



## Генеральная Ассамблея

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### Совет по правам человека

Двадцать шестая сессия

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав, включая  
право на развитие**

### **Доклад Специального докладчика по вопросу о торговле людьми, в особенности женщинами и детьми, Джой Нгози Эзейло**

Добавление

**Подведение итогов деятельности по осуществлению мандата  
по случаю его десятилетия\***

#### *Резюме*

В настоящем докладе Специальный докладчик представляет подробный анализ деятельности, осуществленной в течение первого десятилетия мандата Специального докладчика по вопросу о торговле детьми, в особенности женщинами и детьми, в период 2004–2014 годов.

В части I содержится обзор. В части II представлен общий обзор мандата, правовые рамки, в которых он осуществлялся, и использованные методы работы. В части III изложены общие принципы и темы, которые определяли работу мандатариев. В части IV представлена информация об основных областях, в которых осуществлялась деятельность в соответствии с указанным мандатом за истекшее десятилетие. В части V резюмируются основные достижения движения по борьбе с торговлей людьми, осуществлявшего свою деятельность под руководством Специальных докладчиков и при их содействии. В части VI при-

\* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется в том виде, в котором он был получен.

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водится информация о вызовах, с которыми пришлось столкнуться мандатариям и международному сообществу в их усилиях по разработке эффективных мер по борьбе с торговлей людьми, основанных на принципах прав человека. В части VII содержатся перспективные выводы и рекомендации с изложением способов, посредством которых мандатарии могли бы активизировать свое дальнейшее содействие глобальному движению по борьбе с торговлей людьми.

При подготовке настоящего доклада были просмотрены и проанализированы соответствующие документы, подготовленные за истекший десятилетний период. В нем также отражены мнения государств-членов и организаций, с которыми мандатарий осуществляла сотрудничество. Эти мнения были получены благодаря вопроснику, разосланному в 2013 году.

## Annex

[English only]

### Report on the first decade of the mandate of the Special Rapporteur on trafficking in persons, especially women and children

#### Contents

|                                                                            | <i>Paragraphs</i> | <i>Page</i> |
|----------------------------------------------------------------------------|-------------------|-------------|
| Acknowledgments.....                                                       | 1–2               | 6           |
| I. Introduction.....                                                       | 3–7               | 6           |
| II. Mandate, legal framework and working methods.....                      | 8–28              | 8           |
| A. Mandate of the Special Rapporteur.....                                  | 8–11              | 8           |
| B. Definition and scope of trafficking in persons.....                     | 12–14             | 9           |
| C. Legal framework around trafficking.....                                 | 15–17             | 10          |
| D. Working methods.....                                                    | 18–28             | 12          |
| III. Overarching principles and themes.....                                | 29–47             | 15          |
| A. Strategic direction.....                                                | 30                | 15          |
| B. All forms of trafficking and all victims.....                           | 31–34             | 15          |
| C. Human-rights-based approach.....                                        | 35–38             | 16          |
| D. Child-centred approach.....                                             | 39–42             | 17          |
| E. Attention to causes and vulnerability factors.....                      | 43–47             | 18          |
| IV. Major areas of focus and concern.....                                  | 48–74             | 20          |
| A. The rights of victims to assistance, protection and support.....        | 49–53             | 20          |
| B. The rights of victims to remedies.....                                  | 54–58             | 22          |
| C. Human rights in the criminal justice response.....                      | 59–61             | 24          |
| D. Prevention of trafficking: identifying the core strategies.....         | 62–70             | 25          |
| E. Trafficking in persons for the removal of organs.....                   | 71–74             | 28          |
| V. Contribution of the mandate to key conceptual and legal gains.....      | 75–85             | 29          |
| A. A broader scope of focus.....                                           | 76–77             | 30          |
| B. Trafficking and prostitution: no resolution but opening the debate..... | 78–79             | 30          |
| C. Greater clarity on the rights of victims.....                           | 80–82             | 31          |
| D. Greater clarity on the obligations and responsibilities of States.....  | 83–85             | 32          |
| VI. Key challenges.....                                                    | 86–107            | 33          |
| A. Clarifying the parameters of the international legal definition.....    | 87–89             | 33          |

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|      |                                                                                                                                                  |         |    |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------|---------|----|
| B.   | Strengthening accountability of non-State actors.....                                                                                            | 90–94   | 35 |
| C.   | Involving civil society and the community.....                                                                                                   | 95–98   | 36 |
| D.   | Involving victims and vulnerable groups.....                                                                                                     | 99–101  | 37 |
| E.   | Improving compliance mechanisms at national, regional<br>and international levels.....                                                           | 102–107 | 38 |
| VII. | Conclusion: towards the future.....                                                                                                              | 108–111 | 40 |
|      | Appendix I: List of activities undertaken by the Special Rapporteur on<br>trafficking in persons, especially women and children (2004–2014)..... |         | 42 |
|      | Appendix II: List of reports and other documents produced by the mandate.....                                                                    |         | 52 |
|      | Appendix III: List of General Assembly and Human Rights Council resolutions<br>addressing trafficking in persons.....                            |         | 58 |

**ABBREVIATIONS**

|                                    |                                                                                                                                                                                        |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ACHPR                              | African Commission on Human and Peoples' Rights                                                                                                                                        |
| ASEAN                              | Association of Southeast Asian Nations                                                                                                                                                 |
| ICRC                               | International Committee of the Red Cross                                                                                                                                               |
| ILO                                | International Labour Organization                                                                                                                                                      |
| IOM                                | International Organization for Migration                                                                                                                                               |
| OHCHR Principles<br>and Guidelines | Office of the United Nations High Commissioner for Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking                                            |
| OHCHR                              | Office of the United Nations High Commissioner for Human Rights                                                                                                                        |
| OSCE                               | Organization for Security and Co-operation in Europe                                                                                                                                   |
| SRTIP                              | Special Rapporteur on trafficking in persons,<br>especially women and children                                                                                                         |
| TPRO                               | Trafficking in persons for the removal of organs                                                                                                                                       |
| Trafficking Protocol               | Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially<br>Women and Children, supplementing the United Nations Convention against<br>Transnational Organized Crime |
| UNHCR                              | Office of the United Nations High Commissioner for Refugees                                                                                                                            |
| UNICEF                             | United Nations Children's Fund                                                                                                                                                         |
| UNODC                              | United Nations Office on Drugs and Crime                                                                                                                                               |
| UPR                                | universal periodic review                                                                                                                                                              |

## Acknowledgements

1. The mandate has received valuable support from a wide range of stakeholders and partners including States, UN agencies and international organizations, academic institutions, and non-governmental organizations. The Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo (hereafter SRTIP Ezeilo) is very grateful to all for all their important contributions in the form of expertise, research and other types of support. She appreciates the efforts of States to reply to questionnaires sent and their cooperation prior, during and after country visits throughout the years of existence of the mandate. A number of independent experts developed background papers and other materials in the context of the SRTIP's thematic studies. In 2011, a Human Trafficking Research Panel was established at Oxford and Cambridge Universities to support the work of the mandate by providing assistance in background research and, since that time, has made a substantial contribution to the work of the SRTIP. Others providing substantive support include the International Human Rights Clinic at Duke University School of Law and the African Women's Development Fund. SRTIP Ezeilo takes this opportunity to express her thanks to those mentioned and the many others who have provided the mandate with invaluable and much appreciated assistance over the past decade.

2. A word of appreciation must also go to the victims of trafficking who have so bravely and generously shared their stories and their experiences with the SRTIP. Their willingness to contribute, inform and advise has been critical to the mandate's understanding of how trafficking happens and how it impacts on the rights and freedoms of individual women, men and children. SRTIP Ezeilo acknowledges the great contribution made by victims to the work of the mandate and expresses her sincere hope that their voices continue to guide and shape the mandate into the future.

## I. Introduction

3. In December 2000, the United Nations General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol), the first international agreement on trafficking in persons since the adoption, in 1949, of the much more narrowly focused Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. The adoption of the Protocol signalled a fundamental shift in the international approach to exploitation of individuals for private profit. In the years that followed other treaties on the subject were developed, along with a substantial body of soft law including the United Nations *Recommended Principles and Guidelines on Human Rights and Human Trafficking*.<sup>1</sup> International and regional bodies, along with civil society groups became involved in researching trafficking and supporting anti-trafficking efforts. Most States began introducing new laws and policies aimed at criminalizing trafficking, protecting victims and preventing future trafficking. One State launched a unilateral monitoring mechanism that commenced reporting on and evaluating the response of other States to the phenomenon. All these developments set the stage for the international human rights system to take up the issue of trafficking in a way it had never done before.

4. At its sixtieth session in 2004, the predecessor to the Human Rights Council, the Commission on Human Rights, decided to appoint a Special Rapporteur on trafficking in persons, especially women and children (SRTIP), whose mandate would focus on the

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<sup>1</sup> E/2002/68/Add.1.

human rights aspects of the victims of trafficking.<sup>2</sup> The first Special Rapporteur was appointed on 8 October 2004. The central theme of the mandate was critical. Despite general acknowledgement of the human rights aspects of trafficking, the issue was widely considered by States to be principally one of migration, security and public order. The Trafficking Protocol, now the single most important international agreement on the subject, was not a human rights instrument, but rather one aimed squarely at preventing the spread of trafficking as a form of transnational organized crime. While the issue of trafficking had been on the agenda of the modern international human rights system since its inception, there was, in 2004, a very real danger that its core identity as a violation of the rights of the most vulnerable in society could be marginalized or lost. The establishment of the position of special rapporteur, with an explicit mandate to address the human rights aspects of trafficking, proved to be a critical circuit-breaker: affirming, on behalf of the international community two key principles: first, that the human rights of trafficked persons should be at the centre of all efforts to combat trafficking; and second, that anti-trafficking measures should not adversely affect the human rights and dignity of all persons concerned.

5. This review seeks to examine and reflect on the first decade of work of the SRTIP with particular attention to the two principles outlined above that have informed the mandate since its inception. The review is not exhaustive. Rather, it draws on the substantial body of documentation and research produced by the SRTIP to identify key achievements and on-going challenges within the context of global anti-trafficking efforts. In addition to providing a record of the work of the mandate the review is forward looking: seeking to identify lessons and insights for the future work of the mandate and the anti-trafficking sector as a whole.

6. While initiated by SRTIP, Joy Ngozi Ezeilo (2008–present) (SRTIP Ezeilo), the review covers the entire duration of the mandate including the work of the first Special Rapporteur, Sigma Huda (2004–2007) (hereafter SRTIP Huda). Its preparation involved a desk review and analysis of relevant documentation produced by the two mandate holders including annual and thematic reports, country visits reports, communications sent to States, statements from the mandate holders, research and meeting reports. SRTIP Ezeilo also circulated a questionnaire to States and organizations with whom the mandate had worked with a view to soliciting their views on the achievements of the mandate and its future areas of work. Insights from replies received have been incorporated throughout the present document, most particularly parts V-VII.

7. This report is divided into seven parts. The present Part I introduces the review; Part II provides a general overview of the mandate, the legal framework within which the SRTIP has operated and the working methods used; Part III introduces the overarching principles and themes that have guided and shaped the work of the SRTIP; Part IV outlines the major substantive areas of focus for the mandate over the decade of its existence; Part V summarizes key achievements of the anti-trafficking movement that the SRTIP has guided and contributed to; Part VI identifies the challenges that have confronted the mandate and the international community as a whole in seeking to develop effective, rights-based responses to trafficking; Part VII looks to the future: outlining ways in which the mandate can continue and increase its contribution to the global movement against human exploitation. The Review includes two annexes. The first is a list of activities undertaken by the two mandate holders including consultations, country visits and official country missions. The second annex is a list of all official reports and other documents produced by the mandate. This tool allows the reader to identify reports and parts of reports where a particular issue is dealt with or a particular country cited. The third is a list of General Assembly and Human Rights Council Resolutions addressing trafficking in persons.

<sup>2</sup> E/CN.4/2004/110 (Commission on Human Rights decision 2004/110).

## II. Mandate, legal framework and working methods

### A. Mandate of the Special Rapporteur

8. The issue of trafficking in persons only properly arrived on the international agenda in the mid-1990s as information emerged about the cross-border exploitation of girls and young women in South East Asia and Eastern Europe. At that time there was no accepted definition of “trafficking”, no understanding that men and boys could also be victims; and no conception that the purposes of exploitation could be as varied as the potential for profit. By the late 1990s, the international community had commenced work on a new treaty on trafficking with a particular focus on organized criminal aspects that would eventually address these gaps. While not yet a major focus of the international human rights system during those years, the High Commissioner for Human Rights became involved in the issue, as did several of the human rights bodies, most prominently the Special Rapporteur on violence against women, its causes and consequences. A 2000 report of the Special Rapporteur provided detailed discussion of the legal, social and economic dimensions of trafficking and was instrumental in affirming, at that critical point, the central place of human rights in both understanding and responding to trafficking.<sup>3</sup>

9. On 19 April 2004 the United Nations Commission on Human Rights decided to create a Special Rapporteur “whose mandate will focus on the human rights aspects of the victims of trafficking in persons, especially women and children”.<sup>4</sup> In the same decision, the Commission invited the Special Rapporteur to submit annual reports including recommendations on measures required to uphold and protect the human rights of the victims. The Special Rapporteur was further requested to 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 and 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. The Commission also requested the Special Rapporteur to cooperate with relevant United Nations bodies, regional organizations and victims and their representatives.<sup>5</sup>

10. The resolution, under which SRTIP Huda was appointed, was for three years. In 2008 the mandate was extended for a further three years in order to “promote the prevention of trafficking in persons in all its forms and the adoption of measures to uphold and protect the human rights of victims”.<sup>6</sup> SRTIP Ezeilo was appointed based on this resolution. The resolution specifically requested the SRTIP to, inter alia, promote the effective application of relevant international norms and standards and to contribute to the further improvement of them; integrate a gender and age perspective throughout the work of the mandate; identify and share best practices as well as challenges and obstacles in order to uphold and protect the human rights of the victims and to identify protection gaps in this regard; emphasize practical solutions including through international cooperation; request, receive and exchange information on trafficking in persons from Governments, human rights bodies and others; and respond to reliable information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking. The resolution made specific reference to the international instruments of most

<sup>3</sup> E/CN.4/2000/68. For further detail on this report and on that mandate’s work on the issue of trafficking in women and girls see the fifteen year review of the mandate:

A/HRC/11/6/Add.5 (2009), paras. 37–41.

<sup>4</sup> E/CN.4/2004/110 (Commission on Human Rights decision 2004/110).

<sup>5</sup> Ibid.

<sup>6</sup> A/HRC/RES/8/12 (18 June 2008).



relevance to the mandate: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and its Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Trafficking Protocol.

11. In 2011, the Human Rights Council decided to extend the mandate for a further three years enabling SRTIP Ezeilo to continue her work.<sup>7</sup> In its resolution 17/1, the Council reiterated the relevant standards, principal areas of focus and working methods set out in its previous resolution, adding a request that the mandate: “[e]xamine the impact of anti-trafficking measures on the human rights of victims of trafficking in persons with a view to proposing adequate responses to challenges arising in this regard and to avoid re-victimization of victims of trafficking”.<sup>8</sup>

## B. Definition and scope of trafficking in persons

12. Although long the subject of international attention and even international legal regulation, trafficking in persons was not defined in international law until December 2000 with the adoption of the Trafficking Protocol. That instrument defines trafficking in persons as constituting three elements: (i) an “action”, being recruitment, transportation, transfer, harbouring or receipt of persons; (ii) a “means” by which that action is achieved (threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, and the giving or receiving of payments or benefits to achieve consent of a person having control over another person); and (iii) a “purpose” (of the intended action / means): namely, exploitation.<sup>9</sup> The definition makes clear that consent of the victim to the intended exploitation is irrelevant when any of the listed means have been used. All three elements must be present to constitute “trafficking in persons” in international law. The only exception is that when the victim is a child the “means” element is not part of the definition. In other words, trafficking in children is constituted by an “act” performed for an exploitative “purpose”.

13. Since the inception of the mandate, both mandate holders have consistently upheld the international legal definition of trafficking, affirming its central role in establishing the parameters of trafficking, and enabling responses to be developed with consistency and clarity.<sup>10</sup> In this regard it should be noted that the definition is now well entrenched in international law, being reflected in all major legal and policy instruments developed after adoption of the Protocol,<sup>11</sup> and adopted, explicitly or implicitly, by all relevant United Nations organizations and agencies, as well as other intergovernmental organizations

<sup>7</sup> A/HRC/RES/17/1 (16 June 2011).

<sup>8</sup> Ibid, para. 2(e).

<sup>9</sup> The full definition set out in article 3 of the Trafficking Protocol reads as follows: “Trafficking in persons” shall mean 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.

<sup>10</sup> See for example E/CN.4/2006/62, paras. 34–36.

<sup>11</sup> For example the 2005 Council of Europe Convention on Action against Trafficking in Human Beings (European Trafficking Convention); EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; United Nations *Principles and Guidelines on Human Rights and Human Trafficking* (E/2002/68/Add.1).

working on the issue. The overwhelming majority of States (reported in 2012 to be 134)<sup>12</sup> has criminalized trafficking in their national laws, generally conforming to the substance of the definition set out in the Trafficking Protocol.

14. The importance of an agreed definition trafficking cannot be overstated: most particularly in terms of facilitating common understanding of the nature of the problem and thereby laying the foundation for agreement around required solutions. Previously, “trafficking” was understood as referring simply and solely to the cross-border movement of vulnerable women and girls into exploitation through prostitution.<sup>13</sup> In the final decade of the twentieth century, considerable confusion emerged between “trafficking” and what was later to be confirmed as “migrant smuggling” (the facilitation of illegal cross-border movement for profit). The definition set out in the Trafficking Protocol resolved many of the major issues and disagreements. First, it made clear that the concept of trafficking in international law does not refer only to the process by which an individual is moved into a situation of exploitation: it extends to include the maintenance of that person in such a situation. Accordingly, it is not just the recruiter, broker or transporter who can be identified as a trafficker, but also the individual or entity involved in initiating or sustaining the exploitation. Second, the definition affirmed that trafficking is much wider in scope than previously envisaged: that it can take place for a wide range of end purposes including, but not limited to, sexual exploitation; that it can involve as victims men and boys as well as women and girls; and that it can take place across borders or within a single country, including the victim’s own. The SRTIP has embraced this understanding of trafficking, affirming the scope of the mandate to include trafficking in children for sexual purposes, child labour, adoption and participation in armed conflict; trafficking in men for forced labour, organized crime and other exploitation; trafficking in women and girls for forced marriage, sexual exploitation and forced labour; and trafficking in persons for removal of organs.<sup>14</sup>

### C. Legal framework around trafficking

15. The creation of the mandate of SRTIP coincided with a period during which the uncertain and incomplete legal framework around trafficking in persons was clarified and considerably extended. The adoption and widespread ratification of the Trafficking Protocol was the most significant development in this regard not just through its definition but also by establishing a wide range of obligations on States parties with respect to criminalizing trafficking, preventing future trafficking and providing at least minimal protections for victims. The Protocol proved to be both an impetus and framework for subsequent legal and policy developments that, taken together, have helped to very clearly establish the obligations of States in this important area. The SRTIP has regularly promoted the effective implementation of the Protocol and has encouraged those States who are not yet party, to accede to this important instrument.

16. Of course trafficking was a matter for international human rights law long before it became an issue of migration or of transnational organized crime. It is nevertheless true that apart from two solid references in the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

<sup>12</sup> UNODC, *Global Report on Trafficking in Persons 2012* (United Nations publication, Sales No. E.13.IV.1).

<sup>13</sup> See for example the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

<sup>14</sup> A/HRC/10/16 (2009), para. 16. Note that the Human Rights Council has explicitly required the SRTIP to address trafficking “in all its forms” (A/HRC/RES/8/12 (18 June 2008), para. 4(a)).

international human rights law does not contain a comprehensive prohibition on trafficking.<sup>15</sup> The question of whether or not such a prohibition exists, or whether it can be inferred, or whether other prohibitions which do exist can be made to fit the trafficking phenomenon can only be answered with reference to myriad human rights instruments and standards dealing with issues as diverse as discrimination, slavery, torture, forced labour and violence against women, as well as the rights of particular groups including women, non-citizens, children migrants, refugees and persons with disabilities.<sup>16</sup> The work of the SRTIP has affirmed the wide range of relevant standards and made very clear that trafficking is in fact an issue that cuts across much human rights terrain and therefore is (or should be) of concern to all parts of the international and regional human rights systems.

17. The critical task of identifying the human rights ‘wrong’ of trafficking as well as associated obligations and entitlements was greatly facilitated by the United Nations Office of the High Commissioner for Human Rights’ *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (OHCHR Principles and Guidelines) released in 2002. In her report transmitting this document to the Economic and Social Council, the High Commissioner explained that the development of the OHCHR Principles and Guidelines was a direct response to the clear need for practical, rights-based policy guidance on the issue.<sup>17</sup> From the very first report the SRTIP has affirmed the OHCHR Principles and Guidelines as an essential tool in the work of the mandate, most particularly in assessing particular issues and situations from the perspective of human rights, as well as in helping to facilitate the integration of a human rights perspective into national regional and international laws, policies and interventions. The core principles articulated in that instrument including the primacy of human rights; the responsibility of States to act with due diligence in preventing and responding to trafficking and protecting victims; and the need to ensure that anti-trafficking measures do not negatively affect the enjoyment of human rights and dignity of any person, have continued to be central to all aspects of the work of the mandate.<sup>18</sup> Both incumbents have used the OHCHR Principles and Guidelines extensively in their work. SRTIP Ezeilo has regularly called on States to incorporate core provisions in their legal and policy framework around trafficking<sup>19</sup> and has been particularly appreciative of the detailed Commentary to the OHCHR Principles and Guidelines, published in 2010.<sup>20</sup>

<sup>15</sup> The Convention on the Elimination of All Forms of Discrimination against Women (article 6) obliges States parties to take all appropriate legislative and other measures to suppress all forms of traffic in women and exploitation of the prostitution of women. The Convention on the Rights of the Child requires States parties 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” (article 35). Other provisions relating to, inter alia, protection of children from economic exploitation (article 32) and sexual exploitation and sexual abuse (Article 34) are also relevant.

<sup>16</sup> For a detailed consideration of the broader legal framework around trafficking see Anne T. Gallagher, *The International Law of Human Trafficking* (Cambridge University Press, 2010). For a list of instruments considered relevant by the SRTIP see A/HRC/10/16 (2009), paras. 20–26.

<sup>17</sup> E/2002/68, para. 62.

<sup>18</sup> See for example A/HRC/10/16 (2009), paras. 45–47.

<sup>19</sup> See for example A/HRC/10/16 (2009), Section V.

<sup>20</sup> OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary*, HR/PUB/10/2, 2010 (United Nations publication, Sales No. E.10.XIV.1).

## D. Working methods

18. The general approach to the mandate has been guided by the relevant resolutions which require the SRTIP to: (i) seek and receive information from States, human rights bodies and other relevant sources and respond effectively to such information; (ii) recommend practical solutions with regard to implementation of relevant rights; (iii) examine the human rights impact of anti-trafficking measures with a view to proposing adequate responses; and (iv) work closely with other mechanisms of the Human Rights Council and the United Nations and other partners.<sup>21</sup> In the discharge of the mandate the SRTIP has focused particularly on the working methods set out below.

### 1. Communication and engagement with stakeholders

19. Trafficking in persons is a critical issue for every country, affecting many different groups and cutting across multiple areas of legal and illegal activity. The range of current and potential stakeholders is accordingly very wide. SRTIP Huda recognized this particular aspect of her work from the outset<sup>22</sup> and made consistent efforts to extend her engagement beyond Governments and international agencies to include the full range of civil society organizations working on the issue, as well as those engaged in related areas such as the rights of migrants and violence against women. Sigma Huda's participatory and collaborative approach was continued and extended by Ezeilo who declared an intention to "reach out, listen, learn and share good practice around the world."<sup>23</sup> Ezeilo put this commitment in practice by instituting a system of regular, broad-based regional consultations aimed at securing expert input into her work while improving understanding of the mandate amongst key interlocutors.

20. The SRTIP has also engaged directly and consistently with international, regional and sub-regional bodies working on trafficking issues, most particularly the United Nations Office on Drugs and Crime (UNODC), the Organization for Security and Co-operation in Europe, the United Nations Children's Fund (UNICEF), the International Organization for Migration, the International Labour Organization, the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well regional bodies including the Association of Southeast Asian Nations (ASEAN) and the African Commission on Human and Peoples' Rights. Further, SRTIP Ezeilo has undertaken joint initiatives with related mandate holders. This included a strategic meeting in 2009 with the Special Rapporteur on violence against women and the Special Rapporteur on contemporary forms of slavery including its causes and consequences aimed at strengthening collective impact while avoiding unproductive duplication. That important discussion also involved stakeholders from key international organizations and civil society. It resulted in improved understanding of the different mandates and a renewed commitment to implement the Human Rights Council direction that related mandates to cooperate and coordinate their work.

21. In the course of her work SRTIP Ezeilo has also actively solicited input from the private sector and from those persons and institutions with particular expertise. In relation to specialist subjects such as trafficking in persons for the removal of organs, the SRTIP brought in external expertise, in this case from the medical and transplant communities, in an effort to ensure accuracy of her reporting and the practical relevance of her recommendations as well as to improve understanding among relevant stakeholders.

<sup>21</sup> A/HRC/RES/8/12 (18 June 2008), para. 4; A/HRC/RES/17/1 (16 June 2011), para. 2.

<sup>22</sup> See for example E/CN.4/2005/71, paras. 41–47.

<sup>23</sup> A/HRC/10/16 (20 February 2009) para 62.

## **2. Communication with victims of trafficking**

22. The mandate of the SRTIP is squarely focused on the rights and needs of victims of trafficking and it is appropriate that victims are consulted and involved in the work of the mandate. SRTIP Ezeilo has paid particular attention to developing this aspect of the working methods. She has participated in panel discussions involving survivors of trafficking (New York 2009; Geneva 2009) and has actively sought to include the voices of victims in her studies and reports. SRTIP Ezeilo is convinced that victim involvement is critical to ensuring that measures taken to address trafficking benefit those in need; that unintended harmful consequences are anticipated and avoided; and that opportunities for change and improvement are identified in a timely way.

## **3. Thematic studies and reports**

23. Thematic studies have been a major focus of the SRTIP's work: enabling the mandate to make substantial and, according to responses to the questionnaire, highly appreciated contributions to poorly understood or new areas of concern. Topics for study have been carefully chosen on the basis of their relative importance and urgency as well as the SRTIP's expected capacity to make a contribution to shaping international standards and promoting awareness in the chosen area. Issues covered in this way were: measures to discourage demand (2006 and 2013); trafficking for forced marriage (2007); victim identification, protection and assistance (2009); regional and sub-regional cooperation in promoting a human-rights-based approach to trafficking (2010); prevention of trafficking (2010); the right to an effective remedy for trafficked persons (2011); the administration of criminal justice in the cases of trafficked persons (2012); trafficking in supply chains (2012); and trafficking in persons for the removal of organs (2013). In accordance with the mandate issued by the Human Rights Council, particular emphasis has been placed on developing practical solutions to the issues under consideration.

## **4. Country visits and reports**

24. Country visits – both official missions and non-official visits - have been a critical aspect of the work of the mandate; helping to ground the mandate-holders' understanding of the problem of trafficking in national realities and forging important relationships with those on the front-line, while also providing involved States and their partners with an opportunity to access information, expertise and insight. Several respondents to the questionnaire including several States noted that official visits of the SRTIP had influenced shifts in policy and practice around trafficking, for example leading to changes in migration policies, amendments to the national trafficking law, and improved cooperation with civil society organizations. Others, including several international organizations, noted that the official missions provided a valuable opportunity for stakeholders to convey their views and insights to higher levels of Government than would otherwise be the case, and that the reports themselves were an excellent source of useful, high-quality information.

25. During these visits, the focus is squarely on the nature of the trafficking problem; the key human rights issues, and the effectiveness of institutional, legal, judicial, administrative and other mechanisms to protect those rights. In relation to official country visits, which are fact-finding in nature, SRTIP Ezeilo has taken care to ensure that these are widely consultative, involving Government officials (including practitioners); victim support agencies (and, where appropriate also victims); members of the judiciary and parliamentarians, United Nations country offices and other international and non-governmental organizations based in the country as well and local civil society organizations. Each official country visit concludes with a press conference at which the SRTIP presents initial findings and recommendations. A detailed report is subsequently issued. The reports have evolved to generally follow a format that tracks the major issues of

concern to the mandate: forms and manifestations of trafficking; legislative and institutional framework; identification of trafficked persons; protection of trafficked persons; prosecution of perpetrators; cooperation with civil society; and international and regional cooperation. In the 10 years since the mandate was created a total of 21 official country missions have been undertaken. SRTIP Huda carried out five of those between 2005 and 2006 to Bosnia-Herzegovina and Lebanon (2005); Bahrain, Oman and Qatar (2006). SRTIP Ezeilo undertook 16 of those missions between 2009- 2014 to Belarus, Poland and Japan (2009); Egypt, Argentina and Uruguay (2010); Thailand and Australia (2011); the United Arab Emirates, Gabon, the Philippines (2012); Morocco, Italy, Bahamas and Belize (2013); and Seychelles (2014). A full list of country visit reports is provided in Annex 1.

## 5. Recommendations and checklists

26. The SRTIP has actively sought to promote normative clarity around trafficking and to help flesh out the substantive content of key rules and obligations where that is required. This work has been firmly based on existing international standards as recognized in the major human rights treaties as well as the specialist trafficking instruments. A major output through this method of work is a set of draft basic principles on the right to an effective remedy (2011) developed after extensive consultation with stakeholders in all regions, that seeks to bring clarity to the concept of the right to an effective remedy and provide factors to be taken into account when this right is applied to trafficked persons. Additional information on this initiative is provided in paragraph 54 below. The SRTIP has also created a draft checklist of indicators and benchmarks with which businesses can assess the risks of human trafficking in their supply chains (2012). The checklist was developed and revised through a series of consultations and is intended to build and complement existing initiatives including the Guiding Principles on Business and Human Rights.

## 6. Action on communications and urgent appeals

27. The SRTIP is explicitly mandated to respond effectively to reliable allegations of human rights violations with a view to protecting the rights of actual or potential victims of trafficking. In accordance with established procedure the SRTIP communicates the case to the Government concerned requesting clarification and action, either through an allegation letter or through an urgent appeal where the alleged violation is time-sensitive and / or of a very grave nature.<sup>24</sup>

28. The SRTIP has regularly sent urgent appeals or letters of allegation to States asking for clarification of certain matters, reporting all communications sent and responses received to the Human Rights Council. Since the mandate was established a total of 99 communications have been sent by the SRTIP (out of which 92 were sent jointly with other mandate holders) and a total of 54 responses were received. Communications were often sent jointly with other special procedures, including for example, the Special Rapporteur on violence against women; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on contemporary forms of slavery. Urgent appeals have proved valuable in helping to identify trends that may require more systematic responses, for example apparent increases in child trafficking and widespread lack of effective remedies for victims of trafficking.<sup>25</sup> The mandate holders have generally found that communications provide an important vehicle to remind States individually of their international legal obligations with respect to responding effectively to trafficking and ensuring that the rights

<sup>24</sup> *Manual of Operations of the Special Procedures of the Human Rights Council* (2008), paras. 43–48. Further on the SRTIP's method of work with respect to communications see E/CN.4/2005/71, paras. 24–36. See Also Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, Human Rights Council Resolution 5/2.

<sup>25</sup> A/HRC/14/32/Add.1 (2010), para. 4.

of victims under their jurisdiction or control are protected and respected. They have also found that communications can be an important advocacy tool for civil society organizations and for victims.

### **III. Overarching principles and themes**

29. In their performance of the mandate, the two mandate holders have affirmed a number of overarching principles and themes as central to all aspects of their work. These principles and themes draw both inspiration and substance from the international legal framework around trafficking and seek to reinforce the consensus that has developed around the scope of the problem and the direction of appropriate responses.

#### **A. Strategic direction**

30. At the commencement of the mandate the “Three Ps”: Protection, Prosecution and Prevention were already well established as guideposts for the strategic organization of trafficking responses at the national, regional and international levels. These provided important guidance and structure to the mandate during its first several years. In 2009 SRTIP Ezeilo proposed an expansion of this strategic vision to include eight more pillars: an additional two criminal justice focused “Ps” (Punishment of perpetrators and Promotion of international cooperation) as well as three victim-centred “Rs” (Redress, Rehabilitation and Reintegration); and three Cs (Capacity, Coordination and Cooperation).<sup>26</sup> Together, these 11 pillars have supported the SRTIP in shaping and promoting a coherent and comprehensive vision of an effective and rights-based response to trafficking.

#### **B. All forms of trafficking and all victims**

31. As noted at paragraph 12 above, international understanding around the nature and scope of trafficking has expanded significantly in the past several decades. It is now widely accepted that women, men and children are trafficked and that the forms of trafficking are as varied as the potential for profit or other personal gain. This development is highly significant from the perspective of international law because it brings within the relevant legal framework a wide range of exploitative conduct, much of which has been poorly or selectively regulated at both national and international levels.

32. Both mandate holders have embraced this comprehensive understanding of trafficking. In her very first report, SRTIP Huda affirmed as applicable to the mandate the definition of trafficking set out in the Trafficking Protocol and identified that she would devote attention to trafficking “at all sites and for all purposes”.<sup>27</sup> While forms of trafficking of particular relevance to women and children, including sexual exploitation and forced marriage, dominated the first mandate holder’s work, SRTIP Ezeilo has explicitly adopted a broader approach. In her first report SRTIP Ezeilo affirmed her understanding of the mandate to include trafficking in children for sexual purposes, child labour, adoption and participation in armed conflict; trafficking in men for forced labour and other

<sup>26</sup> A/HRC/10/16 (2009), Section V; Statement by Joy Ngozi Ezeilo, The Special Rapporteur on Trafficking In Persons, Especially Women and Children, 65<sup>th</sup> session of the General Assembly, Third Committee, Item 69(b), 25 October 2010, New York, p. 2.

<sup>27</sup> E/CN.4/2005/71, para. 12.

exploitation; trafficking in women and girls for forced marriage, sexual exploitation and forced labour; and trafficking in persons for removal of organs.<sup>28</sup>

33. Throughout her work, the current SRTIP has ensured a comprehensive focus on all forms of trafficking, thus attending not only to the most well-known and well-researched forms of trafficking, such as trafficking for sexual exploitation, but also bringing into the spotlight less prominent and less well understood phenomena such as trafficking in persons for the removal of organs; internal trafficking; and trafficking into industries not commonly associated with such exploitation (e.g. fishing and agriculture and the service industries). The SRTIP has also sought to highlight the plight of all victims including ‘untraditional’ victims such as men and ‘imperfect’ victims such as those who appear to have consented to some aspect of their situation; and those who have committed criminal offences in the course of their trafficking experience.

34. The SRTIP has made particular effort to interrogate and, where appropriate, challenge gender stereotypes that are endemic in public perception and official discourse around who is trafficked and for what purpose. Most particularly she has highlighted the misperceptions that lead authorities to ignore the trafficking of men, resulting in identification failures as well as significant discrimination against male victims, particularly in terms of access to protection and assistance.<sup>29</sup>

### C. Human rights-based approach

35. A human rights-based approach has been integral to the mandate since its inception in recognition of the fact that responses to trafficking have not always been grounded in the firm foundations provided by human rights. SRTIP Ezeilo has consistently maintained that prioritizing other concerns such as crime prevention and migration control over human rights distorts the nature of the problem and obscures the most important and effective solutions. The two fundamental principles of a human rights approach were set out by SRTIP Huda in her first report and continue to guide the work of the mandate: first, 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 second, that anti-trafficking measures should not adversely affect the human rights and dignity of the persons concerned.<sup>30</sup>

36. For the mandate of the SRTIP a human rights-based approach is understood as a conceptual framework that is *normatively* based on international human rights standards and that is *operationally directed* to promoting and protecting human rights.<sup>31</sup> Such an approach requires careful consideration of the ways in which human rights violations arise throughout the trafficking cycle, as well as of States’ obligations under international human rights law. It seeks to both identify and redress the discriminatory practices and unjust distributions of power that underlie trafficking, that maintain impunity for traffickers, and that deny justice to victims of trafficking.

37. As explained in the *Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, under a human rights-based approach, every aspect

<sup>28</sup> A/HRC/10/16 (2009), para. 16. Note that the Human Rights Council has explicitly required the SRTIP to address trafficking “in all its forms” (A/HRC/RES/8/12 (18 June 2008), para. 4(a)).

<sup>29</sup> A/HRC/14/32 (2010), paras. 98–100, 120. See also A/HRC/23/48/Add.3 (Mission to Philippines, 2012), paras. 7, 8, 26, 61.

<sup>30</sup> E/CN.4/2005/71, para. 11.

<sup>31</sup> OHCHR, *Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation*, HR/PUB/06/8 (2006).



of the national, regional and international response to trafficking is anchored in the rights and obligations established by international human rights law. The key points that can be drawn from experiences in other areas include: as policies and programmes are formulated, their main objective should be to promote and protect rights; a human rights-based approach identifies *rights-holders* (for example trafficked persons, individuals at risk of being trafficked, individuals accused or convicted of trafficking-related offences), their entitlements and the corresponding *duty-bearers* (usually States) and their obligations. A human rights-based approach works towards strengthening the capacities of rights-holders to secure their rights and of duty-bearers to meet their obligations; and core principles and standards derived from international human rights law (such as equality and non-discrimination, universality of all rights, and the rule of law) should guide all aspects of the response at all stages.<sup>32</sup>

38. Since its inception the mandate has affirmed a clear commitment to a rights-based approach<sup>33</sup> and over the past six years SRTIP Ezeilo has actively sought to refine understanding of how such an approach can be operationalized to best effect.<sup>34</sup> She has also sought to further develop the concept, for example by showing how consultation with those who will be or have been affected by potential anti-trafficking measures is essential to a human rights approach to trafficking.<sup>35</sup>

#### D. Child-centred approach

39. It is well established that the trafficking of children through abduction, sale and other means is a widespread criminal phenomenon affecting all regions and most countries. The mandate's work has confirmed that children are trafficked for the purpose of sexual exploitation including prostitution and the production of pornography. They are trafficked for forced and exploitative labour on farms, in factories, on fishing boats, for forced begging and for domestic servitude in private homes. While much trafficking of children involves movement across international borders, many countries experience the phenomenon of internal trafficking of children. The OHCHR Principles and Guidelines explain clearly why a child-centred approach is so important and what it should entail:

40. *The particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation require that they be dealt with separately from adult trafficked persons in terms of laws, policies, programmes and interventions. The best interests of the child must be a primary consideration in all actions concerning trafficked children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. Child victims of trafficking should be provided with appropriate assistance and protection and full account should be taken of their special rights and needs.*<sup>36</sup>

41. SRTIP Ezeilo has repeatedly emphasized that the needs of child victims of trafficking in terms of assistance, protection and support will often differ substantially from those of adults and has advocated for child-specific and child-centred measures in relation to identification, protection and assistance of children that are based on the principles and

<sup>32</sup> Commentary to the Trafficking Principles and Guidelines (above n. 20), pp. 49–50.

<sup>33</sup> See for example E/CN.4/2006/62, para. 81; ECN.4/2006/62/Add.3, paras. 71, 75 and 103; and E/CN.4/2005/71, paras. 10–11, 55–57.

<sup>34</sup> See for example A/HRC/10/16 (2009), para. 44 and Part V; A/HRC/20/18 (2012) paras. 11–15.

<sup>35</sup> A/HRC/23/48 (2013), para. 76

<sup>36</sup> Recommended Principles and Guidelines on Human Rights and Human Trafficking, Guideline 8.

provisions of existing human rights law, most importantly the Convention of the Rights of the Child.<sup>37</sup>

42. Such an approach also involves listening and responding to the voices and views of children who have been or who are at risk of being trafficked.<sup>38</sup> The mandate has also highlighted the risk that measures intend to benefit children may compromise their situation even further. A difficult but relevant example is provided by well-meaning attempts to boycott or ban goods made by exploited children that have resulted in mass layoffs of child workers without warning and without compensation.<sup>39</sup> While there can be no doubt of the need to introduce legislation and other measures to protect vulnerable children from exploitation and abuse, it is essential to also strive for common standards between countries in order to ensure that exploiters “cannot simply move on, accompanied by the children they exploit, to take advantage of different laws and regulations in a neighbouring State”.<sup>40</sup>

## E. Attention to causes and vulnerability factors

43. The mandate holders have been mindful that prevention of future trafficking must be based on a thorough and nuanced understanding of the root causes of this phenomenon including the factors that make some people more vulnerable than others to trafficking-related exploitation. Such understanding also helps to guide more effective responses: for example by helping to identify persons and groups at risk and by shaping public and official understanding about how trafficking happens and why. Further, attention to underlying causes helps counteract the prevailing narrative in reporting on these issues, dominated by sensationalist stories about victims of trafficking, which, in the words of SRTIP Ezeilo, routinely overlook “the underlying social and economic factors that led to the violation of their human rights”.<sup>41</sup>

44. During the decade of the mandate, the mandate holders have consistently sought to identify those factors that contribute to increasing the vulnerability of an individual or a group to trafficking. The work of the mandate has revealed considerable consistency across all regions and all manifestations of trafficking with regard to such factors that include human rights violations associated with (i) poverty and inequality; (ii) migration; and (iii) discrimination including through gender-based violence. Critically, there is almost never a single ‘root cause’: as SRTIP Ezeilo noted in 2010, “it is the combination of multiple factors that may place certain individuals at a higher risk of being trafficked.”<sup>42</sup> The SRTIP has maintained throughout that States have a legal obligation to work to prevent trafficking by addressing vulnerability. This obligation is part of international treaty law<sup>43</sup> and has been regularly affirmed by the Human Rights Council and General Assembly<sup>44</sup> as well as by the human rights treaty bodies.<sup>45</sup>

<sup>37</sup> A/64/290 (2009), paras. 68–76.

<sup>38</sup> A/HRC/23/48 (2013), para 69.

<sup>39</sup> Alec Fyfe, *The worldwide movement against child labour – Progress and future directions* (Geneva, ILO, 2007), p. 53, cited in A/HRC/23/48 (2013), para 70.

<sup>40</sup> A/HRC/23/48 (2013), para. 70.

<sup>41</sup> A/67/261 (2012), para. 42.

<sup>42</sup> A/65/288 (2010), para. 26.

<sup>43</sup> For example Trafficking Protocol, Art 9(1) and 9(4); European Trafficking Convention, Art. 5.

<sup>44</sup> See for example A/RES/67/145 (27 February 2013), paras. 10–12, 22; A/HRC/RES/14/2 (2010), para. 7(g).

<sup>45</sup> See for example CRC/C/GNB/CO/2-4 (2013), para. 67(j); CRC/C/SVN/CO/3-4 (2013), para. 72; CEDAW/C/BEN/CO/4 (2013), para. 20; CEDAW/C/ZWE/CO/2-5 (2012), paras 25–26; CCPR/C/CZE/CO/3 (2013), para. 16; CCPR/C/TKM/CO/1 (2012), para. 11.

### 1. In relation to poverty and inequality (of both income and opportunity)

45. It is essential to recognize that these factors operate to severely constrain the choices of individuals, thereby making them vulnerable to the coercion, deception and abuse of vulnerability that are the means by which traffickers establish and maintain control over their victims. The SRTIP has repeatedly recognized that poverty and inequality related to TIP often has a strong gender dimension: the failure to guarantee women's basic economic and social rights contributes to their vulnerability to sexual and economic exploitation.<sup>46</sup> While a ready solution to these problems is often unavailable, the SRTIP has emphasized the responsibility of States in this regard: to protect and uphold the rights of their citizens and persons within their jurisdiction, and to do all that is possible to address the poverty, inequality, lack of opportunity, discrimination, conflict and insecurity, that enable trafficking to thrive.<sup>47</sup>

### 2. In relation to migration

46. The mandate has affirmed that while internal trafficking is a significant problem in a number of countries, much trafficking-related exploitation is directed towards migrants whose vulnerability is often exacerbated by social and linguistic isolation, lack of rights and irregular legal status. SRTIP Ezeilo has often noted the link between migration and violations of human rights: "[i]n many cases, people decide to leave home not as a matter of choice but as a matter of survival in order to escape from serious violations of their human rights".<sup>48</sup> She has regularly expressed concern over the legal and social discrimination faced by migrants in countries of destination, highlighting the contradictions inherent in the rapidly growing demand for low cost, low-skilled migrant labour on the one hand, and the persistent failure to recognize and protect the rights of these persons on the other.<sup>49</sup> SRTIP Ezeilo has also raised concerns over increasingly restrictive immigration practices including criminalization and detention of irregular migrants that rarely achieve their purpose and contribute to an increase in exploitative migration including through trafficking.<sup>50</sup>

### 3. In relation to discrimination including gender-based violence

47. The work of the SRTIP has affirmed that discrimination results in fewer and poorer life choices for people, rendering them more vulnerable to trafficking than those who have not suffered such discrimination. In the context of her country missions the previous<sup>51</sup> and current SRTIP have expressed the view that widely held attitudes of racial and ethnic discrimination, which intersect with persistent patterns of gender discrimination, enhance demand for exploitation and trafficking since they make it socially more acceptable to exploit women and men from Africa, Asia or the poorest parts of Europe.<sup>52</sup> SRTIP Ezeilo notes that violence directed against or primarily affecting women can be an important factor increasing vulnerability to trafficking. For example, women may accept dangerous migration arrangements in order to escape family or community violence. In some cases, unsafe migration may in fact be a better option than remaining in a situation of violence and

<sup>46</sup> A/64/290 (2009), para. 34. Also on this see the report of the Special Rapporteur on violence against women, its causes and consequences, E/CN.4/2000/68, para. 56.

<sup>47</sup> A/HRC/10/16 (2009), para. 50.

<sup>48</sup> A/65/288 (2010), para. 24.

<sup>49</sup> A/65/288 (2010), para. 39–43.

<sup>50</sup> A/65/288 (2010), para. 39–43; A/HRC/23/48 (2013), para. 62; A/HRC/20/18/Add.1 (Mission to Australia, 2012), paras. 70–71.

<sup>51</sup> E/CN.4/2006/62/Add.3 (Mission to Lebanon, 2006), para. 21.

<sup>52</sup> A/HRC/20/18/Add.2 (Mission to Thailand, 2012), para. 6, 66; A/HRC/17/35/Add.2 (Mission to Egypt, 2011), paras. 4, 7, 8, 49; A/HRC/14/32/Add.4 (Mission to Japan, 2010).

abuse. Indeed, the violence suffered by women through trafficking is often “an extension of the violence suffered by some women at home.”<sup>53</sup> In repeatedly highlighting the link between gender-based discrimination and violence and vulnerability to trafficking, the SRTIP has sought to alert States to their international legal obligation to protect women and girls from such violence including through legislation against practices such as domestic violence and to respond effectively when it does occur.<sup>54</sup>

## IV. Major areas of focus and concern

48. Both SRTIP mandate holders have taken a strongly thematic approach to their work: actively seeking to identify cross-cutting concerns as well as aspects and manifestations that are of high relevance to all States and have not yet been subject to detailed consideration. This is especially appropriate given that trafficking, as now understood, is a new issue for many Governments and for the international community as a whole. The present section has identified six areas of the SRTIP’s work that have emerged as major themes of importance to the anti-trafficking movement as a whole. Some of these have been regularly considered throughout the mandate in the context of annual reporting and / or country visits. Others have been subject to separate, detailed consideration. It should be noted that the breadth of the SRTIP’s work is considerable and the section does not include all substantive areas dealt with by the mandate holders.

### A. The rights of victims to assistance, protection and support

49. In line with the rights-based and victim-centred approach taken throughout the mandate, both mandate holders have focused strongly on elaborating the legal dimensions of the right of victims to assistance, protection and support, and in considering the extent to which these rights are respected and protected in practice. The considerable progress that has been made over the past decade in articulating State obligations to victims has greatly facilitated this process. It is now abundantly clear that States are indeed required to provide immediate assistance and support to victims of trafficking within their jurisdiction, and to protect them from further harm.<sup>55</sup> The provision of immediate assistance, protection and support should not be conditional on the capacity or willingness of the victim to cooperate with criminal justice agencies. In 2009 SRTIP Ezeilo devoted a thematic report to the issue of victim identification, protection and assistance, affirming the key responsibilities of States in this regard and identifying ways in which these obligations can be effectively met in practice.<sup>56</sup>

50. In their country visits both mandate holders have noted a high level of discrepancy between rights in theory and rights in practice. Many States acknowledge their obligation to assist and protect victims but progress towards effective realization is often very slow. For example, whilst many Governments have set up shelters for trafficking victims, the quality of care is often inadequate. Shelters are often lacking in resources and expertise, leading to poor care, including inadequate psychological and legal support.<sup>57</sup> In some countries, victims are detained in shelters for long periods, a situation SRTIP Ezeilo has identified as

<sup>53</sup> A/HRC/14/32/Add.2 (Mission to Belarus, 2010), para. 51.

<sup>54</sup> For example A/HRC/17/35/Add.2 (Mission to Egypt, 2011), paras. 50, 66, 79; A/HRC/14/32/Add.2 (Mission to Belarus, 2010), paras. 43, 46.

<sup>55</sup> Further on this aspect see Commentary to the Trafficking Principles and Guidelines (above note 20), 141–152.

<sup>56</sup> A/64/290 (2009).

<sup>57</sup> See for example A/HRC/17/35/Add.4 (Mission to Argentina, 2011), paras. 62–64 ; A/HRC/14/32/Add.4 (Mission to Japan, 2010), paras. 58, 63–64, 66, 67.

a major failure of protection.<sup>58</sup> Other issues that have been regularly raised by SRTIP Ezeilo are set out below.

### 1. Victim identification

51. Victim identification is fundamental to realization of victim rights. By not identifying victims swiftly and accurately States effectively and permanently deny victims the rights to which they are legally entitled.<sup>59</sup> The SRTIP has repeatedly affirmed the obligation on States to swiftly and accurately to identify victims of trafficking which, in addition to being an obligation in its own right, is an integral part of the procedural rights to effective remedies. Both mandate holders have drawn attention to the failure of criminal justice systems to identify trafficking victims, who instead are often arrested, detained, charged and prosecuted for entering and working irregularly, or engaging in prostitution.<sup>60</sup> As noted by SRTIP Ezeilo, “victims are simply treated as criminals and are arrested and deported with no opportunity to be identified and provided with the necessary assistance as trafficked victim”.<sup>61</sup> Both mandate holders have advocated for more thorough and collaborative approaches to victim identification. SRTIP Ezeilo has repeatedly encouraged greater cooperation between victim support agencies and front line officers,<sup>62</sup> as well as better use of existing resources for victim identification, noting that “although some very good work has been done by major stakeholders to combat trafficking by setting out criteria for identification ... there is still ambiguity with regard to the criteria being used by many countries.”<sup>63</sup>

### 2. Trafficked men

52. SRTIP Ezeilo has regularly raised concerns about the lack of appropriate assistance to men and boys who have been trafficked.<sup>64</sup> Low identification rates are a widespread problem. Many States have been slow to recognize trafficking in men, a situation that is explained, at least in part, by the continuing strong focus on trafficking for sexual exploitation at the expense of trafficking for labour exploitation. For cultural and other reasons, male victims of trafficking are often reluctant to self-identify. Even where victim support assistance is available it may be inaccessible or not properly adapted for them and declined for those reasons. The work of the SRTIP in exposing this problem has hopefully prompted some reflection on why male victims are falling between the cracks and what can be done to ensure they are identified quickly and accurately and receive the support and assistance to which they are entitled.

### 3. No prosecution or punishment

53. A significant development during the life of this mandate has been the growing acceptance that victims of trafficking should not be punished – or indeed prosecuted – for

<sup>58</sup> See for example A/HRC/20/18/Add.2 (Mission to Thailand, 2012), paras. 46, 74.

<sup>59</sup> A/64/290 (2009), para. 91.

<sup>60</sup> A/HRC/20/18 (2012), paras. 23–24 (HRC 2012: 7); E/CN.4/2005/71, E/CN.4/2006/62/Add.3 (Mission to Lebanon, 2006) para. 10; 47, 58, 63–64.

<sup>61</sup> A/64/290 (2009), para. 91.

<sup>62</sup> A/HRC/20/18 (2012), paras. 46–53.

<sup>63</sup> A/64/290 (2009). At para. 90.

<sup>64</sup> See for example A/HRC/23/48/Add.2 (Mission to Gabon, 2012), paras. 62, 92; A/HRC/23/48/Add.1 (Mission to the United Arab Emirates, 2012), para. 81(v); A/HRC/17/35/Add.4 (Mission to Argentina, 2011), para. 85. A/HRC/14/32/Add.3 (Mission to Poland, 2010), para. 61; A/HRC/14/32/Add.4 (Mission to Japan, 2010), para. 43. See also SRTIP Ezeilo’s end-of-mission statement on her mission to Italy, 2013 (delivered 20 September 2013). The full report will be presented to the United Nations Human Rights Council in June 2014.

offences that have been committed in the course of their trafficking such as immigration and work offences. SRTIP Ezeilo has regularly upheld the importance of this principle<sup>65</sup> and endorses the now widespread position that States should not prosecute or punish victims “for unlawful acts committed by them as a direct consequence of their situation as trafficked persons or where they were compelled to commit such unlawful acts.”<sup>66</sup> The SRTIP is of the view that this principle is an expression of basic principles recognized in most national legal systems relating to criminal responsibility. It does not confer blanket immunity but should operate to protect victims from acts committed under duress. A number of States, international organizations and civil society groups responding to the questionnaire pointed to the SRTIP’s work on this issue as a major achievement: helping to establish non-prosecution and non-punishment as an accepted standard.

## B. The rights of victims to remedies

54. From the inception of the mandate, both SRTIPs have clearly affirmed the right of victims of trafficking to access remedies for the harms committed against them.<sup>67</sup> In country reports both mandate holders have consistently examined the extent to which this right is protected by law and realized in practice. Such examination has generally revealed that trafficked persons are frequently left without remedies or the support necessary to access them, a situation that exacerbates the risk of further human rights violations including through re-trafficking. It was on the basis of insights gained through her country visits as well as information received through other activities, including her assessment of regional response mechanisms,<sup>68</sup> that SRTIP Ezeilo decided to make effective remedies for victims the subject of more systematic and detailed attention. To that end she organized an expert consultation in 2010 that was followed by an on-line discussion forum and an interactive dialogue at the Human Rights Council in the context of her thematic report on the subject.<sup>69</sup> Regional consultations were held during 2013 and early 2014 to disseminate, discuss and finalize the SRTIP’s draft basic principles on the right to an effective remedy for trafficked persons.<sup>70</sup>

### 1. Applicable legal framework

55. One of the main purposes of the SRTIP’s work on effective remedies for victims has been to help clarify the relevant legal framework and by so doing, to provide guidance to practitioners and help address the substantial gap between the provisions of international law in this area and what happens in practice. In her report to the General Assembly on the issue, the SRTIP referred to the established legal doctrine requiring a State to remedy a wrong where an act or omission is attributable to that State and constitutes a breach of that State’s obligations.<sup>71</sup> While States are not usually the direct source of trafficking-related

<sup>65</sup> For example A/HRC/20/18 (2012), 23–30, 89; A/65/288 (2010), para 20.

<sup>66</sup> CTOC/COP/WG.4/2009/2, para. 12(b). See also A/64/290 (2009) at para. 95.

<sup>67</sup> E/CN.4/2005/71, para. 14. Further on the sources and substantive content of that right see A/HRC/17/35 (2011), paras. 13–19; Commentary to the Trafficking Principles and Guidelines (above n. 20), 223–232.

<sup>68</sup> See A/HRC/14/32 (2010), para. 87 (“*The vast majority of regional cooperation mechanisms focus their criminal justice efforts on the prosecution and punishment of traffickers, while the provision of restorative justice and compensation to victims is not addressed, despite its fundamental importance within the international human rights law framework*”).

<sup>69</sup> A/HRC/17/35 (2011). A follow up report containing additional observations on the issue as well as feedback from Member States and other stakeholders was subsequently provided to the United Nations General Assembly (A/66/283 (2011)).

<sup>70</sup> The draft basic principles are provided in Annex 1 to A/HRC/17/35 (2011).

<sup>71</sup> A/66/283 (2011), para. 12.

harm, they may not absolve themselves of legal responsibility on this basis. That is because the legal framework around this issue requires States to take positive measures to the required standard of ‘due diligence’ to prevent trafficking, protect victims and respond effectively. Failure to meet these obligations constitutes an internationally wrongful act for which the State is required to provide a remedy. International human rights law independently requires States to provide a remedy to victims of human rights violations. The obligation to provide remedies – or at least access to remedies – to victims of trafficking is set out in a number of relevant instruments<sup>72</sup> and has been widely recognized by United Nations bodies<sup>73</sup> and regional courts.<sup>74</sup> Its essence is captured in Principle 1 of the draft basic principles on the right to an effective remedy for trafficked persons: “*Trafficked persons as victims of human rights violations have the right to an effective remedy for harms committed against them.*”

## 2. Substantive components of the right to a remedy

56. SRTIP Ezeilo has recognized four substantive components of the right to a remedy that are applicable in cases of trafficking in persons, captured in Principle 4 of her draft basic principles: *In substance, trafficked persons should be provided with adequate reparations for the harms suffered, which may include restitution, compensation, recovery, satisfaction and guarantees of non-repetition.* The first of these components, *restitution*, aims to restore the situation that existed prior to the violation. In the case of victims of trafficking the SRTIP has highlighted the importance of applying this in a way that is victim-centred and rights-aware. For example returning victims to their pre-trafficking situation may risk their wellbeing and expose them to re-trafficking. *Recovery* is a crucial form of reparation for trafficked persons and will likely include medical and psychological care as well as legal and social services. Once again, a rights-based and victim-centred approach will be required to ensure that recovery measures are provided in an appropriate and non-discriminatory way. *Compensation* is of critical importance to victims of trafficking who are likely to have suffered significant harm and lost valuable opportunities. Compensation can be awarded to victims via legal proceedings that may be civil or criminal. It can also be delivered through State-administered compensation funds or through non-judicial methods such as those operating between employers and employees in respect of wage disputes and work related injury compensation. *Satisfaction and guarantees of non-repetition* are important non-financial forms of reparation designed to compensate moral damage or damage to the dignity or reputation of the victim. In trafficking cases this form of remedy might be secured through a fair trial that recognizes the harm done to victims and imposes sanctions on perpetrators. Measures to prevent future trafficking are an important aspect of the guarantee of non-repetition.

## 3. Procedural components of the right to a remedy

57. SRTIP Ezeilo has come to appreciate that certain pre-conditions must be fulfilled if the right to a remedy for victims of trafficking is to be realized in practice. For example, failure to identify victims in the first place will inevitably operate to deny those persons

<sup>72</sup> For example Trafficking Protocol, Art. 6(6); European Trafficking Convention, Art. 15.

<sup>73</sup> See for example the United Nations Global Plan of Action to Combat Trafficking in Persons, Art. 39 (urging States to: “[a]dopt measures to ensure that victims of trafficking in persons can seek compensation for the damage suffered, consistent with the [United Nations Convention against Transnational Organized Crime] and the Trafficking Protocol”) (A/RES/64/293 (12 August 2010)).

<sup>74</sup> See for example *Rantsev v. Cyprus and Russia*, Dec. No. 25965/04 (European Court of Human Rights, 7 January 2010 (in which the Court ordered both Cyprus and Russia to pay compensation to the family of a victim of trafficking for failures to prevent trafficking and respond effectively)).

access to remedies. In too many countries trafficked persons – including those who have been identified as such – are detained or deported without being given any opportunities to claim compensation. Sometimes there are legal impediments to foreign victims being able to access remedies. Improvements in identification procedures; the institution of a “reflection and recovery period” during which time victims can receive legal and other assistance; and review of any legal obstacles to access are therefore critical to effective realization of the right to a remedy. Of course, trafficked persons can only seek remedies if they are aware of their entitlements and how these can be exercised. It is essential that full and accurate information be made available to victims in a language and form they are able to understand. Further, victims should be provided with the necessary support and assistance that enables them to establish their entitlements, make informed and guided choices about remedies and navigate the often complex judicial and administrative machinery.

#### **4. The Draft basic principles on the right an effective remedy for trafficked persons**

58. As noted above, SRTIP Ezeilo has overseen the collaborative and consultative development of a set of basic principles on the right to a remedy for victims of trafficking.<sup>75</sup> The Principles are firmly based on established rules of international law and are informed by an understanding of the legal and practical obstacles that have so far prevented progress in relation to remedies for victims of trafficking. The SRTIP recommends the Draft Basic Principles to States, intergovernmental organizations, non-governmental organizations, criminal justice agencies and others who may be in a position to contribute to the realization of the right of all victims of trafficking to remedies for the harms committed against them.

### **C. Human rights in the criminal justice response**

59. SRTIP Ezeilo has noted an important shift in attitudes to the criminal justice aspects of the trafficking response over the life of the mandate. The development of a new international legal instrument on trafficking within a crime control framework raised understandable concerns that this focus would diminish attention and commitment to the human rights of victims. Put simply it was felt – and sometimes is still felt – that a strong criminal justice response to trafficking may conflict with a rights-based, victim-centred response. While accepting the very real dangers that an overwhelming focus on investigations and prosecutions may take attention away from the rights and needs of victims, SRTIP Ezeilo has come to understand that a strong criminal justice response is an integral part of dealing with trafficking effectively. In short, there should not be a conflict between victim rights and criminal justice responses, provided the latter explicitly sets out to both to challenge the culture of impunity enjoyed by traffickers and secure justice for victims.

60. Unfortunately the work of the mandate has confirmed that criminal justice responses to trafficking are highly problematic in many countries, often from the perspective of the alleged perpetrator as well as the victim. External and internal pressure to increase prosecution rates has had a particularly deleterious effect on underdeveloped criminal justice systems that have often been unable to deliver a fair trial and a just outcome. This damages the credibility of the criminal justice response and the agencies concerned. Such pressures have also encouraged poorly planned raids and ‘sweeps’ that tend to deliver very little to persons who have been trafficked and may in fact harm the rights and interests of those caught up in such operations. Many victims are understandably reluctant to cooperate

<sup>75</sup> A/HRC/17/35 (2011), Annex I; A/66/283 (2011), Annex.



in the prosecution of their exploiters and may be coerced into doing so through the withholding of much needed support or threats of arrest and detention. Too often they are treated as instruments of criminal investigations, rather than as rights-holders with a legal entitlement to protection, support and remedies. Unfortunately, victims themselves are sometimes prosecuted often for offences that were committed under duress as part of the trafficking process. In her 2009 report to the General Assembly, SRTIP Ezeilo affirmed her position that: “[a]dministration of justice systems must be geared towards guaranteeing access to justice to victims, providing effective remedy, promoting respect for the fundamental human rights of victims, including offenders, and ensuring adequate protection and assistance to victims of trafficking in order to prevent revictimization and avoid the danger of being re-trafficked.”<sup>76</sup>

61. In 2011, In recognition of the very pressing problems associated with criminal justice responses and the lack of available guidance, SRTIP Ezeilo undertook a thematic study of rights-based approaches to the administration of criminal justice. The study involved commissioning of a background paper, distribution of a detailed questionnaire to United Nations Member States, and convening of a group of expert practitioners. The resulting report<sup>77</sup> affirmed the obligation on States to criminalize trafficking; investigate and prosecute trafficking with due diligence; and to provide for appropriate penalties. It also highlighted the obligations on States to identify victims quickly and accurately and provide them with protection and support; to avoid the criminalization of victims; facilitate their safe and productive involvement in the criminal justice process; and promote cooperation between criminal justice bodies and victim support agencies. The report highlighted the need for States to actively manage the risk of unintended negative consequences; for example, that political pressure to prosecute traffickers leads to over-enforcement, shortcuts and unacceptable trade-offs. It concluded that, while progress has been made on some fronts, much remains to be done. Unacceptably low prosecution and conviction rates around the world confirm that all States must be looking to improve their performance including by ensuring that the rights of all persons are respected and upheld.

#### **D. Prevention of trafficking: identifying the core strategies**

62. As noted previously, prevention of trafficking through addressing underlying vulnerabilities of individuals and groups has been a key theme of the mandate since its inception. However the mandate has always accepted that the concept of prevention is much wider than this, encompassing the full range of measures aimed at preventing future acts of trafficking from occurring. International law requires that States act with due diligence to prevent trafficking and the human rights violations with which it is associated. The mandate has sought to explore what this means in practice through examining the general concept of prevention as well as particular aspects of a preventive approach including addressing demand<sup>78</sup> and supply chain transparency and accountability.<sup>79</sup> Key questions include, for example, what role should measures to encourage safe migration and protect labour rights play in a national or regional prevention strategy? Should States seek to raise public awareness about trafficking? What is required of States with respect to addressing demand for the goods and services produced through trafficking? How does the obligation of prevention operate in respect of addressing trafficking-related exploitation in supply chains and how can business be encouraged to support trafficking-free supply chains? These are complex, difficult issues and the mandate has not been able to address

<sup>76</sup> A/64/290 (2009), para. 99.

<sup>77</sup> A/HRC/20/18 (2012).

<sup>78</sup> A/65/288 (2010), paras. 29–38 and A/HRC/23/48 (2013).

<sup>79</sup> A/HRC/23/48 (2013); ; A/67/261 (2012).

them in full, rather seeking to raise awareness among States and others that will help contribute to a greater understanding of what is required and how it may be achieved.

### 1. Safe migration

63. The creation of opportunities for legal, gainful and non-exploitative migration is key to preventing future trafficking. This responsibility falls on countries of origin as well as countries of destination. For the former, the provision of adequate information about migrants' rights, as well as practical advice on how to manage risks in the migratory process are integral obligations. Countries of origin should also ensure that they have the consular facilities to maintain contact with their citizens working abroad and respond effectively to any concerns.<sup>80</sup> Countries of destination should ascertain the demand for migrant labour and develop the procedures and mechanisms that enable this demand to be met without exploitation. SRTIP Ezeilo has noted that multilateral and bilateral arrangements can often be an important way to increase opportunities for legal and non-exploitative migration.<sup>81</sup> The SRTIP has also highlighted the importance of ensuring that safe migration efforts are developed and implemented within a human rights framework in order to ensure that basic rights, such as freedom of movement and the prohibition on discrimination, are not compromised.

### 2. Labour rights

64. The mandate has ascertained that failure to protect the rights of workers, most particularly migrant workers, is a major contribution to trafficking-related exploitation. An increasingly globalized labour market that seeks to minimize production costs through low wages and maximum flexibility has increased the vulnerability of such workers who, deliberately left unprotected, can be paid badly; kept in debt bondage; subjected to harsh conditions; have their travel / identity / work documents confiscated; and dismissed when no longer needed. The involvement of recruitment agencies, many of which are unregulated and unsupervised, has created an additional layer of vulnerability for such workers, often trapping them in a debt from which it is very difficult to escape or being complicit in the deception that lands them in a situation of severe exploitation. In many countries, labour inspectorates are not up to the task of supervising workplaces and will anyway not have access to the common sites of exploitation for trafficked persons including brothels, private homes, farms and small factories. SRTIP Ezeilo has repeatedly called on States to strengthen enforcement of labour laws and take steps to regulate the recruitment agencies that, along with the legitimate businesses that use their services, are profiting so handsomely from the exploitation of migrant workers.<sup>82</sup>

### 3. Public awareness

65. Awareness-raising campaigns can be an important method of prevention on two levels: first, by working with at-risk communities to warn them of the dangers of trafficking and second, by sensitizing the public in countries of destination about the plight of trafficked persons and informing them about their role in prevention. However SRTIP Ezeilo has noted that public awareness campaigns are sometimes crude in conception and execution: employing sensationalist scare tactics or designed simply to stop people from moving. There has also been very little critical examination of the effect of such campaigns, including unintended negative effects that have been anecdotally noted by the current

<sup>80</sup> See for example A/HRC/23/48/Add.3 (Mission to Philippines, 2012), para. 75. 18; A/65/288 (2010) para. 73.

<sup>81</sup> See for example A/65/288 (2010), para. 42.

<sup>82</sup> See for example A/HRC/23/48 (2013), paras 26-27, 57 and 65.

SRTIP in the course of her work,<sup>83</sup> pointing to a need for all countries to monitor and regularly evaluate the impact of their prevention efforts. The SRTIP has emphasized that awareness campaigns must be based on accurate and adequate information and be followed by practical efforts to reduce vulnerability of victims and provide them with viable alternatives. Such campaigns should also be carefully developed to appeal to their target audience. For example, in relation to children and young people, the effectiveness of any public awareness program will depend heavily on the extent to which it uses communication channels that are relevant to this group. In this aspect of prevention as in all others, it is essential to ensure the active participation of vulnerable groups as well as trafficked persons themselves. Unfortunately while the principle is accepted, there appears to have been little progress in securing the meaningful participation of victims in the design and implementation of prevention efforts.<sup>84</sup>

#### 4. Addressing demand

66. As noted above, trafficking feeds into a global market that seeks out cheap, unregulated and exploitable labour and the goods and services that such labour can produce. In an early report, SRTIP Huda laid out the three elements of the mandate's understanding of demand: (i) demand must be understood in relation to exploitation; (ii) demand as that which fosters exploitation, not necessarily as demand for that exploitation; and (iii) it is not necessary for the demand to lead to trafficking, rather, it is sufficient that the exploitation fostered by the demand leads to trafficking.<sup>85</sup> SRTIP Huda subsequently applies that analysis to the issue of trafficking in women and girls for purposes of forced marriage.<sup>86</sup>

67. SRTIP Huda's understanding of demand has been explicitly adopted by SRTIP Ezeilo in her own characterization of how the concept operates in the context of trafficking:

68. The definition of demand, which is an economic term, can be adapted to the context of trafficking to describe it as the desire for labour that is exploitative or services which breach the human rights of the person delivering those services. It includes demand for sexual exploitation; for cheap labour and domestic workers; for organ removal and sale; for illicit adoption and forced marriages; for criminal activities or begging or for exploitation within the army ... The demand side of trafficking generally refers to the nature and extent of the exploitation of the trafficked persons after their arrival at the point of destination, as well as the social, cultural, political, economic, legal and developmental factors that shape the demand and facilitate the trafficking process. As such, it does not have to be "properly understood as the demand for a trafficking victim's prostitution, labour or services. Rather, demand must be understood expansively, as any act that fosters any form of exploitation that, in turn, leads to trafficking" [quoting the first SRTIP<sup>87</sup>].<sup>88</sup>

69. Both mandate holders have affirmed that international law requires States to discourage the demand that fosters trafficking-related exploitation.<sup>89</sup> SRTIP Ezeilo has examined demand in detail in the context of a review of prevention<sup>90</sup> as well as in a dedicated report.<sup>91</sup> In the latter report, the SRTIP recommends that States take steps to understand the nature of demand and to develop measures based on accurate information

<sup>83</sup> See for example A/65/288 (2010), para. 45.

<sup>84</sup> A/65/288 (2010), para. 53.

<sup>85</sup> E/CN.4/2006/62, para. 51.

<sup>86</sup> A/HRC/4/23 (2007), paras. 49–60 and recommendations (j)–(l) (para. 63).

<sup>87</sup> E/CN.4/2006/62, para. 52.

<sup>88</sup> A/HRC/10/16 (2009), paras. 51–52.

<sup>89</sup> See for example Trafficking Protocol, Art. 9(5); European Trafficking Convention, Art. 6.

<sup>90</sup> A/65/288 (2010), paras. 29–38.

<sup>91</sup> A/HRC/23/48 (2013).

and experience. Basic human rights, including the prohibition on discrimination, should further guide this process. The SRTIP also noted the importance of ensuring that measures to address demand do not themselves negatively affect individual rights and freedoms.

## **5. Supply chains and public–private partnerships**

70. Throughout the decade of its existence the mandate has maintained a strong focus on non-State actors and the role they can or should play in preventing and responding to trafficking. This is an appropriate recognition of the fact that trafficking is a phenomenon located primarily within the community; that it is a crime perpetrated largely by private actors, and that civil society plays a key role in supporting victims. As understanding of how trafficking happens has improved, the mandate's approach to particular parts of the private sector have likewise shifted. Specifically, information about trafficked labour in the supply chains of major industries including agriculture, information and communications technology, fishing, garments and textiles has alerted the mandate to the importance of engaging directly with business corporations. Unfortunately, the burgeoning "corporate social responsibility" industry has delivered few tangible benefits to the many millions of persons who produce the goods and services for global markets, often under terrible conditions of exploitation. Over the past several years SRTIP Ezeilo has taken up this difficult issue, undertaking research and holding wide-ranging consultations on trafficking in global supply chains. She has examined the different ways human trafficking manifests itself in the global economy; the response of global businesses; existing and emerging strategies to combat abuse; and the immediate and long-term steps necessary for business leaders to take effective and sustainable action. A dedicated report outlined a series of clear and practical recommendations for business and States to eliminate trafficking in the supply chain.<sup>92</sup> This provided the basis for further consultations with business experts that resulted in a draft set of benchmarks and indicators for ensuring trafficking-free supply chains. The draft was presented to the Human Rights Council in June 2013.

## **E. Trafficking in persons for the removal of organs**

71. While specified as a form of trafficking-related exploitation in the international legal definition, the mandate did not deal substantively with the issue of trafficking in persons for the removal of organs (TPRO) until very recently. This reflected the paucity of reliable information on the practice and uncertainty around its true extent. However in recent years that situation has changed. There have been a series of highly reputable reports documenting systematic TPRO in several different regions of the world as well as major prosecutions for TPRO in both Africa and Europe. Anecdotal reports of TPRO were also provided to the mandate in the context of more recent country visits. In keeping with the mandate's commitment to tackling difficult, emerging and under-researched issues, the current SRTIP decided to focus attention on TPRO with a view to contributing to the international conversation at a pivotal point. In 2013 she commissioned an expert background paper on the problem: formulated in accordance with current international policy as: "the exploitation of persons who are compelled by need or force to provide organs for transplantation to people within their own countries or to foreigners".<sup>93</sup> An informal group of transplant specialists, ethicists, and researchers was established to peer review the draft. On the basis of the final paper the SRTIP developed a dedicated report on TPRO, which was delivered to the United Nations General Assembly in August 2013.<sup>94</sup>

<sup>92</sup> A/67/261 (2012).

<sup>93</sup> The Doha Communiqué of the Declaration of Istanbul Custodian Group, adopted 14 April 2013.

<sup>94</sup> A/68/256 (2013).

72. The report confirmed that while substantial gaps in knowledge and understanding remain, it is now well established that TPRO does indeed occur in all regions of the world and is not a rare event. The trade reflects economic and social divisions within and, most particularly, between countries. Victims are inevitably poor, often unemployed and with low education which makes them vulnerable to deception about the nature of the transaction and its potential impacts. Case studies from a variety of countries indicate that poor and often desperate individuals are lured into selling their organs on the promise of considerable payment that is almost never made in full. Many are also deceived about the nature of the procedure, the risks involved, and the follow-up care required or to be provided. Debt bondage and extortion are used as forms of coercion. Passports are commonly withheld as a means of keeping control over the movement of the victim prior to the operation. Trying to back out of an agreement to sell an organ is met with violence and threats of violence. After the transplantation, organizers continue to threaten victims in order to ensure their on-going silence. Victims are not offered adequate post-operative medical care and suffer physical and psychological harm as well as social exclusion.

73. The report emphatically identified TPRO as a violation of human rights and affirmed the obligation on States to prevent TPRO, to prosecute offenders and to protect victims. It noted the location of TPRO within broader debates around the organ trade and proposed that a rights-based approach to the broader issue supports a complete rejection of all forms of transplant commercialism because of the inherent and ultimately unmanageable risk of exploitation. The report set out a series of recommendations to States in relation to establishing a strong legal framework around TPRO and taking steps to prevent TPRO. Critically, the SRTIP highlighted the fact that measures to address all other forms of trafficking must be taken in relation to TPRO. For example, it is essential that States put in place victim identification procedures tailored to TPRO; provide all victims with immediate protection and support; ensure victims are not prosecuted or punished for status related offences (such as violation of transplant laws); deliver an effective criminal justice response; and provide victims with access to justice including an enforceable right to a remedy.

74. In her report SRTIP Ezeilo questioned efforts to create a separate legal regime around “trafficking in organs”, noting that all evidence points to the trade in organs being inextricably linked to actions against individuals aimed at their exploitation. In her view it is essential to keep these practices firmly within the comprehensive and widely accepted legal regime that has been developed around trafficking in persons. This is the best way to promote conceptual clarity and also to ensure that States are held to account for any failures with respect to preventing TPRO, prosecuting offenders and protecting victims. While noting its correlation with other forms of trafficking, the SRTIP acknowledged that TPRO is a complex medical and ethical issue, requiring close collaboration between trafficking experts and members of the medical and transplant communities.

## **V. Contribution of the mandate to key conceptual and legal gains**

75. The past decade has been one of great development and change. With the benefit of an agreed definition of trafficking in persons, new international, regional and national laws, clearer policies and heightened political commitment, the mandate has been able to make a critical contribution at a unique moment in time. This section identifies several particularly significant areas of progress and achievement focused particularly on conceptual and legal gains. It is not exhaustive and does not duplicate information contained elsewhere in the report – for example sections III and IV.(E) above detailing the mandate’s work on raising the profile and clarifying the applicable rules around the issues of remedies and trafficking

for removal of organs. The Section includes information on contributions of the mandate secured through the questionnaires distributed to States and relevant organisation as part of the background work for this report.

## **A. A broader scope of focus**

76. The mandate has actively embraced and advocated for the understanding of trafficking that is now enshrined in international law through the Trafficking Protocol and other instruments and reflected in the law of many States. This approach has been instrumental in helping to expand the focus of international and national anti-trafficking efforts beyond the previous focus on trafficking for exploitation of prostitution and contributing to greater conceptual clarity around the parameters of the definition of trafficking. Examples cited at various points throughout this report include the mandate's focus on trafficking in men, as well as attention to issues such as forced marriage, trafficking in persons for removal of organs and trafficking for labour exploitation in agriculture, fishing and manufacturing. This wider focus, encouraged and facilitated by the mandate, is now well entrenched in national legal frameworks and the broader discourse around trafficking.

77. In their response to the questionnaire, a number of States and organizations highlighted the substantial contribution of the mandate to expanding the discourse around trafficking. This expansion was noted in relation to: (i) identification and exploration of different forms of trafficking exploitation; (ii) consideration of different avenues and actors that could or should play a role in preventing or responding to trafficking.

## **B. Trafficking and prostitution: no resolution but opening the debate**

78. In relation to the difficult and contentious issue of trafficking and prostitution, the mandate has affirmed both the links and the differences between these two phenomena, hopefully providing an important circuit breaker in a debate that has often been destructive to broader goals of advancing human rights, dignity and freedom. There has however been a distinct difference in approach between the two mandate holders on this issue. In her second annual report, dealing with the question of demand, SRTIP Huda affirmed that international law does not require States to abolish prostitution. She further noted that international law requires States to treat as trafficking all adult prostitution in which people are subject to one of the stipulated acts (recruited, transported, harboured or received) by use of any of the stipulated means (including threat or use of force, coercion, abuse of power or of a position of vulnerability) for the purpose of exploiting their prostitution.<sup>95</sup> Based on her experiences and investigations as SRTIP, the first mandate holder found it evident that "most prostitution is accomplished by one or more of the illicit means outlined in ...] the Protocol and therefore constitutes trafficking."<sup>96</sup> In her recommendations she took a principled stance against "legalization of prostituted persons" on the basis that this increases demand for trafficking.

79. The second mandate holder followed a different path. Particularly in her country reports, SRTIP Ezeilo has regularly identified prostitution as a major site of trafficking-related exploitation, while noting that in law, prostitution and trafficking are not equivalent. Ezeilo has also been less willing than her predecessor to accept that measures taken to abolish prostitution will always have a positive impact on the problem of trafficking. In relation to the vexed question of demand for example, she points out the lack of a

<sup>95</sup> E/CN.4/2006/62, paras. 41–43.

<sup>96</sup> Ibid, para. 48.

conclusive link either way. In her view, available evidence fails to provide a definitive answer to the question of whether, and how, legalization or criminalization of prostitution affects the existence and incidence of trafficking for sexual exploitation.<sup>97</sup> In this regard SRTIP Ezeilo was also reflecting her own experience of finding trafficking for sexual exploitation in every country she visited, irrespective of how the national law dealt with the issue of prostitution. While not pronouncing directly on which approaches to prostitution should be adopted by States,<sup>98</sup> SRTIP Ezeilo has consistently sought to widen the debate, shifting attention to tackling root causes while respecting the human rights of all trafficked persons.

### C. Greater clarity on the rights of victims

80. It is one thing to assert the human rights of victims of trafficking and quite another to specify, with sufficient level of detail, what those rights actually are and what obligations they impose on States. That process is essential because it is only through such certainty that it becomes possible to assess the extent to which a particular situation, initiative or response is in conformity with international human rights law. The task is made somewhat more difficult by the fact that the central international instrument relevant to trafficking, the Trafficking Protocol, is not at all clear on the issue of victim rights. The Protocol makes some very general references to human rights and includes a number of obligations that may be understood as aimed at protecting victims. However, on its own, it makes little headway in establishing the precise nature of victim entitlements and how these should be met. It is also relevant to note that at the time of the mandate's commencement, the international human rights system itself had not contributed substantially to clarifying the substantive content of relevant rights and obligations. While there was regular condemnation of the human rights violations associated with trafficking, the practice was rarely linked to the violation of a specific right in a specific treaty. In the work of one commentator, "working out the 'wrong' of trafficking with reference to international human rights law was a difficult and frustrating task".<sup>99</sup>

81. From its commencement, the mandate was able to build on several developments that challenged this situation. One of the most significant was the issuing of the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* two years previously, which proved instrumental in shaping the mandate's approach to victim rights and State obligations in many different contexts. Throughout the past decade, increasing attention to trafficking by different parts of the international human rights system, as well as by regional courts, has further supported the mandate in detailing the rights of victims and the corresponding obligations of States. Today, it is possible to say that there is widespread recognition that victims of trafficking are indeed the holders of a special set of rights conferred upon them by their status as trafficked persons. These include but are not limited to, the right to be identified quickly and accurately; the right to immediate protection and support; the right to legal information and the opportunity to

<sup>97</sup> A/65/288 (2010), paras. 34–36.

<sup>98</sup> Note that SRTIP Ezeilo made clear her firm stance against any and all forms of prostitution involving children (persons under 18 years of age) and has articulated a variety of measures to promote zero tolerance of that ugly phenomenon. See for example A/HRC/23/48/Add.3 (Mission to Philippines, 2012), paras. 12–15, 24, 73; A/HRC/20/18/Add.2 (Mission to Thailand, 2012), paras. 13, 21, 77(y), 74; A/HRC/17/35/Add.3 (Mission to Uruguay, 2010), paras. 12–15, 61, 80. See also SRTIP Ezeilo's preliminary findings on her mission to Seychelles, 2014 (delivered in Mahé, 31 January 2014). The full report will be presented to the United Nations Human Rights Council in June 2014.

<sup>99</sup> Anne T. Gallagher, *The International Law of Human Trafficking* (Cambridge University Press, 2010), 4.

decide whether and how to cooperate in the prosecution of their exploiters; the right not to be detained; the right to not be prosecuted for offences that relate directly to the fact of having been trafficked; the right to be returned home safely or to benefit from another solution if safe return is not possible; and the right to an effective remedy that reflects the harm committed against them. It is also now widely accepted that certain categories of victims, most particularly children, benefit from additional, status-related rights in recognition of their special vulnerabilities and special needs.

82. Throughout all aspects of its work, from country visits to thematic studies, the mandate has helped to confirm and promote awareness of these important rights. Respondents to the questionnaire confirmed that the mandate's work in this area was one of its most significant achievements.

#### **D. Greater clarity on the obligations and responsibilities of States**

83. As noted by a number of respondents to the questionnaire, the mandate has also directly contributed to confirming and disseminating the obligations on States with respect to their response to trafficking. Many of those obligations arise through the rights set out above. For example the mandate has repeatedly drawn attention to the responsibility of States to take active steps to identify victims of trafficking; establish systems and processes to provide victims with the protection and support they require; refrain from detaining victims or prosecuting them for status offences; to cooperate with other States in ensuring that victims are returned safely and reintegrated effectively; develop alternative solutions for those victims who cannot be safely returned; and develop laws and procedures that ensure victims are able to realize their right to a remedy. However the mandate has also been very clear on the point that the obligations of States extend beyond those that relate immediately to victims. In relation to criminal justice responses for example, SRTIP Ezeilo has confirmed the obligation on all States to investigate and prosecute trafficking, as well as the obligation to protect the rights of suspects and the right to a fair trial.<sup>100</sup> Through country visit reports the mandate holders have also highlighted the link between corruption and trafficking: noting that States are required to act in preventing such corruption and dealing with it once it is uncovered.<sup>101</sup> More broadly, and particularly during the tenure of SRTIP Ezeilo, the mandate has examined the implications of the legal obligation on States to take steps to prevent trafficking: detailing the actions that should be taken within the framework of a human rights approach.<sup>102</sup>

84. It is an unfortunate fact that State responses to trafficking can sometimes result in a violation of human rights. Occasionally such a result is unintentional. For example, the SRTIP has reported instances where States have sought to protect their citizens from trafficking by preventing them from migrating for work.<sup>103</sup> Despite their protective intention, such actions may constitute an unlawful restriction of the right to leave and the right to freedom of movement and, typically being directed solely at women, also a violation of the prohibition on discrimination. Violation of suspects' right to a fair trial; and prevention strategies developed and implemented outside the framework of a victim-centred, rights-based approach are further examples that have been raised by the SRTIP in the context of both thematic and country reporting.<sup>104</sup> By highlighting the most prevalent

<sup>100</sup> See for example A/HRC/20/18 (2012), para. 71; A/HRC/20/18/Add.2 (Mission to Thailand, 2012), para. 77(h).

<sup>101</sup> See for example A/HRC/20/18/Add.2 (Mission to Thailand, 2012), para. 77(j).

<sup>102</sup> See for example A/HRC/10/16 (2009), para. 45–47.

<sup>103</sup> See for example A/65/288 (2010), paras. 41–42.

<sup>104</sup> See for example A/HRC/14/32/Add.2 (Mission to Belarus, 2010), paras. 40–41, 100; and ; A/HRC/23/48/Add.3 (Mission to Philippines, 2012), paras. 39–45.



risks, and by documenting instances of compromised responses, the mandate has played a crucial role in raising awareness of the obligation on States to respond lawfully and ensure that their anti-trafficking efforts do not violate established rights.

85. Finally, it is important to note that the widened scope, as well as clarification of both rights and obligations around trafficking has had a significant impact on how the issue is approached and dealt with in the international human rights system itself. There is now uniform acceptance of the concept of trafficking, accommodating a range of exploitative practices directed at women, men and children. Resolutions of the General Assembly and the Human Rights Council on trafficking contain increasingly detailed and specific references to human rights of victims and to corresponding responsibilities of States.<sup>105</sup> The human rights treaty bodies regularly raise issues related to trafficking in their consideration of States parties reports,<sup>106</sup> including the risk of responses to trafficking violating established rights.<sup>107</sup> Resulting recommendations issued by treaty bodies are today much more nuanced and detailed than previously, reflecting an enhanced awareness of the problem of trafficking as well as the applicable legal framework.<sup>108</sup> Some human rights mechanisms have themselves made substantial contributions to that framework. For example the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has examined the circumstances under which trafficking may come within the prohibition on torture.<sup>109</sup> The Committee on the Rights of the Child has been instrumental in identifying the human rights standards that apply to unaccompanied children, a group that, as the Committee has acknowledged, includes many child victims of trafficking.<sup>110</sup> The integration of trafficking into the broader human rights system has been instrumental in promoting and sustaining momentum for change.

## VI. Key challenges

86. The work of the mandate has confirmed that the problem of human trafficking continues to be endemic in all parts of the world. While awareness of trafficking and of relevant rights and obligations has improved significantly, this has not resulted in substantial improvements on the ground. Large number of women, men and children continue to be exploited; very few receive support, protection or redress; few exploiters are apprehended and in every country the number of prosecutions remains stubbornly low. Many of the obstacles to a more effective response have been addressed in the previous sections of the report. The present section seeks to draw out those challenges that are likely to be of particular concern to the international community as well as to the mandate as it evolves into the future. It draws on information secured through the questionnaires distributed to States and relevant organisation as part of the background work for this report.

### A. Clarifying the parameters of the international legal definition

87. This report has made clear that adoption of an agreed international definition of trafficking in 2000 was a major step forward, paving the way for much of the progress over the past fourteen years. However it would be a mistake to assume that the adoption of the

<sup>105</sup> See for example A/RES/64/293 (2010); A/HRC/RES/20/1 (2012).

<sup>106</sup> See for example E/C.12/JAM/CO/3-4 (2013), para. 23; CCPR/C/FIN/CO/6 (2013), para. 9; CEDAW/C/ZWE/CO/2-5 (2012), paras. 25–26.

<sup>107</sup> See for example CEDAW/C/MMR/CO/3 (2008), paras. 26–27.

<sup>108</sup> See for example CRC/C/GNB/CO/2-4 (2013), para. 67.

<sup>109</sup> A/HRC/7/3 (2008), paras. 56–58.

<sup>110</sup> CRC/GC/2005/6, paras. 50–53.

definition ended discussion around the parameters of trafficking. In fact, there remains vigorous debate within and between States and others over what conduct is or is not “trafficking”. For example, to what extent does the act of “harbouring” enable the definition to encompass the maintenance of an individual in a situation of exploitation and not just movement into that situation? Would a single, minor deception at the recruitment stage be sufficient to turn an exploitative situation into one of trafficking? Is consent of the victim ever relevant in establishing whether trafficking has occurred? How broadly should the means “abuse of a position of vulnerability” be read? For example, should it include vulnerability related to economic necessity or to immigration status? How broadly should “exploitation” (including “sexual exploitation”) be understood? What criteria, if any, should be used to determine whether other exploitative practices are to be included within the open-ended list set out in the international definition? What are the relationships among trafficking and related practices also prohibited under international law including slavery, servitude and forced labour? When would an instance of forced labour or slavery *not* be trafficking? How should exploitation through debt bondage be understood in context of modern recruitment and employment practices? And critically, at what point does a bad employment situation metamorphose into trafficking?

88. As UNODC has noted, these questions are important because to characterize certain conduct as “trafficking” has significant and wide-ranging consequences for States, the alleged perpetrators of that conduct, and the alleged victims. It also has highly significant for the many organizations and agencies that are engaged in fighting “trafficking”. UNODC identifies “a tension between those who support a conservative or even restrictive interpretation of the concept of trafficking, and those who advocate for its expansion. The complex and fluid definition in the Protocol provides justification for both perspectives, and has contributed to ensuring that such tensions remain unresolved”.<sup>111</sup>

89. It is the view of the SRTIP that these issues must be faced head on, not least because the stakes are too high to allow those with the loudest voices or greatest resources to skew the debate. The international community should be taking a leadership role in efforts to critically examine problematic aspects of the international legal framework, while being mindful of vested interests and conflicting agendas that will likely favour a particular reading of the definition. The SRTIP is encouraged by the Conference of Parties to the Trafficking Protocol, which has launched a pioneering study into critical definitional concepts such as abuse of a position of vulnerability, consent and exploitation. As Secretariat to the Conference of Parties to the Trafficking Protocol, UNODC has been leading this high quality research effort, which is engaged not just in providing guidance to treaty interpretation but also in discovering exactly what States are doing with these fluid and contested concepts. The SRTIP has been pleased to support this initiative through direct involvement in expert practitioner consultations and panel discussions with States, intergovernmental organizations and others as well as in actively disseminating relevant reports and guidance.<sup>112</sup> In her view this important work is laying a solid foundation for what must be a much broader consideration of the legal framework around trafficking and related issues, with a view, to promoting the conceptual clarity that is a prerequisite to effective, well-coordinated responses.

<sup>111</sup> UNODC, *Issue Paper: Abuse of a Position of Vulnerability and other “Means” within the Definition of Trafficking in Persons* (2012), p. 5.

<sup>112</sup> Noted by several respondents to the questionnaire as an example of the SRTIP’s collaborative approach to her work.

## B. Strengthening accountability of non-State actors

90. SRTIP Ezeilo considers that securing greater accountability of States for trafficking-related harm has been one of the major achievements of the broader anti-trafficking movement over the past decade. Despite often being only indirectly implicated in such harm, States have come to understand and accept their legal responsibility to respond to trafficking by protecting victims, investigating and prosecuting perpetrators to the required level of due diligence, and working to the same standard to prevent future trafficking.

91. Unfortunately, there has been much less progress in establishing ways of increasing accountability of non-State actors who are also implicated, often more directly, in the harm of trafficking. In relation to traffickers and their accomplices, an effective criminal justice response is the primary avenue for securing both criminal and civil responsibility. However it is now well understood that many other non-State actors are involved in, and profit from, trafficking-related exploitation including large corporations that benefit from cheap, exploited labour in their supply chain and recruitment agencies that channel vulnerable individuals into exploitation. SRTIP Ezeilo's work has documented involvement of many other private entities including medical practitioners.<sup>113</sup> It is in relation to these individuals and groups that significant challenges remain in securing accountability.

92. The issue of corporate accountability for trafficking has become an increasingly pressing one, as information comes to light about the extent to which the supply chains of major corporations and industries are tainted by forced and highly exploited labour. The fishing sector is a case in point. Over the past several years, investigations by the United Nations and independent journalists have documented cases of Ukrainian crews forced to work at gunpoint in the Northern Pacific; fishermen from Myanmar on Thai boats, murdered and thrown overboard when their capacity to work was diminished through starvation, overwork and disease; and West African children as young as four lured away from their parents for a life of hardship and abuse on inland lakes or in the middle of the Indian Ocean.<sup>114</sup> Trafficking has also been documented in foreign-owned vessels fishing legally in the waters of New Zealand. The catch from the boats is sold to local processing companies with worldwide distribution, ending up on the plates of Australian and North American consumers.<sup>115</sup> The garment industry provides another example of tainted supply chains: a situation again brought to public attention through the terrible tragedy of a fire in Bangladesh that claimed the lives of over one thousand impoverished, low-paid and unprotected workers, most of them women.<sup>116</sup>

93. SRTIP Ezeilo is conscious of the difficulties inherent in improving the transparency of supply chains – a necessary prerequisite for dealing with exploitation. The globalization of production means that many corporations are themselves often not aware of the conditions under which goods and services produced for them are obtained. While such obstacles are real, they may also be used as an excuse to avoid meaningful action. In some instances it appears that the use of third parties (for example, recruitment agencies) is

<sup>113</sup> See for example A/68/256 (2013).

<sup>114</sup> See for example, Rebecca Surtees, *Trafficked at sea. The exploitation of Ukrainian seafarers and fishers* (IOM, Nexus Institute, 2013); UNODC, *Transnational Organized Crime in the Fishing Industry* (2011) and IOM, *Trafficking of Fishermen in Thailand* (2011) See also A/HRC/20/18/Add.2 (Mission to Thailand, 2012), 9–10, 12, 53.

<sup>115</sup> Christina Stringer, Glenn Simmons and Darren Coulston, *Not in New Zealand's waters, surely? Labour and human rights abuses aboard foreign fishing vessels* (New Zealand Asia Institute Working Paper Series, 2011).

<sup>116</sup> See International Labour Organization, *Seeking Better Employment Conditions for Better Socioeconomic Outcomes Conditions* (ILO International Institute for Labour Studies, 2013), p. 1.

motivated by a deliberate intention to distance the corporation from responsibility for exploitation. The SRTIP is of the view that businesses must be required to take at least the minimum steps necessary to assess their supply chains for risk of exploitation; to deal with any exploitation found; and to put in place mechanisms for effective future monitoring. Initiatives aimed at promoting greater responsibility and self-regulation should be encouraged, particularly those that are rights-based and widely supported such as the United Nation's Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011.<sup>117</sup> However experience has shown that self-regulation measures are often inadequate. Codes of conduct and sector-wide verification procedures can be near worthless unless accompanied by independent monitoring. Other stakeholders, such as consumers and the media, have an important role in holding corporations to account.

94. Discussions around corporate responsibility should not distract from the fact that it is States that have the ultimate responsibility to prevent and respond to human rights violations associated with trafficking that are occurring within their jurisdiction or otherwise under their control. In short, it is up to States to ensure the accountability of non-State actors involved in trafficking and related exploitation. While that obligation is imposed on all States, the SRTIP has noted that it lies particularly heavily on those States within which the exploitation actually occurs.<sup>118</sup> These States should be strengthening the enforcement of their labour laws. They should also be regulating the activities of public and private recruitment agencies, paying particular attention to those agencies that charge fees to workers to secure a placement, as this is often a direct gateway to exploitative debt. Other States can support such actions by legislating for transparency in supply chains – particularly for Government suppliers.<sup>119</sup> They can promote public-private partnerships to engage community and business in preventing trafficking and can develop incentives that encourage transparency and active risk management.

### C. Involving civil society and the community

95. Civil society plays a key role in exposing human rights violations associated with trafficking; in raising awareness within the community; in assisting and supporting victims; and in holding Governments and others to account for failures to prevent trafficking, bring perpetrators to justice and protect victims. The mandate has benefited enormously from the work of civil society in each of these areas. In relation to country visits, civil society organizations have provided the SRTIP with valuable insights that have contributed to shaping views and recommendations and in helping to galvanize momentum for change. In the thematic work of the mandate SRTIP Ezeilo has been able to draw on a wealth of expertise from groups as diverse as human rights organizations, medical associations and business councils.

<sup>117</sup> A/HRC/17/31 (2011), Annex (Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework).

<sup>118</sup> A/67/261 (2012), para. 48.

<sup>119</sup> The United States of America has taken several important steps in this regard. For example the Californian Supply Chain Act (compelling companies that meet certain threshold requirements to disclose their efforts to eradicate slavery and human trafficking from their supply chains) and Executive Order 13627, "Strengthening Protections Against Trafficking in Persons in Federal Contracts" (requiring United States' Government contractors and sub-contractors to comply with basic conduct rules aimed at addressing trafficking in supply chains). The latter rule is expected to be supplemented by new federal procurement rules to enter into force in 2014.

96. The experience of the mandate has underlined the critical role that civil society must play in the response to trafficking at national, regional and international levels. This is not an issue that can be solved – or even effectively addressed – by States alone. While civil society input is generally strong, much remains to be done. In her work SRTIP Ezeilo has often noted tensions between civil society groups working on trafficking and States. Such difficulties can be exacerbated when the relevant organizations lack the resources (and sometimes also the expertise) required for them to contribute effectively. And in some countries civil society is underdeveloped and does not have the capacity to provide a meaningful contribution. Of course, civil society must also commit itself to a rights-based response to trafficking and be prepared to monitor its performance in that regard. There have been isolated but worrying instances where organizations working with trafficked persons have themselves been implicated in human rights violations. The detention of trafficked persons in shelters (irrespective of how such detention is described and justified) is one pertinent example of civil society failing in its own obligations to victims of trafficking.

97. SRTIP Ezeilo has repeatedly recognized the power of the media in raising community awareness about trafficking in all its forms and informing vulnerable groups about certain migration risks. However that power makes it particularly important that media treatment of the issue of trafficking is both accurate and appropriate. The mandate has noted repeated examples of media sensationalism, manifested for example through a prurient and overly narrow focus on sexual exploitation. Other problems that are regularly encountered include failure to adequately protect victims' privacy; stigmatization of victims; and fostering confusion between trafficking and other phenomena such as irregular migration and migrant smuggling.

98. Trafficking is a crime and human rights violation that largely takes place within the community, and communities have an important role to play in identifying trafficking and working to prevent the exploitation with which it is associated. Some States have sought to engage the broader community in their anti-trafficking efforts. However such initiatives are rarely well planned, systematic or long-term and do not appear to have resulted in significant impact. The SRTIP considers it essential that the public be made aware of their individual and collective responsibilities with respect to trafficking-related exploitation. For example, in countries where the purchase of sexual services is not criminalized, it is nevertheless essential to ensure that persons engaged in such conduct understand their obligation (which should preferably be entrenched in law) to ensure that those services are being traded without constraint.

## **D. Involving victims and vulnerable groups**

99. SRTIP Ezeilo has consistently sought to engage victims in all aspects of her work and is of the view that the mandate has benefited enormously from this approach. Respondents to the questionnaire affirmed this finding: emphasizing the importance of the mandate focusing on the lived experiences of victims and drawing on strong, evidence-based research. A number of respondents identified efforts of the current SRTIP to give a 'voice' to victims, including at the Human Rights Council and General Assembly, as a major achievement.

100. Unfortunately, the voices of victims of trafficking are too often silenced. Despite a growing acknowledgement of the importance of listening to victims,<sup>120</sup> they are very rarely

<sup>120</sup> Reflected, for example, in the organization of 'survivor' discussion panels in 2010 at the Human Rights Council and General Assembly  
<http://www.ohchr.org/EN/NewsEvents/Pages/SurvivortraffickingBreakingthesilence.aspx>

consulted about their experiences. This deprives States and others of valuable information that could help make responses more realistic and effective. For example, while the reasons why victims are reluctant to cooperate in the prosecution of their exploiters are generally well known,<sup>121</sup> there is little insight into victims' actual experience with national criminal justice systems. As a result, efforts to reform criminal justice systems and processes may be compromised by a lack of understanding about the exact nature of the challenges. Similarly, in the course of her discussions with victims of trafficking, SRTIP Ezeilo has learned that many do not wish to avail themselves of shelter and other facilities that have been established, ostensibly for their benefit. It is only through consulting carefully and regularly with victims that States and service providers can come to fully understand their specific needs and how these can be met. These tendencies are replicated at the regional and national levels where policies and practices are frequently developed without any meaningful participation of - or even consultation with - the ultimate 'beneficiaries'.

101. Of course, the difficulties of securing the safe and mutually beneficial participation of victims in identifying and formulating responses to trafficking should not be underestimated. Often, it will not be practical or even safe for victims to take on this role. In such cases those seeking the involvement of victims have an ethical responsibility to ensure that such involvement is always strictly voluntary, based on informed consent and do not cause further harm. There is also a risk that the voice of victims can be distorted: for example where a very small number of victims are taken as speaking for a larger group whose views and concerns can be expected to be very diverse. In certain situations it may be appropriate to seek victim views and involvement through representative bodies (such as migrants rights groups or victim support agencies).

## **E. Improving compliance mechanisms at national, regional and international levels**

102. The mandate has often drawn attention to a worrying gap between obligations of States with regard to trafficking (what States are required to do or refrain from doing) and the extent to which those obligations are met in practice (what actually happens). This is particularly the case with regard to the right of victims that, despite being protected by international and national laws, are too often disregarded. This is not always the result of a lack of political will. The complexity of the trafficking phenomenon; uncertainty about aspects of the solution; and the fact that States are rarely the direct perpetrators of trafficking-related harm all complicate the task of securing compliance with international legal rules. Improving compliance mechanisms at all levels must be a priority for States and the international community.

### **1. At the national level**

103. The mandate has repeatedly called on States to strengthen their implementation machinery and has sought to provide practical guidance to States on implementing a rights-based approach. A number of respondents to the questionnaire identified this as a key contribution of the mandate. SRTIP Ezeilo has consistently advocated for the establishment of national rapporteurs or similar mechanisms in countries that do not yet have such a position. Where they do exist (principally, at present, in Europe), independent, appropriately tasked national rapporteurs have generally played an important role in monitoring the national situation; facilitating collaboration between different agencies as

<sup>121</sup> See further OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary*, HR/PUB/10/2, 2010 (United Nations publication, Sales No. E.10.XIV.1), pp. 141–151.

well as between the Government and civil society; and overseeing the collection and analysis of data on the national response and trafficking trends. Their central role was confirmed at a 2013 consultative meeting convened by the SRTIP that brought together, for the first time, national rapporteurs, from 19 countries. A follow up meeting is scheduled to take place in mid-2014. Of course the national rapporteur mechanism is just one way for States to approach the challenge of compliance. The SRTIP has encouraged States to consider additional paths to this end including the development of national plans of action against trafficking and establishment of broad-based consultation groups to advise and support implementation.

104. The mandate notes the unilateral compliance mechanism established by the United States' Government that undertakes annual assessments of the trafficking situation in each State and the quality of the national response.<sup>122</sup> SRTIP Ezeilo has established excellent working relations with the relevant office and its officials and generally welcomes this initiative as an important contribution to promoting strong national responses as well as increased awareness about trafficking throughout the world. However she cautions that the criteria used to assess national performance should be explicitly based on international standards. This is not just essential to the credibility of the mechanism, it is also an important way to strengthen the international legal framework and affirm its key standards.

## **2. At the regional level**

105. SRTIP Ezeilo has devoted considerable attention to examining the capacity of regional and sub-regional bodies and cooperation agreements to contribute to national and global anti-trafficking efforts and thereby improve compliance with international rights and obligations. In her view such bodies / agreements are often well placed to provide a response that is multilateral in outlook while also being cognizant of national realities. It is also apparent that regional groupings can exercise a positive influence on Member and participating States: an influence that may be diluted at the international level. Unfortunately, coverage is very uneven. Some regions are very well served, particularly Europe, which benefits from the robust implementation mechanisms established under the Council of Europe Convention on Action against Trafficking in Human Beings. Other parts of the world do not have strong regional resources to call on. In a report dedicated to this issue the SRTIP encouraged those regional mechanisms that are already working on trafficking to strengthen their efforts, potentially through mechanisms such as regional working groups and regional action plans that can influence national policy and national decision makers.<sup>123</sup> Regional mechanisms could also usefully explore how they may cooperate with each other, for example in relation to sharing of information and experiences. The report stressed the importance of a rights-based and victim-centred approach, noting again that regional bodies are often well-placed to understand how such approaches can be operationalized to best effect.

## **3. At the international level**

106. The international legal framework around trafficking includes a range of institutions and processes contributing, in one way or another, to promoting national implementation of the applicable international rules.<sup>124</sup> Within the international human rights system this

<sup>122</sup> For further information and copies of reports issued between 2001–2013 see: [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

<sup>123</sup> A/HRC/14/32 (2010).

<sup>124</sup> Note also a number of funding mechanisms that have been established to support implementation of that framework, for example the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons (Especially Women and Children (established by the General Assembly following adoption of the United Nations Global Plan of Action to

includes most of the treaty bodies as well as a number of the special procedures in addition to the present mandate that deal with issues related to trafficking such as slavery-like practices, the rights of migrants and the sale of children, child prostitution and child pornography. Under the United Nations Convention against Transnational Organized Crime a Conference of Parties operates to promote compliance with that instrument.<sup>125</sup> In 2008 the Conference of Parties established a Working Group to focus specifically on the Trafficking Protocol.<sup>126</sup> The SRTIP has regularly participated in Working Group meetings and welcomes this mechanism as an important vehicle for promoting compliance with what remains the key international treaty on trafficking. It should be noted however that the Working Group does not equate, in any way, to a human rights treaty body. It does not examine reports from States parties on implementation of the Protocol and does not issue recommendations to individual State parties, engage in a constructive dialogue, or otherwise interact with States parties in a structured way.

107. These mechanisms are valuable and should be supported. But they can also be strengthened, particularly in terms of influencing national responses to trafficking and promoting acceptance of rights-based and victim-centred approaches. As previously noted the international human rights system's attention to trafficking has improved dramatically over the life of the mandate. However, more systematic coordination between the most directly implicated mechanisms – including those within the Special Procedures - could have an important catalytic effect. The Universal Periodic Review (UPR) of the Human Rights Council has also been identified by the SRTIP as a critical vehicle for examining State responses to trafficking from the perspective of human rights and greater use could certainly be made of this mechanism. States parties to the Trafficking Protocol could also be encouraged to take up the challenge of implementation more creatively: for example by opening the UPR Working Group up to some civil society input and providing it with more substantive oversight responsibilities. Trafficking remains a difficult issue for all States and increased support aimed at helping them meeting their international obligations should be widely welcomed.

## VII. Conclusion: towards the future

108. **The Human Rights Council is to be congratulated for its wisdom and foresight in establishing a mechanism that has ensured human rights retain their rightful place at the centre of the international response to trafficking. This role has been particularly important in light of the fact that the key international treaty on trafficking was established outside the human rights system. State and partners surveyed as part of the preparation for this report have affirmed the mandate's positive impact on their work as well as on the anti-trafficking sector as a whole. They have drawn particular attention to the SRTIP's contribution to standard setting; to mainstreaming human rights into anti-trafficking discourse; and to drawing attention to emerging and less well known forms of trafficking.**

109. **On this basis, the Special Rapporteur offers the following recommendations for the Human Rights Council and future mandate holders.**

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Combat Trafficking in Persons) and the United Nations Voluntary Fund on Contemporary Forms of Slavery (established in 1991 by General Assembly resolution 46/122 and operating through OHCHR).

<sup>125</sup> United Nations Convention against Transnational Organized Crime, Art. 32.

<sup>126</sup> CTOC/COP/2008/19, Decision 4/4 (at p. 11).



110. The Human Rights Council should:

(a) Continue the mandate, in recognition of the prevalence of trafficking in persons and the need for longer-term strategies that reflect and advance a human rights-based approach;

(b) Consider abbreviating the title of the mandate by removing the specific reference to women and children. While that reference is part of the title of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, it may deflect attention from the reality, that trafficking is a problem affecting men as well as women and children. However the substance of the mandate: “promote the prevention of trafficking in persons in all its forms and the adoption of measures to uphold and protect the human rights of victims”<sup>127</sup> has proved to be a sound one that requires no substantial modifications;

111. Future mandate-holders could usefully focus on conceptual and definitional overlaps; the consequences of a human rights-based approach to trafficking; measuring the impact of anti-trafficking interventions; corruption and trafficking; and the effectiveness of victim identification tools. They should:

(a) Consider undertaking studies in relation to new and emerging areas of concern such as: (i) illicit recruitment practices; (ii) trafficking in men for forced and exploitative labour; (iii) trafficking for forced begging and criminal activities; (iv) trafficking for forced or servile marriage; (v) return and the risk of re-trafficking. They should consider giving further attention to trafficking in persons for the removal of organs in continuation of the initial work undertaken by the SRTIP;

(b) Continue the cooperation between the mandate and international and regional organizations working on trafficking;

(c) Consider collaborating with the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Special Rapporteur on the sale of children, child prostitution and child pornography and Special Rapporteur on the human rights of migrants to capitalize on common interests and approaches;

(d) Continue closer human rights-based collaboration with international, regional and national mechanisms to combat trafficking in persons in consultation with victims;

(e) Continue promoting implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and relevant regional instruments, as well as standards and policies related to trafficking in persons, including encouraging States to incorporate the draft basic principles on the right to an effective remedy for trafficked persons into domestic legislation;

(f) Continue promoting the involvement of civil society in all international and regional forums where anti-trafficking responses are discussed, including discussions on the review mechanism for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

<sup>127</sup> A/HRC/RES/8/12.

## Appendix I

### **List of activities undertaken by the Special Rapporteur on trafficking in persons, especially women and children (2004-2014)**

#### **Country visits undertaken**

1. Seychelles (27-31 January 2014)
2. Belize (12 – 16 December 2013)
3. Bahamas (9 -11 December 2013)
4. Italy (12 - 20 September 2013)
5. Morocco (17 - 21 June 2013)
6. Philippines (5-9 November 2012)
7. Gabon (14-18 May 2012)
8. United Arab Emirates (11-17 April 2012)
9. Australia (17-30 November 2011)
10. Thailand (8-19 August 2011)
11. Argentina (6-11 September 2010)
12. Uruguay (13-17 September 2010)
13. Egypt (11-21 April 2010)
14. Japan (12-17 July 2009)
15. Belarus and Poland (18-29 May 2009)
17. Bahrain, Oman and Qatar (29 October 2006 - 12 November 2006)
20. Lebanon (7-16 September 2005)

#### **Consultations convened**

##### **Regional consultations on effective remedies**

- Fifth Regional Consultation on the Right to an Effective Remedy for Trafficked Persons- MENA Region, Amman (9 January 2014)
- Fourth Regional Consultation on the Right to an Effective Remedy for Trafficked Persons for representatives from the Africa Region, Abuja (21 November 2013)
- Third Regional Consultation on the Right to an Effective Remedy for Trafficked Persons, Bangkok (27 September 2013)
- Second Regional Consultation on the Right to an Effective Remedy for Trafficked Persons for representatives of Latin American and Caribbean States, Santiago (22 July 2013)

- First Regional Consultation on the Right to an Effective Remedy for Trafficked Persons for representatives of Eastern European States and Western European and other States, Geneva (1 March 2013)
- Global Consultation on the Right to an Effective Remedy for Trafficked Persons, New York (24 October 2013)
- Consultation on the Right to an Effective Remedy for Trafficked Persons, Geneva (7 November 2013)
- Side event on the “Right to Effective Remedies for Trafficked Persons” at the fringe of the Commission on the Status of Women (CSW), New York (4 to 15 March 2013)
- Expert Consultation on Effective Remedies for Trafficked Persons, Bratislava (22-23 November 2010)

#### **Consultative meeting with national rapporteurs on trafficking in persons and equivalent mechanisms**

- 2<sup>nd</sup> Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms, Bangkok (21 to 22 May 2014)
- Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms, Berlin (23 to 24 May 2013)

#### **Thematic expert group meetings**

- Side event on the “Post-2015 MDGs Development Agenda and Combatting the Root Causes of Trafficking in Persons” at the fringe of the Commission on the Status of Women, New York, (18 March 2014)
- Side event on the theme “Human trafficking and exploitative labour in supply chains: addressing the demand and supply sides” in collaboration with the Permanent Mission of Germany to the United Nations Office and other international organizations in Geneva. Geneva, (29 May 2013)
- Side event on “Preventing and Addressing Trafficking in Persons in Global Supply Chains” at the fringe of the Second Annual United Nations Forum on Business and Human Rights, Geneva. (4 December 2013)
- Expert Group Meeting: Human Trafficking & Global Supply Chains, Ankara, (12-13 November 2012)
- Expert meeting on Prosecution of trafficking in persons cases: integrating a human rights-based approach in the administration of criminal justice, Geneva, (4 July 2011)
- Consultation with anti-trafficking experts from 9 Regional Mechanisms, Dakar, (4-5 October 2010)

**Other activities undertaken/conferences taken part in**

| <i>Event</i>                                                                                                                                                                                                                                                | <i>Date</i>                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Third Committee of the General Assembly, (New York)                                                                                                                                                                                                         | 28 to 30 October 2004         |
| Orientation session organized by OHCHR, (Geneva)                                                                                                                                                                                                            | 8 to 11 November 2004         |
| International congress of members of the Global Alliance against Trafficking in Women (GAATW). (Bangkok)                                                                                                                                                    | 6 to 9 December 2004          |
| Commission on the Status of Women on the occasion of the Review and Appraisal of the Beijing Declaration and Platform for Action and the Outcome Document of the twenty-third special session of the General Assembly (Beijing Plus Ten Review). (New York) | 7 March 2005                  |
| First annual report to the Commission on Human Rights. (Geneva)                                                                                                                                                                                             | April 2005                    |
| Training for senior UNICEF staff working in the North Africa and Middle East region                                                                                                                                                                         | 24 May 2005                   |
| 12th Annual Meeting of Special Procedures mandate-holders in Geneva and served as the Rapporteur to the meeting. (Geneva)                                                                                                                                   | 20 to 24 June 2005            |
| Final Conference of the Network for European Women's Rights (NEWR) at the University of Birmingham. (United Kingdom)                                                                                                                                        | 30 June to 1 July 2005        |
| Beijing Plus Ten Review at the Forum on Human Security at Chubu University. (Japan)                                                                                                                                                                         | 9 to 10 July 2005             |
| 13th Workshop of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia Pacific Region. (Beijing).                                                                                                              | 30 August to 2 September 2005 |
| Conference on "Poverty, Inequality and Violence: is there a human rights response?" organised by the World Organisation Against Torture, (Geneva).                                                                                                          | 4 to 6 October 2005           |
| Informal seminar with Member States on enhancing and strengthening the Special Procedures of the Commission on Human Rights. (Geneva)                                                                                                                       | 12 to 14 October 2005         |
| press briefing in the British House of Lords on forced marriage as a part of trafficking and migration and addressed the seminar of the European Women's Lobby (EWL) on "Trafficking in Women for Sexual Exploitation: Who is Responsible?" (London)        | 15 October 2005               |
| Press conference on "Trafficking for Sexual Exploitation: Who Speaks for Women in Prostitution?" sponsored by the joint American-Swedish project on demand, organized by the Coalition against Trafficking in Women (CATW) and the EWL.                     | 17 October 2005               |
| Conference on "Tackling Human Trafficking: Policy and Best Practices in Europe" organized by the Presidency of the European Union, the European Commission and the Nordic Baltic Task Force against Trafficking in Human Beings. (Brussels)                 | 19 and 20 October 2005        |
| World Conference on Prevention of Family Violence. (Banff)                                                                                                                                                                                                  | 23 to 26 October 2005         |
| World Summit on the Information Society at the invitation of UNICEF and the non-governmental organization End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT). (Tunis)                                        | 16 to 18 November 2005        |
| 5th General Conference of the Council for Security Cooperation in the Asia Pacific. (Jakarta)                                                                                                                                                               | 6 and 7 December 2005         |

| <i>Event</i>                                                                                                                                                                                                                                                                                                                                          | <i>Date</i>                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Conference, "From the United Nations to the Council of Europe Convention against Trafficking in Human Beings: Recent Developments and New Challenges." (Bologna).                                                                                                                                                                                     | 25 March 2006                  |
| Meetings with representatives of non-governmental organizations (NGOs) and other stakeholders. (London)                                                                                                                                                                                                                                               |                                |
| Westminster International Relations Forum at the University of Westminster. (London)                                                                                                                                                                                                                                                                  | 11 April 2006                  |
| Conference on "Regional Cooperation to Combat Trafficking in Human Beings" organized by the Swedish Ministry of Foreign Affairs. (Stockholm)                                                                                                                                                                                                          | 9 June 2006,                   |
| 13th meeting of special procedures mandate holders of the Human Rights Council. (Geneva)                                                                                                                                                                                                                                                              | 19 to 24 June 2006             |
| Meeting on "Poverty, Inequality and Violence: Is There a Human Rights Response?" organized by the World Organization against Torture (OMCT) (Geneva)                                                                                                                                                                                                  | 23 June 2006                   |
| Meeting with National Human Rights Commission, various public officials, NGOs and the media. (Kathmandu and Nepal)                                                                                                                                                                                                                                    | 12 to 15 August 2006           |
| Regional conference on "Addressing the Demand Side of Trafficking: Challenging States, Social Movements and the Media" hosted by the Coalition against Trafficking in Women (CATW) - Asia Pacific. (Chiang Mai)                                                                                                                                       | 27 to 29 August 2006           |
| International conference on the "Linkages between Prostitution and Trafficking", at the invitation of the Center for Women's Human Rights. (Seoul)                                                                                                                                                                                                    | 4 to 6 September 2006          |
| Visit to the Girls Education and Mentoring Society. (New York)                                                                                                                                                                                                                                                                                        | 7 September 2006               |
| Discussions with Congressman Chris Smith, met with the Secretary-General, officers of the Organization of American States, officials in the United States Department of State and the Office to Monitor and Combat Trafficking in Persons. (Washington, DC)                                                                                           | 11 September 2006              |
| Presentation at the University of Iowa. (Iowa)                                                                                                                                                                                                                                                                                                        | 13 September 2006              |
| Rule of law symposium organized by the American Bar Association and the International Bar Association. (Chicago)                                                                                                                                                                                                                                      | 16 September 2006              |
| Thematic report on the relationship between trafficking and the demand for commercial sexual exploitation to the Human Rights Council. (Geneva)                                                                                                                                                                                                       | 18 September to 6 October 2006 |
| Conference on "Cooperation between Source and Destination Countries in Combating Trafficking in Human Beings" organized by the International Organization for Migration (IOM), the Belarus Ministry of International Affairs, the United Nations Children's Fund (UNICEF) and the Organization for Security and Cooperation in Europe (OSCE). (Minsk) | 25 to 27 October 2006          |
| International conference on "Human Rights and Prostitution" organized by the City Council of Madrid, (Madrid)                                                                                                                                                                                                                                         | 22 November 2006               |
| Addressed the Madrid City Hall to mark the International Day for the Elimination of Violence against Women. (Madrid)                                                                                                                                                                                                                                  | 24 November 2006               |
| Inter-parliamentary Conference on Human Rights and Religious Freedom organized by the Institute of Religion and Public Policy. (Rome)                                                                                                                                                                                                                 | 27 to 29 November 2006         |

| <i>Event</i>                                                                                                                                                                                                                    | <i>Date</i>                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Consultations with representatives of the Committee on the Rights of the Child, permanent missions, ILO, IOM and non-governmental organizations and United Nations Office on Drugs and Crime. (Geneva)                          | 6 to 10 October 2008        |
| Questionnaire in English, French and Spanish circulated to all Member States to gather baseline information on the problem of human trafficking.                                                                                | October 2008                |
| 44th ordinary session of the African Commission on Human and Peoples' Rights. (Abuja)                                                                                                                                           | 8 to 12 November 2008       |
| Event for the Network of African National Human Rights Institutions and West African National Human Rights Institutions hosted by the National Human Rights Commission and the Open Society Initiative for West Africa. (Abuja) | 10 November 2008            |
| Regional consultation on building and expanding connections towards promoting the human rights of trafficked and migrant persons in Africa, organized by the Global Alliance Against Trafficking in Women. (Nairobi)            | 21 and 22 November 2008     |
| Third World Congress against Sexual Exploitation of Children and Adolescents. (Rio de Janeiro)                                                                                                                                  | 25 to 28 November 2008      |
| Consultations with stakeholders relevant to her mandate including the Human Rights Watch, the Steering Committee of the New York State Anti-Trafficking Coalition, Equality Now, and the Polaris Project. (New York)            | 7 to 9 and 10 December 2008 |
| Round table on human trafficking, sexual rights, sex work and health organized by the Public Health Program of the Open Society Initiative. (Washington, D.C.)                                                                  | 11 December 2008            |
| Conference on "International migration and human trafficking: maximizing benefits, overcoming challenges", convened by the Commonwealth Parliamentary Association at the Houses of Parliament. (London).                        | 3 and 4 February 2009       |
| International conference "Human trafficking at the crossroads." (Bahrain)                                                                                                                                                       | 2 and 3 March 2009          |
| Panel discussion on special procedures of the Human Rights Council and women's rights convened during the 53rd session of the Commission on the Status of Women. (New York)                                                     | 6 March 2009                |
| Events organized by the Coalition Against Trafficking in Women and film shows on trafficking, prostitution and pornography. (New York)                                                                                          | 6 March 2009                |
| First annual report to the Human Rights Council at its 10th session                                                                                                                                                             | 12 March 2009               |
| Side event held during the 10th session of the Human Rights Council, organized jointly with the Permanent Missions of the Philippines and Germany to the United Nations. (Geneva)                                               | 13 March 2009               |
| Launch of the Mayor's strategy to eradicate violence against women, entitled "The way forward: a call for action to end violence against women".                                                                                | 20 to 23 April 2009         |
| She also took part in a round table on preventing human trafficking in relation to the 2012 Olympic Games. (London)                                                                                                             |                             |
| Thematic dialogue of the General Assembly on taking collective action to end human trafficking. (New York)                                                                                                                      | 13 May 2009                 |

| <i>Event</i>                                                                                                                                                                                                                         | <i>Date</i>             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Joint consultative workshop to discuss methods of work including with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on contemporary forms of slavery. (Geneva) | 24 to 26 June 2009      |
| 6th annual meeting of special rapporteurs, representatives, independent experts and chairpersons of working groups of the Human Rights Council. (Geneva).                                                                            | 29 June to 3 July 2009  |
| High-level panel at the Group of Eight International Conference on Violence against Women. (Rome)                                                                                                                                    | 9 to 10 September 2009  |
| International Conference on “Prevention of Modern Slavery” organized by OSCE. (Vienna)                                                                                                                                               | 14 to 15 September 2009 |
| Launch of the International Framework for Action to Implement the Trafficking Protocol, at the 64th session of the General Assembly. (New York)                                                                                      | 9 October 2009          |
| EU Ministerial Conference “Towards EU Action against Trafficking in Human Beings.” (Brussels)                                                                                                                                        | 19 to 20 October 2009   |
| Special event “Giving Voice to the Victims and Survivors of Human Trafficking.” (New York)                                                                                                                                           | 22 October 2009         |
| Presentation of her report, which provides an analysis of the issue of the identification, protection and assistance to victims of trafficking, to the General Assembly. (New York)                                                  | 23 October 2003         |
| 4th Annual Symposium on “Trafficking in persons as a form of violence against women” organized by the John Hopkins University. (Washington DC)                                                                                       | 2 November 2009         |
| International summit “The courage to lead: a human rights summit for women leaders.” (Geneva)                                                                                                                                        | 8 to 10 December 2009   |
| Consultations with intergovernmental and non-governmental organizations working on human trafficking in the region. (Bangkok)                                                                                                        | 18 January 2010         |
| Senior Officials Meeting of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). (Bagan)                                                                                                                      | 20 to 22 January 2010   |
| Gender-Based Violence and Trafficking in Persons workshop organized by the United States Agency for International Development (USAID). (Washington, DC)                                                                              | 16 to 19 February 2010  |
| Doha Foundation Forum of the Arab Initiative to Combat Human Trafficking. (Doha)                                                                                                                                                     | 22 and 23 March 2010    |
| Seminar on a human rights based approach to combating trafficking in persons and the implementation of the Recommended Principles and Guidelines on Human Rights and Human Trafficking organized by OHCHR.                           | 27 and 28 May 2010      |
| Conference on human rights and migration: realizing a human rights-based approach to the protection of migrants, refugees and asylum-seekers, organized by the Ministry of Interior of Portugal and the Council of Europe. (Lisbon)  | 31 May and 1 June 2010  |
| Special event on giving voice to the victims and survivors of human trafficking at the 14th session of the Human Rights Council. (Geneva)                                                                                            | 2 June 2010             |

| <i>Event</i>                                                                                                                                                                                                                                                                                                                             | <i>Date</i>            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Presentation of her report which focused on regional and subregional cooperation in promoting a human rights-based approach to combating trafficking in persons, to the Human Rights Council. (Geneva)                                                                                                                                   | 3 June 2010            |
| Side event on implementing victim-centred approaches to human trafficking, organized by the Global Alliance against Traffic in Women. (Geneva)                                                                                                                                                                                           | 3 June 2010            |
| International Conference against Trafficking in Migrant Women, organized by the National Human Rights Commission of Korea. (Seoul)                                                                                                                                                                                                       | 28 June 2010           |
| 7th annual meeting of special procedures at OHCHR. (Geneva)                                                                                                                                                                                                                                                                              | 30 June to 2 July 2010 |
| International Members' Conference and Congress of the Global Alliance against Traffic in Women. (Bangkok)                                                                                                                                                                                                                                | 6 and 7 July 2010      |
| 5th session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. (Vienna)                                                                                                                                                                                                            | 19 October 2010        |
| Presentation of her annual report, which focused on the prevention of trafficking in persons, to the General Assembly. (New York)                                                                                                                                                                                                        | 25 October 2010        |
| Press conference organized by anti-trafficking action (ASTRA) on the occasion of the tenth anniversary of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ("Palermo Protocol"). (Belgrade)         | 2 December 2010        |
| Interparliamentary conference, entitled "Parliaments united against human trafficking", held by the Parliamentary Assembly of the Council of Europe. (Paris)                                                                                                                                                                             | 3 December 2010        |
| Side event, "Access to justice and compensation for trafficked persons", organized by the Permanent Mission of Germany to the United Nations, the Permanent Mission of the Philippines to the United Nations, Anti-Slavery International, La Strada, International and the Organization for Security and Cooperation in Europe. (Geneva) | 31 May 2011            |
| Side event, "Deported without justice: barriers to trafficked persons accessing remedies", organized by Franciscans International and the Global Alliance against Traffic in Women. (Geneva)                                                                                                                                             | 1 June 2011            |
| Conference, "Child trafficking in Scotland", organized by the Scottish Commissioner for Children and Young People. (Edinburgh)                                                                                                                                                                                                           | 7 June 2011            |
| World Justice Forum III organised by the World Justice Project. (Barcelona)                                                                                                                                                                                                                                                              | 21 and 22 June 2011    |
| Association of Southeast Asian Nations workshop on criminal justice responses to trafficking in persons hosted by Singapore's Ministry of Home Affairs. (Singapore)                                                                                                                                                                      | 11 to 13 July 2011     |
| Human Dimension Implementation Meeting organized by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), (Warsaw).                                                                                                                                                 | 5 to 7 October 2011    |
| 4th session of the Open-ended Interim Working Group on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. (Vienna).                                                                                  | 10 to 12 October 2011  |



| <i>Event</i>                                                                                                                                                                                                                                                                                                                     | <i>Date</i>             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Dialogue between special procedures mandate holders and the African Commission on Human and Peoples' Rights, organized by OHCHR in co-operation with the African Commission. (Addis Ababa)                                                                                                                                       | 17 and 18 January 2012  |
| Informal Network of European National Rapporteurs and Equivalent Mechanisms, organized by the European Commission and the European Union Anti-Trafficking Coordinator. (Brussels)                                                                                                                                                | 2 and 3 February 2012   |
| General Assembly interactive dialogue "Fighting human trafficking: partnership and innovation to end violence against women and girls", convened by the President of the General Assembly in cooperation with the Group of Friends United against Human Trafficking and the United Nations Office on Drugs and Crime. (New York) | April 2012              |
| Presentation of her annual thematic report, on integrating a human rights-based approach to the administration of criminal justice in cases of trafficking in persons, to the Human Rights Council at its 20th session.(Geneva)                                                                                                  | 22 June 2012            |
| Side event on domestic servitude in diplomatic households and challenges for the international community, organized by the permanent missions of Austria and Switzerland to the United Nations Office and other international organizations in Geneva and the Organization for Security and Cooperation in Europe. (Geneva)      | 21 June 2012            |
| Side event on the migration-trafficking nexus, drawing on casework on women domestic migrant workers from South Asia, organized by Anti-Slavery International, Franciscans International and the Global Alliance against Traffic in Women. (Geneva)                                                                              | 21 June 2012            |
| Discussion on a human rights-based approach to prosecuting cases of human trafficking, organized by Anti-Slavery International, Christian Organisations against Trafficking in Women, Franciscans International and the Global Alliance against Traffic in Women. (Geneva)                                                       | 22 June 2012            |
| Side event on "Remedies for trafficking victims: civil society and law enforcement working together", organized by the permanent missions of Germany, the Philippines and the United States of America to the United Nations Office and other international organizations in Geneva. (Geneva)                                    | 25 June 2012            |
| Workshop on combating human trafficking during sporting events by the Qatar Foundation for Combating Human Trafficking and Stop the Trafficking. (London)                                                                                                                                                                        | 11 July 2012            |
| 6th session of the Conference of the Parties the United Nations Convention against Transnational Organized Crime. (Vienna)                                                                                                                                                                                                       | 16 October 2012         |
| The Atlantic Dialogues (Rabat)                                                                                                                                                                                                                                                                                                   | 28 to 30 September 2012 |
| Conference on Working together towards the Eradication of Trafficking in Human Beings: The Way Forward, organized by the Cyprus Presidency of the Council of the European Union and the European Commission on the occasion of the 6th European Union Anti-Trafficking Day. (Brussels)                                           | 18 October 2012         |
| Seminar on the Trafficking of Persons and Smuggling of Migrants hosted by the National Institute of Human Rights. (Chile)                                                                                                                                                                                                        | 26 October 2012         |
| Side event on the topic "Women's Access to Justice: Models, Strategies and Practices from the Field" hosted by IDLO at the side of the 22nd session of the Human Rights Council (Geneva)                                                                                                                                         | 28 February 2013        |

| <i>Event</i>                                                                                                                                                                                                                                                                                                                   | <i>Date</i>           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 57th session of the Commission on the Status of Women and co-held an interactive dialogue with the States members of the Commission.                                                                                                                                                                                           | 11 March 2013         |
| 2013 Women in the World Summit. (New York)                                                                                                                                                                                                                                                                                     | 4 and 5 April 2013    |
| Expert meeting on the theme “Corporate responsibility to respect human rights: addressing trafficking and forced labour in supply chains” (Atlanta)                                                                                                                                                                            | 8 May 2013            |
| High-level meeting of the General Assembly on the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons (New York)                                                                                                                                                                            | 13 May 2013           |
| 25th quadrennial congress of the International Council of Nurses (Melbourne)                                                                                                                                                                                                                                                   | 21 May 2013           |
| Presentation of her thematic report on the integration of a human rights-based approach in measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and which leads to human trafficking, to the Human Rights Council at its 23rd session (Geneva)                  | 28 May 2013           |
| Side event on clarifying the concept of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, organized by the permanent missions of Switzerland and Egypt and UNODC (Geneva)                 | 27 May 2013           |
| 13th High-level Alliance against Trafficking in Persons Conference: “Stolen lives, stolen money: the price of modern-day slavery”, organized by the Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings of the Organization for Security and Cooperation in Europe (OSCE). (Vienna) | 25 June 2013          |
| Conference entitled “Vienna +20: advancing the protection of human rights”, co-hosted by the Office of the United Nations High Commissioner for Human Rights and the Government of Austria and intended to commemorate the twentieth anniversary of the World Conference on Human Rights. (Vienna)                             | 25 and 26 June 2013   |
| Exchange of views with the Group of Experts on Action against Trafficking in Human Beings on possible joint actions and strengthening synergy and sharing of information. (Strasbourg)                                                                                                                                         | 2 July 2013           |
| 3rd Latin American Congress, which had the theme “Globalization, human trafficking and access to justice: articulation of regional dialogues”. (Bogotá)                                                                                                                                                                        | 16 to 18 July 2013    |
| Informal visit to Uganda                                                                                                                                                                                                                                                                                                       | 2 to 6 September 2013 |
| International Bar Association Showcase: Human Trafficking: Modern Slavery (Boston)                                                                                                                                                                                                                                             | 7 October 2013        |
| Global Online Counter Child Trafficking Conference by Counter Child Trafficking (Online)                                                                                                                                                                                                                                       | 16 to 18 October 2013 |
| Meeting with OSCE SR on trafficking (Geneva)                                                                                                                                                                                                                                                                                   | 17 October 2013       |
| Talk at Leitner Center, Fordham Law School (New York City)                                                                                                                                                                                                                                                                     | 22 October 2013       |
| Talk at school of law, Duke University (North Carolina)                                                                                                                                                                                                                                                                        | 24 October 2013       |

| <i>Event</i>                                                                                                                                                                         | <i>Date</i>          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Presentation of thematic report on the issue of trafficking in persons for the removal of organs at the 68th session of the General Assembly (New York)                              | 25 October 2013      |
| Trafficking in human beings: Modern - Slavery Destitute peoples and the message of Jesus Christ, organised by the Pontifical Academies of Science and Social Sciences (Vatican city) | 2 to 3 November 2013 |
| ILO Conference on forced labour and trafficking in Africa. (Lusaka)                                                                                                                  | 19-20 November 2013  |
| IOM Symposium on role of the media in combatting Human Trafficking (Kuwait)                                                                                                          | 7 to 8 January 2014  |
| Improving cooperation between global and regional human rights mechanisms organised by Wilton Park (Steyping West Sussex)                                                            | 23-25 January 2014   |
| Expert Group meeting to develop a paper on the key concept of consent (Strasbourg)                                                                                                   | 17-18 February 2014  |
| OSCE and Council of Europe Conference: "Not For Sale – Joining Forces Against Trafficking In Human Beings" (Vienna)                                                                  | 17-18 February 2014  |
| International conference on the "Enforcement of International Human Rights Law through the Mechanism of UN Special Rapporteurs organised by John Hopkins University (Bologna)        | 3 to 4 March 2014    |
| 58th session of the Commission on the Status of Women (CSW), (New York)                                                                                                              | 17 to 21 March 2014  |
| Annual Meeting of Special Procedures mandate holders (Geneva)                                                                                                                        | 2 to 6 June 2014     |
| Presentation of thematic report on the 10 year review of the trafficking in persons mandate (1994-2014) at the 26th session Human Rights Council (Geneva)                            | 10 to 27 June 2014   |

## Appendix II

### **List of all official reports and other documents produced by the mandate**

#### **Thematic topics of reports submitted to the General Assembly**

- 10 years review of the mandate 1994-2014 submitted to the 69th session in 2014
- The issue of trafficking in persons for the removal of organs submitted to the 68th Session in 2013. (A/68/256)
- The issue of human trafficking in supply chains submitted to the 67th Session in 2012. (A/67/261)
- The right to an effective remedy for trafficked persons submitted to the 66th Session in 2011. (A/66/283)
- Prevention of trafficking in persons submitted to the 65th Session in 2010. (A/65/288)
- Identification, protection of and assistance to victims of trafficking submitted to the 64th Session in 2009. (A/64/290)

#### **Thematic topics of reports submitted to the Human Rights Council and the Commission on Human Rights**

- 10 years review of the mandate 1994-2014 submitted at the 26th Session (HRC) in 2014.
- Integration of a human rights-based approach in measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and which leads to human trafficking submitted at the 23rd Session (HRC) in 2013. (A/HRC/23/48)
- A human rights-based approach to the administration of criminal justice in cases of trafficking in persons submitted at 20th Session (HRC) in 2012. (A/HRC/20/18)
- The right to an effective remedy for trafficked persons submitted at the 17th Session (HRC) in 2011. (A/HRC/17/35)
- Addendum - Consultation on the role of regional and sub-regional mechanisms in international efforts to counter trafficking in persons, especially in women and children convened by the SR on trafficking in persons, especially women and children (Dakar, 4 & 5 Oct. 2010). (A/HRC/17/35/Add.5)
- Addendum - Consultation on the right to effective remedy for trafficked victims, convened by the SR on trafficking in persons, especially women and children (Bratislava, 22 & 23 Nov. 2010). (A/HRC/17/35/Add.6)
- Regional and sub-regional cooperation in promoting a human rights-based approach to combatting trafficking in persons submitted at the 14th Session (HRC) in 2010. (A/HRC/14/32)

- Mandate of the Special Rapporteur on trafficking in persons, especially women and children submitted at the 10th Session (HRC) in 2009. (A/HRC/10/16)
- Forced marriage in the context of trafficking in persons, especially women and children submitted at the 4th Session (HRC) in 2007. (A/HRC/4/23)
- Demand for commercial sexual exploitation and trafficking submitted at the 62nd Session (CHR) in 2006. (E/CN.4/2006/62)
- Mandate of the Special Rapporteur on trafficking in persons, especially women and children submitted at the 61st Session (CHR) in 2005. (E/CN.4/2005/71)

## Press releases

- **Seychelles:** “Seychelles is not out of reach” – UN expert calls for further measures to prevent and fight trafficking in persons (2/3/2014)
- **Seychelles:** Trafficking in persons: UN expert launches first official visit to Seychelles (1/23/2014)
- **Belize:** Trafficking in persons: “Protect the victims, punish the traffickers,” UN rights expert urges Belize (12/20/2013)
- **Bahamas:** UN rights expert urges the Bahamas to adopt an effective national plan to fight trafficking in persons (12/13/2013)
- **Belize:** Trafficking in persons: First visit of UN independent expert to Belize (12/9/2013)
- **Bahamas:** Trafficking in persons: first official visit to the Bahamas by a UN independent expert (12/3/2013)
- **Thematic:** Shortage of organs leading to increased human trafficking, warns UN expert (10/28/2013)
- **Thematic:** Victims of trafficking: “Human beings with human rights that must be protected” European Anti-Trafficking Day, Friday 18 October 2013 (10/18/2013) joint statement with the Council of Europe and the Organization for Co-operation and Security in Europe (OSCE) and Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA).
- **Italy:** UN Special Rapporteur urges Italy to “rekindle its fight to end human trafficking” (9/20/2013)
- **Italy:** Official mission to Italy by the UN Special Rapporteur on trafficking in persons (9/10/2013)
- **Thematic:** UN and European anti-trafficking experts join forces to fight trafficking in persons in Europe and beyond (7/5/2013)
- **Morocco:** UN rights expert urges Morocco to adopt a victim-centred approach to fight human trafficking (6/25/2013)
- **Thematic:** “Demand and supply, a chain leading to trafficking,” says UN independent expert in new report (5/31/2013)
- **Thematic:** Human Rights Council holds Interactive dialogue with Experts on Trafficking in persons and on Human Rights and Extreme Poverty (5/28/2013)
- **Thematic:** Fighting trafficking is everyone’s business – corporations must strive for trafficking-free supply chains (11/14/2012)

- **Philippines:** More efforts needed to address the root causes of trafficking in persons in the Philippines, warns UN expert (11/13/2012)
- **Philippines:** Trafficking in persons: UN expert in first fact-finding mission to the Philippines (11/1/2012)
- **Thematic:** First UN International Day of the Girl Child, Thursday 11 October 2012  
Forced child marriage, slavery like reality in every single region of the world (10/10/2012)
- **Thematic:** UN expert calls for justice for all victims of human trafficking ... even the 'imperfect' ones (6/26/2012)
- **Thematic:** Human Rights Council concludes interactive dialogue with Special Rapporteurs on Cultural Rights and Human Trafficking (6/25/2012)
- **Gabon:** UN expert urges action to tackle trafficking of children from West and Central Africa (5/23/2012)
- **Gabon:** Trafficking in persons: first fact-finding mission ever to Gabon by a UN independent expert (5/10/2012)
- **United Arab Emirates:** UN expert urges further action to protect victims of trafficking (4/17/2012)
- **United Arab Emirates:** UN expert on trafficking in persons launches first fact-finding mission to the United Arab Emirates (4/5/2012)
- **Lebanon:** UN expert on slavery urges authorities to investigate the suicide of a migrant domestic worker (4/3/2012) Jointly with Sp. Rapporteur on Contemporary Forms of Slavery
- **Thematic:** Rio+20: "No global goals without accountability" – an open appeal from over 20 UN experts. (3/19/2012) Jointly with Independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, the Special Rapporteur in the field of cultural rights, the Independent Expert on human rights and extreme poverty, Independent Expert on Minorities, the Independent expert on the right to development, the Special Rapporteur on extreme poverty and human rights, the Sp. Rapporteur on the right to food, the Sp. Rapporteur on freedom of expression, the Sp. Rapporteur on freedom of religion or belief, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Sp. Rapporteur on independence of judges and lawyers, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Sp. Rapporteur on use of mercenaries, the Sp. Rapporteur on the human rights of migrants, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Sp. Rapporteur on Racial Discrimination, the Sp. Rapporteur on religious intolerance, the Sp. Rapporteur on the right to education, the Special Rapporteur on the right to health, the Sp. Rapporteur on Contemporary Forms of Slavery, the Sp. Rapporteur on summary executions, the Sp. Rapporteur on torture, the Special Rapporteur on the human right to safe drinking water and sanitation, the Representative of the S-G on internally displaced persons, the Working Group on the issue of discrimination against women in law and in practice, the Working Group on the issue of human rights and transnational corporations and other business enterprises.
- **Australia:** Trafficking: UN expert calls for greater focus on the rights and needs of victims (12/1/2011)

- **Australia:** UN expert on trafficking in persons launches first fact-finding mission to Australia (11/14/2011)
- **Thailand:** Thailand must show clear leadership against Human trafficking in the region and beyond, urges UN expert (8/22/2011)
- **Thailand:** Thailand must do more to combat human trafficking effectively and protect the rights of migrant workers who are increasingly vulnerable to forced and exploitative labour (8/19/2011)
- **Argentina and Uruguay:** UN expert on human trafficking launches fact-finding mission to Latin America (9/3/2010)
- **Thematic:** Fighting Trafficking, one of the fastest growing criminal activities in the world (6/2/2010)
- **Egypt:** Egypt faces growing threats of human trafficking, warns UN expert (4/26/2010)
- **Egypt:** UN expert on trafficking in persons launches first fact-finding mission to Egypt (4/9/2010)
- **Thematic:** UN Independent Experts articulate a vision for women's rights: post Beijing + 15 (3/5/2010). Joint statement with Sp. Rapporteur on the right to food, Sp. Rapporteur on freedom of expression, Sp. Rapporteur on freedom of religion or belief, Special Rapporteur on the situation of human rights defenders, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Sp. Rapporteur on independence of judges and lawyers, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Sp. Rapporteur on the human rights of migrants, Sp. Rapporteur on religious intolerance, Sp. Rapporteur on the right to education, Special Rapporteur on the right to health, Sp. Rapporteur on the sale of children, Sp. Rapporteur on Contemporary Forms of Slavery, Sp. Rapporteur on summary executions, Sp. Rapporteur on torture, Sp. Rapporteur on violence against women, Representative of the S-G on children in armed conflict, Representative of the S-G on internally displaced persons, Special Rapporteur in the field of cultural rights
- **Haiti:** Separated Haitian children risk being sold, trafficked or kept in slave-like conditions - UN human rights experts (2/2/2010). Jointly with Sp. Rapporteur on the sale of children and the Sp. Rapporteur on Contemporary Forms of Slavery
- **Italy:** UN experts urge Italian authorities to curb xenophobic attitude towards migrant workers (1/12/2010). Jointly with Sp. Rapporteur on Racial Discrimination
- **Thematic:** In the middle of the global economic crisis, who is the victim of human trafficking? (10/23/2009)
- **Thematic:** We were trafficked. Hear our voices. (10/19/2009)
- **Japan:** "Human trafficking affects every country," warns UN expert (7/17/2009)
- **Japan:** United Nations expert on trafficking in persons to visit Japan (7/8/2009)
- **Poland:** UN expert on trafficking in persons ends visit to Poland (5/29/2009)
- **Belarus:** UN expert on trafficking in persons ends visit to Belarus (5/26/2009)
- **Belarus and Poland:** UN expert on trafficking in persons to visit Belarus and Poland (5/18/2009)

- **Kenya:** Special Procedures mandate holders deeply concerned by the situation in Kenya (1/4/2008). Jointly with Sp. Rapporteur on the right to adequate housing, Sp. Rapporteur on the right to food, Sp. Rapporteur on toxic wastes, Independent expert on the right to development, Sp. Rapporteur on the right to education, Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Sp. Rapporteur on summary executions, Sp. Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health, Sp. Rapporteur on freedom of expression, Sp. Rapporteur on freedom of religion or belief, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Special Representative of the CHR on Iran, Sp. Rapporteur on use of mercenaries, Sp. Rapporteur on the human rights of migrants, Sp. Rapporteur on Racial Discrimination, Special Rapporteur on the right to health, Sp. Rapporteur on religious intolerance, Sp. Rapporteur on torture, Special Rapporteur on trafficking in persons especially women and children, Independent expert on the protection of human rights and fundamental freedoms while countering terrorism
- **Thematic:** United Nations independent experts demand end to impunity for violence against women (3/7/2007). Jointly with the Sp. Rapporteur on the right to adequate housing and the Sp. Rapporteur on violence against women
- **Thematic:** UN independent expert urges the world community to address various forms of violence against women and girls (11/24/2006)
- **Qatar:** Expert on Trafficking in Persons Ends Visit to Qatar (11/12/2006)
- **Qatar:** Special Rapporteur on trafficking in persons ends visit to Qatar with call on Government to do more to implement international obligations (11/12/2006)
- **Oman:** UN expert on trafficking in persons ends visit to Oman (11/7/2006)
- **Bahrain:** UN expert on trafficking in persons ends visit to Bahrain (11/1/2006)
- **Bahrain, Oman and Qatar:** UN Special Rapporteur in trafficking to visit Bahrain, Oman and Qatar (10/27/2006)

## Statements

- **Seychelles:** Preliminary findings on the visit to Seychelles, UN Special Rapporteur on Trafficking in persons, especially women and children, Joy Ngozi Ezeilo (1/31/2014)
- **Belize:** End mission Statement-Visit to Belize by the Special Rapporteur on trafficking in persons, especially women and children (12/17/2013)
- **Bahamas:** End-of-mission Statement by the Special Rapporteur on trafficking in persons, especially women and children (12/13/2013)
- **Vatican:** Keynote Address at the Pontifical Academies of Sciences & Social Sciences, Working Group on “Trafficking in Human Beings: Modern Slavery: Destitute Peoples and the Message of Jesus Christ” (11/2/2013)
- **Thematic:** Statement at the 68th session of the General Assembly, Third Committee Item 69 (b) (10/25/2013)
- **Thematic:** Opening remarks at the launch of the Swiss anti-trafficking week (10/18/2013)



- **Italy:** End of mission press statement delivered by the United Nations Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ezeilo (9/20/2013)
- **Thematic:** Opening remarks at the III Latin American Congress on Human Trafficking Globalization, Human Trafficking and Access to Justice: Articulation of Regional Dialogues (7/16/2013)
- **Morocco:** End of mission statement of the UN Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ngozi Ezeilo, concludes her visit to Morocco (6/25/2013)
- **Austria:** Opening remarks by the Special Rapporteur on Trafficking in Persons, especially Women and Children, Joy Ngozi Ezeilo (6/25/2013)
- **Philippines:** End of mission statement of the UN Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ngozi Ezeilo, (11/9/2012)
- **Thematic:** First UN International Day of the Girl Child, Thursday 11 October 2012 Forced child marriage, slavery like reality in every single region of the world (10/10/2012). Jointly with the Committee on the Rights of the Child, Committee on the Elimination of Discrimination against Women, Sp. Rapporteur on the sale of children, Sp. Rapporteur on Contemporary Forms of Slavery, Sp. Rapporteur on violence against women, Special Rapporteur on trafficking in persons especially women and children, Working Group on the issue of discrimination against women in law and in practice.
- **Gabon:** End-of-mission Statement by the Special Rapporteur on trafficking in persons, especially in women and children (5/18/2012)
- **United Arab Emirates:** UN expert urges further action to protect victims of trafficking (4/20/2012)
- **Australia:** The UN Special Rapporteur in Trafficking in Persons, especially Women and Children concludes her country visit to (11/30/2011)
- **Thailand:** Thailand must do more to combat human trafficking effectively and protect the rights of migrant workers who are increasingly vulnerable to forced and exploitative labor (8/19/2011)
- **Thematic:** UN Independent Experts urge States to comply with their International obligations to respect, protect and fulfil women's rights (3/8/2011). Jointly with the Sp. Rapporteur on occupied Palestine, Working Group of Experts on People of African Descent, Sp. Rapporteur on the right to adequate housing, Sp. Rapporteur on summary executions, Sp. Rapporteur on freedom of expression, Special Rapporteur on the situation of human rights defenders, Sp. Rapporteur on independence of judges and lawyers, WG on Disappearances

## Appendix III

### List of General Assembly and Human Rights Council resolutions addressing trafficking in persons

#### Resolutions of the Human Rights Council and the Human Rights Commission

##### Resolutions directly addressing trafficking

| <i>Resolution</i>                   | <i>Date</i> | <i>Title</i>                                                                                                                                                                  |
|-------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A/HRC/23/L.8 (Also: A/HRC/RES/23/5) | June 2013   | Trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of businesses                                                     |
| A/HRC/RES/23/25                     | June 2013   | Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence                                   |
| A/HRC/20/L.1                        | July 2012   | Trafficking in persons, especially women and children: access to effective remedies for trafficked persons and their right to an effective remedy for human rights violations |
| A/HRC/RES/14/2                      | June 2010   | Trafficking in persons, especially women and children: regional and subregional cooperation in promoting a human rights-based approach to combating trafficking in persons    |
| A/HRC/RES/11/3                      | June 2009   | Trafficking in persons, especially women and children                                                                                                                         |
| A/HRC/RES/8/12                      | June 2008   | Special Rapporteur on trafficking in persons, especially women and children                                                                                                   |
| E/CN.4/RES/2004/45                  | April 2004  | Trafficking in women and girls                                                                                                                                                |
| E/CN.4/RES/2002/51                  | April 2002  | Traffic in women and girls                                                                                                                                                    |
| E/CN.4/RES/2001/48                  | April 2001  | Traffic in women and girls                                                                                                                                                    |
| E/CN.4/RES/2000/44                  | April 2000  | Traffic in women and girls                                                                                                                                                    |

##### General Assembly resolutions

| <i>Resolution</i>                | <i>Year</i>   | <i>Title</i>                                                                                                                                                                        |
|----------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A/RES/68/192 (not published yet) | December 2013 | Improving the coordination efforts against trafficking in persons                                                                                                                   |
| A/RES/67/260                     | August 2013   | Modalities, format and organization of the high-level meeting of the General Assembly on the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons |
| A/RES/67/190                     | Mar 2013      | Improving the coordination of efforts against trafficking in persons                                                                                                                |
| A/RES/67/190                     | Dec 2012      | Improving the coordination of efforts against trafficking in persons                                                                                                                |

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| <i>Resolution</i> | <i>Year</i> | <i>Title</i>                                                                                                                                                                                                               |
|-------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A/RES/67/186      | Dec 2012    | Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking |
| A/RES/67/145      | Dec 2012    | Trafficking in Women and Girls                                                                                                                                                                                             |
| A/RES/67/261      | August 2012 | Trafficking in persons, especially women and children. Note by the Secretary-General                                                                                                                                       |
| A/RES/66/180      | Dec 2011    | Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking                                                                                      |
| A/RES/65/190      | Dec 2010    | Trafficking in women and girls                                                                                                                                                                                             |
| A/RES/64/293      | July 2010   | United Nations Global Plan of Action to Combat Trafficking in Persons                                                                                                                                                      |
| A/RES/64/178      | Dec 2009    | Improving the coordination of efforts against trafficking in persons                                                                                                                                                       |
| A/RES/63/194      | Dec 2008    | Improving the coordination of efforts against trafficking in persons                                                                                                                                                       |
| A/RES/63/156      | Dec 2008    | Trafficking in women and girls                                                                                                                                                                                             |
| A/RES/61/180      | Dec 2006    | Improving the coordination of efforts against trafficking in persons                                                                                                                                                       |
| A/RES/61/144      | Dec 2006    | Trafficking in women and girls                                                                                                                                                                                             |
| A/RES/59/166      | Dec 2004    | Trafficking in women and girls                                                                                                                                                                                             |
| A/RES/59/156      | Dec 2004    | Preventing, combating and punishing trafficking in human organs                                                                                                                                                            |
| A/RES/58/137      | Dec 2003    | Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking                                                                                      |
| A/RES/57/176      | Dec 2002    | Trafficking in women and girls                                                                                                                                                                                             |
| A/RES/55/67       | Dec 2000    | Trafficking in women and girls                                                                                                                                                                                             |

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