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**Annual report of the United Nations High Commissioner
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High Commissioner and the Secretary-General**

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

Report on the seminar: “A human rights approach to combating human trafficking: challenges and opportunities. Implementing the Recommended Principles and Guidelines on Human Rights and Human Trafficking” (Geneva, 27 and 28 May 2010)*

Summary

The present report contains a summary of discussions and recommendations of the seminar entitled “A human rights approach to combating human trafficking: challenges and opportunities. Implementing the Recommended Principles and Guidelines on Human Rights and Human Trafficking,” held in Geneva on 27 and 28 May 2010, in accordance with Human Rights Council resolution 11/3 on trafficking in persons, especially women and children. An addendum (A/HRC/15/27/Add.1) provides a compilation of the views of stakeholders on the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the High Commissioner for Human Rights, as requested in the same resolution.

* Late submission.

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I. Introduction

1. In its resolution 11/3 on trafficking in persons, especially women and children, the Human Rights Council requested the Office of the High Commissioner for Human Rights (OHCHR) to organize a “two-day seminar aimed at identifying opportunities and challenges in the development of rights-based responses to trafficking in persons with a view to acknowledging emerging good practices and further promoting the practical application of the Recommended Principles and Guidelines on Human Rights and Human Trafficking”(para. 9).

2. The seminar was organized in coordination with the Special Rapporteur on trafficking in persons, especially women and children. In accordance with the resolution, it brought together “Governments ... relevant special procedures, treaty bodies, United Nations specialized agencies and programmes, regional, intergovernmental, and non-governmental organizations, national human rights institutions, academics, medical experts and representatives of victims” (para. 9). The seminar considered both challenges and opportunities in implementing a human rights approach to trafficking, with a particular focus on how the Recommended Principles and Guidelines on Human Rights and Human Trafficking have and can be used to structure and facilitate such an approach.

3. The seminar was announced on the OHCHR web site. On 28 April 2010 a note verbale was sent to all permanent missions.

4. In addition to experts invited by the Office of the High Commissioner (see the list of experts in annex II), representatives from 59 States Members of the United Nations took part: Afghanistan, Albania, Algeria, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Cambodia, Chad, China, Colombia, Congo, Croatia, Cyprus, Egypt, Eritrea, France, Germany, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Japan, Jordan, Lesotho, Lithuania, Malaysia, Mexico, Morocco, Netherlands, Norway, Oman, Pakistan, Philippines, Republic of Moldova, Russian Federation, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Trinidad and Tobago, Ukraine, United Arab Emirates, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam; a representative from the Holy See also attended. A number of Member States also brought national experts on countering trafficking to address the seminar. Members of the Intergovernmental Organization (IGO) Contact Group on Human Trafficking and Migrant Smuggling, convened and coordinated by OHCHR since 2000, also took part in the seminar, including representatives of the International Organization for Migration (IOM), International Labour Organization (ILO), United Nations Children’s Fund (UNICEF), United Nations Office on Drugs and Crime (UNODC), United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), Organization for Security and Cooperation in Europe (OSCE), United Nations Interregional Crime and Justice Research Institute (UNICRI), Council of Europe, Coalition against Trafficking in Women, ECPAT International, International Federation Terre des Hommes, the International Federation of Red Cross and Red Crescent Societies.

5. In its resolution 11/3, the Human Rights Council also requested OHCHR to: “disseminate the Recommended Principles and Guidelines on Human Rights and Human Trafficking, and to collect the views of the stakeholders, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, regional bodies, non-governmental organizations and national human rights institutions, on the Recommended Principles and Guidelines, as well as on experiences and emerging good practices while applying them, and to make available to the Council a compilation of these views as an addendum to the above-mentioned report” (para. 10). A

note verbale to this effect was sent to all permanent missions in Geneva on 10 July 2009. The requested compilation of views, reflecting responses to the note verbale, is submitted in the document A/HRC/15/27/Add.1.

II. Organization of the seminar

A. Opening of the seminar

6. The Chair for the first day of the Seminar, the Director of the Research and Right to Development Division of OHCHR, welcomed participants and explained the objectives and structure of the seminar. She then introduced the three opening speakers: the United Nations High Commissioner for Human Rights; the President of the Human Rights Council, Ambassador Alex Van Meeuwen, and the Special Rapporteur on trafficking in persons, especially women and children.

7. In her opening address, the High Commissioner for Human Rights congratulated the Human Rights Council for convening the important event. She noted that it was taking place 10 years after the adoption of 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), a landmark international agreement that had provided structure and impetus for the development of a strong legal framework around the issue of trafficking in persons. The High Commissioner affirmed that the work of her office in that area was guided by the rights-based approach enshrined in the Recommended Principles and Guidelines on Human Rights and Human Trafficking. In response to a need reflected in observations from stakeholders, OHCHR had begun developing a detailed commentary to the Principles and Guidelines. It was hoped that the commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, which was also to be informed by the results of the seminar, would help States, United Nations agencies, intergovernmental and non-governmental organizations (NGOs) to promote, support and implement effective rights-based responses to trafficking. The High Commissioner emphasized the important role to be played by survivors of human trafficking in helping to shape effective rights-based responses to combating trafficking. She informed participants of an event, to be held by OHCHR at the fourteenth session of the Human Rights Council event on 2 June 2010, which was aimed to give voice to the experience and the views of survivors.

8. The President of the Human Rights Council affirmed the Council's commitment to the issue of trafficking and informed participants that the Council would consider the proceedings of the Seminar and its recommendations in September. He noted that six delegations from the five regional groups were also co-sponsoring the panel of survivors of trafficking mentioned by the High Commissioner. The President of the Human Rights Council highlighted the strong link between trafficking and human rights: trafficking violated the right to life, the right to decent work that was freely chosen, and the right to protection against discrimination, arbitrary detention, forced labour, debt bondage, forced marriage and commercial sexual exploitation. The Recommended Principles and Guidelines on Human Rights and Human Trafficking, under consideration at the current meeting, were the first articulation of the human rights-based approach to trafficking and had provided a valuable contribution to the mainstreaming of human rights in the work of States, regional organizations and United Nations agencies in combating trafficking.

9. The Special Rapporteur on trafficking in persons, especially women and children welcomed the convening of the seminar. She noted that the Principles and Guidelines had been an important resource for the work of her mandate. The Special Rapporteur noted that

both international treaty law and the Principles and Guidelines affirmed the importance of human rights in combating trafficking. She confirmed that such an approach was important to ensure justice for victims and a fair trial for perpetrators. As it was the Special Rapporteur's role to offer practical solutions to States, the seminar's focus on sharing of good practices was expected to be extremely helpful.

10. Introductory remarks from the floor were then made by the Permanent Representative of Germany, Ambassador Reinhard Schweppe, and the Deputy Permanent Representative of the Philippines, Ambassador Denis Lepatan, the two main co-sponsors of Human Rights Council resolution 11/3. Both representatives welcomed the Council's decision to convene the seminar, noted the growing acceptance of a rights-based approach to trafficking and affirmed the importance of the Principles and Guidelines in guiding the development and implementation of such an approach. They also noted that much remained to be done to ensure that victims' rights were respected and protected. While the human rights approach was widely accepted, there was still a considerable implementation gap.

11. The Permanent Representative of the United States of America, Ambassador Betty E. King, agreed that the Principles and Guidelines were important as a guide to Member States committed to ending trafficking and protecting human rights. The Permanent Representative introduced a video address to the seminar participants from the United States Secretary of State, Hillary Clinton, who affirmed the commitment of the Government of the United States to working together with States to end trafficking and related exploitation.

12. The Permanent Representative of Egypt, Ambassador Hisham Badr, then delivered introductory remarks. He confirmed his country's commitment to the rights-based approach reflected in the Principles and Guidelines and noted significant developments within Egypt. A short film was then shown, outlining the nature and extent of trafficking and its effect on victims.

B. Organization of work

13. In explaining the organization of work, the Chair noted that Human Rights Council resolution 11/3 requested the seminar to focus on: "rights-based responses to trafficking in persons with a view to acknowledging emerging good practices and further promoting the practical application of the Recommended Principles and Guidelines on Human Rights and Human Trafficking". The Chair explained that the seminar would accordingly be organized as follows: (a) Introduction to the Principles and Guidelines, followed by three substantive sessions on good practices, challenges and opportunities with respect to the implementation of a human rights approach to various elements of trafficking; (b) Victim protection and support; (c) Criminal justice responses; and (d) Prevention. For each session a three-person expert panel would introduce the relevant area and share their experiences and insights, followed by a plenary discussion involving representatives of States, intergovernmental organizations, national human rights institutions and civil society. Panel members would be provided with a brief opportunity to provide concluding remarks before an expert respondent provided conclusions drawing on the various presentations and interventions made during the panel and the plenary discussion periods.

III. Summary of proceedings

14. This section provides a summary of the expert presentations and of the themes and ideas that emerged during the plenary discussion.

A. Introduction to the Recommended Principles and Guidelines on Human Rights and Human Trafficking

15. The OHCHR Adviser on Trafficking commenced the session by introducing participants to the Recommended Principles and Guidelines on Human Rights and Human Trafficking. The Adviser noted that the Principles and Guidelines had withstood the test of time; over the past eight years they had enjoyed increasing support from States, international organizations and civil society. The Principles and Guidelines were cited in interpretative texts for both the Trafficking Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings (2005). They were referred to in many regional policy documents and had been used extensively by States to evaluate their responses and to develop new laws and approaches to trafficking. The concept of a rights-based approach to trafficking was outlined, noting the importance of focusing not just on rights but also on obligations of States and others. The Adviser pointed out that a rights-based approach to combating trafficking meant that its conceptual framework must be normatively based on international human rights standards and operationally directed towards promoting and protecting human rights. States needed practical guidance to put that into practice. The victim should be at the centre of the approach and it was necessary to analyse the obligations of States and redress the discriminatory practices that underlay trafficking and maintained impunity for traffickers. There was also a growing recognition that unconditional support and assistance to victims, advocated by the Principles and Guidelines, made operational sense as it often ensured the victims' cooperation in the prosecution of their exploiters. The Adviser emphasized the strong connection between trafficking and the violation of human rights, particularly for vulnerable groups, such as women, children, migrant workers and asylum-seekers.

16. Ms. Anne Gallagher, an international legal expert on trafficking in persons, affirmed the important role that the Principles and Guidelines had played in guiding the development of a comprehensive legal and policy framework around trafficking. She highlighted the changes that had taken place over the past decade, including the growing acceptance of a number of key principles that went to the heart of a rights-based response to trafficking. It was currently widely accepted, for example, that trafficked persons should not be criminalized or detained for status-related offences; that provision of support and assistance should not be conditional on victims' willingness or ability to testify; and that despite trafficking often being a "private" violation, States were under a positive legal obligation to diligently investigate and prosecute cases of trafficking in persons and provide victims with access to effective remedies. The speaker expressed the view that States and the international community must work to ensure that the strong legal framework that currently existed around trafficking was translated into effective policies and practices that would make a difference to the lives of the many individuals who were exploited for private profit.

B. Panel 1: Opportunities and challenges in relation to victim protection and support

17. The first panel was composed of: Ms. Cecilia Quisumbing, one of the Commissioners of the Commission on Human Rights of the Philippines; Ms. Ruchira Gupta, founder and President of Apne Aap Women Worldwide; and Ms. Marta Requena, Secretary of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA).

18. Ms. Quisumbing reminded participants of the root causes of trafficking, including poverty, inequality, discrimination and a lack of enjoyment of fundamental human rights. A rights-based approach was important because it highlighted the role of the State as the

primary duty bearer. The special attention afforded to victims in that approach did not exist in criminal justice. Law enforcers needed to admit that human rights should be part of their obligations. That might have a knock-on effect on other areas of their work and, for instance, help in preventing torture in detention. The speaker referred to the particular manifestations of trafficking in her country, including mail-order brides, child soldiers, the removal and sale of organs, and international adoption, and noted the importance of comprehensive legislation. Strong victim identification procedures were also essential, particularly in view of the fact that in law enforcement responses in that area were often reactive. Human rights commissions could play an important role in protecting victims and holding the State to account. The speaker's institution had concluded an agreement with the national Government to work together in combating trafficking.

19. Ms. Gupta pointed out that no one chose to be born poor, low-caste or female; slavery was not inevitable; and that victims of trafficking sought the dismantling of the systems and structures that enabled their exploitation. They were claiming their right to food, housing, education and a livelihood as the best way to ensure protection against trafficking. The speaker noted that measures aimed at alleviating suffering or preventing further harm were not sufficient without action to address demand for trafficking. She noted the prevalence of internal trafficking and observed that border management approaches had no impact on that aspect of the phenomenon. Those targeted for sexual exploitation and cheap labour tended to be poor and/or young, belong to minority populations and to have a history of abuse and little family support. For victims and potential victims, comprehensive assistance and protection programmes that addressed their vulnerabilities were vital, such as legal protection together with rehabilitation and viable economic options. Traffickers and end-users must be prosecuted and appropriately punished.

20. Ms. Requena introduced the Council of Europe's Convention on Action against Trafficking in Human Beings, an instrument that integrated a strong rights-based approach to the issue. The Convention, which currently had 27 States parties and an additional 16 signatories, was open to all States and the European Union. The Convention was strengthened through an independent mechanism charged with monitoring implementation of its provisions. The speaker highlighted a recent decision by the European Court of Human Rights that had affirmed the legal responsibility of States to protect victims and to effectively investigate trafficking cases. The Court had also concluded that in that particular case trafficking fell within the concept of "slavery and forced labour", prohibited by the European Convention on Human Rights. The speaker concluded by noting that the Council of Europe Convention on Action against Trafficking in Human Beings affirmed many of the core positions set out in the Recommended Principles and Guidelines on Human Rights and Human Trafficking. As a legally binding instrument, the Convention should be able to enhance the impact and further the application of the Principles and Guidelines.

21. In the plenary discussions that followed the expert presentations, interventions were made by representatives of 10 States (Uruguay, Egypt, Germany, Belarus, Eritrea, China, Cyprus, Russian Federation, the Philippines and Mexico), ILO, IOM, UNICEF, the International Federation of Red Cross and Red Crescent Societies, Fundación Mujeres en Igualdad (Argentina), Anti-Slavery International, Equality Now/European Women's Lobby, ECPAT International and the Soldiers' Mothers Association of St. Petersburg (Russian Federation).

22. All speakers participating in the plenary session affirmed the importance of a human rights-based approach to victim protection and support. It was noted by a number of speakers that such an approach required all efforts to ensure that trafficked persons were accorded all human rights, including those to which they were entitled as victims of crime as well as victims of human rights violations. International law imposes further and

additional obligations on States with respect to certain groups who have been especially vulnerable to trafficking, including women, children, migrant workers and asylum-seekers.

23. Issues that were particularly highlighted during the plenary session included: the special vulnerabilities of victims and victim-witnesses; the need for research and strategy to address the increased vulnerabilities of special groups, such as young men mandatorily conscripted into the army and particularly vulnerable to being trafficked for labour exploitation in slavery-like conditions; the link between trafficking and corruption; the need for strong, integrated and cooperative identification procedures; victim access to legal remedies and compensation as an instrument of restorative justice and a recognition of the violence suffered by victims; the need for specificity in combating certain forms of trafficking such as trafficking for sexual exploitation; the link between trafficking and migrant smuggling; the importance of special measures to ensure child victims of trafficking are identified, protected and assisted; the impact of migration and labour policies on trafficking; and the need to empower migrants and vulnerable workers to claim their rights. Several participants noted that human rights were not a central focus of the Trafficking Protocol and that instruments such as the Principles and Guidelines had been essential in ensuring that obligations under the Trafficking Protocol were implemented within a broader framework of internationally accepted human rights.

24. The three panellists each provided a brief response at the conclusion of the plenary debate. Ms. Requena affirmed that the human rights approach was the only way to tackle trafficking in human beings. Protection of the private lives of trafficking victims was a consideration important for avoiding the stigmatization of victims. There was also a need to develop specific criteria and procedures for affirming victim status in a way that avoided further stigmatization. Ms. Gupta noted that migration was only one element in the creation of vulnerability and responses should take that into account. She addressed the issue of consent and the need to differentiate between child and adult victims while recognizing that young people might have entered into a trafficking situation as minors. Ms. Quisumbing referred participants to article 28 of the Universal Declaration of Human Rights, noting that all individuals and States have responsibilities to build an international order in which all people can enjoy human rights. She urged all countries to establish national human rights institutions through which to monitor human rights violations, and to ratify the relevant international instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

25. Ms. Gallagher, the nominated respondent for this session, then took the floor. In responding to the various interventions she highlighted the issue of remedies as an area of common concern. Despite being a basic legal entitlement, access to remedies was routinely denied to victims of trafficking. The importance of victim identification was also highlighted; failure to identify victims directly impacted on the ability of the State to deliver on the rights to which those persons were entitled. The speaker noted that concerns over “consent” were misplaced. International law is clear on the point that no person can consent to his or her own unlawful exploitation. The speaker concluded the session with an acknowledgement of the “macro” issues that underlay trafficking. That phenomenon was, after all, the predictable outcome of certain global and political realities. Those included migration regimes that restricted the ability of individuals to secure legal access to preferred destinations; international and domestic trade policies that liberalized the movement of money, good and services but not labour; and the internalization, diversification and explosive growth of the global sex industry. Those essentially economic determinants were reinforced by powerful social structures that exacerbated vulnerabilities among particular groups, including women, children and migrants, and that nurtured demand for the main products of trafficking.

C. Panel 2: Opportunities and challenges in relation to criminal justice responses

26. The Chair introduced the speakers for Panel 2: Ms. Cindy Dyer, a former United States prosecutor and representative of Vital Voices Global Partnership; Mr. Knut Brattvik, representative of the International Criminal Police Organization (INTERPOL); and Ms. Marieta Kane, Ministry of Justice of Mauritania.

27. In her presentation, Ms. Dyer emphasized the importance of a coordinated community response, involving NGOs and the judicial, medical and religious communities, as key to the provision of a human rights-based approach to trafficking. She also pointed to the critical need of effective training of law enforcement officials. Developing partnerships between community-based NGOs and the criminal justice system could assist victims in their access to services. She stressed the connection among the access of victims to services, the use of specialized law enforcement prosecutors and the creation of an environment in which victims were willing to testify.

28. Mr. Brattvik highlighted the practice and implementation of a victim-centred approach in the anti-trafficking work of INTERPOL. He identified a need for more reliable information on practices such as forced labour and organ trafficking. Although INTERPOL was not an operational organization, it had been able to provide tools and assistance, including analytical assistance, to Member States. Its close working relations with other international agencies had enhanced the value of several tools developed by INTERPOL. In particular, the speaker outlined a tool to be launched in October 2010 designed to help safeguard people from becoming victims, including a list of questions already translated into 40 languages. International cooperation would continue to be an important weapon in the fight against trafficking. States should work to strengthen the institutions and processes that make such cooperation possible.

29. Ms. Kane provided a brief summary of Mauritania's response to trafficking, a phenomenon which the State considered to be a major obstacle to the equitable development of society. Highlights included the adoption of a new law; training and awareness-raising for law enforcement agencies, the judiciary and the community; and strong working partnerships with human rights NGOs and the media. Recognized as a trans-ethnic and multidimensional societal phenomenon, trafficking needed to be tackled through comprehensive programmes, integrating protection of political, legal, economic, social and cultural rights. The speaker noted the importance of addressing underlying vulnerabilities to trafficking through innovative approaches such as microfinance and rehabilitation, especially targeting rural communities, which were particularly vulnerable and often the main source of victims of trafficking and domestic servitude.

30. In the subsequent plenary discussion, interventions were made by representatives of four States (Egypt, the United States of America, the United Arab Emirates and Italy), as well as by UNODC, the Office for Democratic Institutions and Human Rights of OSCE, the Commission on Human Rights of the Philippines, the Coalition against Trafficking in Women and the University of the Free State (South Africa).

31. The debate highlighted the critical importance of an effective criminal justice response as one aspect of a broader, rights-based approach to the phenomenon. A criminal justice response to trafficking that prioritized rights and sought to both end impunity for traffickers and secure justice for victims was an important component of any lasting solution to trafficking. It was noted by many speakers that there was increasing awareness and agreement on the elements of an effective criminal justice response to trafficking. Many of those elements, such as criminalization of trafficking; prosecution of traffickers; the elimination of safe havens and confiscation of assets, were set out in the Trafficking

Protocol. Speakers noted that the Recommended Principles and Guidelines on Human Rights and Human Trafficking added an important human rights dimension to that by emphasizing, for example, the rights of suspects and the requirements of a fair trial, and the need to ensure that victims of trafficking could use the legal system to secure remedies for the harm that had been caused to them.

32. Specific issues also raised by participants included: the ongoing problem of a lack of understanding of trafficking among officials and the community; the need for specialist agencies, including investigators and courts; the important role played by law enforcement in protecting victims of trafficking; the need to address demand; the rights of trafficked persons upon their return and the need to monitor such returns; the detention of victims of trafficking; and the importance of ensuring that responses to trafficking were consistent with international human rights standards. Good practices identified by participants included non-conditional provision of assistance; measures to ensure the protection of victim identity; and training of criminal justice officials to increase professionalism and integrate an understanding of human rights.

33. As with the previous panel, the three panellists each provided a brief response at the conclusion of the plenary debate. Ms. Kane stressed the importance of raising awareness at the village level about existing laws that prohibit trafficking, and the need to provide educational campaigns among vulnerable populations. She also underscored the importance of respecting victims – providing them with the opportunity to speak of their experiences and to access justice. Mr. Brattvik highlighted the link between practices of trafficking and financial benefits for traffickers. He emphasized the importance of a human rights-based approach to investigations and prosecutions. Ms. Dyer reiterated the point that prosecutors had a central role to play in an effective criminal justice response to trafficking. Improving prosecutor awareness and understanding would be vital to ensuring victim rights and redress.

34. As the respondent for the second session, Ms. Maria Grazia Giammarinaro, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, identified partnerships between criminal justice agencies and civil society as a central component of an effective criminal justice response. She pointed out that the criminal justice aspect was, of course, only one part of an effective national response. Even a vastly improved response in that area would not be able to fully address a problem as complex and widespread as trafficking. The respondent stressed the need for more rigorous and uniform victim identification and assistance procedures, guided by the principles of respect for the rights of victims, unconditional assistance, and social inclusion as the final outcome. There was an urgent need to address and avoid secondary victimization, which was an unfortunate and common side effect of many interventions. The respondent exposed several common misconceptions and assumptions: that the rights of victims were sufficiently protected by simply respecting criminal procedure rules; and that victims' rights and the interests of the prosecution would coincide. Ongoing and institutionalized training of all criminal justice officials was an essential aspect of any serious effort to develop an effective and rights-based criminal justice response to trafficking.

D. Panel 3: Opportunities and challenges in relation to prevention

35. The Chair for the second day of the session, the Chief of the OHCHR Rule of Law, Equality and Non-discrimination Branch, introduced the speakers for the third panel: Ms. Zohra Rasekh, member of the Committee on the Elimination of Discrimination against Women; Ms. Ludy Green, advocate for financial independence for victims and their children and founder of Second Chance Employment Services, and Ms. Pregaluxmi

Govender, activist, former member of parliament and Commissioner on the South African Human Rights Commission.

36. In her presentation, Ms. Rasekh focused on the health consequences of trafficking, particularly for girls and women. Such consequences were particularly severe in a conflict situation such as that being experienced in Afghanistan. She identified the main factors affecting trafficking in Afghanistan as displacement, poverty, drugs and corruption as well as an absence of good governance and rule of law. The speaker recalled an instance of bidding taking place on a 3-year-old boy, although usually it was little girls who were sold into forced marriage or to stop family feuds. In 2008, 40 boys who had been trafficked as camel jockeys had been brought back from Saudi Arabia, but some had since returned there because their parents were too poor to care for them. In her capacity as a member of the Committee on the Elimination of Discrimination against Women, the speaker noted that trafficking was a growing issue of concern for the Committee and now regularly addressed in its dialogues with the 186 States Parties to the Convention on the Elimination of All Forms of Discrimination against Women, particularly in connection with legislation and protection.

37. Ms. Green referred to her own background, in particular seeing her abused mother trapped because she was financially dependent. She emphasized the problems of financial dependence and lack of employment opportunities that could contribute to trafficking and prevent victims from escaping exploitative situations. The widespread problem of domestic violence was also noted as increasing the vulnerability of women and children in particular. The speaker outlined the efforts of her organization to address those underlying vulnerabilities. Working in shelters she noticed how often women returned to their abusers or to the shelters, because there were no job opportunities for them. With her background in human resources management, she wanted to create chances for those victims by offering them a comprehensive service, including job placement, legal services, housing, training and access to health care. Second Chance Employment Services, which had 400 volunteers, was based on the premise that everyone had skills. It pre-screened applicants to ensure they were able to commit to full-time employment. Over 600 women had been placed so far, many of them in well-paying jobs with health benefits. She recounted the story of one woman who had been trafficked through many countries since she was 11 years old and who was eventually provided with the assistance and support she required through the help of the speaker's employment agency.

38. Ms. Govender noted that the Principles and Guidelines highlighted the importance of addressing demand and the factors that made people more vulnerable to trafficking. According to the panellist, while South Africa was often held up as a model of good practice in many areas, little had been done, thus far, to address the problem of trafficking. The factors underlying trafficking were clearly not being addressed. International trade agreements, for instance, cost many women their jobs and forced them into insecure or even dangerous employment situations. Government spending appeared to favour military hardware and sporting events, such as the World Cup, over initiatives that would provide jobs and reduce the vulnerabilities that could lead to trafficking. The speaker noted that, for example, the jobs which were created to support the World Cup were often not given to the people of her country, and that the building contracts were concentrated in the hands of only a few developers.

39. The three panel presentations were followed by a plenary discussion focusing on the issue of prevention. Interventions were made by representatives of eight States (Slovakia, South Africa, Turkey, the Republic of Moldova, Brazil, Indonesia, Egypt and Viet Nam), as well as from representatives of INTERPOL, the Commission on Human Rights of the Philippines, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, UN.GIFT, Equality Now/European Women's Lobby, Fundación Mujeres en Igualdad

(Argentina), the Suzanne Mubarak International Women's Peace Movement (Egypt), International Federation Terre des Hommes (Switzerland), the Women's International League for Peace and Freedom and the International Catholic Child Bureau.

40. The plenary discussion affirmed the importance of States, the international community and civil society taking seriously the obligation to actively prevent trafficking and related exploitation. It was generally agreed that that required the underlying causes of trafficking to be addressed. The factors most commonly cited as "causes of trafficking" included those that: (a) increased vulnerability of victims and potential victims; (b) created or sustained demand for the goods and services produced by trafficked persons; and (c) created or sustained an environment within which traffickers and their accomplices could operate with impunity. From that perspective, prevention could be seen to include a wide range of measures – from providing women with fair and equal migration opportunities, to strengthening the criminal justice response in order to end impunity and deter future trafficking-related crimes.

41. Other issues raised during the plenary discussion included: the need to focus on root causes and on longer-term strategies; the importance of prevention programmes focusing on corruption; the need to analyse how anti-trafficking funds were spent, in particular those allocated for prevention; mainstreaming of anti-trafficking approaches in development policies as a means of addressing vulnerability; opportunities to involve business in prevention by encouraging zero tolerance to trafficking and helping businesses clean up their supply chain; addressing the particular vulnerabilities of minorities who were often excluded from the labour market; the link between prevention and migration including child migration and the challenge of ensuring that prevention did not stop movement; the importance of reducing demand and punishing businesses that recruited trafficked labour; and the insufficiency of an approach that prioritized awareness campaigns over other prevention strategies that were looking into the broader context.

42. Good practices identified by respondents included the interviewing of victims by trained officials; non-criminalization of prostitution; non-discriminatory access to assistance and justice; witness protection, international cooperation, strong birth registration procedures; and training of consular officials to identify and help victims of trafficking in the country of exploitation. The important role of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, established in 1999, in supporting organizations working on prevention of trafficking was acknowledged. Klara Skrivankova, a member of the Board of the Fund, appealed to Member States to consider donating to the Fund. The role of multi-agency efforts, such as UN.GIFT, as vehicles for collaboration among United Nations agencies and IGOs on prevention of trafficking was noted.

43. Following the plenary discussion, each of the three panellists made brief concluding remarks. All referred to the importance of strengthening the capacity of those who are at the forefront of preventing trafficking including NGOs. The need for coordination of efforts was also generally noted: the task of preventing trafficking and of reintegrating victims required a collaborative approach. All stressed the need to work together to prevent trafficking and to reintegrate victims. The speakers also agreed that there was a need to better track prevention efforts in order to assess impact and identify good practices that could be shared. The Principles and Guidelines provided a robust framework for prevention at both national and international levels.

44. In concluding, the nominated respondent for the session, Mr. Mike Dottridge, an international expert on trafficking, observed that the Principles and Guidelines took a strong human rights approach to prevention. Poverty was often mentioned in connection with prevention but it was worth noting that poverty was a context for trafficking, not only a cause. Not all poor people were trafficked. It was necessary to recognize the subtleties of the challenges facing people in less developed countries and regions. Over the past decade,

awareness had increased, but the messages varied. For example, there was often a subtext to prevention programmes that migration was dangerous and should be stopped, which was neither rights-based nor empowering for the many individuals who needed to move to find work. Too few prevention campaigns were subject to impact assessment. With respect to demand, the speaker questioned whether there was indeed any agreement on what that entailed. Would efforts to reduce demand lead to blanket measures or to targeted ones? He also pointed out that different interventions would be required to address different types of demand.

IV. Conclusions and recommendations

45. **The Special Rapporteur on trafficking in persons, especially women and children, summed up the findings and conclusions of the Seminar. Most importantly, on the Recommended Principles and Guidelines on Human Rights and Human Trafficking, she affirmed, based on the statements and discussions of all participants, that the tool had proved to be a valuable resource for States, the international community and civil society. Many participants were able to provide specific examples of how the Principles and Guidelines had influenced law, policy and practice. The seminar confirmed that a human rights approach to combating human trafficking was one that was normatively based on international human rights standards and operationally directed to promoting and protecting human rights. In a practical sense such an approach worked to end the impunity of perpetrators while also securing justice and rights for those who had been trafficked and preventing future trafficking. Seminar participants affirmed that such an approach currently enjoyed widespread support and that there was growing agreement as to the key elements of an effective, rights-based approach to trafficking. The Principles and Guidelines had been instrumental in guiding the development of rights-based responses and were widely appreciated by all stakeholders.**

46. **The Special Rapporteur noted that the Principles and Guidelines did much more than promote a rights-based approach to trafficking; they provided substantive and detailed guidance on the content of such an approach and on how it could be effectively integrated into anti-trafficking responses. Because they were firmly based on international law, the Principles and Guidelines complemented and reinforced the international legal framework around trafficking, including the human rights law and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Seminar participants welcomed the forthcoming commentary to the Principles and Guidelines which, it was felt, would significantly enhance their impact and usefulness.**

47. **Referring to the challenges of victim identification, protection and support, the Special Rapporteur affirmed that States had a clear legal obligation to provide protection and support to victims of trafficking. Such protection and assistance should be provided on a non-conditional and non-discriminatory basis. That obligation might rest primarily on countries of destination but would also involve countries of origin and transit. As the Principles and Guidelines made clear, victims should not be criminalized for status-related offences. They should also not be detained in immigration centres, prisons or shelters. Failure to identify victims of trafficking was a serious obstacle to recognition and protection of their rights. All States must work harder to ensure that victims are quickly and accurately identified. Victims must also be allowed to access remedies, including compensation, for the harms committed against them. All persons had a right to be protected against trafficking and victims**

had a right to be protected against further harm. The situation of child victims required special attention to their vulnerabilities and their special rights.

48. In relation to criminal justice responses to trafficking, the Special Rapporteur highlighted the increasing acceptance of a fundamental link between criminal justice responses to trafficking and victim protection. There was no “single” approach to that issue: each one reinforced each other and a response to trafficking that prioritized one approach over another was unlikely to be effective. Criminal justice responses to trafficking should be aimed at both ending the impunity of traffickers and securing justice for victims. States must take care to ensure that victim involvement in the investigation and prosecution of their exploiters is safe and does not cause further harm. That required active support, respect for privacy and special attention to the needs of child victims who are also witnesses.

49. In relation to prevention, the Special Rapporteur noted that prevention cut across many areas of anti-trafficking work. States were under an international legal obligation to prevent trafficking and that required them to consider and deal with the many factors that contributed to the vulnerability that underlined much trafficking. Seminar participants had canvassed a wide range of such factors, including: unjust migration regimes; global trade policies that exacerbated inequalities within and between countries; discrimination against vulnerable groups, including women, children, migrants and minorities; and demand for the goods and services produced through trafficking. Measures such as ensuring the financial empowerment of women, providing job opportunities, raising awareness, working with business and training of officials were all important strategies to prevent trafficking and related exploitation. Prevention also required the consideration of entrenched issues such as corruption.

50. The Special Rapporteur concluded by affirming the legitimacy and value of a human rights approach to trafficking: an approach where “the trafficked person is the centre of law, policy and action”. She pointed out that prioritizing human rights did not mean that other objectives or approaches were to be considered unimportant or invalid. For example, States remained entitled to develop strong criminal justice responses to trafficking. In fact, the Principles and Guidelines identified a number of specific obligations in that regard. States also remained free, within constraints imposed by international law, to develop migration strategies that seek to address trafficking. However, at each step of every response, the human rights impact of that step and of the overall response must be considered and monitored. The ultimate objective of responses to trafficking should be to protect individuals from trafficking-related violations of their human rights and to provide assistance when such violations are not, or cannot, be prevented. The Principles and Guidelines were an authoritative statement of the human rights approach to trafficking, showing how it could work in practice. Over the past eight years understanding in that area had grown considerably. However, despite important progress, many challenges remained. Keeping human rights at the forefront of the thinking about trafficking would help ensure that those challenges could be met and overcome. Participants agreed that the international human rights system, including the Human Rights Council and the Office of the High Commissioner for Human Rights, had an important role to play in encouraging and directing further development in that area.

51. In closing the seminar, the Chair underlined that the level of discussion and engagement during the seminar had been particularly high. The Chair thanked panellists, experts and participants, including the many Member States in attendance. Civil society representatives had been extremely generous in sharing their experiences, thereby contributing to the identification of good practices and opportunities. The Chair referred to the events on trafficking that would take place

during the upcoming session of the Human Rights Council, including the panel of survivors of trafficking, an exhibition on trafficking for domestic servitude and the presentation of the report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/14/32). She also thanked the co-sponsors and then closed the Seminar.

Annexes

Annex I

Programme of work of the seminar

THURSDAY, 27 MAY 2010

<i>Time</i>	<i>Activity</i>
0900-1000	Registration of participants
1000-1100	Opening of the meeting Introductory remarks: Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights Ambassador Alex Van Meeuwen, President of the Human Rights Council Ms. Joy Ngozi Ezeilo, Special Rapporteur on trafficking in persons, especially women and children Chair: Ms. Marcia Kran, Director, Research and Right to Development Division, OHCHR Short film on human trafficking
1100-1145	Introduction to the Recommended Principles and Guidelines on Human Rights and Human Trafficking Chair: To explain the seminar objectives, modalities and programme of work Introduction to the Recommended Principles and Guidelines on Human Rights and Human Trafficking – Ms. Anne Gallagher, International Expert on Human Trafficking and Ms. Mariana Katzarova, Adviser on Human Trafficking, OHCHR

1145 – 1300	<p>Panel 1</p> <p>Good practices, challenges and opportunities when applying a human rights-based approach to identification, victim protection and support.</p> <p>Ms. Cecilia R.V. Quisumbing, Commissioner, Commission on Human Rights -Philippines</p> <p>Ms. Ruchira Gupta – Apne Aap Women Worldwide – India</p> <p>Ms. Marta Requena, Council of Europe- Secretary, Group of Experts on Action against Trafficking in Human Beings (GRETA)</p> <p>Ms. Gallagher, Asia Regional Trafficking in Persons (ARTIP) Project, international expert on human trafficking, Australia - Respondent</p>
1300-1500	<p>Lunch break</p>
1500-1600	<p>Panel 1 (continued)</p> <p>Good practices, challenges and opportunities when applying a human rights-based approach to identification, victim protection and support.</p> <p>Discussion session</p> <p>Summary by the Chair</p>
1600-1800	<p>Panel 2:</p> <p>Good practices, challenges and opportunities when applying a human rights-based approach to criminal justice responses.</p> <p>Ms. Marieta Kane, Ministry of Justice, Mauritania</p> <p>Ms. Cindy Dyer, Vital Voices Global Partnership, United States</p> <p>Mr. Knut Brattvik – INTERPOL</p> <p>Ms. Maria Grazia Giammarinaro – OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings – Respondent.</p> <p>Plenary discussion session</p> <p>Summary by the Chair</p>

FRIDAY, 28 MAY 2010

1000-1200

Chair: Ms. Mona Rishmawi, Chief, Rule of Law, Equality and Non-Discrimination Branch, Research and Right to Development Division, OHCHR

Panel 3:

Good practices, challenges and opportunities when applying a human rights-based approach to prevention.

Ms. Pregaluxmi Govender, Commissioner, South African Human Rights Commission

Ms. Zohra Rasekh, Member of the Committee on the Elimination of Discrimination against Women, Afghanistan

Ms. Ludy Green, Second Chance Employment Services, United States of America

Mr. Mike Dottridge, International expert on trafficking, United Kingdom of Great Britain and Northern Ireland - Respondent

Plenary discussion session

Summary by the Chair

Concluding remarks by the Special Rapporteur on trafficking in persons, especially women and children

Closing remarks by the Chair

1300-1500

Lunch break

Working meeting and consultations of the IGO Contact Group on Human Trafficking and Migrant Smuggling

Annex II

[English only]

List of experts

Ms. Christine Adam	IOM
Ms. Alessia Altamura	ECPAT International
Ms. Monique Altschul	Fundación Mujeres en Igualdad, Argentina
Ms. Beate Andrees	ILO
Ms. Rosilyne Borland	IOM
Ms. Alina Brasoveanu	OSCE/Office for Democratic Institutions and Human Rights (ODIHR), Poland
Mr. Knut Brattvik	INTERPOL, France
Mr. Richard Danziger	IOM
Ms. Ciara De Mora	International Federation of Red Cross and Red Crescent Societies
Ms. Colette De Troy	European Women's Lobby; Equality Now, Belgium
Mr. Mike Dottridge	International expert on trafficking, United Kingdom of Great Britain and Northern Ireland
Ms. Cindy Dyer	Vital Voices Global Partnership, United States of America
Mr. Chinyere Emeka-Anuma	ILO, Nigeria
Ms. Anna Eriksson	University of the Western Cape, South Africa
Ms. Kadjar Eylah	International Federation Terre des Hommes
Ms. Joy Ngozi Ezeilo	United Nations Special Rapporteur on trafficking in persons, especially women and children, Nigeria
Ms. Ana Fonseca	IOM
Ms. Anne Gallagher	ARTIP Project, international expert on trafficking, Australia
Ms. Cara Gleeson	Women's International League for Peace and Freedom
Mr. Hans van de Glind	ILO
Ms. Pregaluxmi Govender	Commissioner, South African Human Rights Commission, South Africa
Ms. Maria Grazia Giammarinaro	OSCE Special Representative and Co-ordinator for Combating Trafficking, Austria
Ms. Vera Gracheva	OSCE Special Representative and Co-ordinator for Combating Trafficking, Austria
Ms. Ludy Green	Second Chance Employment Services, United States
Ms. Undine Groeger	ILO
Ms. Sylvia Ursula Groneick	Foreign Office, Germany

Ms. Ruchira Gupta	Apne Aap Women Worldwide, India
Dr. Yulia Gusynina	International Federation of Red Cross and Red Crescent Societies
Ms. Aleya Hammad	Suzanne Mubarak International Women's Peace Movement; End Human Trafficking Now! campaign, Egypt
Mr. Abdul Amier Hashom	Al-Hakim Foundation
Ms. Florence Tercier Holst-Roness	Oak Foundation
Ms. Kaeko Iwamoto	IOM
Ms. Marieta Kane	Ministry of Justice, Mauritania
Ms. Hester Beatrix Kruger	University of the Free State, South Africa
Mr. Wael Aboul Magd	Government of Egypt
Ms. Carla Bury Menares	United States Department of State, Office to Monitor and Combat Trafficking in Persons
Mr. Marco Musumeci	United Nations Interregional Crime and Justice Research Institute (UNICRI)
Ms. Morgane Nicot	UNODC, Austria
Ms. Maura O'Donohue	APT (ACT to Prevent Trafficking)
Ms. Caroline O'Reilly	ILO
Ms. Nicole Osmann	International Federation Terre des Hommes
Mr. Berlan Pars Alan	Ministry of Foreign Affairs, Turkey
Ms. Paola Pace	IOM
Ms. Loes Peçak	Permanent Delegation of the European Union to the International Organisations in Geneva
Ms. Julia Planitzer	Member of Austrian Task Force against Human Trafficking, Austria
Ms. Ella Polyakova	Soldiers' Mothers Association of St. Petersburg, Russian Federation
Ms. Zohra Rasekh	Member of Committee on the Elimination of Discrimination against Women, Afghanistan
Mr. Daniel Redondo	IOM
Ms. Madelene Rees	Women's International League for Peace and Freedom
Ms. Marta Requena	Council of Europe
Ms. Anna Rita Pascoa Dos Santos	Permanent Delegation of the European Union to the International Organisations in Geneva
Mr. Sönke Schmidt	Permanent Delegation of the European Union to the International Organisations in Geneva
Ms. Susanne Schultz	IOM
Mr. Anvar Serodjtdinov	IOM
Ms. Narue Shiki	United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), Austria

Ms. Christine Simonart	Permanent Delegation of the European Union to the International Organisations in Geneva
Ms. Klara Skrivankova	Anti-Slavery International
Ms. Isabelle Smyth	APT (ACT to Prevent Trafficking), Ireland
Ms. Anna Sterzi	UNICRI
Ms. Marta Pilar Torres Herrero	Coalition Against Trafficking in Women (CATW)
Ms. Fanny Toutou-Mpondo	International Catholic Child Bureau
Mr. Michael Quinn	Department of Justice, Equality and Law Reform, Ireland
Ms. Cecilia R. V. Quisumbing	Commissioner, Commission on Human Rights of the Philippines
Ms. Daja Wenke	UNICEF
Ms. Andrea Wilson	ILO
