



Issue Brief on *Trafficking*

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Introduction

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. Trafficking and sexual slavery are inextricably linked to conflict. Armed conflict increases the risk of women and girls being trafficked across international borders to be used in forced labour schemes that often include sexual slavery and/or forced prostitution. Trafficking flourishes in environments created by the breakdown of law and order, police functions and border controls during conflict, combined with globalization's free markets and open borders. A country is more likely to become a source of trafficking victims after sudden political change, economic collapse, civil unrest, internal armed conflict or natural disaster. Women and girls who are victims of international trafficking often find themselves forced into prostitution at brothels that service military forces stationed nearby. Members of peacekeeping operations have also been directly involved in trafficking. Refugee and internally displaced women and girls—especially in camp situations—are particularly vulnerable to trafficking and other forms of exploitation and abuse. Since the entry into effect of the Rome Statute of the International Criminal Court, in 2002, the trafficking of women in the context of armed conflict has been considered a war crime and a crime against humanity.



Defining Terms

- **Enslavement:** The Rome Statute of the International Criminal Court defines enslavement as “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children”. The Statute also provides that persecution on the basis of gender, among other grounds, may constitute a crime against humanity.¹
- **Trafficking in Persons:** Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (adopted 2000; entered into force 2003) supplementing the United Nations Convention against Transnational Organized Crime, defines trafficking as “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 a 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.”

Article (b) further states that “the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a)...shall be irrelevant where any of the means set forth in subparagraph (a) have been used.”²

- **Traffickers:** The report of the High Commissioner on Human Rights, “Recommended Principles and Guidelines on Human Rights and Human Trafficking”, defines traffickers as “recruiters; transporters; those who exercise control over trafficked persons; those who transfer and/or maintain trafficked persons in exploitative situations; those involved in related crimes; and those who profit either directly or indirectly from trafficking, its component acts and related offences.”³
- **Violence Against Women (VAW):** The General Assembly Declaration on the Elimination of Violence Against Women defines VAW in Article 1 as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” According to Article 2, VAW encompasses “Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution”.⁴

Fact Sheet

- A country is more likely to become a source of trafficking victims after sudden political change, economic collapse, civil unrest, internal armed conflict or natural disaster. Because of the economic damage caused by such upheavals, people—particularly women and children—may be one of the region’s few marketable resources.⁵ Conflict and other forms of instability compound the vulnerabilities that already exist for women.⁶
- There is no accurate count of the number of persons or of women trafficked in the world each year. The US Government estimated that between 2000 and 2003, 800,000 to



900,000 people were trafficked across borders every year.⁷ According to UNFPA, that total could rise to as high as 4 million persons per year if domestic trafficking were included.⁸

- Most experts believe that women make up the majority of the world's trafficked persons,⁹ but girls and young boys have also been the victims of traffickers.¹⁰
- Between 1995 and 2000, trafficking worldwide increased nearly 50%. Annual profits from the human trade have been estimated at US\$5 to US\$7 billion.¹¹
- The UN Working Group on Contemporary Forms of Slavery—trafficking in persons among them—has identified poverty, social exclusion, illiteracy, ignorance, armed conflicts and discrimination as the main causes of contemporary forms of slavery. [Note: The Working Group was established in 1975 by the Sub-Commission on the Promotion and Protection of Human Rights, under the authority of the Economic and Social Council, to review developments in the fields of slavery, the slave trade and slavery-like practices, of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others, as defined in the Slavery Convention of 1926, the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.]¹²
- The feminization of poverty, gender discrimination, and lack of education or employment opportunities make women particularly vulnerable to traffickers, since they increase women's likelihood to take risks in order to gain economic security.¹³ Gender discrimination can also lead to the sale of women and girls for profit being considered acceptable, while the similar sale of boys is not.¹⁴ Other vulnerable groups include ethnic minorities and lower class groups.¹⁵
- Trafficking differs from migrant smuggling and other forms of migration because it is accomplished through the use of force, coercion and/or deception, with the ultimate intent of exploiting the victim.¹⁶ Trafficking of women and girls for the purposes of sexual and economic exploitation is thus considered a contemporary form of slavery, and a serious violation of women's human rights.¹⁷
- Traffickers often control their victims through violence or threats of violence, which may in fact be the most common forms of coercion used against trafficked women. According to the Special Rapporteur on Violence against Women, "rape and other forms of sexual violence are often used to break women physically, mentally and emotionally and to obtain their enforced compliance in situations of forced labour and slavery-like practices. Rape and other forms of sexual violence are used as weapons against migrant women irrespective of the nature of the work they are to perform. Forms of sexual violence, however, are most persistently used against trafficked women to 'condition' them for forced sex work."¹⁸ Victims of trafficking experience severe physical and psychological trauma as a result of the violence, rape, threats, addiction and other means that traffickers use to control their victims.¹⁹
- Since trafficking has traditionally been considered an aspect of migration, there has been a reluctance to consider victims of trafficking as victims of persecution.²⁰ In many cases, this has meant that trafficked women were not only denied proper psychosocial health services but were also treated as criminals, in some cases jailed and in others forcibly repatriated to their countries of origin where they became once again vulnerable to trafficking rings.²¹



However, in recognition of this fact jurisprudence is emerging in some countries that grants refugee status to individual victims of trafficking.²²

- A 1999 study by the International Organization for Migration found that trafficking of women and girls occurs on a global scale, and is becoming increasingly complex.²³ Among the complexities of international trafficking are: its political contexts and geographical dimensions, which include intra- and interstate armed conflict; the different ideological and conceptual approaches to the problem; the mobility and adaptability of traffickers; the different situations and needs of victims; the inadequate legal framework; and insufficient research and coordination on the part of actors involved at all levels. The link between trafficking and migration is an added complexity that creates obstacles to the elimination of trafficking.²⁴
- Trafficking and sexual slavery are inextricably linked to conflict. Armed conflict increases the risk of women being trafficked across international borders to be used in forced labour schemes that often include sexual slavery and/or forced prostitution. Trafficking has flourished in environments created by the breakdown of law and order, police functions and border controls during conflict, combined with globalization's free markets and open borders. As well, criminal networks involved in the arms or drug trades often expand their business to include trafficking in persons.²⁵
- Armed conflict leads to an increased tolerance of violence within the society. Violence against women and girls may also increase as a result of militarization—including the availability of small arms and light weapons—before and during conflict, as well as the demobilization of frustrated and aggressive soldiers after conflict. In the period after a peace agreement has been concluded and the conflict ended, gender-based violence against women and girls often increases, including domestic violence, rape and also trafficking into forced prostitution.²⁶
- Even in intrastate conflicts, women and girls may be transported across international borders, often to camps of soldiers or rebels located in the territory of a neighbouring State. At least some of these abductions result in women and girls being sold to others and trafficked to other regions or countries. Any Governments which host and support the rebel forces also assume a specific obligation to stop the trafficking in human beings and to hold accountable those found responsible for such crimes.²⁷
- Refugee and internally displaced women and girls—especially in camp situations—are particularly vulnerable to trafficking and other forms of exploitation and abuse. They often fall victim to sexual exploitation after being separated from family members during flight. As well, if women and girls cannot integrate smoothly into the host community, they remain vulnerable to trafficking rings.²⁸
- Children of both sexes orphaned as a result of civil conflict and HIV/AIDS—the number of whom is rapidly increasing—also fall easy prey to traffickers.²⁹
- Girls face many if not all of the risks that women face during armed conflict. Girls who are separated or orphaned from their families are particularly vulnerable to sexual violence and exploitation, including trafficking into forced prostitution. And the physical and mental impact of violence endured as a result of armed conflict may be particularly damaging for girls. Girls who are raped or forced to provide sexual services for male combatants—particularly girls who are not yet sexually mature—are at high risk of contracting HIV/AIDS and other sexually transmitted infections, and of numerous complications related to



pregnancy and abortion. Post-conflict reintegration for girls who have experienced these kinds of traumas can also be particularly difficult.³⁰

- In post-conflict situations, women and girls have been trafficked into areas under the mandate of international peacekeeping operations. According to international experts who attended a May 2002 conference to examine “how the trafficking in persons interacts with peacekeeping operations” (held by the United Nations Interregional Crime and Justice Institute) international peacekeeping personnel, as well as the personnel of private contractors that supply or supplement the staff of peacekeeping operations, have purchased trafficked women and children for sex or domestic labour, have permitted trafficking rings to flourish, and have even themselves engaged in trafficking persons.³¹
- Madeleine Rees, head of the Sarajevo office for the UN Office of the High Commissioner for Refugees, has noted that the increased demand for sex workers that is fed by the presence of peacekeepers leads to an increase in trafficking, particularly since brothel owners can charge foreigners higher rates than locals, and thereby can bring in inflated profits. Rees has said, “Stopping internationals from patronizing brothels is the only thing that will make the trafficking of women less lucrative.”³²
- Experts attending the 2002 UNICRI conference identified a lack of accountability as one of the most serious problems surrounding trafficking related offenses by members of peacekeeping operations. In the case of police officers, no action is taken beyond repatriation to the home country. And, according to the conference report, the UN has no control over what happens to an offender once he or she has been repatriated. According to some experts, repatriated peacekeepers have never had criminal charges brought against them by their home countries for trafficking related offenses.³³
- Women who are victims of international trafficking often find themselves forced into prostitution at brothels that service military forces stationed nearby. Military forces play a direct role not only by creating a demand that fuels the trafficking of women, but also through such direct interventions as officially sanctioning certain brothels, acting as procurers, tracking rates of sexually transmitted infections among prostitutes to protect the health of servicemen, and even agreements between governments that identify and track prostitutes.³⁴
- The trafficking of women in the context of armed conflict is now seen as a war crime and a crime against humanity. The Rome Statute of the International Criminal Court, approved 17 July 1998 and entered into force 1 July 2002, defines rape and gender based violence—including trafficking in women and children, sexual slavery and enforced prostitution—as constituent acts of crimes against humanity and war crimes.³⁵
- At its 60th session (2004), the Commission on Human Rights created a three-year mandate for a Special Rapporteur who will focus on the human rights aspects of trafficking in persons, especially in women and children. The Commission will also request that the Special Rapporteur prepare an annual report, commencing with the sixty-first session of the Commission, together with recommendations on trafficking in persons, especially women and children.³⁶
- On 1 November 2004, the Commission on Human Rights appointed Ms. Sigma Huda of Bangladesh as Special Rapporteur on trafficking in persons, especially women and children. The mandate of the Special Rapporteur expires in 2007.³⁷



Treaties and Institutions

- The [Protocol Against Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime](#) (New York, 15 November 2000) entered into force 28 January 2004. As of November 2004, there were 112 signatories and 64 States Party to the protocol, which supplements the Convention against Transnational Organized Crime and which criminalizes the smuggling of migrants while protecting migrants from criminal prosecution for the fact of having been the object of such conduct.³⁸
- The [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#) was put in place to “prevent and combat trafficking in persons, paying particular attention to women and children; To protect and assist the victims of such trafficking, with full respect for their human rights; and To promote cooperation among States Parties in order to meet those objectives.” The Convention was adopted by resolution A/RES/55/25 of 15 November 2000, at the 55th session of the UN General Assembly. The Convention, and its protocols, entered into force 29 September 2003. As of February 2004, 60 states are parties to the convention and 127 are signatories.
- The objective of the European Union [Council Framework Decision of 19 July 2002 on Combatting Trafficking in Human Beings](#) is to approximate the laws and regulations of the Member States in the area of police and judicial cooperation in criminal matters relating to the fight against trafficking in human beings. To introduce at European level, common framework provisions in order to address certain issues such as criminalisation, penalties and other sanctions, aggravating circumstances, jurisdiction and extradition. While the text of the decision is generally gender neutral, it does refer in the preamble to women’s particular vulnerability to trafficking in its reference to three key documents, among them the UN protocol to prevent, suppress and punish trafficking in persons, especially women and children.
- The [Rome Statute of the International Criminal Court](#) entered into force 1 July 2002. Article 5 of the Statute limits the Court’s jurisdiction to “the most serious crimes of concern to the international community as a whole,” among them (b) crimes against humanity. Article 7(c) further defines crimes against humanity to include enslavement “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”. Enslavement is defined as “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.”
- The [SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution](#) was signed in January 2002. The purpose of the Convention is “to promote cooperation amongst Member States so that they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination.”
- The [Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour](#) was adopted 17 June 1999, but has not yet entered into force. For the purposes of the Convention, the worst forms of child labour include “all forms of slavery or practices similar to slavery, such as the sale or trafficking of children,



debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.”

- The [Bangkok Accord and Plan of Action to Combat Trafficking in Women in the Asian and Pacific Region](#), signed in November 1998, outlines concrete steps that the signatories will take to eradicate trafficking in women and girls. These steps include enacting legislation, creating special law enforcement units to handle cases of trafficking, amending existing laws to permit assistance to victims of trafficking, prevention measures, measures to protect victims of trafficking, imposing sanctions against traffickers, providing adequate medical and psychological intervention, establishing guidelines for proper repatriation and reintegration, and establishing information/monitoring mechanisms.
- The [Convention on the Rights of the Child](#) entered into force 2 September 1990. In Article 35, States Parties agree to “take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”
- The [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#) extends the measures that States Parties should undertake under, the Convention on the Rights of the Child, to guarantee the protection of children from being sold, prostituted, or used in child pornography. Child trafficking is one of the causes for grave concern of the States Parties, as well as one of the underlying causes that must be addressed to eliminate the sale of children, child prostitution and child pornography.
- The [Convention Against Torture](#) entered into force 26 June 1987. The Committee Against Torture has recently considered specific forms of torture, including trafficking in women, as part of a gender-sensitive interpretation of the Convention and in particular torture as it is defined in Article 1: “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”
- The [Convention on the Elimination of All Forms of Discrimination against Women](#) entered into force 3 September 1981. In Article 6, States Parties agree to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation and prostitution of women.”
- The [Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others](#) entered into force 25 July 1951. Signatories to the convention have agreed “to punish any person who, to gratify the passions of another: (1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; (2) Exploits the prostitution of another person, even with the consent of that person.” The Signatories have further agreed “to punish any person who: (1) Keeps or manages, or knowingly finances or takes part in the financing of a brothel; (2) Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.”



Tools and Checklists

- UNESCO [Trafficking Statistics Project](#)
- [OSCE Action Plan to Combat Trafficking in Human Beings](#) (PC.DEC/557, 24 July 2003)
- United Nations Office for Drugs and Crime, [Anti-Trafficking Assessment Tool](#)
- UNDP Best Practice Law Enforcement Manual for Fighting against Trafficking in Human Beings: [User's Manual](#) (2003)
- UNDP Best Practice Law Enforcement Manual for Fighting against Trafficking in Human Beings: [Trainer's Manual](#) (2003)
- UNDP Best Practice Law Enforcement Manuals [translated](#), and additional miscellaneous documents
- [Legislative Compendium](#): international protocols and national legislation for South East Europe
- International Center for Migration Policy Development [Regional Standard for Anti-Trafficking Police Training in SEE](#)
- [Combating Trafficking of Women and Children in South Asia: Guide for Integrating Trafficking Concerns into ADB Operations](#), Asian Development Bank, April 2003
- Molly Reilly and Vidya Samarasinghe, [Resource List on Trafficking in Women and Children](#), WID Tech, July 1999, http://www.widtech.org/Publications/ANE_Resource.pdf
- Save the Children UK, UN-IAP and IOM, [Training Manual for Combating Trafficking in Women and Children](#), 2001, http://www.un.or.th/TraffickingProject/Publications/trafficking_manual.pdf
- [Research Based on Case Studies of Victims of Trafficking in Human Beings in 3 EU Member States](#), i.e. Belgium, Italy and The Netherlands, Commission of the European Communities, DG Justice & Home Affairs, Hippokrates, JAI/2001/HIP/023 (includes specific recommendations for combatting the trafficking of persons),
- [The Protection Project](#), a legal human rights research institute based at the Johns Hopkins University School of Advanced International Studies in Washington, D.C. The project documents and disseminates information about the scope of the problem of trafficking in persons, especially women and children, with a focus on national and international laws, case law, and implications of trafficking on U.S. and international foreign policy. Their database includes national and international legislation to combat trafficking, maps delineating trafficking routes, testimonies of survivors, country reports, and other resources.
- Publications on trafficking listed by [HumanTrafficking.org](#)

UNIFEM Action



- UNIFEM implemented measures against trafficking in women and girls through its trust fund in support of actions to eliminate violence against women. In 2004, UNIFEM supported the convening of a biennial meeting of South-Asian Governments to commemorate the Beijing Platform for Action, where all participating States made commitments to further implement the South-Asian Association for Regional Cooperation Convention on Prevention of Trafficking in Women and Children.³⁹
- On 6 March 2003, UNIFEM signed a Memorandum of Understanding with the International Organization for Migration, in which both Agencies agreed to cooperate in “combating trafficking in human beings, with particular attention to the dangers facing migrant girls and women” as well as in “addressing the needs of women and girls in post-conflict societies, including social, economic and political reconstruction.”
- UNIFEM hosted the Fourth South Asia Regional Meeting, ‘Commemorating Beijing’, jointly with the Royal Government of Bhutan (19-21 May 2003). The meeting was held to assess the progress in South Asia on the implementation of the Beijing Platform for Action. The meeting focused on appraising the progress made by SAARC countries on the 12 Areas of Critical Concern, identified the gaps, challenges and opportunities and formulated strategies for a more effective implementation of the Beijing PFA. In addition it gave special attention to the areas identified as priorities at the last review meeting held in the Maldives in 2000, including trafficking of women and girls. The outcome of the meeting was that all participants unanimously agreed to direct their efforts towards regional priorities, among them “increasing national and regional collaboration and cooperation to eliminate trafficking of women and girls and expediting efforts towards the ratification of the SAARC Convention on Trafficking on Women and Children.”
- UNIFEM supported national level research on Anti-trafficking in both India and Nepal, in partnership with premier research institutions and Human Rights bodies in the region, like the International Institute of Development Studies (IIDS) in Nepal, and the National Human Rights Commission (NHRC) in India. The results of this research were shared at the Annual Meeting of the Technical Advisory Group for South Asia (TAGSA) on Anti-trafficking, held in New Delhi 13-14 August 2002. The meeting sought to take stock of the regional anti-trafficking programmes and the role of the TAGSA members in taking it forward. Because TAGSA members are senior professionals involved in policy and advocacy, the meeting focused on identifying proactive measures to be undertaken.
- In July 2002, UNIFEM participated in the first South Asian regional consultation on the issue of rescue and rehabilitation for trafficked persons was held in Delhi. The objective was to review the existing rescue and rehabilitation processes in the region in the light of human rights standards and to examine existing rescue and rehabilitation programmes, highlighting good practices for possible replication in the region. The consultation brought together all the key stakeholders from the region, which included NGO's, survivors, and representatives of sex-workers networks, lawyers and police officers. The consultation agreed to form a small core group to look into framing a policy guideline for rescue and rehabilitation.
- On 29 November 2002, UNIFEM co-hosted—with The National Human Rights Commission, (NHRC) the Institute of Social Sciences (ISS)—a Conference of Nodal Officers on matters relating to Trafficking in Women and Children, which was held in New Delhi. The conference followed-up the creation of a Focal Point on the Human Rights of Women, including matters relating to Trafficking in the NHRC, at the instance of the UN Commission for Human Rights. As a part of its activities an Action Research Programme on Trafficking



in Women and Children in India has been taken up by the NHRC in partnership with the UNIFEM.

- In 2001, UNIFEM funded the Colombian NGO Fundación Esperanza to work with the Colombian Ministry of Justice and Law in order to sensitize state agents about trafficking of women and girls and develop preventative measures and tools to improve assistance to persons who have been trafficked.
- In 2000, UNIFEM funded the Women's Organization of Moldova "Civic Initiative" to build local capacity to protect women's human rights in Central, Northern, and Southern Moldova by training and facilitating collaboration among women's and human rights NGOs, law enforcement agents, and professionals dealing with violence against women. The initiative placed particular emphasis on the issues of domestic violence and trafficking of women.
- In 1998, UNIFEM funded the Latin American Institute for Alternative Legal Services to complete a regional research on the relationship between tourism in the region, the sexual trade, and the problem of trafficking in women.
- In 1998, UNIFEM funded the Russian NGO Miramed to conduct an awareness-raising campaign in remote provinces to educate young orphaned girls and orphanage staff on risks and means of protection from international trafficking in young women and sexual slavery.
- In 1998 UNIFEM supported the first 'Conceptual Clarity Workshop on Trafficking and Related Issues'. This workshop was attended by various NGO's working on the issue. This was followed up by a workshop in early 1999 where UNIFEM's approach to the issue of trafficking was shared with the participants. Both these workshops laid the basis of initiating national-level interventions to address the issue of trafficking.
- In 1997, through the Violence against Women Trust Fund, UNIFEM funded the Media Alert and Relief Foundation to produce a film with the goal of creating awareness in Nepal among potential victims of trafficking and their families. The film 'Chameli' documented the story of a Nepali girl sold to a brothel in Mumbai, and was shown in India and Nepal to raise awareness about the issue, highlighting the consequences of trafficking of girls in global sex markets, including health dimensions (HIV/AIDS) of the problem. UNIFEM coordinated the media advocacy project called 'Maya' from the Trust Fund on Violence Against Women. This film called 'Chameli' documents the story of a Nepali girl sold to a brothel in Mumbai, was recently previewed in India and will soon be shown throughout Nepal, thus raising awareness about the issue.
- Active lobbying by UNIFEM and its partners has made an impact in the political resistance to acknowledging this problem in the five South Asian countries. In 1997, UNIFEM succeeded in persuading the respective governments to carry out and prepare 'Situational Reports' on the issue of trafficking in each country. UNIFEM also convinced the Government of India to participate in this regional project to prepare a situational report on trafficking within the country. Based on the situation reports, UNIFEM has widely disseminated available information and data across the region through a "trafficking folder." UNIFEM has also catalyzed the formation of a UN Inter-agency Group on Trafficking in Nepal, which has since finalized a trafficking project in Nepal in which UNIFEM will support the processes of advocacy, mapping and the setting up of an office of a National Rapporteur on Trafficking, following the adoption of the regional SAARC Convention.



- In South Asia, UNIFEM has been working closely with different UN agencies in addressing the issue of trafficking. In 1997 UNFEM and UNICEF collaborated to raise the issue of trafficking of women and girls in Nepal with governments including enforcement agencies, NGO's and activists as a follow-up to Stockholm and the Islamabad declaration and as a run up to the SAARC Resolution on Trafficking. UNDP Nepal and UNIFEM worked on a Joint UN initiative with the National Government of Nepal to address trafficking. UNIFEM also partnered with UNDP Regional HIV programme on an Anti-trafficking and HIV project for South Asia focusing on people affected by HIV and Trafficking.
- Since the early 1990's, UNIFEM has been focusing on the issue of trafficking as a critical area of concern in South Asia since the early 1990's. In 1991 UNIFEM held a workshop in Bangladesh on trafficking with NGOs working on the issue. UNIFEM's approach to trafficking focuses on the development of concerted regional initiatives for the effective elimination of this problem. Despite clear regional dimensions to the problem, in the past there has been some resistance to address trafficking within a regional forum, mostly from the two receiving countries, India and Pakistan.
- UNIFEM's regional anti-trafficking programme in South Asia has played a key role in the rescue of victims of trafficking. In India, 183 trafficked women and children were rescued from Delhi brothels and 50 repatriated. As a result of a UNIFEM-supported project on trafficking, collaboration with the police improved, three traffickers were convicted, and the opportunity to push state governments to take responsibility for repatriation increased.
- UNIFEM coordinated the joint USAID/INL Trafficking Mission in India. The mission specifically traveled to Mumbai and Calcutta, where its members met with and gathered information from different NGOs. Two NGOs, Prerana and Sanlaap, from Mumbai and Calcutta respectively, facilitated the mission in this process. An outcome of this mission was the formulation of two key projects in Mumbai and Calcutta, undertaken by Prerana and Sanlaap with financial support from the US State Department through the International Narcotics and Law Enforcement Bureau (INL). Both projects deal with initiating interventions towards prevention of trafficking by increasing awareness and developing the institutional capacity of law enforcing agencies (the target group) and the community to effectively address the issue of trafficking. These activities also focus on building a database of information on all aspects of trafficking.

UN Documents

- UN Interregional Crime and Justice Research Institute, "[Trafficking, Slavery and Peacekeeping: The Need for a Comprehensive Training Program](#)" (Conference Report, Expert Working Group on Trafficking, Slavery and Peacekeeping, Turin, Italy, 9-10 May 2002)
- [Observations by the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees on the Proposal for an EU Council Framework Decision on Combating Trafficking in Human Beings](#)
- UN Office on Drugs and Crime, [Fact Sheet on Human Trafficking](#)
- The [Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance](#), held in Durban, South Africa, from 31 August to 8 September 2001 (A/CONF.189/12), reaffirmed the urgent need to prevent, combat and eliminate all forms of trafficking in persons, in particular women and children,



and recognized that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance. States were urged to devise, enforce and strengthen effective measures at all levels to prevent, combat and eliminate all forms of trafficking in women and children, in particular girls, through comprehensive anti-trafficking strategies including legislative measures, prevention campaigns and information exchange.

- The [Code of Conduct for the Protection of Children from Sexual Exploitation in the Travel Industry](#) was launched 21 April 2004 by UNICEF. The Code requires travel agencies to train staff in countries where children are exploited; provide information about the issue to travellers; explicitly repudiate the sexual exploitation of children in any contracts with local suppliers; develop ethical corporate policies; and report annually on the issue.
- The UNICEF report [Trafficking in Human Beings, Especially Women and Children, in Africa](#) (2003) provides an overview of key issues related to the trafficking of human beings, particularly women and children, in Africa. Among the root causes of trafficking identified by the report are poverty, weak governance, armed conflict and lack of effective protection against discrimination and exploitation. The report presents a preliminary mapping of trafficking patterns and provides an indication of emerging good practices on the continent. Information collected for the study also showed every country for which there was data to be linked by trafficking to an average of three (and in some cases to more than 12) other African countries, either as a place of origin or a destination.
- The Department of Peacekeeping Operations (DPKO) released a policy paper on [Human Trafficking and United Nations Peacekeeping](#) in March 2004. The paper aims to define the problem—whose victims, the paper acknowledges, are mainly women and very frequently children—in the context of UN peacekeeping. The paper proposes a strategy for DPKO to address human trafficking, based on lessons from previous missions and consultations with partner organizations in anti-trafficking, which will include awareness and training, discipline, accountability and community relations, and support to Anti-trafficking activities. The “development of further peacekeeper targeted materials on human trafficking, sexual abuse and exploitation and gender-based violence” will be one aspect of the awareness and training project.

Security Council Resolutions

- [1539 \(22 April 2004\)](#): Recalling its resolution 1325 (2000) on Women, Peace and Security, the Security Council “*Strongly condemn[ed]* the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them, killing and maiming of children, rape and other sexual violence mostly committed against girls, abduction and forced displacement, denial of humanitarian access to children, attacks against schools and hospitals as well as trafficking, forced labour and all forms of slavery and all other violations and abuses committed against children affected by armed conflict.” The Security Council also expressed its intention to “curb linkages between illicit trade in natural and other resources, illicit trafficking in small arms and light weapons, cross-border abduction and recruitment, and armed conflict” and requested that the Secretary-General propose effective measures to control the above.

Secretary-General and Other Reports



- **11 April 2006:** Eighth report of the Secretary-General on the United Nations Operation in Côte d'Ivoire. This report covers recent developments in the implementation of the mandate of the UNOCI and the Linas-Marcoussis and Pretoria Agreements since the last report on 3 January 2006 (S/2006/2). Within his report, the Secretary-General notes that serious human rights violations continue to be committed in Côte d'Ivoire. As documented by UNOCI, these violations include rape, sexual violation, and human trafficking, with rampant impunity also contributing to the worsening human rights situation.
- **25 January 2006:** Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. According to this report, violence against women and children, trafficking and other forms of exploitation continue at unacceptable levels in Kosovo as across the region. The SG urges that further action is needed at all levels to ensure that women's human rights are effectively protected. Political leaders of all parties and at all levels need to lead public opinion by speaking out against such crimes and in favour of the equal value and treatment of men and women. Additionally, zero tolerance and tough sentencing are needed to combat this problem. During this period covered by this report, the action plan to combat trafficking in persons was approved and work in its implementation was started. An anti-trafficking campaign, "Not for Sale", was initiated and a charge-free telephone help-line for victims and a victims' resource centre opened. Finally, the Interim Secure Facility has continued to support victims of trafficking, with citizen of Albania recently sentenced to long prison terms for human trafficking.
- **21 September 2005 (A/60/372):** Future operation of the International Research and Training Institute for the Advancement of Women. In this report, the Secretary-General outlines the institutional development of INSTRAW. Among other partnership, INSTRAW intends to collaborate with the United Nations Educational, Scientific and Cultural Organization (UNESCO) in a number of areas. One area entails joint projects to design and develop a series of online courses on a wide range of themes, such as gender and information and communication technologies, gender and HIV, trafficking in women, and gender and peace.⁴⁰
- **25 July 2005 (A/60/131):** Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity. This report highlights the technical cooperation activities of the Programme in providing assistance to States to respond more effectively to the challenge posed by transnational crime, trafficking in human beings, corruption and terrorism and to reinforce their institutional machinery for the maintenance of the rule of law.⁴¹
- **15 July 2005 (A/60/123):** African Institute for the Prevention of Crime and the Treatment of Offenders. This report of the Secretary General provides information on the governance and management of the Institute; its substantive programmes and activities; international cooperation and partnership; and funding and support for the Institute. The report also addresses the future of the Institute and suggests a number of strategies aimed at ensuring more stable and sustainable funding for the Institute while at the same time boosting its capacity to provide the mandate services to the countries of the African region. In this report, the SG asserts that trafficking in women and children is one of the most vicious forms of crime, controlled by a rapidly growing and highly organized criminal network that is already operating in several countries of the region with near impunity. Regarding the treatment of this issue within the Institute, the project on trafficking in women and children implemented by the Institute was an undertaking intended to assist member States of the Institute in implementing the United Nations Convention against Transnational Organized Crime and, in particular, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Within this report, the SG



encourages Member States to strengthen law enforcement cooperation and information exchange on the nature of this form of organized crime.⁴²

- **16 June 2005** (S/2005/391): Seventh progress report of the Secretary-General on the United Nations Mission to Liberia. According to this report, in April, UNMIL assisted the Ministry of Justice in convening a meeting of a legislative drafting working group that reviewed and redrafted a number of key laws, including those dealing with rape, human trafficking, juries, and the financial autonomy of the judiciary.
- **18 March 2005** (A/RES/59/194): In this resolution, the GA welcomes the entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crimes, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crimes, and calls upon States that have not done so to consider urgently signing and ratifying or acceding to them. Further, the GA encourages Member States that have not yet done so to enact domestic legislation and to take further effective measures to combat international trafficking in and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may include debt bondage, slavery, sexual exploitation or forced labour. Further the GA encourages Member States to strengthen international cooperation to combat such trafficking and smuggling.⁴³
- **11 February 2005** (S/2005/86): Progress report of the Secretary-General on ways to combat sub-regional and cross-border problems in West Africa. Within this report, the Security Council expressed that it may wish to produce a “naming and shaming” list of individuals, corporations, groups, and countries violating arms embargoes and the ECOWAS moratorium. Considering the close links between trafficking in small arms and light weapons and criminal activities, especially human trafficking, including women and children, the Council may wish to assist in bringing those responsible for such crimes before the International Criminal Court for prosecution.
- **10 February 2005** (A/RES/59/166): Trafficking in women and girls. In this resolutions, the GA recalls all previous resolutions on the problem of trafficking in women and girls adopted by the GA and the Commission on Human Rights, including their reaffirmation of the principles set forth in relevant human rights instruments and declarations, as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Reaffirming the provision pertaining to trafficking in women and girls contained in the outcome document of relevant international conferences and summits, in particular the strategic objective on the issue of trafficking contained in the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women, the GA recognizes the need to address the impact of globalization on the particular problem of trafficking in women and children, in particular girls, while bearing in mind that all States have an obligation to exercise due diligence to prevent, investigate and punish perpetrators of trafficking in persons and to provide protection to the victims and that not doing so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms. Additionally, the GA acknowledges that women and girl victims of trafficking, on account of their gender, are further disadvantaged and marginalized by a general lack of information or awareness and recognition of their human rights, as well as by the obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their



rights. Further, the GA notes that special measures are required for their protection and to increase their awareness.⁴⁴

- **3 February 2005 (A/RES/59/157):** International cooperation in the fight against transnational organized crime: assistance to the States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. In this General Assembly resolution, the GA recalls its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. Further, the GA welcomes the entry into force of the above protocols and conventions.⁴⁵
- **20 August 2004 (A/59/287):** World Survey on the Role of Women in Development. This report of the Secretary-General is prepared in response to General Assembly resolutions 54/210 and 58/206, in which the Assembly requested the Secretary-General to update the *World Survey on the Role of Women in Development* for consideration by the General Assembly at its fifty-ninth session. Focusing on women and international migration, the SG presents in this report key issues on labour migration, family formation and reunification, rights of the migrant women, refugees and displaced persons, as well as trafficking of women and girls.⁴⁶
- **28 July 2004 (A/59/185):** This present report provides information on the legal and policy measures introduced by Member States and on activities undertaken by entities of the United Nations system and other organizations to combat trafficking in women and girls. The report concludes with a series of recommendations for future action.⁴⁷
- **4 February 2004 (A/RES/58/140):** Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity. Within this resolution, the GA asserts its desire for closer coordination and cooperation among States in combating crime, including the smuggling of migrant and trafficking in persons, especially women and children. In addition to this, the GA recognizes the progress made in the implementation of the global programmes addressing the trafficking in human beings formulated on the basis of close consultations with Member States and reviewed by the Commission on Crime Prevention and Criminal Justice, and calls upon the Secretary-General to enhance further the visibility of those programmes and to strengthen the United Nations Office on Drugs and Crime by providing it with the resources necessary for the full implementation of its mandate in crime prevention and criminal justice.⁴⁸
- **4 February 2004 (A/RES/58/137):** Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking. In this resolution, the General Assembly condemns trafficking in person as an abhorrent form of modern-day slavery and as an act that is contrary to universal human rights, while also decrying the treatment of human beings as commodities bartered, bought or sold by traffickers, in particular exploiters. The General Assembly urges Member States to employ a comprehensive approach to combating trafficking in persons, incorporating law enforcement efforts and, where appropriate, the confiscation and seizure of the proceeds of trafficking, the protection of victims and preventive measures, including measures against activities that derive profit from the exploitation of victims of trafficking.⁴⁹

17 July 2003 (A/58/161): Violence against women migrant workers. This report of the Secretary-General to the General Assembly provides information on measures taken by



Member States and activities undertaken by organizations of the United Nations system and other intergovernmental bodies in the area of violence against women migrant workers. The report concludes with a series of recommendations of future action. During the period under review covered by this report, the Special Rapporteur of the Commission on Human Rights on the human rights of migrants expressed concern about the vulnerability of migrant women to abuses and violations of their human rights, including violence, racial discrimination and xenophobia in all phases of the migration process. She also stressed that migrant women were particularly vulnerable to trafficking by criminal networks. Conclusions put forth in this report including the SG assertion that efforts are needed to improve access to legal protection for women seeking to migrate in order to work, so as to reduce their vulnerability to exploitation, ill-treatment and trafficking. The report also notes that the need to further explore the link between migration and trafficking and to address the two issues accordingly is of the utmost importance, with a particular focus on the need to protect women from all forms of violence, irrespective of their immigrant status.⁵⁰

- Report of the Secretary-General, [Traffic in Women and Girls](#), E/CN.4/2003/74 (20 January 2003) This report provides 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.
- Report of the Secretary-General to the General Assembly, [Trafficking in Women and Girls](#) A/57/170 (2 July 2002). Pursuant to General Assembly resolution 55/67 of 4 December 2000, this report is based, inter alia, on replies to a request of the Secretary-General for information circulated to Member States, organizations of the United Nations system and other organizations on measures to combat trafficking in women and girls. The report makes recommendations for future action.
- Report of the Secretary-General to the Economic and Social Council, [Integration of the Human Rights of Women and a Gender Perspective: Traffic in Women and Girls](#), E/CN.4/2002/80, (25 January 2002). In its resolution 2001/48, the Commission on Human Rights requested the Secretary-General to provide, at its fifty-seventh session, an update on the report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls. The present report, which updates information included in the report submitted at the last session of the Commission (E/CN.4/2001/72), is submitted in accordance with that resolution.
- Report of the Secretary-General to the General Assembly, [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"](#), (2 July 2002) A/57/171. This report addresses trafficking 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).

- Report of the Secretary-General to the General Assembly, [Trafficking in Women and Girls](#) A/55/322 (24 August 2000). Pursuant to General Assembly resolution 53/116 of 9 December 1998, this report provides information about steps taken in several forums of the United Nations and at the regional and national levels, to implement the recommendations for action contained in that resolution. The report identifies areas in which further efforts are needed.
- Report of the Secretary-General, [Review and Appraisal of the Implementation of the Beijing Platform for Action](#), E/CN.6/2000/PC/2 (19 January 2000), paras. 313-319. This report summarizes measures taken before 2000 by Member States to address trafficking in women and girls.
- Report of the Secretary-General to the General Assembly, [Trafficking in Women and Girls](#), A/53/409 (21 September 1998). Pursuant to General Assembly resolution 52/98 of 12 December 1997, the present report provides information about steps taken within several forums of the United Nations, as well as regionally and nationally, to implement the recommendations for action contained in that resolution. The report identifies areas where further efforts are needed.

Commission on Human Rights

- **29 October 2004: Report of the United Nations High Commissioner for Human Rights A/59/36**, In her annual report to the General Assembly, the High Commissioner for Human Rights criticizes the continuing practice of addressing trafficking as a “law and order” problem. The High Commissioner drew attention to the OHCHR anti-trafficking programme as an alternative approach, wherein the human rights of the trafficked victim are at the centre of all interventions.⁵¹
- **15 April 2004: Commission on Human Rights Resolution E/CN.4/2004/L.62 , [Special Rapporteur on Trafficking in Persons, Especially in Women and Children](#)**. The Commission decides to appoint for a period of three years a Special Rapporteur whose mandate will focus on the human rights aspects of trafficking in persons, especially in women and children; to request the Special Rapporteur to prepare an annual report, commencing with the sixty-first session of the Commission, together with recommendations, on measures required to uphold and protect the human rights of the victims; and to determine that the Special Rapporteur might, as appropriate, and in line with the current practice, respond effectively to reliable information on possible human rights violations with a view to protecting the human rights of actual or potential victims of trafficking.
- **14 April 2004: Commission on Human Rights Resolution E/CN.4/2004/L.60, [Trafficking in Women and Girls](#)**. The Commission calls upon governments to strive to ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care; encourages governments to intensify collaboration to reintegrate into society victims of trafficking and to provide shelter and help lines for victims; invites governments to take steps to offer victims of trafficking the possibility of obtaining compensation for damage suffered; invites governments to consider preventing victims of trafficking from being prosecuted for their illegal entry or residence,



bearing in mind that they were victims of exploitation; urges governments to address the root factors that encouraged trafficking in persons, especially women and children; calls upon governments to criminalize trafficking in persons, especially women and children; invites governments to encourage Internet service providers to strengthen self-regulatory measures to eliminate the trafficking in persons; urges governments to combat use of the Internet to facilitate trafficking in persons; and encourages the business sector, in particular the tourism industry and Internet providers, to develop codes of conduct to prevent trafficking in persons.

- **27 February 2003: Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, [International, Regional and National Developments in the Area of Violence against Women 1994-2003](#) E/CN.4/2003/75/Add.1.** The Special Rapporteur includes a specific focus on trafficking in women and girls in her assessment of each country's legislation, policies and programmes and issues of concern in relation to VAW.
- **20 May 2002: Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#) E/2002/68/Add.1.** To support a human 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.
- **23 April 2002: Commission on Human Rights Resolution 2002/51, [Traffic in Women and Girls](#).** The Commission calls for increased resources and coordination of efforts to combat trafficking in women and girls, and further urges governments to address the root causes of trafficking, take appropriate action to discourage the demand that fosters all forms of exploitation, to criminalize trafficking and to sign and ratify the relevant international protocols. The Commission also calls for all legislation to combat trafficking to be gender-sensitive, and to allocate resources to treatment for victims, information campaigns to prevent victimization of women and girls, and specialized training for police and other law-enforcement agencies.
- **24 April 2001: Commission on Human Rights Resolution 2001/48, [Traffic in Women and Girls](#).** The Commission takes note of the recent reports of the Secretary-General and the Special Rapporteur on violence against women. The Commission also calls for Governments and other bodies to take a variety of measures to combat the problem of trafficking, including increasing resources and coordination of activities, criminalizing trafficking, encouraging Internet service providers to strengthen self-regulatory measures, allocating resources for the rehabilitation and treatment of victims, ensuring that all legislation to combat trafficking is gender sensitive, and undertaking information & awareness-raising campaigns to enable migrant women to make informed decisions and avoid becoming victims of trafficking.
[http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.RES.2001.48.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.RES.2001.48.En?Opendocument)
- **28 October-15 November 2000: Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, [Mission to Bangladesh, Nepal and India on the issue of trafficking of women and girls](#), E/CN.4/2001/73/Add.2** (6 February 2001). The present report is intended as a case study to complement the Special Rapporteur's previous report on trafficking in women, women's migration and violence against women, submitted to the Commission on Human Rights at its fifty-fifth session



(E/CN.4/2000/68). It contains chapters on the definition of trafficking, the background to the problem of trafficking in South Asia, general findings, and more detailed chapters on each of the countries visited.

- **23 January 2001: Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, [Violence Against Women Perpetrated By or Condoned By the State During Times of Armed Conflict \(1997-2000\)](#)** E/CN.4/2001/73.
- **29 February 2000: Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, on [Trafficking in women, women's migration and violence against women, submitted in accordance with Commission on Human Rights Resolution 1997/44](#)**, E/CN.4/2000/68. The report details the evolution of the Special Rapporteur's position on trafficking. It includes an overview of the Special Rapporteur's work undertaken throughout the year in regard to trafficking. The report also provides a critique of the 1949 Convention for the suppression of the traffic in persons and the exploitation of the prostitution of others. The report highlights the fact that women move and are moved, consensually and non-consensually, legally and illegally, for numerous reasons, including social, political, cultural and economic reasons. The element that distinguishes trafficking from other forms of movement is the non-consensual nature of trafficking. The need for a clear definition of trafficking, thus far lacking in international law, is emphasized.

General Assembly

- **58/135 (22 December 2003):** A/RES/58/135, Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking. The General Assembly in its resolution welcomes the entry into force of the Convention against Transnational Organized Crime. The General Assembly also adopts resolutions to combat trafficking in drugs and in persons, and to strengthen international crime prevention efforts.
- **57/23 (3 February 2003):** A/RES/57/23, Establishment of the International Criminal Court.⁵²
- **55/67 (31 January 2001):** A/RES/55/67, Traffic in Women and Girls⁵³
- **53/116 (1 February 1999):** A/RES/53/116, Traffic in Women and Girls⁵⁴
- **52/98 (6 February 1998):** A/RES/52/98, Traffic in Women and Girls⁵⁵
- **48/104 (23 February 1994):** A/RES/48/104, Declaration on the Elimination of Violence Against Women⁵⁶

Documents of Other International Bodies

- [Declaration on the Fight Against Trafficking in Persons](#), Economic Community of West African States, Twenty-Fifth Ordinary Session of Authority of Heads of State and Government, Dakar 20-21 December 2001. This political declaration affirms the commitment of Heads of State and Government in West Africa to "the eradication of the trafficking in persons, especially women and children". The Declaration also contains a plan



of action in which the Heads of State and Government commit to specific measures against trafficking in persons.

- The [Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purposes of Sexual Exploitation](#) (1997), drafted in the spirit of the Beijing Platform for Action, encourages further action by Member States of the European Union to prevent, investigate and prosecute trafficking, and to offer appropriate assistance and support to victims of trafficking.
- The Council of Europe Committee of Ministers [Recommendation No. R \(2000\) 11 of the Committee of Ministers to Member States on Action against Trafficking in Human Beings for the Purposes of Sexual Exploitation](#) suggests measures that the 41 Member States of the Council of Europe should take to protect the rights and interests of victims trafficking, taking particular note of the most vulnerable groups: women, adolescents and children. These suggestions encompass the areas of prevention, assistance to and protection of victims, penal legislation and judicial cooperation, and intra- and interstate coordination and cooperation.

Recommendations

1. The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building⁵⁷
2. The High Commissioner for Human Rights, in the Recommended Principles and Guidelines on Human Rights and Human Trafficking⁵⁸
3. The [Beijing Platform for Action](#)⁵⁹
4. The Special Rapporteur on Violence Against Women, in her 2001 report "Violence Against Women Perpetrated By or Condoned By the State During Times of Armed Conflict"⁶⁰
5. The Special Rapporteur on Violence Against Women, in her 2000 report on trafficking in women, women's migration and violence against women, recommends⁶¹
6. The 27th Session of the UN Working Group on Contemporary Forms of Slavery (2002)⁶²
7. The UN Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children⁶³

1. The Independent Experts recommend:⁶⁴

- **Targeted sanctions against trafficking of women and girls. Those complicit must be held accountable for trafficking women and girls in or through conflict areas.** Existing international laws on trafficking must be applied in conflict situations and national legislation should criminalize trafficking with strong punitive measures, including such actions as freezing the assets of trafficking rings. Victims of trafficking should be protected from prosecution.

Explanation of this recommendation: International pressure is required for compliance with legal instruments relating to trafficking. Trafficking and sexual slavery are inextricably linked to conflict. Women are trafficked out of one country into another to be used in forced labour schemes that often include forced prostitution. They are forced into marriage



with members of opposing groups either through abduction, or threats to their families, or as part of reconciliation deals which treat them as chattel, all of which are a form of slavery. Women are abducted by armed groups and forced to accompany them on raids and to provide everything from food to sexual services. Although there are laws against trafficking, they are not strongly enough enforced. The breakdown of law and order, police functions and border controls during conflict, combined with globalization's free markets and open borders, which have contributed to creating an environment in which the trafficking of women has flourished.

Entities responsible for its implementation: Security Council; Governments; Police and military personnel; UN peacekeepers and humanitarian and diplomatic personnel.

Ideas for implementation: (1) Under Chapter VII of the Charter, the Security Council can take enforcement measures to maintain or restore international peace and security. In imposing economic sanctions, the Security Council can choose anything from bans on trade in specific industries or specific military equipment to full-scale embargoes. (2) Border police, military personnel and UN peacekeepers, humanitarian and diplomatic personnel should be trained to identify and eradicate the trafficking in women as a law enforcement priority by national legislation.

- **The UN, donors and governments to provide long-term financial support for women survivors of violence through legal, economic, psychosocial and reproductive health services.** This should be an essential part of emergency assistance and post-conflict reconstruction.
- **Psychosocial support and reproductive health services for women affected by conflict to be an integral part of emergency assistance and post-conflict reconstruction.** Special attention should be provided to those who have experienced physical trauma, torture and sexual violence. All agencies providing health support and social services should include psychosocial counselling and referrals. The United Nations Population Fund (UNFPA) should take the lead in providing these services, working in close cooperation with the World Health Organization (WHO), UNHCR, and UNICEF.
- **Protection against HIV/AIDS and the provision of reproductive health through the implementation of the Minimum Initial Services Package (MISP) as defined by the Interagency Manual on Reproductive Health for Refugees (WHO, UNHCR, UNFPA, 1999).** Special attention must be paid to the needs of particularly vulnerable groups affected by conflict, such as displaced women, adolescents, girl-headed households and sex workers.
- **All HIV/AIDS programmes and funding in conflict situations to address the disproportionate disease burden carried by women.** Mandatory gender analysis and specific strategies for meeting the needs of women and girls should seek to prevent infection and increase access to treatment, care and support.
- **HIV/AIDS awareness and prevention programmes to be implemented during conflict and in post-conflict situations, with care and support provided whenever there is access to affected populations.** National governments, national and international NGOs and UN agencies should incorporate HIV/AIDS prevention into all humanitarian assistance. Donors should strongly support these interventions.
- **Vulnerability assessments to be carried out in each humanitarian situation to determine links between conflict, displacement and gender.** Information and data



collection should be strengthened in order to document this relationship and to guide appropriate responses. Governments and agencies should work together to document this relationship and to guide appropriate responses. Governments and agencies should work together to document vulnerabilities.

- **Clear guidelines for HIV/AIDS prevention in peacekeeping operations. All troop-contributing countries should make available voluntary and confidential HIV/AIDS testing for their peacekeeping personnel.** Counselling and testing should be provided for all contingent forces and civilian personnel participating in emergency and peace operations before and during deployment on a regular basis. HIV prevention as well as gender training should be provided in all missions to all personnel.
- **The development and enforcement of codes of conduct for all UN and international NGO staff to protect against abuse and exploitation of women and girls.** All such staff should receive training in prevention of sexual and gender-based violence, as well as reproductive health information, including STI and HIV/AIDS prevention.
- **All UN peace operations to include a human rights monitoring component, with an explicit mandate and sufficient resources to investigate, document and report human rights violations against women.**
- **The improvement and strengthening of codes of conduct for international and local humanitarian and peacekeeping personnel and for these codes to be consistent with the international humanitarian and human rights law and made compulsory.** An office of oversight for crimes against women should be established in all peace operations. The office should regularly monitor and report on compliance with the principles set forth in the Inter-Agency Standing Committee (IASC) Task Force on the Protection from Sexual Exploitation and Abuse in Humanitarian Crises.
- **No exemptions for peacekeepers from prosecution by international tribunals, the International Criminal Court and national courts in the host country for all crimes committed, including those against women.** All states maintaining peacekeeping forces should take necessary measures to bring to justice their own nationals responsible for such crimes, as called for by the Security Council (S/RE/1400 2002).
- **The Secretary-General to appoint a panel of experts to assess the gaps in international and national laws and standards pertaining to the protection of women in conflict and post-conflict situations and women's role in peace-building.**
- **States parties to the Statute of the International Criminal Court to undertake national law reform to ensure compatibility with the Statute as a matter of priority, with particular attention given to the substantive and procedural provisions regarding crimes against women.**
- **National legal systems to penalize and remedy all forms of violence against women in conflict and post-conflict situations.** Specially trained police units should be established to investigate crimes against women and law enforcement officials, including judges, police and armed forces, should be sensitized about such crimes. Women's access to justice should be ensured through legal literacy programmes, support services and legal aid.



- **Rapid establishment by the UN of interim judicial systems capable of dealing effectively with violations against women by family members and society at large.** Rape and sexual violence should be addressed by post-conflict truth- and justice-seeking mechanisms at national and local levels. The treatment of crimes against women in traditional mechanisms should be consistent with international standards.

2. The High Commissioner for Human Rights recommends the following principles on Human Rights and Human Trafficking:⁶⁵

The primacy of human rights

1. 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.
2. States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.
3. 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.

Preventing trafficking

4. Strategies aimed at preventing trafficking shall address demand as a root cause of trafficking.
5. 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.
6. States shall exercise due diligence in identifying and eradicating public-sector involvement or complicity in trafficking. All public officials suspected of being implicated in trafficking shall be investigated, tried and, if convicted, appropriately punished.

Protection and assistance

7. 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.
8. 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.
9. Legal and other assistance shall be provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers. States shall provide protection and temporary residence permits to victims and witnesses during legal proceedings.



10. Children who are victims of trafficking shall be identified as such. Their best interests shall be considered paramount at all times. Child victims of trafficking shall be provided with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs.

11. Safe (and, to the extent possible, voluntary) return shall be guaranteed to trafficked persons by both the receiving State and the State of origin. Trafficked persons shall be offered legal alternatives to repatriation in cases where it is reasonable to conclude that such repatriation would pose a serious risk to their safety and/or to the safety of their families.

Criminalization, punishment and redress

12. States shall adopt appropriate legislative and other measures necessary to establish, as criminal offences, trafficking, its component acts² and related conduct.

13. States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors.

14. States shall ensure that trafficking, its component acts and related offences constitute extraditable offences under national law and extradition treaties. States shall cooperate to ensure that the appropriate extradition procedures are followed in accordance with international law.

15. Effective and proportionate sanctions shall be applied to individuals and legal persons found guilty of trafficking or of its component or related offences.

16. States shall, in appropriate cases, freeze and confiscate the assets of individuals and legal persons involved in trafficking. To the extent possible, confiscated assets shall be used to support and compensate victims of trafficking.

17. States shall ensure that trafficked persons are given access to effective and appropriate legal remedies.

For specific guidelines and recommendations on their implementation, see the [complete report](#).

3. The [Beijing Platform for Action](#) recommends:⁶⁶

- That Governments of countries of origin, transit and destination, regional and international organizations, as appropriate:
- Consider the ratification and enforcement of international conventions on trafficking in persons and on slavery;
- Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;



- Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;
- Allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care, and take measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;
- Develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children.

4. The Special Rapporteur on Violence Against Women recommends, in her 2001 report “Violence Against Women Perpetrated By or Condoned By the State During Times of Armed Conflict”:⁶⁷

The [United Nations] Organization should take concrete steps to mainstream a gender perspective in all United Nations activities, most urgently in those areas that affect the physical security of women and girls, including in field operations, in peacekeeping, and in military and police forces. Not only will gender mainstreaming ensure greater participation of women in the key operations of the organization, it will improve the responsiveness of the United Nations to the special concerns of women and girls that are outlined in this report. These steps should include:

- The establishment of a clear mandate for all peacekeeping missions to prevent, monitor and report on violence against women and girls, including all sexual violence, abduction, forced prostitution and trafficking;
- The establishment of comprehensive training on gender issues for all peacekeeping staff in the field, as well as staff of the Department for Peacekeeping Operations based in New York;
- The elaboration of uniform procedures and disciplinary measures for peacekeeping personnel who violate international standards, in particular those related to violence against women and girls. Special ad hoc tribunals to try peacekeepers for war crimes and crimes against humanity should also be considered in the areas where peacekeepers operate.

5. The Special Rapporteur on Violence Against Women recommends, in her 2000 report on trafficking in women, women’s migration and violence against women, recommends:⁶⁸

A. At the international level

107. The protocol on trafficking to the draft international convention against transnational organized crime should ensure an unequivocal human rights standard on trafficking in women, since it is impossible to combat trafficking without providing protection to victims of trafficking.



108. States should seek to adopt bilateral and multilateral agreements providing for the legal labour migration of women.

109. States should ensure support for the institutionalization of the rule of law in countries currently in transition, in situations of armed conflict or under military regimes.

110. Non-governmental organizations should be granted observer status at the meetings of Heads of State of regional forums, such as SAARC, ASEAN, OAU and OAS.

B. At the national level

111. Measures designed to limit women's legal entry into countries of destination should be carefully weighed against their disadvantages as they pertain to potential immigrants and women. In particular, measures that are designed to protect women by limiting their access to legal migration or increasing the requirements associated with such migration should be assessed in terms of the potential for discriminatory impact and the potential for increasing the likelihood that women consequently may be subjected to trafficking.

112. Government programmes and international efforts relating to trafficking should be developed in cooperation with non-governmental organizations. Further, governmental organizations and international donor institutions should provide financial support to non-governmental organizations working on the issue of trafficking.

113. Governmental measures and international efforts to address trafficking must focus on the human rights abuses and labour rights abuses of the women involved, rather than treating trafficking victims as criminals or as illegal migrants.

114. Government measures to address trafficking must focus on the promotion of the human rights of the women concerned and must not further marginalize, criminalize, stigmatize or isolate them, thus making them more vulnerable to violence and abuse.

115. Relevant governmental bodies must collect and publish data on:

(a) Government efforts to address instances of trafficking into, out of, and within their countries;

(b) The successes or difficulties experienced in promoting inter-agency cooperation, cooperation between local and national authorities, and cooperation with non-governmental organizations;

(c) The treatment and services provided to trafficking victims;

(d) The disposition of trafficking cases in the criminal justice system;

(e) The effects of governmental legal and administrative measures on the victims of trafficking and on the reduction of trafficking.

116. Trafficking victims must be guaranteed:

(a) Freedom from persecution or harassment by those in positions of authority;

(b) Adequate, confidential and affordable medical and psychological care by the State or, if no adequate State agency exists, by a private agency funded by the State;



(c) Strictly confidential HIV testing services should be provided only if requested by the person concerned, and any and all HIV testing must be accompanied by appropriate pre- and post-test counselling;

(d) Access to a competent, qualified translator during all proceedings, and provision of all documents and records pursuant to having been victims of trafficking and/or forced labour or slavery-like practices;

(e) Free legal assistance;

(f) Legal possibilities of compensation and redress for economic, physical and psychological damage caused to them by trafficking and related offences.

117. The personal history, the alleged "character" or the current or previous occupation of the victim must not be used against the victim, nor serve as a reason to disqualify the victim's complaint or to decide not to prosecute the offenders. For example, the offenders must be prohibited from using as a defence the fact that the person is, or was at any time, a sex worker or a domestic worker.

118. The victim's history of being trafficked and/or being subjected to forced labour and slavery-like practices must not be a matter of public or private record and must not be used against the victim, their family or friends in any way whatsoever, particularly with regard to the right to freedom of travel, marriage and seeking gainful employment.

119. States under whose jurisdiction the trafficking and/or forced labour and slavery-like practices took place must take all necessary steps to ensure that victims may press criminal charges and/or take civil action for compensation against the perpetrators, if they choose to do so.

120. Governments must implement stays of deportation and provide an opportunity to apply for permanent residency, witness protection and relocation assistance for trafficking victims.

121. Governments should implement assessed forfeiture from criminal operations that profit from trafficking, setting aside funds to provide compensation due to victims of trafficking.

122. In consultation with relevant non-governmental organizations, relevant government bodies must:

(a) Develop curricula and conduct training for relevant government authorities, including officials of immigration and consular affairs offices, customs services, border guard and migration services, and representatives of the Ministry of Foreign Affairs, regarding the prevalence and risks of being trafficked, and the rights of victims. The training of such officials must not result in the creation of "profiles" which prevent women from receiving visas to go abroad;

(b) Develop awareness and education campaigns regarding trafficking to be conducted through the mass media and community education programmes;

(c) Distribute materials describing the potential risks of being trafficked, including: information on the rights of victims in foreign countries, including legal and civil rights in the areas of labour and marriage and for crime victims, and the names of support and advocacy organizations in the countries of origin, destination and transit;



- (d) Take measures to ensure that women have viable economic opportunities to support themselves and their dependent families in their home countries;
- (e) Abide by the United Nations General Assembly resolution 49/165 on violence against women migrant workers, of 23 December 1994, and should sign, ratify and enforce the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- (f) Adopt and implement guidelines recognizing gender-related persecution as a basis for women to claim refugee status, in addition to signing and ratifying the 1951 Convention on the Status of Refugees and the 1967 Protocol thereto, and implement the 1991 UNHCR Guidelines on the Protection of Refugee Women;
- (g) Ensure that all trafficking legislation is gender sensitive and provides protection for the human rights of women and against the particular abuses committed against women;
- (h) Provide training for diplomats and foreign service employees about trafficking and the human rights abuses committed in the course of trafficking;
- (i) Establish labour information centres to provide up-to-date, practical information on all aspects of labour migration.

6. The 27th Session of the UN Working Group on Contemporary Forms of Slavery (2002):⁶⁹

On the exploitation of children, particularly in the context of prostitution and domestic servitude:

The Working Group on Contemporary Forms of Slavery, Deeply concerned by the information provided to the Working Group on the exploitation of children as prostitutes and child domestic workers, Noting the close relationship between trafficking, domestic servitude, prostitution and debt bondage, Mindful that children are often trafficked both within countries and across borders in order to be exploited, Recognizing that trafficked children and child domestic workers are extremely vulnerable to exploitation and need special preventive, protection and rehabilitation measures, Stressing that the full implementation of the Convention on the Rights of the Child would be a major step towards eradicating child prostitution, domestic servitude and the worst forms of child labour, both in practice and by preventing the root causes of this exploitation, Welcoming the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime as a tool for combating trafficking and exploitation of children, Recognizing that poverty, illiteracy, misuse of some ritual practices and, above all, the low status of women and girls in society contribute to their being trafficked and exploited, Concerned at the persistence and growth of the sale of children, child prostitution and child pornography, and aware of the necessity of combating these practices, Recognizing that the practice of exploiting children as domestic servants violates the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the International Labour Organization Convention (No. 29) concerning Forced or Compulsory Labour and the Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Concerned at increasing information and testimonies on abusive treatment of girls and women domestic workers,



- Calls upon all States that have not already done so to ratify the ILO Worst Forms of Child Labour Convention (No. 182) (which includes trafficking, forced labour, debt bondage, forced recruitment into armed conflicts, commercial sexual exploitation and hazardous work) and calls upon States parties to Convention No. 182 to harmonize their national legislation with the Convention;
- Also calls upon States to ensure that the worst forms of child labour, including all forms of sexual exploitation, trafficking, domestic servitude and any form of forced labour, are prohibited and that the penalties are commensurate with the crimes committed and that this legislation is properly enforced;
- Urges States to make it a priority to implement national plans of action in line with Recommendation No. 190 accompanying ILO Convention No. 182; E/CN.4/Sub.2/2002/33 page 154. Recommends that States incorporate into their plans of action measures such as the systematic issuance of birth certificates, the establishment of identification mechanisms for victims of trafficking; comprehensive rehabilitation measures, including access to education and vocational training, measures to fight corruption, and provision of support to NGOs in their efforts to include employers as active partners in ending the worst forms of child labour;
- Urges States, while attempting ultimately to eliminate child labour and child domestic labour by, inter alia, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to eliminate all discrimination against girls in education, skills development and training and to protect child workers, in particular child domestic workers, and to ensure that they are not exploited;
- Calls upon intergovernmental agencies such as UNDP, UNICEF, WHO, UNESCO and ILO to assist States in their efforts to address poverty, social exclusion and illiteracy as root causes in the cycle that makes children vulnerable to the worst forms of child labour;
- Recommends that ILO, while considering the issue of child labour, continue to give more emphasis to the issue of child domestic servitude by establishing additional country programmes for these children within its IPEC programme;
- Welcomes the fact that over 100 States have signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and urges these and other States to ratify this instrument as soon as possible;
- Calls upon States to ensure that the best interests of the child are at all times paramount in any programme or policy related to children subject to these forms of exploitation;
- Encourages States to cooperate on a bilateral, regional and international basis, especially in the framework of South-South cooperation and with the assistance of non-governmental organizations, in order to address the problems associated with trafficking in children and the worst forms of child labour and to benefit from good practices in other countries;
- Also encourages States to harmonize their legislation in the field of extradition to allow the extradition of traffickers to their country of origin for prosecution;
- Invites States and interested NGOs to undertake research with a view to achieving a better understanding of the misuse of some ritual practices to intimidate women and girl victims of trafficking;



- Calls upon UNESCO to assist States in introducing in schools and in parents' training programmes information about concrete initiatives aiming at helping children to protect themselves from trafficking;
- Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and report thereon to the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights at their next sessions;
- Requests once again, in the framework of the commemoration of the tenth anniversary of the adoption of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, a non-governmental organization to prepare and submit to the Working Group at its twenty-eighth session in 2003 an assessment of its implementation, based on information provided by Governments and NGOs;
- Takes note of the report of the new Special Rapporteur on the sale of children, child prostitution and child pornography to the fifty-seventh session of the Commission on Human Rights (E/CN.4/2002/88) and requests him, within the framework of his mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;
- Strongly encourages the Special Rapporteur to participate in the twenty-eighth session of the Working Group.

On traffic in persons and exploitation of the prostitution of others:

The Working Group on Contemporary Forms of Slavery, Noting that trafficking in human beings is a global phenomenon affecting every continent and which countries of origin, transit and destination all have a responsibility to address, Reaffirming that prostitution is a practice that is incompatible with the dignity and worth of the human person and constitutes a source of serious violations of human rights, Convinced that the demand for sexual exploitation plays a critical role in the growth and expansion of prostitution and sex trafficking worldwide, Concerned that trafficking networks operate with impunity, Concerned also that NGOs working to monitor the practice of trafficking and to assist its victims do their work at great personal risk from the criminal networks involved in the trafficking, Deeply concerned at reports that traffic in persons and prostitution increasingly target victims on the basis of their race, colour, descent, or national or ethnic origin, Convinced that trafficking in persons and exploitation of the prostitution of others reflect and reinforce racial prejudice and discrimination in contravention of the fundamental principles of the International Convention on the Elimination of All Forms of Racial Discrimination, Aware that victims of prostitution and sex trafficking are systematically subjected to severe forms of physical and sexual violence that have a devastating impact on their physical and mental well-being, Concerned at allegations that United Nations peacekeepers and police officers and humanitarian aid workers are engaging in trafficking, exploitation of prostitution and other forms of sexual exploitation among refugee and other vulnerable populations, Recalling the Programme of Action on the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1) approved by the Commission on Human Rights in its resolution 1996/61, Noting with satisfaction the adoption of the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution by the South Asian Association for Regional Cooperation (SAARC),



- Urges States to ensure that their policies and laws do not legitimize prostitution as being the victims' choice of work;
- Recalls that it is the existence of the demand for the sexual exploitation of women and children that perpetuates trafficking and prostitution and calls upon States, in particular those developed countries where there is a large clientele for this traffic, to take effective measures to punish those who purchase the sexual services of others;
- Calls upon States to provide protection, assistance and temporary residence permits to victims that are not contingent on their cooperation with the prosecution of their exploiters, as articulated in articles 6, 7 and 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- Urges sending, transit and receiving States to establish or reinforce their cooperation with the goal of the prevention of trafficking and prostitution, the prosecution of traffickers and other sexual exploiters and the provision of assistance and rehabilitation to victims;
- Urges States to develop, adopt and implement regional instruments such as the SAARC Convention, aimed at regional cooperation in the investigation and prosecution of trafficking cases, the prevention of trafficking and prostitution on a regional basis and the provision of assistance to victims;
- Also urges States to initiate community-based prevention programmes, especially in high-risk areas, to educate people on the tactics of recruiters and traffickers and on the risks of sexual exploitation;
- Recommends the creation of special observatories at the national and regional levels to gather information from non-governmental organizations and individuals with relevant expertise in order to further the goals of the Programme of Action on the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);
- Calls upon United Nations bodies and agencies to develop and implement codes of conduct that prohibit all forms of sexual exploitation by United Nations employees and contract workers and humanitarian aid workers;
- Invites the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee to elaborate general recommendations in order to clarify reporting procedures with regard to victims of trafficking, in particular for purposes of prostitution and exploitation of the prostitution of others, as provided in the 1949 Convention;
- Decides to consider the complex issues of the support, assistance and protection of victims of trafficking in host countries as a separate sub-item in the agenda of the Working Group in 2003.

On the misuse of the Internet for the purpose of sexual exploitation:

The Working Group on Contemporary Forms of Slavery, Aware that individuals, groups and crime syndicates use the Internet to traffic in, exploit and violate the rights of women and children, many of whom are in situations of vulnerability as a result of poverty, social dislocation, and racial and ethnic discrimination, Convinced that heightened awareness of the harm to women and children of sexual exploitation, together with the political will to combat



this harm, will significantly reduce the impact and volume of pornography involving women and children and the extent of trafficking and sexual exploitation for the purpose of prostitution through the Internet,

- Recommends that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for the distribution of pornographic images and the promotion of trafficking for the purpose of prostitution and the sexual exploitation of women and children;
- Urges Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others and sexual exploitation through the Internet, and to consider setting up a mechanism aimed at better control of the Internet when abused for those purposes;
- Requests Governments to investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;
- Recommends that Governments, research institutions, enforcement authorities, industry, NGOs and others develop and make available technological filtering devices designed to eliminate the distribution of pornographic images of women and children via the Internet and to ensure the safety of children using Internet chat rooms;
- Calls for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the misuse of the Internet to promote and carry out acts of trafficking for the purposes of sexual exploitation, sex tourism, sexual violence and sexual exploitation; especially pornography involving women and children.

7. The UN Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children recommends:⁷⁰

- Governments should enact and regularly review legislation for effectively combating all forms of violence, including rape, against women and children. In this connection, more severe penalties for acts of rape and trafficking should be introduced and specialized courts should be established to process such cases speedily and to create a climate of deterrence.

Endnotes

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