



ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 12: Facilitation Programmes

LEGAL CONSOLIDATION OF PROVISIONS ON HUMAN TRAFFICKING IN INTERNATIONAL CIVIL AVIATION

(Presented by Dominican Republic and supported by 17 Latin American Civil
Aviation Commission (LACAC) Member States²)

EXECUTIVE SUMMARY

Trafficking in human beings is a transnational crime that mainly affects women and children, creating more than 25 million victims, and is one of the most lucrative illicit activities according to the United Nations Office on Drugs and Crime (2020). Air transport, due to its speed and low visibility, is frequently used by criminal networks. Although the International Civil Aviation Organization (ICAO) has developed non-binding instruments, such as provisions 8.49 and 8.50 of Annex 9 — *Facilitation*, Circ 352, *Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons* and Circ 357, *Guidelines for Reporting Trafficking in Persons by Flight and Cabin Crew* and Doc 10171, *Manual on a Comprehensive Strategy for Combating Human Trafficking in the Aviation Sector*, which promote training, reporting protocols and inter-agency cooperation, their implementation is inconsistent due to the lack of enforceability, which generates legal and operational gaps that hinder a coordinated global response (ICAO, 2024).

Trafficking takes advantage of civil aviation because of its efficiency and discretion. Although the ICAO guidelines are useful, their non-binding nature makes for uneven implementation, creating loopholes exploited by criminal networks. Making provisions 8.49 and 8.50 of Annex 9 binding would set global minimum standards, thereby improving coordination and victim protection; it would ensure consistent detection at airports, reducing dependence on political will; it would overcome legal loopholes that facilitate the use of air transport by trafficking networks; it would harmonize the actions of authorities and operators, by replicating models such as that of the Dominican Republic; and it would strengthen 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* (Palermo Protocol), bringing civil aviation into line with international standards.

Action: The Assembly is invited to:

- a) take note of the information in this paper;

¹ Spanish version provided by Dominican Republic.

² Belize, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

b) recognize the importance of establishing a binding minimum standard that allows for a more effective, coherent and coordinated response across States; c) recommend that the ICAO Council evaluate the feasibility of raising provisions 8.49 and 8.50 of Annex 9 to the Chicago Convention, regarding the prevention and reporting of trafficking in persons, to the status of binding standards; and d) encourage States to harmonize their national legal frameworks in accordance with their international commitments under the Palermo Protocol, introducing specific measures in the field of civil aviation.	
<i>Strategic Goals:</i>	This working paper relates to Strategic Goal <i>Aviation Delivers Seamless, Accessible and Reliable Mobility for All</i> .
<i>Financial implications:</i>	The proposed actions could be carried out under the regular budget or through extra-budgetary resources allocated to human rights protection and safety initiatives.
<i>References:</i>	Annex 9 — <i>Facilitation</i> United Nations <i>Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i> Act No. 137–03 on Migrant Smuggling and Trafficking in Persons Doc 10171, <i>Manual on a Comprehensive Strategy for Combating Human Trafficking in the Aviation Sector</i> FALP/13-WP/18, <i>The evolution of ICAO provisions to combat trafficking in persons in the aviation sector</i> United Nations Office on Drugs and Crime (2020). <i>Global Report on Trafficking in Persons 2020</i> Circ 352, <i>Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons</i> Circ 357, <i>Guidelines for Reporting Trafficking in Persons by Flight and Cabin Crew</i>

1. INTRODUCTION

1.1 Human trafficking is one of the most serious forms of organized crime, affecting women and children especially. According to data from the United Nations Office on Drugs and Crime (2020), it is estimated that there are more than 25 million victims in the world. Air transport has been identified as a recurrent channel for the transnational movement of victims, due to its efficiency and low operational visibility.

1.2 The International Civil Aviation Organization (ICAO) has developed tools to support States in detecting and preventing trafficking, including provisions 8.49 and 8.50 of Annex 9 — *Facilitation*, Circ 352, *Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons*, Circ 357, *Guidelines for Reporting Trafficking in Persons by Flight and Cabin Crew* and Doc 10171, *Manual on a Comprehensive Strategy for Combating Human Trafficking in the Aviation Sector*, which proposes a comprehensive strategy based on awareness, training, reporting protocols, inter-agency cooperation and victim support.

1.3 However, these instruments are not legally binding, which has led to uneven implementation worldwide. Adoption and implementation depend solely on the political commitment of States and the goodwill of operators.

1.4 This lack of enforceability creates regulatory and operational loopholes that are exploited by criminal networks. This is recognized by the ICAO Facilitation Panel in document FALP/13-WP/18, *The evolution of ICAO provisions to combat trafficking in persons in the aviation sector*, which proposes making the current recommendations on human trafficking binding.

1.5 The Dominican Republic has brought its legal framework into line with the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (Palermo Protocol) by means of Act No. 137-03 and has promoted inter-agency action by its aviation authority (IDAC), the Directorate General of Migration, the National Police, the Specialized Airport and Civil Aviation Security Corps (CESAC) and operators, aimed at preventing this crime in the aviation sector.

2. DISCUSSION

2.1 The persistence of trafficking in the airline industry is associated with the absence of binding legal standards to ensure a uniform response. While some States have implemented advanced measures, others still lack protocols or specialized training, which fragments the overall response.

2.2 Raising provisions 8.49 and 8.50 of Annex 9 to the status of binding rules would make it possible to establish a minimum standard for all States, overcoming the current dependence on political will.

2.3 This action would reinforce the early detection of victims, close legal and operational gaps and promote cooperation between aviation, migration, security and justice authorities, generating synergies similar to those already developed in the Dominican Republic.

2.4 It would also consolidate policy coherence between the ICAO legal regime and the international commitments undertaken under the Palermo Protocol, particularly with regard to prevention, training and victim protection.

2.5 Expected results

2.5.1 The raising of provisions 8.49 and 8.50 of Annex 9 to Standards would bring a number of legal, operational and humanitarian benefits. Firstly, it would make it possible to establish a binding legal basis ensuring the uniform application of preventive and response measures to deal with human trafficking in all Member States, correcting the current regulatory fragmentation. It would also facilitate the early detection of potential victims in the airport environment and on board aircraft, thanks to the standardization of procedures, reporting protocols and training of aviation personnel. This harmonized approach would also promote greater inter-agency cooperation across civil aviation, migration, security, police and criminal justice authorities, generating a more coordinated and effective response. Lastly, the adoption of these Standards would reinforce the aviation sector's commitment to human rights and to existing international instruments such as the Palermo Protocol, contributing to a safer, more caring, more responsible civil aviation.

3. **CONCLUSION**

3.1 Human trafficking continues to exploit weaknesses in the civil aviation system, especially the lack of a binding, harmonized regulatory framework. Raising provisions 8.49 and 8.50 of Annex 9 to Standards would establish a sound legal basis, promote effective international cooperation and improve the protection of millions of potential victims.

3.2 The Dominican Republic encourages Member States to support this proposal as a firm step towards the consolidation of a civil aviation system that is fairer, safer and committed to human dignity.

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