

**Expert Group Meeting on**  
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**The United Nations response to**  
**trafficking in women and girls**

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# The United Nations response to trafficking in women and girls

## Introduction

“Trafficking in human beings is 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>1</sup>.

Trafficking in women and girls is not new. However, attention to this issue has increased in recent years due to the evidence of the increase of the phenomenon, spurred, inter alia, by the changes in the global economy which have created large economic disparities between and within countries, thus exposing poor people, especially women and children, to vulnerability to trafficking. Trafficking in human beings is now the fastest-growing area of organized crime. More than 700,000 people are trafficked every year for the purpose of sexual exploitation and forced labour. They are transported across borders and sold into modern-day slavery<sup>2</sup>.

Women and girls are increasingly trafficked within and across borders, they are subject to violence in the course of trafficking as well as other violations. The global dimension of trafficking requires a concerted international response. Trafficking has been a long-standing concern of the international community and the United Nations has been at the forefront of activities to confront this abuse. This background paper reviews the work on the issue of trafficking in women and girls of the United Nations entities, including some of the relevant conventions, declarations, programmes of action and resolutions adopted in the last 50 years. It concludes by stressing the importance of strengthening international cooperation to find a common solution to this global problem.

The Expert Group Meeting on “trafficking in women and girls” will seek to contribute to the sharing of knowledge by discussing concrete strategies and “best practices” to combat trafficking in women and girls. The Expert Group Meeting will furthermore seek to develop policy recommendations that can be provided to the forty-

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<sup>1</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children which supplements the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in its resolution 55/25 (A/RES/55/25).

<sup>2</sup> United Nations Office for Drugs and Crime web site:  
[http://www.odccp.org/odccp/trafficking\\_human\\_beings.html](http://www.odccp.org/odccp/trafficking_human_beings.html)

seventh session of the United Nations Commission on the Status of Women in March 2003 when the theme of women's human rights and the elimination of violence against women as defined in the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly will be discussed.

## **United Nations Conventions**

The first United Nations treaty against trafficking, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, built on international legal instruments elaborated in the early twentieth century to address the issue of trafficking. These included the International Agreement for the Suppression of the "White Slave Traffic", 1904, the International Convention for the Suppression of the Traffic in Women and Children, 1921 and the Slavery Convention, 1926.

The Preamble to the 1949 Convention<sup>3</sup> declares that prostitution and traffic in persons are "incompatible with the dignity and worth of the human persons and endanger the welfare of the individual, the family and the community". Under this Convention, States parties agreed, in article 1: "to punish any person who, to gratify the passions of another: 1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; 2. Exploits the prostitution of another person, even with the consent of that person".

The issue of trafficking is addressed in the 1979 Convention on the Elimination of All Forms of Discrimination against Women<sup>4</sup>, (CEDAW). Article 6 of the Convention declares that: "State parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". This article is first and foremost addressed to those who profit from the sexual exploitation of women and girls. In December 2000, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women<sup>5</sup> came into force. The Optional Protocol, in article 2, specifically allows individuals or groups of individuals to submit communications on violations of their rights under this Convention to the Committee on the Elimination of Discrimination against Women. Furthermore, article 8 "establishes an inquiry procedure that allows the Committee to initiate a confidential investigation by one or more of its members where it has received reliable information of grave or systematic violations by a State party of rights established in the Convention".

The rights of girl children are further addressed by the 1989 Convention on the Rights of the Child<sup>6</sup> (CRC) which, in its article 35, states that: "State parties shall take all

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<sup>3</sup> Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the General Assembly in its resolution 317 (IV).

<sup>4</sup> General Assembly resolution 34/180 (A/RES/34/180).

<sup>5</sup> Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in its resolution 54/4 (A/RES/54/4).

<sup>6</sup> Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 (A/RES/44/25).

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”. This Convention protects children from being victims of any form of trafficking and also guarantees their protection from trafficking in several other articles including: article 3, dealing with the best interest of the child; article 11, dealing with illicit transfer and non-return; article 21, on adoption; article 32, on child labour; article 34, on sexual exploitation; article 36, dealing with other forms of exploitation; and article 39, dealing with physical and psychological rehabilitation. In 2002, an Optional Protocol on the sale of children, child prostitution and child pornography entered into force which obliges States parties to take necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detention, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

In 2000, the United Nations Convention against Transnational Organized Crime, its Protocol against the Smuggling of Migrants by Land, Sea and Air, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children were adopted by the General Assembly<sup>7</sup>. The latter aims to promote international cooperation in order to combat transnational organized crime more effectively as well as to prevent and combat trafficking in persons, paying particular attention to the protection of women and children, with full respect for their human rights<sup>8</sup>. As of 7 November 2002, 143 countries have signed this Convention, and 19 have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

## **United Nations conferences and conference reviews**

Several United Nations conferences and conference reviews held since 1992 have addressed the issue of trafficking in their final documents. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, established a link between trafficking and the violation of women’s human rights stating that “Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated”<sup>9</sup>.

The Programme of Action of the International Conference on Population and Development, adopted in Cairo in 1994, addressed the issue of trafficking in various paragraphs. For instance, in para 4.9 it stated that “Countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. This implies both preventive actions and rehabilitation of victims. Countries should prohibit degrading practices, such as trafficking in women,

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<sup>7</sup> General Assembly resolution 55/25 (A/RES/55/25).

<sup>8</sup> Article 2 of the Convention against Transnational Organized Crime.

<sup>9</sup> *Report of the World Conference on Human Rights, Vienna, 14-25 June 1993* (A/CONF.157/24), Part 1, chap. III, sect. I, paragraph. 18.

adolescents and children and exploitation through prostitution, and pay special attention to protecting the rights and safety of those who suffer from these crimes and those in potentially exploitable situations, such as migrant women, women in domestic service and schoolgirls. In this regard, international safeguards and mechanisms for cooperation should be put in place to ensure that these measures are implemented”<sup>10</sup>.

International cooperation in relation to trafficking was also discussed at the 1993 World Summit for Social Development when countries agreed, in para. 79 (k) of the Programme of Action, that “Combating trafficking in women and children through national and international coordinated measures, [required] at the same time establishing or strengthening institutions for the rehabilitation of the victims of the trafficking of women and children”<sup>11</sup>.

The Platform for Action, adopted by the Fourth World Conference on Women, held in Beijing in 1995<sup>12</sup>, addressed the issue of trafficking in women and girls, including in strategic objective D.3, “Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking”. The Platform called on Governments to consider the ratification and enforcement of international conventions on trafficking in persons and on slavery; and to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, in order to eliminate trafficking in women and girls.

The issue of trafficking in women and children was also prominent in the 5-year review of the Beijing Platform for Action. The outcome document of the twenty-third special session of the General Assembly “Women 2000: gender, development and peace in the twenty-first century”, reaffirmed measures to be taken by Governments contained in the Beijing Platform for Action and recognized that gender-based violence, *inter alia* sexual abuse; sexual slavery and exploitation; international trafficking in women and girls; forced prostitution and sexual harassment; as well as violence against women resulting from cultural prejudice, racism and racial discrimination, xenophobia, pornography, ethnic cleansing, armed conflict, foreign occupation, religious and anti-religious extremism, are incompatible with the dignity and worth of the human person and must be combated and eliminated<sup>13</sup>.

The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in September 2001, adopted a Declaration<sup>14</sup> which, in para. 30, affirmed the “urgent need to prevent, combat and eliminate all forms of

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<sup>10</sup> *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (A/CONF/171/13), chap. I, resolution I, annex.

<sup>11</sup> *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (A/CONF/166/9), chap. I, resolution I, annex II.

<sup>12</sup> *General Assembly resolution 50/42* (A/RES/50/42).

<sup>13</sup> *Report of the Ad Hoc Committee of the Whole of the Twenty-third Special Session of the General Assembly*, General Assembly Official Records, Twenty-third special session, Supplement No. 3 (A/S-23/10/Rev.1).

<sup>14</sup> *Declaration and Programme of Action of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance*, United Nations, Department of Public Information, New York, 2002.

trafficking in persons, in particular women and children, and recognize that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance”. States were urged to devise, enforce and strengthen effective measures at all levels to prevent, combat and eliminate all forms of trafficking in women and children, in particular girls, through comprehensive anti-trafficking strategies, including legislative measures, prevention campaigns and information exchange. The conference also recommended that the General Assembly consider declaring a United Nations year or decade against trafficking in persons, especially in women, youth and children, in order to protect their dignity and human rights.

More recently, as a follow-up to the World Summit for Children, the twenty-seventh session of the General Assembly in 2002 adopted a Plan of Action entitled “A World Fit for Children”<sup>15</sup> which, inter alia, emphasized the importance of eliminating trafficking and sexual exploitation of children and the need to take concerted national and international action as a matter of urgency to end the sale of children and their organs, and sexual exploitation and abuse of children, including the use of children for pornography; as well as ensuring the safety, protection and the security of victims of trafficking and sexual exploitation and provision of assistance and services to facilitate their recovery and social reintegration<sup>16</sup>.

### **United Nations inter-governmental bodies**

The problem of trafficking in women and girls has been addressed by various inter-governmental bodies of the United Nations, including the General Assembly, the Commission on the Status of Women, the Commission on Human Rights, and the Commission on Crime Prevention and Criminal Justice.

Beginning in 1994, the General Assembly has adopted resolutions on traffic on women and girls. In its resolution 49/166, the General Assembly expressed “grave concern over the worsening problem of trafficking, particularly the increasing syndication of the sex trade and the internationalization of the traffic in women and girl children”<sup>17</sup> and encouraged “Governments, relevant bodies and specialized agencies of the United Nations system, intergovernmental organizations and non-governmental organizations to gather and share information relative to all aspects of trafficking in women and girl children to facilitate the development of anti-trafficking measures”<sup>18</sup>. It furthermore mandated the preparation of a Secretary-General report on the implementation of the resolution<sup>19</sup>. More recently, in its resolution 55/67, the General Assembly encouraged the sharing of knowledge and best practices in dealing with the

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<sup>15</sup> *Report of the Ad Hoc Committee of the Whole of the Twenty-third Special Session of the General Assembly*, General Assembly Official Records, Twenty-seventh special session, Supplement No. 3 (A/S-27/19/Rev.1)

<sup>16</sup> General Assembly resolution 57/170 (A/57/170), paragraph 33.

<sup>17</sup> General Assembly resolution 49/166 (A/RES/49/166), paragraph 1.

<sup>18</sup> *Ibid.*, paragraph 5.

<sup>19</sup> *Ibid.*, paragraph 11.

problem of trafficking of women and girls and requested the Secretary-General to compile, as reference and guidance, successful interventions and strategies in addressing the various dimensions of the problem based on reports, research and other materials from within the United Nations, including the United Nations Office for Drug Control and Crime Prevention, as well as from outside the United Nations.

In addition, several declarations adopted by the General Assembly are of relevance to the issue of trafficking in women and girls. These include: the Declaration on the Elimination of Violence against Women, adopted in 1993 which, in article 2, para (b) mentioned trafficking in women as a form of violence; the Millennium Declaration, adopted in 2000, in which heads of State and Government pledged to “intensify [...] efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings [...]”<sup>20</sup>; and the Declaration of Commitment on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS), adopted in 2001, which called upon Governments to ensure, by 2005, the promotion and protection of women’s full enjoyment of all human rights and reduction of their vulnerability to HIV/AIDS through the elimination of all forms of discrimination, including trafficking in women and girls<sup>21</sup>.

The issue of trafficking in women and girls has been on the agenda of the Commission on the Status of Women for several years, when discussing issues such as violence, women’s human rights, HIV/AIDS, migration, and population programmes. At its thirty-ninth session in 1994, the Commission on the Status of Women specifically addressed the issue of trafficking in its resolution 39/6 on traffic in women and girls. In this resolution, the Commission invited Governments to combat trafficking in women and children through nationally and internationally coordinated measures, at the same time establishing or strengthening institutions for the protection of the victims of trafficking and to ensure for victims the necessary assistance<sup>22</sup>. Further Commission on the Status of Women resolutions on traffic in women and girls, later adopted by the Economic and Social Council, were: resolution 40/4 adopted by the Commission at its fortieth session in 1995<sup>23</sup> and resolution 41/5 adopted by the Commission at its forty-first session in 1996<sup>24</sup>.

The Commission on Human Rights has regularly addressed the issue of trafficking in women and girls, including in its resolution 1999/40 adopted at its fifty-fifth session in 1999, its resolution 2000/44, adopted at its fifty-sixth session in 2000, its resolution 2001/48, adopted at its fifty-seventh session in 2001, and its resolution 2002/51 adopted at its fifty-eight session in 2002. In the latter, the Commission took note of the “establishment of the Intergovernmental Organization Contact Group on Trafficking and Migrant Smuggling, under the coordination of the Office of the High

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<sup>20</sup> General Assembly resolution 55/2 (A/RES/55/2), paragraph 9.

<sup>21</sup> General Assembly resolution S-26/2 (A/S-26/2).

<sup>22</sup> Official records of the Economic and Social Council, 1995, Supplement No.6 (E/1995/26), chapter 1, section C.

<sup>23</sup> Official Records of the Economic and Social Council, 1995, Supplement No. 6 (E/1996/26), chapter III, sect. C.2.

<sup>24</sup> Official Records of the Economic and Social Council, 1996, Supplement No. 7 (E/1997/27), chapter III, sect. C.2.

Commissioner for Human Rights and co-chaired by the Office of the United Nations High Commissioner for Refugees and the International Labour Organization, which bring together representatives of the major Geneva-based intergovernmental organizations working on trafficking, as well as relevant non-governmental organizations, for collaboration and cooperation on the issue of trafficking”<sup>25</sup>.

A number of Special Rapporteurs of the Commission on Human Rights, such as the Special Rapporteurs on the sale of children, child prostitution and child pornography, on violence against women and on migrant workers as well as the Subcommission on Prevention of Discrimination and Protection of Minorities and the Working Group on Contemporary Forms of Slavery also regularly address the issue of trafficking in women and girls in their work.

The Commission on Crime Prevention and Criminal Justice also works on trafficking issues. It has recently developed a global programme against trafficking in human beings, especially women and children which includes field projects in a selection of countries to test promising strategies, such as new structures for collaboration between police, immigration, victims’ support and the judiciary, both within countries and internationally (linking countries of origin to destination countries).

## **Treaty bodies**

The six United Nations human rights treaty bodies established under human rights treaties, including the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture, continue to address the issue of trafficking during the consideration of reports of the State parties, concluding observations/comments, general comments/ recommendations and other work.

For instance, at its exceptional session in August 2002, when considering the report of Armenia, the Committee on the Elimination of Discrimination against Women urged the State party to formulate “a comprehensive strategy to combat this crime, which should include the prosecution and punishment of offenders and increased international, regional and bilateral cooperation with countries of origin, transit and destination of trafficked women. It recommend[ed] the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including teenage girls, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. The Committee call[ed] on the State party to ensure that trafficked women and girls have the support they need so that they can give testimony against perpetrators of trafficking and urge[d] training of border police and law enforcement personnel so that they have the skills necessary to recognize and provide support for

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<sup>25</sup> Commission on Human Rights resolution 2002/51,(E/CN.4/2002/L.63), paragraph 19.

victims of trafficking”<sup>26</sup>. At the same session, the Committee made similar recommendations in the concluding comments on Barbados, the Czech Republic, Greece and Mexico. Also in 2002, the Committee expressed concerns and made recommendations about trafficking in women and girls in its concluding comments on Belgium, Denmark, Estonia, Portugal, the Russian Federation, Saint Kitts and Nevis, Suriname, Tunisia and Ukraine.

## **United Nations entities**

United Nations entities carry out activities on trafficking in women and girls. These activities include: technical assistance projects implemented by the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention and the United Nations Interregional Crime and Justice Research Institute; actions to prevent trafficking and protect the rights of victims undertaken by the Office of the United Nations High Commissioner for Human Rights; seminars on trafficking in women and children organized by the Economic and Social Commission for Asia and the Pacific; activities to increase national capacity and subregional cooperation to strengthen and reform legislation, policies and enforcement of laws to respond to trafficking undertaken by the United Nations Development Programme; advocacy activities carried out by the United Nations Development Fund for Women, as well as other measures undertaken by the Joint United Nations Programme on HIV/AIDS, the World Health Organization and the International Labour Organization<sup>27</sup>.

## **Conclusions**

The work carried out by the United Nations throughout the years demonstrates the recognition that trafficking in women and girls is a serious concern for the international community. However, the actions undertaken to date remain insufficient to seriously eliminate this growing phenomenon. Action should include a clear demonstration of political will and commitment on the part of Governments as well as a comprehensive and multidisciplinary approach towards prevention and assistance to victims of trafficking. International cooperation remains vital to the solution of a problem which transcends national borders. It is therefore necessary for countries to learn from the experiences of others in order to devise effective strategies. The Expert Group Meeting on “trafficking in women and girls” will provide an opportunity to highlight “best practices” and strategies against trafficking in women and girls in order to assist policy makers in their efforts to combat this crime.

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<sup>26</sup> CEDAW/C/2002/EXC/CRP.3/Add.1, para25.

<sup>27</sup> For more information on these and other UN activities, see the *Report of the Secretary-General on trafficking in women and girls* (A/57/170).