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

**Report of the Special Rapporteur on trafficking in persons,  
especially women and children**

## Summary

On 8 October 2004, the Chairperson of the Commission on Human Rights, pursuant to Commission decision 2004/110, appointed Ms. Sigma Huda (Bangladesh) as Special Rapporteur on trafficking in persons, especially women and children. This is her first report.

The Special Rapporteur observes that, according to recent data, while the majority of victims of trafficking are women and girls trafficked for commercial sexual exploitation, significant numbers of human beings are trafficked for labour exploitation and children are also trafficked for the purpose of international adoption.

Trafficking represents the denial of virtually all human rights. The Special Rapporteur believes that trafficking nevertheless continues to be treated mainly as a “law and order” problem. She intends, through her activities, to highlight the human rights implications of trafficking, and formulate recommendations directed at preventing trafficking through a human rights approach and at upholding the human rights of trafficked persons.

In performing her functions, the Special Rapporteur shall refer to the major relevant international instruments and, in particular, to the definition of trafficking contained in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. She shall also refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the High Commissioner for Human Rights. The Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography will provide the main reference concerning trafficked children. Also particularly relevant are the jurisprudence of human rights treaty bodies, the work of the Working Group on Contemporary Forms of Slavery and the work done by other special procedures of the Commission on Human Rights.

The Special Rapporteur describes the content and scope of the mandate, the legal framework for her action and the methods of work she proposes to adopt, including the forwarding of communications to Governments, the undertaking of country visits, paying attention to thematic issues in her annual reports, and cooperating with relevant partners. She describes the activities she has undertaken following her appointment.

The report ends with a number of conclusions.

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## **Introduction**

1. At its sixtieth session, the Commission on Human Rights adopted decision 2004/110, in which it decided to appoint, for a three-year period, a Special Rapporteur on trafficking in persons, especially women and children, whose mandate would focus on the human rights aspects of the victims of trafficking in persons. In the same decision, the Commission requested the Special Rapporteur to submit an annual report to the Commission, together with recommendations, on measures required to uphold and protect the human rights of the victims. The Commission decided that the Special Rapporteur may, as appropriate, 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. It requested the Special Rapporteur to cooperate fully with other relevant special rapporteurs, in particular the Special Rapporteur on violence against women, and to take full account of their contributions to the issue, and to cooperate with relevant United Nations bodies, regional organizations and victims and their representatives. The Economic and Social Council, in its decision 2004/228, endorsed decision 2004/110.

2. Pursuant to that decision, on 8 October 2004, the Chairperson of the Commission on Human Rights at its sixtieth session, after consultation with the members of the Bureau, appointed Ms. Sigma Huda (Bangladesh) as Special Rapporteur on trafficking.

3. In view of the deadline for the submission of the present report and the fact that the Special Rapporteur had been performing her functions for only two months as of the date of this writing, the present report will attempt to outline the mandate and the methods of work of the Special Rapporteur, as well as her strategy for and priorities in discharging her mandate.

4. Section I of the report describes the mandate of the Special Rapporteur, the definition of trafficking, the legal framework that she will use as a reference in performing her functions, the scope of the mandate and her methods of work, including with respect to the transmission of communications to Governments, country visits and cooperation with other relevant actors. Section II describes the Special Rapporteur's activities in her first two months in office. Section III contains the Special Rapporteur's conclusions.

## **I. THE MANDATE OF THE SPECIAL RAPPORTEUR ON TRAFFICKING IN PERSONS**

### **A. Definition**

5. In performing her functions, the Special Rapporteur shall refer to the definition of trafficking contained in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (henceforth "the Protocol"). According to article 3 (a) of the Protocol, "trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of 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". The definition, though accepted by the Member States, is still being hotly debated in the anti-trafficking movement; the Special Rapporteur will therefore also look into the issues raised by the definition, especially in the context of the often conflicting interests of States and non-governmental organizations (NGOs).

6. According to the Protocol, "the consent of a victim of trafficking in persons to the intended exploitation ... shall be irrelevant where any of the means set forth in [article 3] (a) have been used (art. 3 (b)). The Special Rapporteur would like to recall relevant resolutions of the Commission on Human Rights in this regard, in particular the sixteenth preambular paragraph of resolution 2004/45, in which the Commission states that it is "convinced that no person willingly consents to the suffering and exploitation that trafficking of persons entails".

7. Article 3 (c) of the Protocol states that "The recruitment, transportation, transfer, harbouring or receipt of, a child for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in subparagraph (a) of this article". Subparagraph (d) further specifies: "'Child' shall mean any person under 18 years of age." The Special Rapporteur, in performing her activities, shall devote particular attention to the situation of children. In view of the definition contained in the Protocol and the special protection to which children are entitled under the Convention on the Rights of the Child, the Special Rapporteur will seek to identify specific measures to address issues relating to the human rights of trafficked children. The Special Rapporteur shall also use the Convention as a reference in considering the conflict that emerges from the definitions of the child under different personal laws, especially in the area of marriage and especially in the context of forced/arranged marriage.

## **B. Scope of the mandate**

8. Recent data show that, although the majority of victims are women and girls trafficked for commercial sexual exploitation, there are significant numbers of human beings trafficked for labour exploitation in domestic work, agriculture, construction, small manufacturing and other occupations in the informal economy. Data show the existence of trafficking of children for the purpose of international adoption or for sexual or labour exploitation. In recent times there have been reports of marketing of women and children via the Internet or in the guise of marriage brokering services and pen pal clubs. It is also pertinent to mention here the importance of addressing yet another aspect of trafficking, that is, the trafficking of persons for domestic servitude and the violation of the various rights of the persons in abusive situations of domestic slavery. The recent case of a woman who was awarded over US\$ 400,000 in compensatory damages and over US\$ 300,000 in punitive damages in a lawsuit against an international marriage broker who failed to inform her - as such brokers are legally bound to do - of a law that would have enabled her to escape her abusive marriage without fear of automatic deportation, is a victory for those trying to combat trafficking.

9. Trafficking represents the denial of virtually all human rights: the right to liberty and integrity and security of the person; the right to freedom from torture and other cruel, inhuman or degrading treatment; the right to freedom of movement; the right to home and family; the right to the highest attainable standard of health; the right to education. Under the Rome Statute of the International Criminal Court, trafficking in some circumstances can be a crime against humanity or a war crime.

10. Despite its overwhelming human rights dimension, trafficking is often perceived and addressed only as a “law and order problem” and is primarily located within the crime prevention framework. In addition to violations suffered at the hands of traffickers, victims often suffer from re-victimization. Victims of cross-border trafficking are criminalized and prosecuted as illegal aliens, undocumented workers or irregular migrants, rather than as victims of a crime. Women and young girls who are trafficked into the sex industry are penalized on charges of prostitution instead of receiving assistance. Often, when detained they are denied basic judicial guarantees: they are not informed of their rights and how to exercise them, and they are not given access to lawyers or interpreters. Often, victims of trafficking are not protected against violations of the right not to be returned to a country where they would face serious human rights abuses, as established in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention relating to the Status of Refugees.

11. In creating the mandate the Commission requested the Special Rapporteur to focus on the human rights aspects of trafficked persons. In this connection, the Special Rapporteur would like to recall two basic principles which shall guide her action: (a) that the human rights of trafficked persons shall be at the centre of all efforts to combat trafficking and to protect, assist and provide redress to those affected by trafficking; and (b) that anti-trafficking measures should not adversely affect the human rights and dignity of the persons concerned.

12. The Special Rapporteur, in performing her functions, shall devote attention to trafficking at all sites and for all purposes. Her activities will be directed at, on the one hand, assessing the situation in general and in specific countries with regard to the above-mentioned issues and, on the other, at formulating general recommendations, which could serve as a basis for policy and programme formulation. The Special Rapporteur hopes to be able, through her activities, to raise awareness about the phenomenon of trafficking in its different dimensions and about its human rights implications.

13. As stressed by the former Special Rapporteur on violence against women, “trafficking in persons must be viewed within the context of international and national movements and migrations that increasingly are being undertaken owing to economic globalization, the feminization of migration, armed conflict, the breakdown or reconfiguration of the State, and the transformation of political boundaries” (E/CN.4/2000/68, para. 1). The Special Rapporteur intends to study closely the links between the push factors for irregular migration and trafficking as well as between trafficking and smuggling. As stated by the Special Rapporteur on the human rights of migrants, in fact “smuggling may increase the risk of trafficking. Migrants who have recourse to the services of smugglers may find themselves in a position of extreme vulnerability

owing to their irregular situation, the debt they may incur in their countries of origin and the impunity with which trafficking and smuggling networks often operate. At times their undocumented status puts them in a situation where contracts are changed, or they are forced into degrading and humiliating jobs, often in conditions amounting to slavery. As a result, they go from being irregular migrants to being victims of trafficking” (A/58/275, para. 13). In this context, the Special Rapporteur also intends to look at what the links between migration, trafficking and counter-terrorism are.

### **C. Legal framework**

14. In performing her functions, the Special Rapporteur shall refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68, Add.1) (henceforth the “Guidelines”) developed by the Office of the High Commissioner for Human Rights (OHCHR) to provide practical, rights-based policy guidance on the prevention of trafficking and the protection of trafficked persons and with a view to facilitating the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions. The 11 Guidelines deal respectively with: promotion and protection of human rights; identification of trafficked persons and traffickers; research, analysis, evaluation and dissemination; ensuring an adequate legal framework; ensuring an adequate law enforcement response; protection and support for trafficked persons; preventing trafficking; special measures for the protection and support of child victims of trafficking; access to remedies; obligations for peacekeepers, civilian police and humanitarian and diplomatic personnel; cooperation and coordination between States and regions. The Special Rapporteur shall bear in mind each of the guidelines when assessing the situation during her country visits, as appropriate. The Special Rapporteur shall also bear in mind that trafficking is a situation where a person no longer has control over some elements of her life. These elements include the type of work she does, the environment and conditions in which the work is carried out and the person’s freedom of movement in the context of the work situation.

15. The Guidelines and their implementation must be considered within the broader framework of the Protocol and other relevant conventions and treaties.

16. The Protocol has as its purposes to combat trafficking in persons, paying particular attention to women and children; protecting and assisting the victims of trafficking with full respect for their human rights; and promoting cooperation among States parties in order to meet those objectives. The Protocol addresses the issue of protection of trafficked persons by detailing the assistance and protection that must be accorded to them, and by defining their status in the receiving States and the conditions of repatriation. The Protocol further addresses the issue of prevention of trafficking in persons and the need to protect trafficked persons from re-victimization, and it details measures to be taken to address the issue of demand and the root causes of trafficking and to promote information exchange and training, adequate border control measures, security, and the control and legitimacy of documents. The Special Rapporteur will consider the reasons why some source States overlook the manner in which the trafficked persons cross international borders.

17. In interpreting the provisions of the Protocol and of the Guidelines and in using them as a basis to formulate her recommendations, the Special Rapporteur shall refer to the Universal Declaration of Human Rights and the main international human rights instruments: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-First Century, and existing regional conventions and treaties against trafficking. In particular, the Special Rapporteur believes that all measures taken to prevent and combat trafficking and assist its victims should not, under any circumstance, imply derogations to international obligations to respect fundamental human rights, such as the right to freedom of movement or the right to seek and enjoy asylum. Furthermore, the Special Rapporteur believes that the promotion and protection of all human rights represents the best protection against trafficking.

18. Human rights obligations are broader than those specifically referred to in the Protocol and shall guide the actions and recommendations of the Special Rapporteur. Certain rights are particularly relevant to the situation of trafficked persons, such as the right to a fair trial, including access to judicial guarantees; protection from arbitrary detention; the right to life and physical integrity; the right to freedom from torture, forced labour and slavery-like practices; the right to health, education and housing; the right to freedom from discrimination and so on.

19. Given that the victims of trafficking in the majority of cases find themselves in an irregular situation in the country of destination, the Special Rapporteur shall refer, in her analysis, to already existing research on the human rights of non-citizens. This does not in any way prejudice the application of specific protection measures for the victims of trafficking. However, given the fact that the Protocol has been ratified at the date of this writing by 75 States, other universally accepted human rights treaties and obligations shall not only complement the Protocol, but in cases of communications on individual cases, also serve to substantiate the Special Rapporteur's action. The work done by the Special Rapporteur on the human rights of migrants, as well as the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights on the rights of non-citizens are particularly relevant in this regard.<sup>1</sup>

20. The Convention on the Rights of the Child, ratified almost universally, will provide the main reference concerning the situation of trafficked children. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography will also be particularly relevant, as well as the work done by the present and previous Special Rapporteurs on the sale of children, child prostitution and child pornography.

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<sup>1</sup> See in particular E/CN.4/2003/85 and E/CN.4/2004/76 and their respective addenda and corrigenda and E/CN.4/Sub.2/2003/23 and Add.1-4.



21. The jurisprudence of human rights treaty bodies, as well as the work of the Working Group on Contemporary Forms of Slavery and the work done by the special procedures of the Commission on Human Rights - particularly copious as regards the issue of trafficking - will also guide the Special Rapporteur in performing her functions and formulating her recommendations. Resolutions on trafficking of the Commission on Human Rights and the General Assembly will provide a useful reference for the Special Rapporteur's work.

22. A number of conventions of the International Labour Organization (ILO) will also be particularly relevant for the work of the Special Rapporteur, in particular, the Forced or Compulsory Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention 1957 (No. 105), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

#### **D. Methods of work**

23. The Special Rapporteur shall rely on the advice and support of OHCHR concerning the general methods of work and existing operational practices of the Special Procedures, while at the same time establishing a number of criteria that are specific to her mandate.

#### **Reports**

24. The Special Rapporteur will present annual reports to the Commission on Human Rights and separate reports on her country visits and on communications sent to and received from Governments. In the preparation of the annual report the Special Rapporteur might consider devoting special attention to thematic issues. They could include, for example: the issue of demand and other push factors influencing trafficking; the impact on the human rights of the persons concerned of programmes of assistance and rehabilitation for victims of trafficking; trafficking for a specific purpose or in specific circumstances and/or situations; the link between smuggling and trafficking; the link between trafficking and counter-terrorism measures; the link between poverty, domestic violence and other human rights violations and trafficking; trafficking and discrimination; protection of victims and prevention of trafficking; and so on.

25. For the preparation of thematic reports, the Special Rapporteur shall make a general call for information directed at Governments, NGOs, regional organizations, United Nations agencies and programmes, independent experts, national human rights institutions and others.

#### **Communications**

26. The Special Rapporteur takes action on violations committed against trafficked persons and in situations in which there has been a failure to protect their human rights, including ensuring adequate redress for the violations suffered and providing adequate medical, psychological, social and other necessary assistance. The Special Rapporteur shall also take action in cases in which laws and/or policies might have a negative impact on the human rights of persons affected by trafficking, in countries of origin, transit and destination, as well as in cases in which efforts to combat or prevent trafficking might have an impact on the human rights

of the persons concerned, be they migrants, asylum-seekers, or citizens. The Special Rapporteur shall also take action on cases of trafficking within the boundaries of a country (internal trafficking).

27. The Special Rapporteur will send urgent appeals whenever she receives information indicating that in the context of trafficking an individual or a group of individuals are facing an imminent or are suffering from a continuous human rights violation. Urgent appeals are of a humanitarian nature. Through them, the Special Rapporteur urgently brings a specific situation to the attention of the concerned Government and requests it to inform her about measures taken to guarantee that the human rights of the person(s) concerned are upheld.

28. Should the Special Rapporteur receive information regarding violations of human rights in the context of past acts of trafficking, she shall transmit her concerns and a summary of this information to the Government(s) concerned for clarification. The Special Rapporteur shall not establish a time limit for the consideration of cases; however, cases that allegedly occurred in the remote past shall be transmitted only if the information is complete enough to allow the Government to undertake investigations and if the alleged victim(s) are still suffering from the consequences of the trafficking.

29. The Special Rapporteur shall also send communications regarding legislation, policies or practices affecting the human rights of trafficked persons. As in the case of other communications, allegation letters are also meant to facilitate a dialogue between the Special Rapporteur and the Government(s) concerned. The Special Rapporteur believes that through such dialogue, she will be able to analyse trends and patterns, compare legislation and policies and collect best practices.

30. In order to enhance the effectiveness of her communications, the Special Rapporteur shall send follow-up letters to remind Governments that a response to previous communications has not been received, or to bring to the attention of Governments supplementary or additional information on allegations previously transmitted.

31. All the communications sent by the Special Rapporteur and the replies of Governments shall be reflected in the Special Rapporteur's annual reports to the Commission.

32. The Special Rapporteur takes action on any case falling under her mandate that comes before her from all relevant sources, including victims themselves. The Special Rapporteur shall endeavour, whenever possible, to verify the information and ensure the reliability of the source, through OHCHR and other partners in the field. The source of information will remain confidential. The Special Rapporteur would encourage all those gathering information to send to her to obtain the consent of the persons concerned to the transmission of the case to the Government. Also, the Special Rapporteur should be told whether the names of the persons concerned should appear in her annual report. The Special Rapporteur is in the process of developing a questionnaire to provide guidance on the provision of information for her action.

33. All individual cases must include the name of the victim(s). The Special Rapporteur will not take action on behalf of anonymous individuals, unless other details are available that would allow the Government concerned to identify the case and undertake investigations and/or provide

relevant information. In that sense, information such as the date and place of the incident(s) are extremely useful. If available, indications of the actors involved in the violation, the steps taken by the victim to seek remedy and the measures taken by the Government to investigate the case, punish those responsible and provide necessary assistance should also be included in the summary of the case.

34. Communications between the Special Rapporteur and Governments are confidential until the annual report in which they are summarized is submitted to the Commission.

35. As it is often the case in a transnational phenomenon such as trafficking, the situations brought to the attention of the Special Rapporteur might involve more than one country. In such cases, the Special Rapporteur might decide to send a communication regarding the same case to more than one Government. In view of the nature of the mandate, the Special Rapporteur is likely to receive information on violations of labour rights or other abuses by employers, as well as violations of human rights committed by non-State actors. The Special Rapporteur will take action on behalf of the victims provided that she has also been informed that no appropriate action has been taken by the authorities to protect the human rights of the persons involved or to provide a remedy, that they have no access to a remedy, or that there has been an unreasonable delay in the provision of a remedy.

36. Owing to the broadness of the mandate's legal framework and its nature and scope, the Special Rapporteur will coordinate very closely with other special procedures of the Commission and endeavour, whenever appropriate, to send joint communications.

### **Country visits**

37. The Special Rapporteur intends to undertake country visits in order to study the situation in situ and formulate recommendations to prevent and/or combat trafficking and to protect the human rights of its victims in specific countries and/or regions. This will also allow the Special Rapporteur to learn about existing programmes and policies in different parts of the world and their effectiveness and/or shortcomings. In the long term, the Special Rapporteur hopes to be able to gather a number of good practices and lessons learned in this field.

38. The issue of trafficking has been in the forefront for at least the past decade in most regions and for longer in others. Considerable research, analyses, legal and policy initiatives, practical interventions and expertise have been generated on the issue. This vast body of knowledge and experience is extremely useful to the Special Rapporteur, and she intends not only to tap into it, but to build upon it. In deciding on her programme of visits, the Special Rapporteur will give the utmost importance to considerations such as the need to avoid duplications and identify the mandate's added value. In particular, given the broadness of the mandate, the Special Rapporteur will seek to focus attention on specific themes. The Special Rapporteur shall seek to devote each mission to a specific topic and, in particular, to different sites of trafficking. This would help ensure that the mandate develops positions on all relevant aspects of trafficking. The Special Rapporteur shall also take into account the issue of geographical balance in requesting country visits.

39. The Special Rapporteur will devote equal attention to countries in which concerns about trafficking and the human rights of its victims have been raised and countries that have successfully implemented policies and programmes to reduce the incidence of trafficking and promote the rights of its victims. This will allow the Special Rapporteur, on the one hand, to raise awareness about situations of concern and formulate specific recommendations thereon and, on the other, to gather good practices that would assist her in formulating recommendations.

40. The Special Rapporteur will assess the above criteria on the basis of information received from all sources: Governments, NGOs, intergovernmental organizations and concerned individuals.

### **Cooperation with other partners**

41. The Special Rapporteur intends to cooperate and coordinate her activities closely with a number of international actors, in particular other special procedures of the Commission and other human rights mechanisms. As noted, a lot of work on the human rights aspects of trafficking has already been done by other special rapporteurs, especially the Special Rapporteur on violence against women, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the sale of children, child prostitution and child pornography. The former Special Rapporteur on violence against women, through her thematic reports on trafficking, was a pioneer in analysing the issue of trafficking from a human rights perspective and in the context of people's movement and migration, identifying the existence of complicated and conflicting rights in the context of anti-trafficking measures, and asserting the primacy of human rights in that context. The Special Rapporteur intends to share information on a regular basis through OHCHR and by coordinating reports, visits and communications with other special procedures in order to strengthen the impact of each other's activities.

42. A number of United Nations agencies and other intergovernmental organizations (IGOs) have developed extensive expertise on the issue of trafficking. The United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Health Organization (WHO), the ILO and the United Nations Office on Drug Control (UNODC) have developed and implemented programmes in many countries to combat trafficking and protect its victims.

43. The Special Rapporteur has already tried to establish channels of cooperation with those bodies and will continue to seek their support. The Special Rapporteur intends to cooperate very closely with all of them. She has had meetings with representatives in New York and Geneva and she will always require their inputs in the preparation of country visits and thematic reports. During country missions the Special Rapporteur intends to meet with representatives in the field of the above-mentioned organizations, not only to learn about their programmes and activities, concerns and recommendations, but also to make sure that her action can support and reinforce theirs. Furthermore, the Special Rapporteur believes that her cooperation with United Nations country teams is essential to prepare her visits properly and give follow-up to her recommendations through inclusion in their programme and policy planning.

44. In view of the role played by UNODC in the context of trafficking and the fact that the Protocol will be one of the main international instruments guiding the action of the Special Rapporteur, she intends to study the possibility of close links with UNODC, including sharing her reports with relevant bodies serviced by UNODC.

45. Regional organizations, through their numerous programmes and mechanisms to combat trafficking and monitor progress made by States in the region in this regard, are natural and crucial partners of the Special Rapporteur in the performance of her functions.

46. NGOs will also be invaluable allies of the Special Rapporteur in the performance of her activities. Many of them have worked on the human rights dimension of trafficking for many years and have developed knowledge and expertise on the matter. NGOs will provide essential information on individual cases for the Special Rapporteur's action, as well as information previous, during and after country visits, so as to allow the Special Rapporteur to make an independent assessment of the situation. NGOs will also play a crucial role in the implementation of the Special Rapporteur's recommendation at the country level.

47. Some national human rights institutions have also worked extensively on the issues of trafficking, and the Special Rapporteur hopes to establish close links with them during her country visits and through her general activities and to be able to count on their support for the implementation of her recommendations at the country level.

## **II. ACTIVITIES OF THE SPECIAL RAPPORTEUR**

48. From 28 to 30 October 2004 the Special Rapporteur travelled to New York to appear before the Third Committee of the General Assembly. In her statement, the Special Rapporteur outlined her main functions, the context and scope of her mandate and her priorities. An interactive dialogue followed, during which several delegations asked questions on how the Special Rapporteur intended to develop her mandate and coordinate her activities with other actors. In particular, several delegations highlighted the need for the Special Rapporteur to cooperate closely with other relevant mechanisms of the Commission on Human Rights and the United Nations at large. Also, delegations suggested that issues to be looked at would include means of protecting victims, the establishment of specialized law enforcement units to deal with trafficking, and links between trafficking, prostitution and poverty. The Special Rapporteur will keep those suggestions in mind in performing her activities.

49. During her stay in New York the Special Rapporteur met with representatives of Governments and NGOs. During these meetings she discussed issues related to the development of the mandate and the methods of work, and received specific suggestions in this regard.

50. From 8 to 11 November 2004, the Special Rapporteur travelled to Geneva for an orientation session organized by OHCHR. During her stay she met with: the Head of the OHCHR Office in Bosnia and Herzegovina; the OHCHR Adviser on Trafficking; the Chief of the Special Procedures Branch (SPB) and other senior staff; the SPB staff assisting other thematic special procedures; the SPB staff coordinating the sending of communications; representatives of the Travel Unit, the Security Unit and the Media and Public Relations Unit

of OHCHR; the Deputy High Commissioner for Human Rights; support staff of the Voluntary Trust Fund on Contemporary Forms of Slavery; the head of the National Institutions Unit; the OHCHR Gender Focal Point; staff of the Treaty and Commission Branch and the SPB Focal Point on Action 2. She also met with: government representatives; representatives of over 20 international NGOs working on the subject; the IGO Group on Trafficking, including members of different Geneva-based IGOs dealing with the issue of trafficking; and the Special Representative on combating trafficking in human beings of the Organization for Security and Cooperation in Europe.

51. During her stay in Geneva, the Special Rapporteur was briefed on the structure and work of OHCHR, the assistance provided by the Office to the special procedures and the efforts undertaken to strengthen coordination among them and between them and other parts of the Office and the United Nations at large, as well as to raise awareness about their activities and role and ensure better follow-up to their recommendations. She also received information on the special procedures' methods of work and guidelines for issues concerning travel, security, relations with the media and so on.

52. During the above-mentioned meetings, ways and means of ensuring structured cooperation and coordination were discussed. Issues of specific interest were also brought to her attention. They include: the links between protection of the victims and prevention of trafficking; protection of trafficked persons and the existence of incentives for victims; links between counter-terrorism, migration and trafficking; the issues of demand and push factors and how they can foster trafficking; the links between migration, smuggling and trafficking. The Special Rapporteur will take into account these suggestions in performing her activities.

53. From 6 to 9 December the Special Rapporteur travelled to Bangkok, to participate in the international congress of members of the Global Alliance against Trafficking in Women (GAATW). The congress brought together a large number of people working on the issue of trafficking in all regions of the world. The Special Rapporteur had an exchange with the participants on her mandate and activities. She also took advantage of her presence in Bangkok to meet with the United Nations Inter-Agency Project to combat Trafficking in Women and Children in the Greater Mekong Subregion. She has also made plans to participate in events sponsored by organizations concerned with the issue of trafficking, including one in the Philippines and one in Illinois, United States of America, in early 2005.

54. Since her appointment the Special Rapporteur has issued joint statements, on the occasion of the International Day for the Abolition of Slavery and Human Rights Day; received information and started to transmit communications to Governments; and requested official invitations to undertake country visits which she hopes to realize before the sixty-first session of the Commission on Human Rights.

### III. CONCLUSIONS

55. **The Special Rapporteur is aware of the complexity of the mandate and that it overlaps with the mandate of other special procedures of the Commission on Human Rights. In view of this, she intends to focus on the human rights aspects of trafficking and to cooperate closely and coordinate with all relevant actors, as outlined in the report, with a**

view to raising the profile of the issue in the international debate and strengthening, through increased coordination, the work of the human rights machinery on the issue of trafficking.

56. The Special Rapporteur believes that, in spite of its overwhelming human rights dimension, trafficking continues to be treated as mainly a “law and order” problem. She intends, through her activities, to highlight the human rights implications and causes of trafficking and to formulate recommendations directed at preventing trafficking through a human rights approach and at upholding the human rights of trafficked persons.

57. In performing her activities the Special Rapporteur shall be guided by human rights principles and norms. In particular, she will strive to promote the idea that the human rights of trafficked persons should be at the heart of policies and programmes to combat trafficking and that such policies and programmes should be respectful of the human rights of the persons concerned.

58. The Special Rapporteur intends to devote special attention to the situation of trafficked children and to formulate separate recommendations concerning their situation in her future reports.

59. The baseline for the Special Rapporteur’s reporting and recommendations will be drawn from the OHCHR Guidelines and other relevant human rights treaties and conventions, notably the Protocol.

60. The Special Rapporteur will count on the cooperation of Governments, NGOs, national human rights institutions, IGOs, United Nations and other independent experts, regional organizations and concerned individuals to carry out her functions and, in particular, to receive information, cooperation and support during her country visits and in connection with her communications on individual cases, and for the preparation of reports on thematic issues.

61. The Special Rapporteur hopes that she will be able to establish a constructive dialogue and count on the cooperation of all the above-mentioned actors in order jointly to identify measures to prevent trafficking and protect the human rights of its victims.

62. The Special Rapporteur counts on the support of Governments, NGOs, national human rights institutions and IGOs, including regional organizations, to give concrete follow-up to her future recommendations at the country level.

63. The Special Rapporteur shall, at the time of the presentation of her report to the Commission, give her input and views on the visits made since the submission of the present report.

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