



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2003/74
20 January 2003

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Item 12 of the provisional agenda

**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN
AND A GENDER PERSPECTIVE**

Traffic in women and girls

Report of the Secretary-General*

* In accordance with General Assembly resolution 53/208 B, paragraph 8, this document is submitted late so as to include the most up-to-date information possible.

Executive summary

The present report is submitted in accordance with Commission on Human Rights resolution 2002/51, which requests the Secretary-General to provide the Commission, at its fifty-ninth session, with an update on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls. The report acknowledges the complexity of trafficking which encompasses various dimensions: migration, organized crime, prostitution, security, labour and health. This complexity is reflected in the approach to trafficking adopted by different entities. There is growing acceptance that the human rights of trafficked persons should be at the centre of all efforts to prevent and combat trafficking. Prioritizing protection, assistance and provision of redress to victims acknowledges that trafficking and related violations constitute a denial of basic human rights. To support a rights-based approach to anti-trafficking efforts, the Office of the High Commissioner for Human Rights (OHCHR) has developed Recommended Principles and Guidelines on Human Rights and Human Trafficking, which identify core human rights principles and propose practical steps for their implementation.

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Introduction

1. The present report updates information on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls, as requested by resolution 2002/51 of the Commission on Human Rights.¹

2. One of the most serious challenges facing human rights today is the crime of human trafficking and its various dimensions, including organized crime, prostitution, security, migration, labour and health. The complexity of trafficking is increased by, inter alia, the different political contexts and geographical dimensions of the problem; ideological and conceptual differences of approach; inadequate legal frameworks; and insufficient research and coordination on the part of actors involved - at the national, regional and international levels. In describing the various activities of international and regional organizations, the present report seeks to provide an overview of current approaches, thereby encouraging greater collaboration between intergovernmental organizations on this issue.

I. ACTIVITIES OF UNITED NATIONS BODIES AND SPECIALIZED AGENCIES

3. The General Assembly and the Commission on Human Rights have continued to emphasize the human rights dimension of the problem of trafficking in women and girls. At its fifty-seventh session, the Assembly received a report of the Secretary-General on trafficking in women and girls (A/57/170), as well as a report on the elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" (A/57/171). Trafficking is addressed in that report as a form of violence against women. The Assembly has regularly adopted resolutions on this subject, reaffirming that trafficking in women and girls for purposes of economic and sexual exploitation and other contemporary forms of slavery are serious violations of human rights. It called upon Governments to criminalize trafficking and penalize all offenders while ensuring protection of and support for victims of trafficking (General Assembly resolution 55/67 of 4 December 2000).

A. The human rights mechanisms and procedures

4. Human rights treaty bodies continued to pay particular attention to the issue of trafficking in examining reports of State parties, in 2002. In particular, the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Human Rights Committee (HRC) and the Committee on Economic, Social and Cultural Rights (CESCR) have referred to trafficking and related exploitation in a number of concluding observations/comments.² Treaty bodies also referred to trafficking in the lists of issues sent to States parties and discussed the matter with governmental delegations during the examination of reports.³ In light of the increase in trafficking reflected by State party reports, treaty bodies called for urgent action by States to tackle the problem, including preventive and penal measures.

5. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography adopted by the General Assembly in

May 2000 entered into force on 18 January 2002. On 1 February 2002, CRC adopted guidelines (CRC/OP/SA/1) for the preparation of initial reports that each State party to the Optional Protocol shall submit to the Committee within two years following the entry into force of the Optional Protocol for that State party. In those guidelines, CRC requested States to report “to what extent the implementation of the Optional Protocol contributes to the implementation of the provisions of the Convention on the Rights of the Child, in particular articles [...] 34, 35 and 36”. Article 35 deals with the prevention of abduction of, the sale of or traffic in children for any purpose or in any form.

6. A number of special rapporteurs of the Commission on Human Rights, both thematic and country-specific, have also continued to address trafficking in persons, especially women, children and migrants.

7. The Special Rapporteur on the human rights of migrants continues to address both trafficking of persons and smuggling of migrants. In her 2001 report (E/CN.4/2001/83) she paid particular attention to the vulnerability of migrants who are in an irregular or non-documented situation to trafficking and smuggling. In her 2002 report (E/CN.4/2002/94) she addressed the treatment and detention of victims of trafficking. Victims are often and wrongly treated as criminals, or as migrants in an irregular situation. In 2001-2002, the Special Rapporteur has also participated in various regional conferences and other events on migration, trafficking and smuggling of persons. In her presentations and addresses she called for the establishment of a migrant management system with a human rights approach in order to deal with the violation of the rights of migrants, thereby improving protection against the risk of their being particularly vulnerable to trafficking and smuggling. She advocates a joint approach to migration and prevention of trafficking and smuggling in the countries of origin, transit and destination. Such an approach should be based on migration control policies and actions which, without neglecting national security or infringing on the sovereignty of each State in respect of the entry of individuals into its territory, would avoid violating fundamental human rights, permitting or fostering discrimination or detracting from the dignity of migrants and victims of trafficking.

8. The present holder of the mandate on violence against women will submit her final report as Special Rapporteur to the Commission at its fifty-ninth session (2003). In that report, the Special Rapporteur reviews the progress made since the creation of the mandate in 1994 and addresses trafficking in women and girls as a crucial issue for this mandate. The Special Rapporteur, together with the Special Rapporteur on the sale of children, child prostitution and child pornography, have been dealing jointly with individual cases relating to trafficking in girls. The Special Rapporteur on the sale of children, during his visit to France in November 2002, also examined the trafficking of children into and through France for prostitution and other purposes, in most cases from Eastern Europe, and also of girls mainly from Western Africa (Sierra Leone) (see E/CN.4/2003/79/Add.2).

9. The Working Group on Arbitrary Detention is working on protective custody, especially of trafficked persons. The Working Group stated that this form of custody is directly linked to its mandate and pointed out that it must be reconsidered and in any event must be supervised by a judicial authority, and be used only as a last resort and when the victims themselves desire it (see E/CN.4/2002/77).

10. The Special Representative of the Commission on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia raised the issue of trafficking in his report (E/CN.4/2002/41). He noted with concern the increasing number of victims of trafficking in the region and provided information on legislative and other measures taken in Bosnia and in the Federal Republic of Yugoslavia, including in Montenegro.

11. The Sub-Commission on the Promotion and Protection of Human Rights has continued to address the issue of trafficking in persons through the activities of its Working Group on Contemporary Forms of Slavery. While the priority theme for the twenty-seventh session of the Sub-Commission, held in 2002, was the exploitation of children, particularly in the context of prostitution and domestic servitude, most of the discussion focused on trafficking in persons. The frequent link with trafficking was identified as one of the common denominators of prostitution and domestic servitude. Organizations representing victims of trafficking and victims themselves, most of whose travel was financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, shared their experience. Based on the information received, the Working Group, in the report on its twenty-seventh session (E/CN.4/Sub.2/2002/33), adopted specific recommendations on trafficking in persons and resolved to continue dealing with this issue at future sessions. The recommendations focused on the need for measures to prevent trafficking by tackling its root causes and to criminalize traffickers while ensuring that victims of trafficking are provided with assistance and protection rather than criminalized.

12. The Working Group was provided with updated information on trafficking in children from Africa to Western Europe, as well as within Central and West Africa, and engaged in a useful dialogue with representatives of several countries concerned by the problem. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol) was again discussed. Although most of the participants in the session welcomed the adoption of the Protocol they also expressed their concern about some of its provisions, in particular the optional nature of those relating to the protection of victims of trafficking. In its recommendations, the Working Group called upon Governments to provide protection and assistance to victims that would not be contingent on their cooperation with the prosecution of their exploiters. In accordance with the wishes of the victims, they should be either repatriated or granted temporary residence permits in the country of destination. The Working Group called on States not to use the fight against trafficking as a reason for restricting the delivery of visas and for imposing restrictions on the freedom of movement to which every person is entitled. It also urged States to initiate community-based prevention programmes, especially in high-risk areas, and to educate people on the tactics of recruiters and traffickers and on the risks of sexual exploitation.

13. The United Nations Voluntary Trust Fund on Contemporary Forms of Slavery has continued to provide assistance to victims of contemporary forms of slavery, including trafficking, through the provision of project grants to relevant non-governmental organizations (NGOs) and travel grants to victims and NGO representatives to attend the sessions of the Working Group on Contemporary Forms of Slavery. Almost all of the 10 travel grants and 21 project grants approved are linked to the issue of trafficking. States and others are encouraged to contribute to the Fund in order to enable it to fulfil its mandate effectively.

**B. Office of the United Nations High Commissioner for
Human Rights (OHCHR)**

14. Since 1998, the High Commissioner for Human Rights has given priority to the issue of trafficking in persons, especially women and children. The overall goal of the work of OHCHR in this sector is the integration of human rights into international, regional and national anti-trafficking initiatives on legal and policy development.

15. The OHCHR Trafficking Programme has four basic objectives: (a) to enhance and ensure the capacity of the High Commissioner to provide policy guidance on and deal with the human rights-related aspects of trafficking; (b) to ensure the integration of a human rights perspective into the anti-trafficking work of other United Nations agencies and programmes; (c) to raise awareness and knowledge of trafficking as a human rights issue throughout the United Nations system; and (d) to support efforts of external organizations (intergovernmental organizations (IGOs), international and national NGOs and national human rights institutions) to take up the issue of trafficking and apply a human rights perspective.

16. The Recommended Principles and Guidelines on Human Rights and Human Trafficking were submitted as an addendum to the report of the High Commissioner for Human Rights to the Economic and Social Council in May 2002 (E/2002/68/Add.1). They identify the core human rights principles that should be at the centre of any anti-trafficking activity and propose practical steps for their implementation. The 17 Recommended Principles are organized under four overriding themes: The primacy of human rights; preventing trafficking; protection and assistance; and criminalization, punishment and redress. The Recommended Principles are elaborated upon by the 11 Guidelines that provide practical guidance and direction in taking into account the Recommended Principles in national, regional and international anti-trafficking laws, policies and interventions. Although most of the Principles are primarily directed at States, they are also applicable to other parties involved in the fight against trafficking.

17. OHCHR is preparing a legal commentary on the Recommended Principles and Guidelines, which elaborates further on the international legal standards underpinning the principles, including those contained in the Palermo Protocol, as well as in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and other human rights, anti-slavery and international treaties. It is expected that the legal commentary will be ready by 2003.

18. The application of the Principles and Guidelines was discussed in November 2002 during the annual meeting of heads of human rights field presences. The Principles and Guidelines have also been circulated among States and United Nations bodies, specialized agencies and other international organizations for information and consideration. Some United Nations agencies have already started using them in their work, for example, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF) and the Division for the Advancement of Women.

19. OHCHR field offices, particularly in Bosnia and Herzegovina, support national anti-trafficking activities. The OHCHR Bosnia Office has focused on supporting governmental

action, assisting in the development of a national plan of action with human rights protection at the core of the strategy. NGOs are very much part of this process and OHCHR has provided legal expertise and other assistance to help develop programmes, from prevention and awareness raising to direct legal assistance. OHCHR has also encouraged coordination of the work of international organizations. In 2002, OHCHR in Bosnia and Herzegovina, UNICEF, and the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) issued a report on the current situation and responses to trafficking in the countries of South-Eastern Europe. The report indicates that the policies followed to date, both by Governments and international organizations, have had little impact on trafficking. This is not least because of the lack of understanding as to the nature of the crime, which has often meant the criminalization of those trafficked, and responses which reflected policies concerned with repatriating migrants rather than dealing with those trafficked in a manner which protects their human rights. The report argues for an integrated approach to trafficking combining law enforcement and protection of the victim. OHCHR participates in the Stability Pact Task Force on Trafficking in Human Beings,⁴ which has encouraged the development of national plans of action that incorporate: prevention, awareness raising, law enforcement, reform of laws to maximize protection (including enabling victims to obtain temporary residence permits), the establishment of shelters, and (re)integration assistance, in countries of origin. This basic model has been adopted in most countries of the region.

20. In 2003, OHCHR will seek to consolidate and extend its Trafficking Programme through: (a) further dissemination of the Recommended Principles and Guidelines; (b) close coordination with other entities of the United Nations system, IGOs and NGOs through the IGO Contact Group on Human Trafficking and Migrant Smuggling; and (c) efforts to integrate trafficking into the work of national human rights institutions and to address the issue of trafficking and related exploitation in the context of United Nations field operations. Identification of best practices in implementing a human rights approach to trafficking is also planned.

C. The international crime prevention and criminal justice system

21. The adoption of the United Nations Convention against Transnational Organized Crime and the Protocols thereof addressing trafficking in persons and the smuggling of migrants by the General Assembly in November 2000 was a milestone of United Nations action against trafficking. Since their adoption, 145 countries have signed the Convention and 115 have signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol), and 21 have ratified the Protocol. The Convention and its Protocols are expected to enter into force in 2003.

22. The Trafficking Protocol contains important provisions aimed at preventing and combating trafficking, protecting and assisting victims and promoting inter-agency and intercountry cooperation. In several countries, the provisions of the Convention and the Protocol have already served as the basis for law reform. They also offer a framework for the formulation of regional and national anti-trafficking action plans. The Centre for International Crime Prevention (CICP) organized in November 2002, in Paris, an Expert Meeting on the Development of a Legislation Guide to Promote the Implementation of the United Nations Convention against Transnational Organized Crime and its Protocols.

23. CICIP continued its technical assistance activities under its Global Programme against Trafficking in Human Beings, launched in 1999 and carried out in cooperation with the United Nations Interregional Crime and Justice Research Institute (A/57/153). The Programme's main objectives include the assessment of the routes and modalities used by organized criminal groups, the improvement of law enforcement responses and support to victims by, inter alia, assisting States in reforming human trafficking-related legislation, and the strengthening of the investigation and prosecution capacity in trafficking cases. Awareness-raising and training sessions for law enforcement officers, as well as specific measures for victim and witness support, are also among the objectives of the Programme.

24. CICIP has set up a database which includes data from multiple sources on global trends, cross national routes and the volume of trafficking in persons and smuggling of migrants, as well as data on victims and offenders of trafficking and on responses of criminal justice systems to this criminal activity. The database is the first of its kind and is needed to facilitate development of strategies to combat trafficking both nationally and globally. The database has developed research tools aimed at generating data on recruitment practices, travel routes, exploitation, criminal organizations, and connivance and corruption. Guidelines have been developed for use in interviewing victims, government officials and NGOs. Regular reports based on data on the situation at the national, regional and global levels will be published.

25. CICIP is preparing a manual ("tool kit") to provide examples of promising practice in the efforts undertaken by government agencies, IGOs, NGOs and other relevant organizations against trafficking in persons. The manual will provide specific examples of practices, with a focus on the response of the criminal justice system, and will cover four areas: legislative reform, strengthening criminal justice responses, protection and support for victims, and international cooperation.

D. International Labour Organization

26. The International Labour Organization (ILO) deals extensively with the issue of trafficking in the context of bonded labour, child labour and migrant workers. The adoption in June 1999 of the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), which identifies trafficking and related exploitation such as child prostitution as one of the worst forms of child labour, represented an important step forward in ILO efforts to combat trafficking in children.

27. Trafficking issues have also been incorporated into the ILO International Programme on the Elimination of Child Labour (IPEC) and a substantial proportion of the IPEC budget is committed to combating trafficking. IPEC supports the efforts of Governments and workers' and employers' organizations in the prevention of trafficking and in the rescue, repatriation and restoration of the rights of victims of trafficking. ILO/IPEC is currently implementing a project in Albania, Moldova, Romania and Ukraine to combat trafficking in children and young persons in the Balkans and Ukraine particularly, through prevention and reintegration measures and by developing a subregional strategy. As a longer-term effort, a complementary project on employment and vocational training for women is implemented to offer viable alternatives to trafficked women or potential victims of trafficking.

28. Recently ILO expanded its anti-trafficking activities to a new programme on forced labour. In February 2002, the Special Action Programme to Combat Forced Labour (SAP-FL), established under the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up, became operational. The Programme's activities are twofold, as they will be directed at both countries of origin and countries of destination. They will give coherence to ILO activities to combat forced labour, including trafficking. The strategy behind the Programme identifies the ways in which, beyond its forced labour and child labour dimensions, trafficking can also be addressed from the perspective of labour market failure, thereby strengthening labour market institutions. The Programme identifies Europe as its initial priority. In June 2002, it initiated research and advocacy activities in cooperation with IPEC on several countries of South-East Europe and Ukraine. SAP-FL is undertaking a comprehensive project for the eradication of trafficking and forced labour in countries of origin in the Balkans and Eastern Europe, which tackles the root causes of trafficking and provides for measures ranging from prevention to redress and prosecution. The second aspect of the project directed at countries of destination is being implemented through awareness raising and research in those countries. A pilot project has started in France and a consultative meeting is planned for 2003 to compare experiences and research methodologies.

E. Office of the United Nations High Commissioner for Refugees (UNHCR)

29. Trafficking, as a serious human rights problem, has been of growing concern to UNHCR in the context of its protection mandate. The Global Consultations on International Protection, culminating in the Declaration of States Parties (adopted by consensus by the participants in the Ministerial Meeting held in Geneva on 12 and 13 December 2001), and the subsequent endorsement by UNHCR Executive Committee of the Agenda for Protection, reflect UNHCR concerns about the negative impact of smuggling and trafficking on refugee protection. One goal of the Agenda is dedicated to the theme of protecting refugees within broader migration movements and includes as an objective the strengthening of international efforts to combat trafficking and smuggling through the promotion of accession to the United Nations Convention against Transnational Organized Crime and its relevant Protocols.

30. The interest of UNHCR in the issue of trafficking is essentially twofold. First, refugees are particularly vulnerable targets for trafficking rings, especially in camp situations. Trafficking rings flourish in armed conflict and other situations of insecurity and chaos. In such situations refugee women and girls are particularly susceptible to a variety of threats. Refugee women are often without, or become separated from, family members during flight and fall victim to sexual abuse and exploitation. Heightened vulnerability continues throughout the refugee cycle, particularly when there is a lack of access to effective integration possibilities within host communities. Secondly, some trafficked persons, particularly women and young girls, may in fact be considered refugees under the definition of the Convention relating to the Status of Refugees of 1951, as a result of their trafficking experience and the inability or unwillingness of their country of origin to afford them effective protection against such harm. This is a relatively new phenomenon within the refugee status determination procedures of a number of States. The jurisprudence relating to trafficking has had to confront some strong prejudices born of the fact that trafficking issues have traditionally been analysed within the migration framework which

has in turn resulted in a reluctance to consider the victims of trafficking as victims of persecution. In recognition of this fact, jurisprudence is emerging in a number of countries in favour of granting refugee status to individual victims of trafficking.

31. This topic was the subject of some debate in the context of UNHCR Global Consultations process, particularly in relation to gender-based persecution, and the broader discussion on the nexus between asylum and migration. Guidelines with respect to gender and sexual violence issued by UNHCR in May 2002 touch upon the trafficking dimension, and UNHCR is committed to issuing more comprehensive guidelines focusing on trafficking within the context of the refugee definition.

32. UNHCR followed closely the drafting process of the two Protocols supplementing the United Nations Convention against Transnational Organized Crime to ensure that the final texts strike an appropriate balance between legitimate anti-trafficking measures and the basic tenets of international protection. A saving clause in both instruments specifically highlights the relevance of the Convention relating to the Status of Refugees. In the view of UNHCR, the primary effect of such saving clauses is to ensure access to some form of identification and screening process so that persons in need of international protection have an effective means of obtaining it, hence the importance of ensuring adequate reflection of that principle in any new legislation developed to implement the Convention against Organized Crime and Protocols thereto at the national level. UNHCR promotes accession to, and full implementation of, the Palermo Protocols, as reflected in the Agenda for Protection and its availability to work with States and relevant agencies, particularly OHCHR and the United Nations Office on Drugs and Crime to ensure that the asylum perspective and overarching human rights concerns are given due consideration. UNHCR forthcoming Guidelines on Trafficking will join the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking as important contributions in that regard.

33. At an operational level, UNHCR operations worldwide seek to contribute to broader efforts to combat trafficking in human beings and migrant smuggling. Activities in this regard focus on the particular needs of asylum-seekers and refugees caught up by trafficking and smuggling and can be categorized under five general headings: (a) strengthening the legal framework and access to justice; (b) awareness raising among refugee communities; (c) awareness raising among UNHCR staff and counterparts; (d) support to survivors and groups at risk; and (e) inter-agency coordination.

F. World Health Organization (WHO)

34. WHO is collaborating in a project on the health and human rights of migrants, including victims of trafficking, with OHCHR, ILO, and several NGOs. This project recognizes that health risks are increased by the vulnerability resulting from limitations on the enjoyment of human rights by migrants. It aims to reduce the vulnerability of migrants, and thus, risk and impact of ill-health, by enhancing their health and human rights protection in national health policies and legislation. The results of WHO consultations with its Regional Offices and Technical Departments concerning trafficking in human beings were included in a discussion paper entitled "Health implications of trafficking of women and girls: a comprehensive strategy for the World Health Organization". WHO Regional Office for Europe has also actively

participated in regional conferences on trafficking, such as the Expert Meeting on Trafficking, Slavery and Peace Keeping: the Balkan Case, held in Turin, Italy, in May 2002 (E/CN.4/Sub.2/2002/44).

II. ACTIVITIES OF OTHER INTERNATIONAL ORGANIZATIONS

A. International Organization for Migration

35. The International Organization for Migration (IOM) continues to be involved in counter-trafficking in persons through, inter alia, prevention activities such as research studies and policy papers and awareness-raising campaigns, as well as advisory services, technical cooperation and training for government institutions and protection and assistance activities to benefit victims of trafficking, including voluntary return and reintegration assistance, counselling and medical services. IOM has established counter-trafficking focal points in each of its field offices and, at present, implements more than 60 counter-trafficking projects in different regions. IOM has carried out research on trafficking in Africa, particularly in West Africa, and has also expanded its anti-trafficking activities in Central, Eastern and Western Europe in response to the increasing trafficking in women and girls in those regions.

36. Through its International Migration Policy Programme, IOM promotes shared understanding and collective migration approaches and assists in strengthening migration policy development and management and intergovernmental cooperation at the regional level. In 2002, the Programme organized four regional conferences in Africa,⁵ Europe,⁶ Eastern Europe⁷ and the Caribbean.⁸

B. European regional organizations

37. The main areas of concern for the Stability Pact Task Force on Trafficking in Human Beings⁹ are: awareness raising, training and exchange programmes, law enforcement cooperation, victim protection programmes, return and reintegration assistance, relevant legislative reform, and prevention. In the area of prevention, the Stability Pact Task Force is launching three pilot projects focusing on high-risk groups and social and economic causes of trafficking from a human rights perspective. The Task Force has elaborated a Multi-year Anti-Trafficking Action Plan for South-Eastern Europe. The Plan constitutes the framework for a comprehensive approach, involving all relevant actors and addressing all main areas of concern. The fourth meeting of the Task Force, held in June 2002, focused on the non-governmental sector and discussed collaboration between NGOs and Governments and the role of NGOs in decision-making processes.

38. In Zagreb on 27 November 2001, the countries of South-Eastern Europe agreed to develop further a Regional Information Exchange Mechanism, similar in methodology to that of Europol for the European Union member States, in cooperation with Interpol. The loopholes in existing approaches to the fight against human trafficking require urgent rethinking and restructuring respective strategies, responses, programmes and legislation. Therefore, in Tirana on 11 December 2002 these countries agreed to switch from an exclusive law enforcement approach to a victim-centred one. A central issue in this context is refraining from immediate deportation of victims of trafficking, and instead granting them the right to an extended stay in

the country. One reason for this measure is the estimation that up to 50 per cent of those repatriated are immediately re-trafficked. This shift is a crucial element of a victim and witness protection strategy.

39. The Stability Pact Task Force on Trafficking and the Stability Pact Gender Task Force signed an agreement of cooperation in 2000, which included a commitment of the latter to include a strategy for the prevention of trafficking in women through economic empowerment of women in its overall goals.

40. The Task Force on Trafficking will focus its next session in March 2003 on the prevention of child trafficking through, inter alia, education programmes in schools. It will also elaborate further on strategies and policy elements to address the root causes of human trafficking, in particular the feminization of poverty. Cooperation will be sought with the OSCE Economic Forum 2003, the Poverty Reduction Strategy Forum and the Stability Pact Task Force under Working Table II on economic reconstruction, cooperation and development, and the World Bank.

41. OSCE, in cooperation with the Stability Pact Task Force on Trafficking and CICP, is currently compiling anti-trafficking legislation to be published on the Council of Europe's web site for peer review by international and national experts. "Flying consultancies" will then assist each country of the region to develop adequate legislation and offer training for prosecutors and judges.

42. At the OSCE Istanbul Summit, held in November 1999, the heads of State or Government of the participating States had agreed in the Charter for European Security to "undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings. In order to prevent such crimes [they] will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims." In December 2002, the OSCE Ministerial Council adopted in Porto, Portugal, a Draft Declaration on Trafficking in Human Beings, which reiterates OSCE commitment to combating trafficking in human beings and acknowledges the need to address the root causes of trafficking. At the national level, OSCE continued to provide assistance to Governments, NGOs and individuals on trafficking. In Kosovo, for example, OSCE officials provided support to the drafting of new legislation criminalizing the trafficking of human beings and mandating assistance to victims. The informal working group on gender equality and anti-trafficking in human beings of the OSCE Permanent Council will revisit the Proposed OSCE Action Plan 2000 for Activities to Combat Trafficking in Human Beings and will elaborate a new draft for consideration in 2003.

43. The Committee on Equal Opportunities for Women and Men of the Council of Europe Parliamentary Assembly has continued to raise the issue of trafficking and related exploitation. After the adoption in 2001 of a recommendation on transit migration through Central and Eastern Europe, which dealt with combating illegal immigration and trafficking of persons,¹⁰ and of a recommendation on domestic slavery which raised the issue of "humanitarian residence permits" for illegal immigrants who are victims of domestic slavery,¹¹ in January 2002, the Committee adopted Recommendation 1545 on a campaign against trafficking in women. The

Committee noted the increase in trafficking in the past few years and recommended that priority be given by member States to making trafficking in women a criminal offence in national legislation. It also recommended that the Committee of Ministers create an observatory body on trafficking and draft a convention on the subject open to non-member States. The recommendation requires appropriate penalties, recognition of the victims of trafficking as victims of violations of their fundamental rights, and the implementation of social, administrative and legal assistance and protection policies.

C. Asian regional organizations

44. In February 2002, a Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, co-organized and co-chaired by the Governments of Indonesia and Australia, was held in Bali, Indonesia (A/57/64). The Conference was attended by ministers from 36 countries from the Asia-Pacific region and observers from over 15 other countries, as well as many United Nations and regional organizations and bodies. The Asian Development Bank, the Association of South-East Asian Nations, Interpol and the World Bank were among the participants. The Conference identified regional cooperative measures in law enforcement, border management and return arrangements. The Conference has established expert working groups to promote practical regional cooperation and to report on a yearly basis to the follow-up ministerial meetings.

45. At its seventh Annual Meeting in 2002, the Asia-Pacific Forum of National Human Rights Institutions agreed on the establishment of focal points on the human rights of women, including the issue of trafficking, within each Forum member institution and on coordination by the Forum secretariat of a network among them. The purpose of establishing such focal points is to emphasize that trafficking, its problems and solutions require a human rights-based approach and that national human rights institutions have an important leadership and practical role to play in this area. In addition, by enabling each national institution to focus on trafficking it can also provide a valuable regional network of data collection, research, information-sharing and cooperation.

III. THE IGO CONTACT GROUP

46. The IGO Contact Group on Human Trafficking and Migrant Smuggling (hereafter referred to as "the Contact Group") is an informal working group of Geneva-based agencies (particularly ILO, OHCHR, and UNHCR) working on issues relating to the trafficking and smuggling of human beings. The Contact Group does not claim independent personality; rather it represents the will of its participants to foster a cooperative approach on issues of common concern. The Contact Group focuses its efforts on key issues of law and policy relating to both trafficking in persons and smuggling of migrants, as these terms have been defined in the Protocols to the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in November 2000. Each of the organizations participating in the Contact Group brings a wealth of experience from its own institutional perspective. The aim of the Contact Group is not to oversee or to coordinate in any formal sense the policies and programmes of its participants, but rather to provide a forum which facilitates the exchange of information and promotes inter-agency cooperation on specific issues as deemed appropriate and feasible. The Contact Group is not limited to United Nations organizations and currently

incorporates the regular participation of IOM and the Council of Europe, in addition to NGOs (particularly the co-conveners of the NGO Caucus against Trafficking in Persons, the Focal Point on the Sexual Exploitation of Children and the International Movement Against All Forms of Discrimination and Racism). The utility of the Contact Group is further enhanced by regular communication with regional organizations such as OSCE, as well as with New York-based agencies such as UNICEF.

47. The Chair of the Contact Group rotates among the Geneva-based agencies and from April 2002 the Office of the High Commissioner for Refugees and the International Labour Office have shared this responsibility. In the course of 2002, participants in the Contact Group contributed to a number of trafficking-related events on a cooperative basis, including a panel discussion in April 2002 on a proposed European convention and a round-table event in July 2002 marking the Geneva launch of a joint UNICEF/OHCHR/OSCE-ODIHR report on Trafficking in Human Beings in South-Eastern Europe. The Contact Group started 2003 with a discussion session focusing on key topics such as victim protection and the demand-driven dynamics of trafficking and smuggling, as a means of providing a forum within which participants could present their different perspectives, deepen their common understanding and identify areas for cooperative activity over the course of the year. Adequate responses to the complex challenges of trafficking and smuggling call for a high degree of cooperation between actors working on different aspects of the problem. The Contact Group has proved its value in fostering information exchange and cooperation and aims to further develop this function through close consultation with all its participant organizations.

IV. CONCLUSIONS

48. **The information presented above shows that there are some positive developments to report in the fight against trafficking. However, it is relevant to note that the human rights implications of trafficking and related phenomena are not always fully appreciated. In many parts of the world, trafficking is still considered from a criminal law, rather than from a human rights, perspective.**

49. **By definition, trafficked persons are victims of serious human rights violations. The violation of human rights inherent in abusive forms of migration such as trafficking makes it especially important that those working to promote human rights take up this issue with full force and vigour. Elimination of trafficking requires holistic, interdisciplinary and long-term approaches that address each aspect of the trafficking cycle and explicitly recognize the links between trafficking, migration and transnational organized crime. Human rights are not a separate consideration or an additional perspective. They are the common frame that should underpin all anti-trafficking efforts. The Recommended Principles and Guidelines on Human Rights and Human Trafficking represent a contribution to the identification of the basic principles on which that common frame must be built.**

Notes

- ¹ It updates information included in the report submitted last year (E/CN.4/2002/80).
- ² Including those adopted by CESCR on the reports of Benin (E/C.12/2002/SR.10), Bolivia and Croatia (E/2002/22), the Czech Republic (E/C.12/1/Add.76), Germany (E/2002/22), Ireland (E/C.12/2002/SR.6), Nepal and Venezuela (E/2002/22); by CEDAW on Estonia (CEDAW/C/2002/I/CRP.3/Add.7), Iceland (CEDAW/C/2002/I/CRP.3) and the Russian Federation (CEDAW/C/2002/I/CRP.3/Add.3); by CRC on Argentina (CRC/C/79/Add.10), Bahrain (CRC/C/A/BAH/1), Belgium (CRC/C/15/Add.178), Belarus (CRC/C/15/Add.180), Côte d'Ivoire (CRC/C/SR.172), Gabon (CRC/C/15/Add.171), Greece (CRC/C/15/Add.170), Malawi (CRC/C/15/Add.174), Mozambique (CRC/C/15/Add.172), Netherlands Antilles (CRC/C/15/Add.186), the Niger (CRC/C/SR.785) and Switzerland (CRC/C/15/Add.182); and by HCR on Georgia (CCPR/CO/74/GEO).
- ³ The HRC raised the issue of trafficking when considering the report of Kyrgyzstan (CCPR/C/SR.1841), Moldova (CCPR/C/75/L/MDA) and Suriname (CCPR/C/75/L/SUR). The Committee on the Elimination of Racial Discrimination discussed trafficking in persons with the delegations of Aruba (CERD/C/NET/1993/3/Add.2), Belgium (CERD/C/SR.1509) and Costa Rica (CERD/C/SR.1513).
- ⁴ This Task Force has been created under Working Table III on security issues of the Stability Pact for South-Eastern Europe, adopted in June 1999 in Cologne, Germany, to strengthen the countries of South-Eastern Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the region.
- ⁵ International Migration Policy Conference for East Africa, the Horn of Africa and the Great Lakes Region, Nairobi, 13-17 May 2002.
- ⁶ Third Meeting of the Issyk-Kul Dialogue, Istanbul, 1-5 July 2002.
- ⁷ Expert Meeting for Senior Officials on Capacity Building for Training and Cooperation to Combat Human Trafficking in South-Eastern Europe Implemented by ICMPD, IMP and SECI, in cooperation with IOM, Bucharest, 27-29 September 2002.
- ⁸ A Follow-up Migration Policy Seminar for the Caribbean Region, Santo Domingo, 28-31 October 2002.
- ⁹ See note 4 above.
- ¹⁰ Recommendation 1526 (2001) on a campaign against trafficking in minors to put a stop to the Eastern European route: the example of Moldova.
- ¹¹ Recommendation 1523 (2001) on domestic slavery.