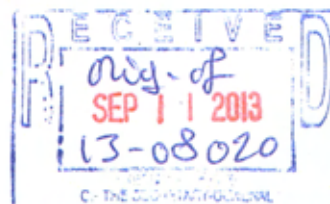
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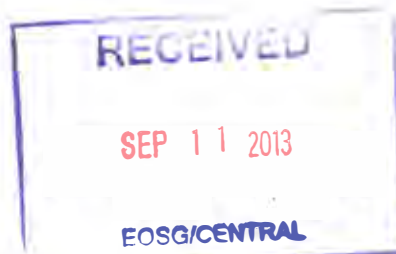
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**UNODC proposed course of action on the Eritrean request concerning human trafficking
as a follow-up to the Secretary-General's meeting with H.E. Mr. Osman Mohammed Saleh,
Minister of Foreign Affairs of Eritrea held on 14 May 2013
(detailed note)**

Background

1. Reference is made to a letter dated 5 February 2013 addressed to the Secretary-General by the President of Eritrea requesting an "independent and transparent investigation" into "malicious and concerted practices of human trafficking", and subsequent meetings (on 8 February and 14 May 2013) between the Secretary-General and representatives of the Eritrean Government, as a result of which the Executive Office of the Secretary-General (EOSG) tasked UNODC, in consultation with other relevant agencies, to follow up on the Eritrean proposal and to suggest a course of action for the Secretary-General. The confidential note of the Secretary-General's meeting with H.E. Mr. Osman Mohammed Saleh, Minister of Foreign Affairs of Eritrea, held at Headquarters on 14 May 2013 refers.
2. On 17 July 2013, following in-house consultations including UNODC's Regional Office for Eastern Africa, UNODC transmitted a preliminary note to the EOSG, in which UNODC proposed to approach Eritrea's request as one for a comprehensive and multi-disciplinary assessment mission and suggested that consultations with "other relevant agencies" be undertaken through the Inter-agency Coordination Group on Trafficking against Persons (ICAT), a policy forum composed of experts in the field of anti-human trafficking from various agencies within and outside the United Nations system. Subsequently, UNODC consulted the following member agencies of ICAT, both at the regional and headquarters levels, with a view to identifying a comprehensive and coordinated course of action with inputs from each entity in accordance with their respective mandates: ILO (current Chair of ICAT), INTERPOL, IOM, OHCHR, UNHCR and UNICEF. Inputs were also sought from the Department of Political Affairs, New York. The results of that consultation are detailed below.

Results of the inter-agency consultation

3. First, the consultation revealed a lack of clarity about the precise scope and purpose of the investigation sought by Eritrea (e.g. criminal investigation for the prosecution of individual perpetrators?; data collection on trafficking flows and patterns or potential activities of organized criminal groups or networks?; general situation assessment?; identification of Eritrean victims and/or perpetrators?; only within or also outside the territory of Eritrea?, etc.). As the original request did not identify a clear target nor sufficiently identify the expected outcome of the intervention ("to bring to justice the culpable parties"), a meaningful (inter-agency) intervention in the framework of technical cooperation was deemed difficult to conceive.
4. The option of approaching Eritrea directly at the working level to solicit further information regarding human trafficking practices was contemplated, yet rejected by the agencies based on their experience of working in Eritrea and/or the neighbouring countries, and on their knowledge of the actual human trafficking situation in the region on the ground (see 6. and background information below). In sum, ICAT agencies felt that the underlying issues to Eritrea's request appeared to be broader than the narrow confines of investigating the crime of human trafficking.

5. In particular, it was collectively felt among the ICAT experts that Eritrea's request and the conditions attached to it (non-admission of the Somalia-Eritrea Monitoring Group and the UN Special Rapporteur; insistence on an "independent mandate" by the Secretary-General or the Security Council, exclusively) indicated that Eritrea was interested in engaging the UN at a level beyond the expertise of the ICAT agencies. The option of conducting a "comprehensive and multi-disciplinary trafficking in persons assessment mission" with the participation of several relevant agencies was thus not supported by ICAT as a group.

6. In this context, most ICAT members pointed out that their organizations' readiness to engage and provide specialised expertise was limited by their respective mandates, which largely do not include investigations (except for INTERPOL), on the one hand, and by the restrictions imposed by (existing or lacking) cooperation arrangements with Eritrea, on the other. Where such arrangements existed, e.g. with UNICEF and UNHCR, they were markedly restrictive and confined to specific, technical matters not directly linked to trafficking in persons, while the collaboration of other organizations with Eritrea, e.g. ILO and OHCHR, were said to be hampered either by the lack of appropriate safeguards (e.g. privileges and immunities being recognized) or access being denied to the country altogether. Furthermore, UNODC and IOM do not maintain a presence in Eritrea, and Eritrea is neither a member State of IOM, nor has it ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UNTOC Trafficking in Persons Protocol). INTERPOL noted both an underutilisation of its existing tools and the need for a formal request with a clear target backed by appropriate resources to enhance its cooperation with Eritrea.

7. At the same time, ICAT members referred to several other mechanisms and mandates that exist and are not fully exploited by Eritrea to address the issues raised in its request, such as the mandates of the Special Rapporteur on trafficking in persons, especially women and children; the newly appointed Special Rapporteur on Eritrea; as well as the Monitoring Group on Somalia and Eritrea. Duly noting the conditions attached to Eritrea's request, ICAT agencies were nonetheless convinced that it is important for the United Nations to make reference to these mechanisms and to continue to actively advocate for their full utilisation by Eritrea.

8. Accordingly, ICAT members unanimously supported the view that the Secretary-General should seek to encourage Eritrea to make use of the readily available mechanisms noted in the previous paragraph before proposing engagement via any new mechanism or mandate. Nonetheless, all ICAT agencies expressed their readiness to provide technical assistance on human trafficking matters bilaterally, if so requested by Eritrea, provided that necessary safeguards are in place and further information is made available by Eritrea concretizing its technical assistance needs.

Proposed course of action for the Secretary-General

9. Based on the results of the inter-agency consultation with ICAT member entities, UNODC proposes that the Secretary-General:

- Express appreciation for Eritrea's resolve to tackle trafficking in persons, a serious crime of global reach requiring effective cooperation at the international level;

- Encourage Eritrea to expand its collaboration with individual UN and other international organizations that stand ready to provide their services, advice and technical assistance in human trafficking matters, including on a regional basis, upon official request to that effect;
- Recall further the wide range of existing mechanisms at Eritrea's disposal to address in a dedicated manner the situation described in its request, among them the Special Rapporteur on trafficking in persons, especially women and children; the newly appointed Special Rapporteur on Eritrea; and the Monitoring Group on Somalia and Eritrea;
- Encourage Eritrea to make the fullest use of these mechanisms and to enhance its response to human trafficking by acceding to relevant international conventions, such as the United Nations Convention against Transnational Organized Crime and its Trafficking in Persons Protocol (noting that UNODC remains ready to provide related technical assistance for the ratification and implementation of these instruments by Eritrea), and to strengthen its compliance with international treaty obligations, such as under the ILO Forced Labour Convention of 1930;
- Consider requesting the Department of Political Affairs, which is best placed to communicate with Eritrea on this sensitive matter by virtue of its regular contact with the latter's permanent representation in New York, to engage with Eritrea to elicit further information with a view to developing a broader, more holistic response to its request;
- [Further, since working-level consultations within ICAT exhausted the options available within their authority and competence, consider appealing to the Principals of relevant agencies to contribute to devising a more comprehensive approach.]

Background information

ILO

Eritrea is party to the ILO Forced Labour Convention of 1930 (C.29) and the ILO Abolition of Forced Labour Convention of 1957 (C.105). The main concern with regard to Eritrea's compliance is internal and state-imposed forced labour (e.g. forced prison labour, forced communal services and military services exceeding exceptions provided for under C. 29), as well as penal sanctions for violation of provisions restricting political freedoms, compulsory national service for development purposes, and punishment for having participated in strikes (under C.105). The latest comments of ILO's Supervisory Bodies on the subject are attached (Annexes 1 and 2). The Eritrean Government's reply is still pending.

Furthermore, Eritrea has not ratified the Convention on Privileges and Immunities of the Specialized Agencies which makes it difficult for ILO to become active in operational terms.

INTERPOL

Eritrea makes virtually no use of INTERPOL's tools and services, and assistance by INTERPOL should focus on raising this capacity. In terms of the INTERPOL Border Management Task Force (IBMTF) operations, feasibility is uncertain for the moment in the light of existing capacity in the country and/or the security situation. On the other hand, any support in providing tools and services and reinforcing the National Central Bureau (NCB) is contingent upon external funding being made available for this purpose.

IOM

IOM has an established presence and is operationally active in all countries in the Horn and in Northeast Africa but for Eritrea. The Organization implements migration management programmes and projects aimed at building government capacity, responding to irregular migration, and providing direct assistance to vulnerable migrants including victims of trafficking. Examples of past programming include: (i) a 2008/9 initiative on the East Africa Migration Route aimed at building co-operation, information sharing and developing joint practical initiatives amongst countries of origin, transit and destination; (ii) a 2009/10 initiative to strengthen the protection of victims of trafficking and other vulnerable migrant populations travelling through Somaliland, Puntland and Yemen and; (iii) a 2011 initiative which initiated protective services for victims of trafficking and other vulnerable migrants arriving in Egypt from the Horn of Africa, including emergency medical assistance, protected housing and socioeconomic assistance.

More recently, IOM carried out an assessment in 2012, in cooperation with its partners, of secondary migration of Eritrean refugees in northern Ethiopia. The assessment explored perceptions among refugee youth on root causes, causal factors, the nature, magnitude and trends in trafficking and smuggling, particularly of unaccompanied migrant children in and around the town of Humera, along the border with Sudan, as well as further into Egypt and Israel. IOM is also establishing migration information centres in the region, such as the centre that was recently established in Obock, to provide timely information and required assistance to aspirant migrants, as well as migrants who have experienced exploitation and abuse. IOM is also training Egyptian law enforcement officials on anti-trafficking legislation in an effort to encourage prosecutions.

IOM is also an active member of the AU.COMMIT (African Union Initiative against trafficking) taskforce and provides technical and logistical support to the AU and partners in working towards the operationalization of the Ouagadougou Action Plan to Combat Trafficking in Human Beings.

OHCHR

See attached comprehensive briefing note by OHCHR submitted to the EOSG on the occasion of the Secretary-General's meeting with the Eritrean Permanent Mission on 8 February 2013 (Annex 3).

UNHCR

UNHCR has a Country Office in Eritrea's capital Asmara, and a Field Office in Massawa, to deal with the relative small numbers of asylum-seekers and refugees in that country, around 3600 persons. It also works as a reference office for country of origin information in regards to the

population of concern originating from Eritrea and seeking protection elsewhere in the East and Horn of Africa Region, comprised of about 300.000 persons.

UNHCR is not assessing or supporting trafficking investigation in the country. As part of its protection mandate is, however, concerned about the situation of Eritrean victims of trafficking that affects this population in the East and Horn of Africa Region.

UNHCR has received credible reports on occurrences of trafficking situations affecting Eritrean nationals, in most cases originating in neighbouring countries where the refugee population is larger and is most vulnerable to this sort of activities. UNHCR has no specific information regarding activities of criminal groups related to trafficking in persons inside Eritrea.

UNICEF

UNICEF does not have a trafficking programme in Eritrea, and for the last three years at least there have been no reported cases of child trafficking in or out of the country. Irregular migration has been reported; see attached report (Annex 4). The Child Protection programme in Eritrea is quite small and underfunded in comparison to the health and education programmes. UNICEF East Africa Office has been working with countries in the Horn of Africa on the movement of children within the irregular migrant population.

UNODC

UNODC does not have a presence in Eritrea, but it is providing assistance to Eritrea's neighbours Ethiopia and Djibouti within the framework of its Regional Programme "Promoting the Rule of Law and Human Security in Eastern Africa" for 2009-2013. While the Regional Programme for Eastern Africa covers 13 countries including Eritrea, Eritrea is the only country of the region which, despite repeated requests, has not signed the Nairobi Declaration of 24 November 2009, through which the other 12 countries in the region endorsed the Regional Programme. In addition, through UNODC's Regional Programme on Drug Control, Crime Prevention and Criminal Justice Reform in the Arab States (2011-2015), UNODC also aims to support efforts of the countries in the Sinai region in strengthening their response to human trafficking, in reference to reported occurrences of trafficking situations affecting Eritrean nationals.

Eritrea is not party to the United Nations Convention against Transnational Organized Crime, nor to its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. UNODC remains ready to provide technical assistance to Eritrea for the ratification and implementation of these instruments.

Annexes

- Annex 1: ILO Supervisory Body's comments (2010) on Eritrea's compliance with the ILO Forced Labour Convention of 1930 (C.29)
- Annex 2: ILO Supervisory Body's comments (2010) on Eritrea's compliance with the ILO Abolition of Forced Labour Convention of 1957 (C.105)
- Annex 3: OHCHR Briefing Note on Eritrea (February 2013)
- Annex 4: Women's Refugee Commission report "Young and astray" on irregular migration of children from Eritrea (provided by UNICEF)