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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

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14/...

Trafficking in persons, especially women and children: regional and subregional cooperation in promoting a human rights-based approach to combating trafficking in persons

The Human Rights Council,

Reaffirming all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 63/156 of 18 December 2008 and 64/178 of 18 December 2009, and Council resolutions 8/12 of 18 June 2008, in which it extended the mandate of the Special Rapporteur on trafficking in persons, especially women and children, and 11/3 of 17 June 2009 and recalling Council resolution 12/15 of 1 October 2009 on regional arrangements for the promotion and protection of human rights,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

* Non-member State of the Human Rights Council.

Recalling the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recalling also the Forced Labour Convention, 1930 (No. 29) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture about the persistence of trafficking and the vulnerability of victims to human rights violations,

Affirming that trafficking in persons violates and impairs the enjoyment of human rights, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of gender, age, disability, ethnicity, culture and religion, as well as national or social origin, and that these forms of discrimination may themselves fuel trafficking in persons,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and punish perpetrators, to rescue victims and to provide for their protection, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Recognizing the need to address the impact of globalization on the particular problem of trafficking in women and children,

Recognizing also the challenges to combating trafficking in persons, especially women and children, owing to the lack of adequate legislation and implementation of existing legislation, the lack of availability of reliable sex- and age-disaggregated data and statistics and the lack of resources, and recognizing the role of international cooperation in this regard,

Noting that some of the demand for prostitution and forced labour is met by trafficking in persons,

Emphasizing that policies and programmes for prevention, rehabilitation, return and reintegration should be developed through a gender- and age-sensitive, comprehensive and multidisciplinary approach, with concern for the security of the victims and respect for the full enjoyment of their human rights and with the involvement of all actors in countries of origin, transit and destination,

Welcoming in particular the efforts of Governments, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children, including at the national, subregional and regional levels,

Noting the convening of the seminar on the theme “A human rights approach to combating human trafficking: challenges and opportunities” by the Office of the United Nations High Commissioner for Human Rights in Geneva on 27 and 28 May 2010,

Noting also the panel discussion on the theme “Giving voice to the victims and survivors of human trafficking”, held on 2 June 2010, during the fourteenth session of the Human Rights Council,

Noting further efforts to consider a possible review mechanism on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Noting the ongoing work at the United Nations in New York to elaborate a global plan of action to combat trafficking in persons,

1. *Reiterates its concern* at:

(a) The high number of persons, especially women and children, in particular from developing countries and countries with economies in transition, who are being trafficked within and between regions and States;

(b) The increasing activities of transnational and national organized crime groups and others who profit from trafficking in persons, especially women and children, without regard for dangerous and inhumane conditions, in flagrant violation of domestic laws and international law and contrary to international standards;

(c) The use of new information technologies, including the Internet, for the purposes of exploitation of the prostitution of others and other forms of sexual exploitation, for trafficking in women as brides and for sex tourism, child pornography, paedophilia and any other form of sexual exploitation of children;

(d) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

2. *Urges* Governments to incorporate a human rights-based approach into measures taken to prevent and end trafficking in persons and to protect, assist and provide access to adequate redress to victims, including the possibility of obtaining compensation from the perpetrators;

3. *Emphasizes* the importance of giving voice to victims of trafficking in persons, with due consideration for their psychological well-being, with a view to reinforcing the centrality of their human rights and needs, and taking into account their recommendations, when devising actions to combat human trafficking;

4. *Encourages* Governments to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights (E/2002/68/Add.1) as a useful tool in integrating a human rights-based approach into their responses to combat trafficking in persons;

5. *Takes note with appreciation* of the report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/14/32);

6. *Calls upon* Governments to consider signing and ratifying, as a matter of priority, in the case of Governments that have not yet done so, and for States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime, and to take immediate steps to incorporate provisions of the Protocol into domestic legal systems;

7. *Calls upon* Governments, with a view to enhancing regional and subregional cooperation to prevent and combat trafficking in persons, to take appropriate measures, inter alia:

(a) To promote the implementation of legally binding international instruments on combating trafficking in persons, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and, in particular, to promote the criminalization of all forms of trafficking as defined therein;

(b) To promote a coordinated and comprehensive approach to preventing and combating human trafficking through, inter alia, the development of regional initiatives or plans of action based on relevant international instruments, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and integrating a human rights-based approach to combating trafficking;

(c) To promote the provision of gender- and age-sensitive responses which adequately address the needs of women, children and men as victims, in full respect of their human rights, in order to enhance the level of protection, assistance and recovery, with special attention to the identification of victims and their access to shelter, medical and psychosocial assistance, and rehabilitation in line with relevant international instruments and to cooperate in this regard with intergovernmental and non-governmental organizations as appropriate;

(d) To promote an effective prosecutorial and judicial response with a victim-oriented approach providing for access to effective legal remedies and, as appropriate, compensation as well as measures of protection for witnesses;

(e) To facilitate the establishment of a strong regional network of counter-trafficking practitioners to promote cross-border cooperation, inter alia, through the organization of regular regional training and workshops for law-enforcement and immigration officials and members of Governments and diplomatic and consular personnel, as well as relevant stakeholders providing assistance to victims of trafficking;

(f) To support the adoption or strengthening of legislative or other measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking in persons, including the demand created by sex tourism, especially in children, and forced labour, and the enhancement, in this regard, of preventive measures, including legislative measures, to deter exploiters of trafficked persons, and ensure their accountability;

(g) To support the adoption or strengthening of measures to alleviate the factors that make persons vulnerable to trafficking, such as poverty, underdevelopment, lack of opportunity, gender inequality and discrimination;

(h) To develop and implement, in partnership with international organizations, civil society and the media, information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and educating them on their human rights, gender equality, self-respect and mutual respect;

(i) To share good practices on the integration of a human rights-based approach into anti-trafficking policies and programmes of action and to identify lessons learned and address obstacles to effective responses to human trafficking;

(j) To establish or improve mechanisms for data collection and information exchange as a way of promoting cooperation to combat trafficking in persons, including through the systematic collection of sex- and age-disaggregated data while protecting the private life and identity of victims;

8. *Encourages* Governments to support cooperation and exchange of information and expertise between regions and subregions;

9. *Calls upon* all Governments to continue to cooperate with the Special Rapporteur on trafficking in persons, especially women and children, and to consider responding favourably to requests to visit their countries and to provide all necessary information related to the mandate to enable the mandate-holder to fulfil the duties of the mandate effectively;

10. *Requests* the Office of the High Commissioner to continue and strengthen its activities, including technical assistance and capacity-building, devoted to combating trafficking in persons in coordination with relevant international agencies;

11. *Requests* the Office of the High Commissioner to promote at the regional and subregional levels the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office;

12. *Requests* the Secretary-General to provide the Office of the High Commissioner with sufficient resources to fulfil its mandate in relation to combating trafficking in persons, especially women and children;

13. *Decides* to continue consideration of this matter under the same agenda item according to its annual programme of work.
