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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Report submitted by the Special Rapporteur on trafficking in persons,  
especially women and children, Joy Ngozi Ezeilo\***

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\* Late submission.

## **Summary**

This report is submitted in accordance with Human Rights Council decision 8/12. It covers the period from 1 August 2008, when the Special Rapporteur took up her office, until March 2009.

Section I provides a global perspective of the trafficking phenomenon and its trends, forms and manifestations, including the challenges relating to the lack of coherent and reliable statistical information that captures different dimensions of trafficking in human beings. It further sets out the definition of trafficking as articulated in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children as well as the scope of the mandate on trafficking.

Section II examines the legal and policy framework, especially the human rights frameworks and mechanisms for combating trafficking in persons at international, regional and national levels.

Section III is devoted to outlining the vision and agenda of the Special Rapporteur for the mandate and the working methods she intends to use, in the hope of making progress in implementing the mandate entrusted to her.

Section IV of the report outlines the Special Rapporteur's activities, including participation at different conferences.

Finally, section V contains the Special Rapporteur's conclusions and recommendations.

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## **Introduction**

1. The present report is submitted in accordance with resolution 8/12, in which the Human Rights Council decided to extend the mandate of the Special Rapporteur on trafficking in persons, especially women and children.
2. This is the first annual report submitted to the Council by Ms. Joy Ngozi Ezeilo, who was appointed to this office on 18 June 2008. She succeeds Ms. Sigma Huda, who held the mandate from 2004 until 2008.
3. At its eighth session, the Council considered the mandate of the Special Rapporteur in its resolution 8/12, and decided to extend it for a period of three years, thereby underscoring the concern that trafficking in persons violates human rights and impairs the enjoyment of human rights. It continues to pose a serious challenge to humanity and requires a concerted international assessment and response through genuine multilateral cooperation among countries of origin, transit and destination in order to be eradicated.
4. In the present report, the Special Rapporteur reviews information received and activities undertaken since she assumed office on 1 August 2008.
5. The Special Rapporteur has availed herself of an avalanche of information elicited through questionnaires sent to Governments, and consultations and inputs from various stakeholders including from NGOs. However, in view of the short time that has elapsed since the Special Rapporteur took up office, she does not provide an in-depth analysis of specific topics or complaints. Instead, she sets out a thematic and methodological framework and her vision for carrying out her mandate in the coming years.

### **I. MANDATE OF THE SPECIAL RAPPORTEUR ON TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN**

#### **A. Overview of the problem of trafficking**

6. The world today is confronted with a huge human trafficking problem, driven by the same forces that drive the globalization of markets, as there is no lack of demand and supply. In varying degrees and circumstances, men, women and children all over the world are victims of what has become a modern day slave trade. As one of the fastest growing criminal activities in the world, trafficking in persons results in serious breaches of human rights and dignity of trafficked persons. The analysis of the questionnaire sent to Governments by the Special Rapporteur clearly shows that almost every country of the world is affected either as a source, transit, and/or destination country for women, children, and men trafficked for the purposes of sexual or labour exploitation (domestic servitude and bonded labour). Trafficking occurs within and across national borders, often with one consignment of people crossing many borders to reach their final destination.
7. While trafficking studies often focus on trafficking for the purpose of sexual exploitation, other important purposes include forced labour or services, slavery or practices similar to

slavery, servitude or the removal of organs.<sup>1</sup> Quality data are scarce in the field of human trafficking. Statistical information available is problematic because it often includes smuggled persons, as well as illegal migrants. Another major reason is that victims, particularly adult victims trafficked for sexual exploitation, rarely report their victimization. Furthermore, in countries where there is no anti-trafficking legislation there can be no registration of victims of a crime that does not legally exist. However, it is widely agreed that most internationally trafficked persons are women and children of low socio-economic status, and the primary trafficking flows are from developing countries to more affluent countries. For internal trafficking, numbers can be even harder to obtain, and it has been suggested that current numbers are greatly underestimated.

8. Trafficking is a complex phenomenon made even more insidious by its clandestine nature and, increasingly, the use of modern information technology as a tool for recruitment. Trafficking within national borders is a large-scale phenomenon. At the same time, intercountry trafficking persists and has attracted greater international concern while presenting constantly changing dimensions. Despite statistical difficulties various organizations or institutions have tried to estimate the magnitude of the problem. The United Nations Office on Crime and Drugs (UNODC) posits that “Some 2.5 million people throughout the world are at any given time recruited, entrapped, transported and exploited - a process called human trafficking ...”. According to the United States Department of State Trafficking in Persons Report 2007, every year some 800,000 women and children are trafficked across national borders, which does not include the millions trafficked within their own countries. Approximately 80 per cent of transnational victims are women and girls and up to 50 per cent are minors. According to the UNICEF Executive Director, globally, an estimated 1.2 million children are trafficked each year, within countries as well as across borders.<sup>2</sup> A report released by the ILO in 2005 places the global minimum estimated number of persons in forced labour as a result of trafficking at 2,450,000. Trafficking represents a significant proportion of forced labour cases, namely about 20 per cent of all forced labour and about one quarter of forced labour cases exacted by private agents.<sup>3</sup> It is often assumed that people are mainly trafficked for the purpose of commercial sexual exploitation. However, ILO estimates indicate that 32 per cent of all victims were trafficked into labour exploitation, while 43 per cent were trafficked for sexual exploitation and 25 per cent for a mixture of both.<sup>4</sup>

9. While these estimates are in themselves conflicting and point to the need for systematic and coordinated data gathering and management in order to provide clarity to the magnitude of the problem, they provide a global consensus on the fact that trafficking in persons is occurring in many different forms all over the world and that it poses a severe violation of human rights as

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<sup>1</sup> UNODC, Measures to combat trafficking in human beings in Benin, Nigeria and Togo.

<sup>2</sup> Similar figures are given by the ILO Action Against Trafficking in Human Beings, 2008.

<sup>3</sup> Ibid. See also ILO, A Global Alliance Against Forced Labour, 2005, p. 14.

<sup>4</sup> Ibid.

well as of domestic and international criminal laws. In response to the Special Rapporteur's questionnaire, some Governments opined that trafficking is "huge and serious" while others indicated that it is "declining but still serious". However, the dominant view was that trafficking in persons is a serious problem. As stated by one of the respondent States, trafficking is "a hidden crime and the scale is hard to describe". Trafficking also varies according to region in terms of who is trafficked, the sectors in which they work, and their areas of origin and destination.

10. Economically speaking, trafficking in persons has become a global business, reaping huge profits for traffickers and organized crime syndicates, generating massive human rights violations, and causing serious problems for Governments.

11. In the absence of systematic, reliable statistics, it is hard to know with any degree of precision if the number of trafficking cases is increasing or decreasing and why this might be so. Compiling reliable and comprehensive statistics is thus a first step towards a more global understanding of the phenomenon. It is also quite a challenging task.<sup>5</sup>

12. In resolution 8/12, paragraph 2 (k), the Human Rights Council urged States "to enhance information-sharing and data-collection capacities as a way of promoting cooperation to combat trafficking in persons, including through the systematic collection of sex- and age-disaggregated data".

13. The Special Rapporteur intends to pursue that goal and to serve as a focal point in data mapping and dissemination, working closely with stakeholders. Superior data will only emerge once the gravity of trafficking as a severe violation of human rights is fully recognized and appropriate victims' protection mechanisms are put in place globally. Unless Governments and law enforcement agencies take the necessary steps to address trafficking in persons from both a human rights as well as a law enforcement perspective, the majority of trafficking cases will continue to go uncounted, the victims uncared for, and the traffickers unpunished. The way forward depends on sound policies, based on good data. Initiatives that raise global awareness like the Vienna Forum to Fight Human Trafficking held in February 2008, the High Commissioner's report to the Human Rights Council, and the renewal of the mandate of the Special Rapporteur on trafficking are all important steps forward in this direction.

## **B. Definition and scope of the mandate**

14. 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) came into force on 25 December 2003<sup>6</sup> and specifically addresses trafficking in persons. It defines trafficking in persons in article 3 (a) as follows:

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<sup>5</sup> See 024 Workshop: Quantifying Human Trafficking, its Impact and the Response to it, 13-15 February 2008, Vienna Forum, UNGIFT, background paper, p. 2.

<sup>6</sup> One hundred and nineteen States have ratified it as at 26 September 2008.

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

15. The definition of trafficking covers the use of minors for commercial sexual activity even if there is no force, fraud, or coercion. It also covers persons who are held against their will to pay off a debt, a practice known as peonage. A victim’s initial agreement to travel or perform labour does not allow an employer to later restrict that person’s freedom or to use force or threats to obtain repayment. Trafficking in persons can be considered from a number of different perspectives, including human rights, crime control and criminal justice, migration, and labour. An integrated approach that places human rights at the core of all efforts is most desirable as far as the mandate of the Special Rapporteur is concerned and in order to achieve meaningful and sustainable change in addressing the problem.

16. The scope of the Special Rapporteur’s mandate covers all the forms and manifestations of trafficking, and therefore includes:

- (1) Trafficking in children - children who are trafficked for sexual purposes, adoption, child labour (e.g. domestic work, babysitters/nannies, begging, criminal activities like selling drugs, etc.), and participation in armed conflict - mercenaries/child soldiers, sex slaves. The initial belief that only girl children were being trafficked for sexual purposes no longer holds true as the incidence of young boys being trafficked and sexually exploited through unsuspecting areas like sports is fast gaining ground;
- (2) Trafficking in men for forced labour and other exploitation - not much attention has been paid to this form of trafficking but the reality is that it is also becoming rampant. Men and boys in particular are trafficked for labour exploitation in construction work, in agriculture, and also in fishing and mining;
- (3) Trafficking in women and girls for forced marriage, forced prostitution, sexual exploitation and forced labour (including domestic work, working in factories and mines and other forms of labour) - understandably, much attention has been paid to sex trafficking and available data on trafficking in persons are mainly on this aspect. The Special Rapporteur will explore further trafficking of women for labour exploitation, especially in domestic work and other sectors;
- (4) Trafficking in human beings for organs, human body parts and tissue - obtaining facts and figures on this form of trafficking is quite challenging, but it is becoming a growing trend with a ready market, and needs to be studied closely with a view to framing appropriate interventions;
- (5) There are other forms that have been sporadically recorded, such as trafficking in persons for ritual purposes as well as trafficking of prisoners.

17. In setting her agenda, the Special Rapporteur will take the following critical issues relating to trafficking into consideration:

- Scarcity of research and data
- Migration and linkages to trafficking
- Linkages to HIV and AIDS
- Linkages to conflict
- Linkages to MDGs
- Linkages to gender-based violence and gender inequality
- In-depth study into the demand for trafficked victims
- Provision of integrated assistance and services - legal, medical, shelter, protection, psychosocial support to trafficked victims
- Promotion of international, regional and subregional cooperation

18. While it is not possible, humanly and in terms of resources, to look at all facets and ramifications of trafficking outlined above within the term of three years of the mandate, the Special Rapporteur will make earnest efforts while focusing on trafficking especially of women and children to undertake work in areas that have not been previously examined or where interventions are limited. This will include but is not limited to trafficking in men and boys, addressing root causes such as gender inequalities, poverty and lack of human security as well as demand especially for “cheap labour” as a root cause. The Special Rapporteur will also work towards facilitating a framework for a database disaggregated by gender, age, sector and region. Importantly, she will work to promote a human rights-centred approach aimed at providing redress for trafficking victims, including the promotion of a focus on compensation for victims as part of the justice process.

## **II. LEGAL AND POLICY FRAMEWORK**

19. Trafficking is a grave violation of human rights, especially the right to liberty and the right not to be held in slavery or involuntary servitude; the right to be free from cruel and inhumane treatment, the right to be free from violence, and the right to health, amongst others.

### **A. International human rights instruments**

20. Prior to the adoption of the Palermo Protocol, the United Nations and its agencies had over the years adopted various human rights instruments which contain provisions relevant to addressing trafficking in persons. These include:

- The Universal Declaration of Human Rights (arts. 1, 2, 4, 22, 23 and 25)
- The International Covenant on Civil and Political Rights (arts. 2, 3, 7, 8, 9, 12, 14, 23 and 26)
- The International Covenant on Economic, Social and Cultural Rights (specifically arts. 2, 3, 6, 7, 10, 11 and 12)
- The Convention on the Elimination of All Forms of Discrimination against Women (arts. 2, 6, 9, 11, 12, 14, 15 and 16)<sup>7</sup>
- The Convention on the Rights of the Child (CRC) (arts. 7, 16, 19, 28, 31, 32, 34, 35, 36, 37 and 39)
- The Optional Protocol to CRC on the sale of children, child prostitution and child pornography (arts. 1, 2, 3 and 8)
- The Optional Protocol to CRC on involvement of children in armed conflict (arts. 1-4)
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (specifically, arts. 1, 3, 13 and 14)
- The International Convention on the Elimination of All Forms of Racial Discrimination (arts. 2, 5 and 6)
- ILO Convention No. 29 on Forced or Compulsory Labour (arts. 1, 2 and 6)
- ILO Convention No. 138 concerning Minimum Age for Admission to Employment (arts. 1-3)
- ILO Convention No. 182 on Worst Forms of Child Labour (in particular, art. 3 (1))
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime
- The Rome Statute of the International Criminal Court (in particular, art. 7 (1) (c) and (2) (c))

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<sup>7</sup> Specifically article 6 provides that States parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.

- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (arts. 1, 3, 5, 6 and 7)<sup>8</sup>
- The General Assembly Declaration on Violence against Women (arts. 2 and 3)
- The Vienna Declaration and Programme of Action
- The Beijing Platform of Action

### **B. Regional legal framework and policy**

21. At regional level, the Council of Europe Convention on Action against Trafficking in Human Beings which entered into force in February 2008 is an excellent regional example of using a rights-based approach to combat trafficking in persons. The Convention adopted the definition of trafficking contained in the Palermo Protocol and went beyond, by articulating the principle of non-discrimination and including safeguards for the protection of rights and the provision of assistance to victims.<sup>9</sup> Importantly, this convention is open to ratification by States which are not members of the Council of Europe.

22. Other regional instruments include the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution adopted by the States members of the South Asian Association of Regional Cooperation in 2002; the Inter-American Convention on International Traffic in Minors and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, “Convention of Belem Do Para”;<sup>10</sup> the African Charter on Human and Peoples’ Rights;<sup>11</sup> the African Charter on the Rights and Welfare of the Child;<sup>12</sup> the Protocol to the African Charter on the Rights of Women in Africa.<sup>13</sup> There are also interesting subregional initiatives that are worthy of mention, such as the ECOWAS/ECCAS Joint Plan of Action against Trafficking in Persons, Especially Women and Children in West and Central Africa (2006-2009).

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<sup>8</sup> See also the Slavery Convention, 1926, amended by Protocol, 1953.

<sup>9</sup> See, in particular, arts 1-6 and 10-16.

<sup>10</sup> Article 2 of the Belem do Para Convention defines violence and 2 (b) lists trafficking in persons as a form of violence against women.

<sup>11</sup> See articles 2, 5, 15, 18 (3), 60 and 61.

<sup>12</sup> Specifically article 29.

<sup>13</sup> Article 4 (2) (g) prohibits trafficking in children and women and requires States to prosecute the perpetrators of such trafficking and protect those at risk. Other relevant articles are 2, 3, 11, 13 and 24.

23. The Southern African Development Community (SADC) Convention adopted a definition similar to the Palermo Protocol. Further relevant African initiatives include the 2006 AU/EU Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially women and children and the revised AU Plan of Action on Drugs Control and Crime Prevention (2007-2012).

24. The recent decision on strengthening the cooperation between the United Nations and the African Union in combating trafficking in human beings “directs the Permanent Representatives of the Member States of the African Union to the United Nations in New York to propose and start negotiations on a Global Action Plan for combating trafficking in human beings under the auspices of the President of the United Nations General Assembly, taking the 2006 Ouagadougou Action Plan and other regional action plans, in particular the ECOWAS Initial Action Plan against Trafficking in Persons, as a basis for the African position and to coordinate with other interested Member States with similar action plans or similar positions”.<sup>14</sup>

25. Another intergovernmental organization taking action to combat trafficking is the Commonwealth. The Aso Rock Commonwealth Declaration, adopted by the Commonwealth Heads of Government Meeting in Abuja in 2003, recognized the growing problem of trafficking in persons and made a renewed commitment to combating this scourge through international cooperation. Furthermore, the Commonwealth Law Ministers Meeting held in Edinburgh from 7 to 10 July 2008 focused on the legal issues relating to trafficking in persons and how to improve the legal framework in member States.

26. Of course, the Palermo Protocol is the main legal normative framework to combat trafficking. However, any lacunae or gap in the Palermo Protocol with regard to the rights of victims of trafficking is filled in by several of these international and regional human rights instruments mentioned above.

27. The system of the universal periodic review (UPR), which is a cooperative mechanism based on an interactive dialogue with States under review, affords a unique opportunity for a holistic review of countries’ human rights situation and has been helpful in monitoring the situation of trafficking in countries being reviewed. Thus far, almost all the States reviewed in the UPR process have taken up the problem of human trafficking. This is a very welcome development that will strengthen efforts aimed at combating human trafficking.<sup>15</sup>

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<sup>14</sup> Adopted at the Assembly of the African Union, 11th Ordinary Session, 30 June-1 July 2008, Sharm El-Sheikh, Egypt (Assembly/AU/Dec.207(XI), para. 7).

<sup>15</sup> At the first two sessions held in 2008, 32 countries were reviewed. Almost all of the UPR reviews so far discussed the issue of human trafficking. Furthermore, most of them also included a recommendation to the State under review to address the issue of trafficking.

### C. National legal regimes

28. In most countries of the world some forms of trafficking or related activities are considered a serious crime under applicable penal or criminal laws. Responses to the questionnaire sent by the Special Rapporteur demonstrate that most countries criminalize trafficking for prostitution of women and children; few however criminalize trafficking for forced labour or trafficking in men.

29. Although the Palermo Protocol to date has been ratified by 119 States, implementation levels remain low in many countries, including those of origin, due to a lack of comprehensive national legislation, resources to enforce the laws and political will.

30. Article 2 of the Palermo Protocol states that the purposes of the Protocol are to prevent and combat trafficking in persons, to protect and assist the victims, and to promote cooperation in order to meet these goals.

31. Article 9 of the Protocol provides, under “prevention, cooperation and other measures” that:

“4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking.”

32. The responses of States on the question of national legislative measures to address the trafficking problem show that a significant number of countries,<sup>16</sup> especially States parties to the Palermo Protocol, have embarked upon legislative reforms, often by amending existing criminal laws and/or developing new anti-trafficking legislation. While these moves are highly commendable, care must be taken to ensure that the new anti-trafficking legislation is in accordance with international human rights standards and broad enough to cover victim protection, rehabilitation and reintegration.

33. Mere amendments of existing criminal laws are often insufficient because they address trafficking only from the perspective of crime and border control. A comprehensive legislative response requires additional legislation that also addresses other aspects of trafficking in persons and, in particular, the rights of the victims. Encouragingly, according to the replies to the

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<sup>16</sup> Forty-two out of the 58 States that replied as at 4 December 2008 have either a separate new law on trafficking or have amended their penal and criminal codes to prohibit and punish the crime of trafficking and/or harmonize their legislation with the Palermo Protocol.

questionnaire received by the Special Rapporteur, a number of countries have taken steps to include legislation aimed at protecting the rights of the victims, which are often violated in the process of their being trafficked, in addition to legislation criminalizing trafficking.

34. Furthermore, some States already have adopted a national action plan and established designated bodies or ad hoc inter-ministerial committees that address trafficking. In addition, national human rights institutions may deal with policy and programmes towards combating trafficking.

35. Almost all of the 67 Governments that have submitted responses to the questionnaire as of 12 February 2009 have embarked on international cooperation, including in the form of bilateral and subregional agreements with other Governments, United Nations agencies and intergovernmental and other international organizations, for example, on sharing information and intelligence through their law enforcement agencies.

36. The Special Rapporteur intends to use such existing cooperation as leverage to push forward the global agenda for combating trafficking in persons, in particular as regards advocacy for adoption at national levels of legislation that is victim-centred and rights-based. In this regard, the Special Rapporteur will work together with stakeholders and support the development of an anti-trafficking model legislation that integrates human rights perspectives.

### **III. AGENDA-SETTING AND METHODS OF WORK**

37. The Special Rapporteur will employ diverse dynamic strategies to achieve the objectives of the mandate entrusted to her by the Human Rights Council. Most importantly, she will use a highly participatory approach, in form of consultations with all stakeholders, including civil society, and a constructive dialogue. She will seek direct engagement in all her work. Already the agenda set out in this report is a collective effort, since it is formulated and based on information received from various Governments in response to the questionnaire, in particular on priorities, as well as on consultations and submissions made by other actors working in the anti-trafficking field.

38. The Special Rapporteur will pay particular attention to human rights violations against trafficking victims. She will work with Governments to put in place national mechanisms that will help to identify victims and provide protection and assistance to them while at the same time prosecuting and punishing traffickers.

39. It is important that victims of trafficking are not treated like irregular migrants and deported even before they are identified as victims. The Special Rapporteur will work to ensure that the practice of assistance to victims tied to their cooperation as a witness in the prosecution of traffickers does not undermine the safety and rights of victims. The Special Rapporteur will further promote international cooperation and technical assistance for States so that they can embark on reforms and adopt a human rights-centred approach in their quest to combat trafficking in persons, in line with the principles and guidelines for human rights and human trafficking prepared by OHCHR (E/2002/68/Add.1), the main message of which is to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions.

### **A. Gathering of baseline information and data mapping on all forms of trafficking**

40. Credible statistical information on trafficked persons and related matters is a major challenge. Statistics are being brandished from many sources and most are far from being comprehensive or credible. The mandate of the Special Rapporteur seeks to make concerted efforts with Member States in solving this problem and facilitating the framework for a coherent, systematic information base on all forms of trafficking. Some specialized agencies and intergovernmental organizations have done tangible and good work in researching and documenting various aspects of trafficking.

41. For example, ILO has done very comprehensive work on forced labour<sup>17</sup> and child trafficking for labour exploitation. UNICEF has documented the trafficking of children for sexual exploitation. IOM has focused, among other things, on documenting “hard data” on known or reported cases, for example the number of women and children or trafficked persons for which IOM has provided assistance with its partners worldwide. The United States annual Trafficking in Persons Report (TIP Report)<sup>18</sup> also provides accounts of trafficked persons around the world. The UNODC database provides a criminal justice perspective, focusing in part on enhancing institutional capacity and effectiveness of States parties to the Palermo Protocol to prosecute traffickers and track the proceeds of their crime as well as victims’ protection. All of this is very important work that the Special Rapporteur will not only seek to harness but to build upon through a synergetic partnership that is targeted at better coordination and dissemination of information.

42. In pursuit of this objective, the Special Rapporteur has as one of her first activities sent out a questionnaire to Member States. The brief questionnaire is intended to gather baseline information and in its five questions, covered the following: (1) information on whether a country is a party to the Palermo Protocol; if so, subsequent action taken to implement and transform the Palermo Protocol into the domestic legal framework; if not, whether specific national legislation exists to address the issue of trafficking in persons; (2) whether a specialized national agency exists at country level which coordinates action directed at combating trafficking

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<sup>17</sup> The ILO Special Action Programme to Combat Forced Labour aims at raising global awareness about the forced labour phenomenon around the world, and provides technical assistance to Governments, workers’ organizations and employers’ organizations in developing and implementing effective strategies to prevent this serious form of labour exploitation.

<sup>18</sup> The 2000 Trafficking Victims Protection Act (TVPA) mandated the State Department to produce an annual Trafficking in Persons report to assess Governments’ anti-trafficking efforts around the world, measured in terms of compliance with a set of minimum standards for the elimination of trafficking in persons (Tier 1). The Trafficking Victims Reauthorization Act (TVPRA) of 2003, among other amendments, supplemented the criteria for these standards, including by adding the consideration not only of investigations and prosecutions but also of convictions and sentences. The 2004 TIP Report was the first one prepared under the TVPRA.

in persons; (3) what international cooperation the Government has undertaken with respect to trafficking in persons in the last 12 months; (4) what priority the Government sees with regard to combating trafficking in persons in their respective countries, regions or in more general terms; (5) the prevalence of the problem of trafficking, whether the country is a source, transit or destination country, and a description of the scale and seriousness of trafficking; and finally what form or aspect of trafficking is considered rampant.

43. The enormous amount of information gathered from so far 67 States that have responded from across the world is not only impressive; it shows that, together, we can undertake data mapping in a harmonized and user-friendly manner that can inform both policy and direct interventions aimed at ending trafficking.

### **B. Focus on promotion and protection of human rights of trafficked victims**

44. Undoubtedly, human rights should be at the core of any effort to combat or eliminate trafficking in persons. Trafficking is a grave violation of human rights, in particular the right to liberty, human dignity, and the right not to be held in slavery or involuntary servitude. Moreover, as experiences from around the world show, trafficking is often related to the violation of a wide range of other fundamental human rights. The rights violated include, but are not limited to: the right to freedom from discrimination, right to life and security of person, right to human dignity, freedom from torture, inhuman or degrading treatment, right to recognition as a person before the law, right to freedom from arbitrary detention, right to access to justice, legal aid and representation, right to equal protection before the law, right to compensation and effective remedy, and right to non-conditional assistance, right to privacy, right to freedom of movement, right to information and freedom of expression, right to freedom of association, right to be heard, right not to be held in slavery and freedom from forced or compulsory labour, right to just and favourable conditions of employment, right to remuneration, right to equal pay for equal work, right to marry, right to health, right to bodily integrity, right to reproductive self-determination, right to gender equality.

### **Recommended Principles on Human Rights and Human Trafficking**

45. In 2002, OHCHR developed principles and guidelines in order to provide practical, rights-based policy guidance on the prevention of trafficking and the protection of victims of trafficking.

46. Guideline 1 on the promotion and protection of human rights reads as follows:

“Violations of human rights are both a cause and a consequence of trafficking in persons. Accordingly, it is essential to place the protection of all human rights at the centre of any measures taken to prevent and end trafficking. Anti-trafficking measures should not adversely affect the human rights and dignity of persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum-seekers.”

47. The Recommended Principles on Human Rights and Human Trafficking reiterate the following:

- (1) The primacy of human rights: “The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims ... anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers.”
- (2) Preventing trafficking: “Strategies aimed at preventing trafficking shall address demand as a root cause of trafficking”; and “States and intergovernmental organizations shall ensure that their interventions address the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination.”
- (3) Protection and assistance: “States shall ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care. Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings.” Importantly, “trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons”.
- (4) Criminalization, punishment and redress: “States shall adopt appropriate legislative and other measures necessary to establish, as criminal offences, trafficking, its component acts and related conduct. States shall effectively investigate and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors. ... States shall ensure that trafficked persons are given access to effective and appropriate legal remedies.”

### **C. Raising awareness, including on the root causes of trafficking in persons**

48. There is need to raise awareness to prevent trafficking. Obviously, many victims are lured into being trafficked by prospects of jobs and better living opportunities in destination countries.

49. Growing poverty and high youth unemployment in many countries of origin have increased vulnerability to trafficking. Restrictive immigration laws and policies are obstacles to a large supply of human power from source countries to meet the high demand for cheap labour in host countries. This helps generate a lucrative market for traffickers.<sup>19</sup>

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<sup>19</sup> BEST PRACTICE - Report of the Expert Group on Strategies for Combating Trafficking of Women and Children, Commonwealth Secretariat, 2003, p. 17.

50. As stated in the Palermo Protocol, factors that make people vulnerable to trafficking and demand must be addressed in the strategies to prevent trafficking. This fact is further reinforced by the Recommended Principles and Guidelines on Human Rights and Human Trafficking. Principle 4 and Guideline 7 state that strategies to prevent trafficking shall address demand as a root cause and States shall ensure that their interventions address the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination and prejudice.

51. The definition of demand, which is an economic term, can be adapted to the context of trafficking to describe it as the desire “for labour that is exploitative or services which breach the human rights of the person delivering those services”.<sup>20</sup> It includes demand for sexual exploitation; for cheap labour and domestic workers; for organ removal and sale; for illicit adoption and forced marriages; for criminal activities or begging or for exploitation within the army.<sup>21</sup> As noted by several authors, globalization has increased the demand for cheap labour and services as well as for sex tourism.<sup>22</sup>

52. “The demand side of trafficking generally refers to the nature and extent of the exploitation of the trafficked persons after their arrival at the point of destination, as well as the social, cultural, political, economic, legal and developmental factors that shape the demand and facilitate the trafficking process.”<sup>23</sup> As such, it does not have to be “properly understood as the demand for a trafficking victim’s prostitution, labour or services. Rather, demand must be understood expansively, as any act that fosters any form of exploitation that, in turn, leads to trafficking”.<sup>24</sup>

53. The United Nations Global Initiative to Fight Human Trafficking (UNGIFT) has identified three levels of demand related to human trafficking:<sup>25</sup>

- Employer demand (employers, owners, managers or subcontractors)
- Consumer demand clients or prostitute-users (in the sex industry), corporate buyers (in manufacturing), household members (in domestic work)

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<sup>20</sup> UNODC, “Toolkit to Combat Trafficking in Persons”, 2008, p. 457.

<sup>21</sup> UNODC and UNGIFT, “Human Trafficking: an overview”, 2008, p. 13.

<sup>22</sup> See Sector Project against Trafficking in Women (eds.) - *Challenging Trafficking in Persons, Theoretical Debate and Practical Approaches* (Nomos, 2005). Also, Cameron and Newman (eds.), *Trafficking in Humans* (United Nations University Press, 2008).

<sup>23</sup> UNODC Toolkit, p. 457.

<sup>24</sup> E/CN.4/2006/62, para. 52.

<sup>25</sup> UNODC Toolkit, p. 457.

- Third parties involved in the process (recruiters, agents, transporters and others who participate knowingly in the movement of persons for the purposes of exploitation)

54. “Unarguably achieving MDGs, especially goal 1 on eradication of poverty, will address the root causes of trafficking. As has been rightly observed trafficking feeds on poverty, despair, war, crisis, ignorance and women’s unequal status in most societies.”<sup>26</sup>

55. Article 22 of the Universal Declaration of Human Rights states: “Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.” Furthermore, article 25 reinforces the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

56. Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and states that States parties will take appropriate steps to safeguard this right. It includes the right of everyone to the enjoyment of just and favourable conditions of work, as spelt out in article 7:

“(a) Remuneration which provides all workers, as a minimum, with:

- (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
- (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.”

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<sup>26</sup> BEST PRACTICE - Report of the Expert Group on Strategies for Combating Trafficking of Women and Children, Commonwealth Secretariat, 2003, p. 5.

57. In addition, article 10, paragraph 3, of ICESCR states that:

“Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”

58. The Special Rapporteur will promote and advocate addressing the root causes of trafficking within the context of MDGs, which have set targets *inter alia* on poverty, gender equality and women empowerment, which are intrinsically linked to the factors increasing vulnerability of people to trafficking.

#### **D. Global action plan to combat trafficking in persons**

59. The General Assembly of the African Union, at its session held in Cairo in July 2008, called for a global action plan for combating human trafficking in all its facets. The Special Rapporteur welcomes this call. She is of the view that the idea is timely and contains a goal for which the mandate will work earnestly in order to achieve it as a collective effort in concert with all Member States and other stakeholders. A global action plan with quantifiable and time-bound targets has become imperative to galvanize the political and economic will to achieve the fundamental objectives and purpose of human rights promotion and protection, especially within the framework of the Palermo Protocol and the OHCHR Guidelines.

60. General Assembly resolution A/61/144 of 19 December 2006 noted that the need for global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in persons demands the strong political commitment, shared responsibility and active cooperation of all Governments of countries of origin, transit and destination.

61. Unarguably, the global plan of action will be a vehicle to realize these objectives. The Special Rapporteur is ready and willing to devote her energy in pursuit of such a global agenda to end trafficking in human beings.

#### **E. Learning and sharing good/best practice around the world**

62. One of the ways the Special Rapporteur proposes to work is to reach out, listen, learn and share good practice around the world. She will be proactive in her work as she monitors and documents situations of trafficking globally. While some countries have done reasonably good work in combating human trafficking, others lag behind. In some cases, they are constrained by a lack of innovative ideas and examples of what has worked against trafficking rather than by the lack of available resources.

63. Collectively we can learn and share strategies aimed at prevention in different sectors: education, advocacy, public enlightenment and awareness, and economic empowerment that mainstream gender and integrate a rights-based approach in both source and destination countries.

64. At a workshop on trafficking sponsored by OHCHR during the Third World Congress on Sexual Exploitation of Children and Adolescents, the Special Rapporteur had the opportunity to watch a video documentary by the Ricky Martin Foundation aimed at creating awareness and sensitizing people about the dangers of trafficking in Latin America. She was not only impressed by the packaging of the information to get the message clearly across to its target audience, but feels strongly that we need to bring more popular public personalities to join the fight against trafficking in persons.

65. There are so many innovative and refreshing approaches to learn from out there but what may be lacking is a focal point to track and provide feedback to other stakeholders. The mandate will serve as that node. In doing this task of documenting and sharing good practices, special attention will be paid to projects and initiatives that have been subjected to evaluation and proven through evidence-based research to be effective in tackling human trafficking. Future reports of the Special Rapporteur will devote a section to sharing information, good practice/best practice by all actors globally as well as presenting human angle stories of real victims and survivors of trafficking. Country missions and visits will also provide a unique opportunity for the mandate to document such information.

#### **F. Consultations and cooperation with Governments, intergovernmental organizations, other regionally existing mechanisms and specialized agencies**

66. There have been a number of newly developed initiatives between countries resulting from bilateral or multilateral agreements, and countries have agreed on a variety of measures to share information and cooperate in the fight against human trafficking. These include agreements between neighbouring countries as well as between sending, transition and destination countries. Importantly, in a number of instances, law enforcement agencies from different countries work together under the auspices of bilateral agreements. Specific procedures have to be agreed on, in a country-by-country context. Trafficking will only be fought successfully, “if we work in partnership, across borders and across all parts of society”.<sup>27</sup>

67. The Special Rapporteur will enhance cooperation with other existing mechanisms at regional level such as the African Commission on Human Rights, the Inter-American Commission on Human Rights and the Council of Europe and European Union mechanisms.

68. Furthermore, the Special Rapporteur will work together with Governments, national human rights institutions, intergovernmental organizations and specialized agencies to promote cooperation and concerted action at international, regional and national levels.

#### **G. Cooperation and joint initiatives with related mandate holders**

69. The Special Rapporteur has taken note of possible overlap with existing mandates, including but not limited to the Special Rapporteur on the human rights of migrants, the

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<sup>27</sup> General Assembly President’s statement during the General Assembly Special Thematic Debate on Human Trafficking in New York on 3 June 2008.

Special Rapporteur on violence against women, the Special Rapporteur on contemporary forms of slavery and the Special Rapporteur on the sale of children, child prostitution and child pornography. Discussions have already started with the two latter mandates to avoid duplications. It is hoped that in the coming months, a very robust and strategic meeting will be held to help delineate the intersections and scope of some of these related mandates as well as possible joint initiatives that can add value to the work of the Special Rapporteur on trafficking in persons.

#### **H. Cooperation with human rights treaty bodies**

70. Among the United Nations human rights mechanisms, the treaty bodies - the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee on Migrant Workers - have an important role to play in combating human trafficking. The Special Rapporteur will key into the work of these treaty bodies.

71. In the course of her work the Special Rapporteur has had the opportunity to meet, consult and interact with some treaty bodies, notably the Committee on the Rights of the Child, and the Chairperson of CEDAW and some of its members. The Special Rapporteur will in the course of her work continue to relate with CEDAW. It is relevant to point out that article 6 of the Convention on the Elimination of All Forms of Discrimination against Women prohibits trafficking and prostitution of women, and together both mandates can create synergy to ensure State accountability with regard to this problem.

#### **I. Consultations with civil society organizations and the private sector**

72. In carrying out her mandate, the Special Rapporteur will consult with civil society and non-governmental organizations working to combat trafficking. The Special Rapporteur has already reached out to this category of stakeholders and a number of consultations have been held. Quite a number of civil society organizations, in particular the international NGOs, have provided inputs that will be taken into account in mapping the future work relating to the mandate.<sup>28</sup> The Special Rapporteur will consult and partner with a wide range of national and local organizations, especially during her country missions. She will also reach out to the private sector, especially players in the tourism industry and the media, to look out for possibilities for public-private partnerships that will address not only sex trafficking, especially of minors, but also the demand for cheap labour in the private sector.

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<sup>28</sup> Those that responded include: Terre des Hommes International Federation; Human Rights Watch; Global Alliance Against Trafficking in Women (GAATW); Coalition Against Trafficking in Women (CATW); Anti-Slavery; Equality Now; Centre for Democracy and Development West Africa; and World Vision International.

#### **IV. ACTIVITIES CARRIED OUT SINCE THE APPOINTMENT OF THE SPECIAL RAPPORTEUR**

73. After assuming her functions on 1 August 2008, the Special Rapporteur participated in the International Expert Conference in Vienna, Austria, on Global Standards - Local Action to mark 15 Years of the Vienna World Conference on Human Rights (VDPA +15), on 28 and 29 August 2008. She took part in the working group on the role of United Nations human rights mechanisms and OHCHR in the promotion and protection of human rights.
74. On 23 September 2008, the Special Rapporteur participated in a consultative meeting on the Commonwealth Plan of Action for Human Trafficking organized by the Commonwealth Secretariat in London, where she gave a keynote address.
75. On 6 October 2008, the Special Rapporteur attended an orientation session for new special procedures mandate holders organized by the coordination committee of special procedures in Geneva. This meeting enabled her to consult and coordinate with fellow special rapporteurs and to get acquainted with the role of the coordination committee of special procedures.
76. On 7 and 8 October 2008, the Special Rapporteur attended a series of orientation briefings for newly appointed mandate holders organized by the Special Procedures Division of OHCHR in Geneva.
77. From 6 to 10 October 2008, the Special Rapporteur also held initial consultations with organizations in Geneva relevant to the mandate. She met with the Committee on the Rights of the Child, numerous representatives of permanent diplomatic missions, NGOs, ILO and IOM. In addition, she held a telephone conference with UNODC.
78. In October 2008, the Special Rapporteur sent out a questionnaire in English, French and Spanish to all Member States to gather some baseline information on the problem of trafficking, in order to inform her future work and to enable her priority-setting.
79. From 8 to 12 November, the Special Rapporteur participated in the 44th Ordinary Session of the African Commission on Human and Peoples' Rights, where she took part in a number of events, including initiating and working alongside other stakeholders on a resolution to combat human trafficking in Africa. She also presented a paper on human rights and human trafficking in Africa at an event of the Network of African National Human Rights Institutions and West African National Human Rights Institutions, hosted in Abuja on 10 November 2008 by the National Human Rights Commission Abuja and the Open Society Initiative for West Africa (OSIWA).
80. From 17 to 20 November 2008, the Special Rapporteur attended the Sixth Africa Development Forum (ADF VI) in Addis Ababa entitled "Action on Gender Equality, Women's Empowerment and Ending Violence Against Women in Africa" organized by the Economic Commission for Africa, the African Union and the African Development Bank. Among other activities during the conference, she presented a paper entitled "Trafficking and Exploitation of Women: Time for Regional Action to Stop the Traffic". She also participated in the UNIFEM Pre-Conference activities on violence against women.

81. On 21 and 22 November 2008, the Special Rapporteur participated in a regional consultation in Africa organized in Nairobi by the Global Alliance Against Trafficking in Women (GAATW) with the theme “Building and Expanding Connections Towards Promoting the Human Rights of Trafficked and Migrant Persons in Africa”.
82. From 25 to 28 November 2008, the Special Rapporteur participated in the Third World Congress against Sexual Exploitation of Children and Adolescents in Rio de Janeiro, a gathering of more than 3,000 people from five continents, 300 of whom were adolescents. She moderated a high-level panel of experts on the topic “Forms of commercial sexual exploitation and its new scenarios” and participated in several workshops, including the Workshop on the Implementation of the Human Rights-based Approach to Combating Trafficking of Children.
83. From 7 to 11 December 2008, the Special Rapporteur was in New York to hold consultations. On 9 and 10 December, she participated in an expert briefing, and a Roundtable on Human Trafficking, Sexual Rights, Sex Work and Health organized by Open Society Initiative (OSI) Public Health Program, American University Washington College of Law Program on Human Trafficking and Forced Labour, where she met stakeholders from India, Cambodia, Germany, Brazil, Kyrgyzstan, Poland, Thailand, Brazil and the United States. On 8 December, she had consultative meetings with the Human Rights Watch team working on trafficking issues, as well as with the New York Anti-Trafficking Network Steering Committee. She met a number of stakeholders on the issue of the conflation of sex work and trafficking, in particular as it relates to the recently increased global attention to combating trafficking in the sex industry. The Special Rapporteur also met with other international organizations working on trafficking issues, including Equality Now, based in New York, and the Polaris Project, based in Washington D.C.
84. On 10 December 2008, the Special Rapporteur participated in a joint press release with other special procedures mandate holders on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
85. On 3 and 4 February 2009, the Special Rapporteur participated at the Commonwealth Parliamentary Association conference “International Migration and Human Trafficking: Maximizing Benefits, Overcoming Challenges” at the Houses of Parliament in London and gave a keynote speech.
86. In March 2009, the Special Rapporteur intends to participate in the conference “Trafficking at the Crossroads” in Bahrain which will discuss private-public partnership to fight human trafficking, and in the Commonwealth Parliamentarians Conference on international migration and human trafficking in London.
87. During her consultations in October 2008, the Special Rapporteur enquired about the possibility of country visits. She has received an invitation to visit Poland and Belarus in 2009 and is consulting with Japan to determine possible dates for a country visit.

## V. CONCLUSIONS AND RECOMMENDATIONS

### Conclusions

- **In terms of the challenges associated with tackling human trafficking, the lack of reliable and complete data is a major problem. Therefore, an effective means for combating trafficking in persons will require enhanced information-sharing between States through bilateral and multilateral cooperation and increased data collection capacities, including through the systematic collection of gender- and age-disaggregated data.**
- **Since trafficking is mostly a cross-border phenomenon, no one State can tackle it alone and cooperation is therefore imperative. Hence, there is a need to increase cooperation and capacity of States to handle readmission and reintegration of trafficking victims in line with human rights.**
- **Victims are often hidden in the community and the unregulated sectors of the economy, and are engaged in sex work, domestic work, begging, armed conflicts, or farm labour; therefore resources must be committed for law enforcement and redress for victims. Even though trafficking is intertwined with other criminal activities such as smuggling, drugs and arms trafficking, States must avoid treating trafficking only from a crime and border-control perspective or simply as a migration issue. Multilevel approaches are needed that will focus on various perspectives including human rights; crime control and criminal justice; migration; and labour.**
- **The root causes of trafficking, such as demand for cheap labour, sex tourism, widespread poverty, gender discrimination, conflicts, corruption and restrictive immigration policies of favoured countries for migrants, are insufficiently tackled.**
- **Trafficking in persons results in cumulative breaches of human rights, and this correlation needs to be recognized in any intervention effort. As far as the mandate of the Special Rapporteur is concerned, the real challenge is not just in adopting strategies that will effectively lead to catching the perpetrators and punishing them. Rather, it is preferable to put in place strategies that will focus equally on the victim by recognizing and redressing the violations suffered, empowering the victim to speak out without being doubly victimized, jeopardized or stigmatized, while at the same time targeting the root causes of human trafficking. The strategies must be people-centred, bearing in mind that human trafficking is about persons whose basic right to live free particularly from fear and want is under constant threat. We must recognize the dignity of the victims and their right to survival and development. Thus, restorative justice is central to combating human trafficking.**
- **While addressing root causes, innovative approaches need to be sought in tackling the complex problem of human trafficking. The Special Rapporteur believes that international, regional and national strategies for combating trafficking rest on the following “5 P’s” and “3 R’s” - Protection, Prosecution, Punishment, Prevention,**

**Promotion (of international cooperation), Redress, Rehabilitation and Reintegration of victims to assume a constructive role in the society. These pillars will be explored in greater detail in future work and reports.**

- **We now more than ever need refreshing new ideas and insights into this phenomenon and the Special Rapporteur hopes that together we can examine our “solutions” of the past and begin to propose better ways of tackling trafficking in human beings.**

#### **Recommendations**

- **States are urged to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**
- **States should take immediate steps to incorporate the provisions of the Palermo Protocol into their domestic legal system, including by establishing dedicated national anti-trafficking machineries (e.g. an agency) and adopting a plan of action that integrates a human rights framework.**
- **Regarding data collection and management, States are urged to put in place harmonized data collection mechanisms to improve data collection and reporting on all forms of trafficking to ensure effective programming and monitoring.**
- **States are urged to work towards a global plan of action to combat trafficking and to improve cooperation through bilateral and multilateral agreements for joint actions against human trafficking among countries of origin, transit and destination.**
- **States should continuously conduct capacity-building, awareness-raising and sensitization campaigns on trafficking in persons for law enforcement officials, particularly police, judiciary and immigration, and the general public.**
- **States should observe the principles and guidelines on human rights and human trafficking developed by OHCHR and incorporate them in their legal and policy framework for combating all forms of human trafficking.**
- **States should ensure that robust, child-centred provisions exist in their legislation to combat trafficking of children and that these are implemented with the highest regard for the rights and well-being of the child. These child-centred policies should include child-friendly reporting systems, training for law enforcement to ensure that child victims are rescued and reintegrated in child-centred ways and not treated as criminals, and that national action plans and anti-trafficking policies and programmes include children as equal participants and partners.**
- **Governments and intergovernmental and non-governmental organizations should collaborate and take steps to ensure that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including those who have been trafficked.**

- **States should provide all trafficked persons access to specialized support and assistance, regardless of their immigration status. The granting of temporary or permanent residency status and/or access to services should not be dependent on participation in criminal proceedings.**
- **States should consider the appointment of a national rapporteur who will liaise with the Special Rapporteur to gather, exchange, and process information on trafficking in persons and monitor action.**
- **States should consider urgent action to address the root causes of trafficking such as growing poverty, youth unemployment and gender inequalities, which increase vulnerability to trafficking, especially of women and girls.**

**The Special Rapporteur expresses her gratitude to all the Governments<sup>29</sup> that have responded and given constructive feedback on the questionnaire and implores those who are yet to respond to take steps to do so. The intention is to create ownership by all Member States of the collation and dissemination of information, because trafficking in persons is a common problem that needs to be tackled globally and in close cooperation between Member States. Subsequent reports of the Special Rapporteur will provide detailed analysis of the information obtained, discussions and findings thereon. These reports will be published on the website of OHCHR for easy access.**

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<sup>29</sup> Responses were received from: Albania, Algeria, Argentina, Azerbaijan, Bahamas, Bahrain, Belarus, Belgium, Bulgaria, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Israel, Italy, Jamaica, Japan, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Maldives, Mali, Mauritius, Mexico, Moldova, Monaco, Mongolia, Morocco, Myanmar, Nigeria, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Singapore, Slovakia, Slovenia, Spain, Swaziland, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Arab Emirates, United States of America, Ukraine, Uruguay, Viet Nam and Zambia.