



United Nations Division for the Advancement of Women (DAW)
United Nations Office on Drugs and Crime (ODC)

Trafficking in women and girls

Report of the Expert Group Meeting
Glen Cove, New York, USA, 18 – 22 November 2002

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I. INTRODUCTION

1. Trafficking in women and girls is one of the fastest-growing areas of organized crime. 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 of their human rights. Due to its global dimension, trafficking requires a concerted international response.
2. Trafficking in women and girls has been a long-standing concern of the international community and the United Nations. The Commission on the Status of Women, in its resolution 39/6 adopted at its thirty-ninth session in 1994, 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 in women and children, and to ensure for victims the necessary assistance, including legal support services that are linguistically and culturally accessible, towards their full protection, treatment, and rehabilitation.
3. Trafficking in women and girls is clearly addressed in the Platform for Action adopted at the 1995 Fourth World Conference on Women in Beijing, under Strategic Objective D3: 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, forced marriages and forced labour in order to eliminate trafficking in women and girls. Such measures were reaffirmed in the outcome document of the twenty-third special session of the General Assembly on the five-year review of the Platform for Action entitled, “Women 2000: gender equality, development and peace for the twenty-first century”.
4. The General Assembly, in its resolution 55/67 of 4 December 2000 on trafficking in women and girls, urged Governments to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in women and girls through a comprehensive anti-trafficking strategy consisting of, *inter alia*, legislative measures, prevention campaigns, information exchange, assistance and protection for, and reintegration of, the victims and prosecution of all the offenders involved, including intermediaries. The General Assembly encouraged the sharing of knowledge and best practices in dealing with the problem of trafficking in 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 as well as from outside the United Nations.
5. Significantly, the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime was adopted by the General Assembly on 15

November 2000. Its purposes are to prevent and combat trafficking in persons, paying particular attention to women and children; protect and assist the victims of trafficking, with full respect for their human rights; and promote international cooperation in order to meet these objectives.

6. At its forty-fifth session, in March 2001, the Commission on the Status of Women adopted its multi-year programme of work and decided to consider in 2003 the theme, “women’s human rights and elimination of all forms 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”. Trafficking in women and girls will be addressed under this theme. The United Nations Division for the Advancement of Women, in collaboration with the United Nations Office on Drugs and Crime, organized an expert group meeting on trafficking in women and girls to contribute to further understanding of the issue, identify strategies and programmes to combat trafficking, and provide input to the report of the Secretary General to the Commission on the Status of Women. The expert group meeting took place in Glen Cove, New York, USA, from 18 to 22 November 2002.

7. The expert group meeting discussed a human rights and gender based approach to prevent and combat trafficking in women and girls; root causes of trafficking and strategies; the legal framework ; victim support and empowerment; children’s rights; and national mechanisms. The meeting also discussed good practices in combating trafficking in women and girls and adopted a number of recommendations addressing particular actors and areas of concern.

II. ORGANIZATION OF WORK

Attendance

8. The Expert Group Meeting was organized by the United Nations Division for the Advancement of Women, Department of Economic and Social Affairs (DAW/DESA), in collaboration with the United Nations Office on Drugs and Crime (ODC). The meeting was attended by ten experts from different regions, one consultant, and 19 observers: four from Governments, one from an inter-governmental organization, six from civil society organizations and eight from the United Nations system (see annex II for the full list of participants).

Documentation

9. The documentation of the meeting comprised two background papers (one prepared by DAW and one by a consultant) and nine papers prepared by experts (see annex III). The present report and all the documentation for the meeting are available on-line at the DAW website:
<http://www.un.org/womenwatch/daw/egm/trafficking2002/index.html>.

Programme of work

10. At its opening session on 19 November 2002, the meeting adopted the following programme of work (see annex IV):

Opening of the meeting;
Election of officers and adoption of the programme of work;
Introduction to the meeting;
Presentation of background paper by the consultant;
Presentation of papers by experts;
Working group discussion;
Presentation of reports from working groups to plenary;
Meeting of the drafting committee;
Adoption of the report;
Closing of the meeting.

Election of officers

11. At its opening session, the meeting elected the following officers:

Chairperson: Gulnara Shahinian (Armenia);
Vice-chairperson: Aurora Javate de Dios (Philippines);
Rapporteur: Maria Grazia Giammarinaro (Italy).

E. Opening statements

12. The meeting was opened by Ms. Carolyn Hannan, Director, Division for the Advancement of Women. She highlighted the link between trafficking in women and girls, and violence against women and women's human rights. She pointed out that, within the context of the United Nations, the issue of trafficking in women and girls has been addressed by world conferences, including the 1995 Fourth World Conference on Women, the General Assembly, the Commission on the Status of Women and the human rights treaty bodies.

13. Ms. Hannan pointed out that trafficking was also addressed by the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001, which adopted a Programme of Action, reaffirming the urgent need to prevent, combat and eliminate all forms of trafficking in persons, in particular women and children, and recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance. She highlighted the adoption by the General Assembly, in November 2000, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

14. In concluding, Ms. Hannan drew attention to the fact that, due to the complex and global nature of trafficking, and the seriousness of related issues, such as repatriation, it

was crucial to take a coordinated, comprehensive and multidisciplinary approach to combating trafficking. She highlighted the importance of the expert group meeting in identifying effective strategies and programmes to combat trafficking and produce comprehensive recommendations addressed to Governments and other actors at different levels, including inter-governmental organizations, civil society and non-governmental organizations.

15. In her statement, Ms. Kristiina Kangaspunta, Programme Officer, Office on Drugs and Crime (ODC), informed the meeting about the current status of signatures and ratifications of the Convention against Transnational Organized Crime and the supplementing Protocols against trafficking in persons and smuggling of migrants. She pointed out that gender discrimination makes women and girls particularly vulnerable to fall into the hands of traffickers. In countries of destination, trafficked women and girls often find themselves in shadow economies of agriculture, catering and cleaning as well as in the organized activities of begging, petty theft and drug trafficking. However, the main demand for trafficked women and girls still exists in the sex industry.

16. She emphasized that trafficking in women can be seen as a form of violence against women, including a power and control element to exploit vulnerable victims. Some of the successful practices, which have been used to prevent violence against women, could be applied to prevent trafficking, such as, initiatives to educate offenders or methods to empower victims. She also stressed that trafficked victims should be empowered through their rights, including the right to be referred to as a victim of crime, the right to receive support and protection based on individual needs, and the right to participate or not in court proceedings, without fear of losing protection and support.

17. Ms. Kangaspunta emphasized that the Office on Drugs and Crime has initiated national and regional technical cooperation activities in several parts of the world under the Global Programme against Trafficking in Human Beings. In addition, the Office has established a global database to track trafficking trends and is preparing a manual on the best practices to prevent and combat trafficking. The Office has also produced two public service announcements focusing on trafficking in women for sexual exploitation and trafficking in men, women and children for forced labour. In concluding, she stressed that the special theme of the twelfth session of the United Nations Commission on Crime Prevention and Criminal Justice will be trafficking in persons and that the recommendations of the Expert Group Meeting will be presented there. She also highlighted that the Office on Drugs and Crime is planning to organize an interagency coordination meeting on human trafficking issues in 2003.

III. SUMMARY OF DEBATE

A. Background

18. Trafficking in women and girls is one of the most corrosive forms of violation of human rights. It results in gradual and total destruction of a woman's personal identity and her right to live as a free human being in a civilized society. Victims are subjected to violence, humiliation and violation of personal integrity, which in many cases leaves them with the lifelong effects of mental and physical trauma. The victim of such devastating violence may also end up with life-threatening HIV/AIDS, STDs, drug addiction or personality disintegration. It is a denial of the right to liberty and security of the person, the right to freedom from torture, violence, cruelty or degrading treatment, the right to a home and a family, the right to education and employment, the right to health care - everything that makes for a life with dignity. Trafficking has been rightly referred to as a modern form of slavery.

19. Trafficking in human beings is the fastest growing form of transnational organized crime, involving very high earnings and very low risks. It thrives on the fact that many countries do not have adequate laws against trafficking. The laws, when enacted, often do not recognize a trafficked person as a victim. Globalization has facilitated freer movements of people, goods and services across international borders, unwittingly resulting in camouflaging clandestine operations such as human trafficking. Trafficking cannot be identified with migration, or even with illegal migration. However, poverty, inequalities, restrictions in immigration policies, including gender-based restrictions, increase the vulnerability of migrants, especially migrant women, and contribute to trafficking.

20. The contemporary situations of armed conflict or internal disturbances also lead to trafficking. Women and children are disproportionately targeted during such situations and constitute a majority of victims. During conflict, women and girls are vulnerable to sexual violence and exploitation, including torture, rape, forced pregnancy, sexual slavery, enforced prostitution and trafficking.¹ Women and children also constitute a majority of the world's refugees and internally displaced persons, creating further vulnerability, which can be exploited by traffickers. As the report of the Secretary General to the Commission on Human Rights on "Integration of the Human Rights of Women and the Gender Perspective: Traffic in Women and Girls" points out, "The problem of trafficking and the web of human rights violations it embraces present some of the most difficult and pressing issues on the international human rights agenda. Complexities include different political contexts and geographical dimensions of the problem; ideological and conceptual differences of approach; the mobility and adaptability of traffickers; different situations and needs of trafficked persons; the

¹ Report of the Secretary General to the Security Council on women, peace and security, 16 October 2002, S/2002/1154.

inadequate legal framework; and insufficient research and coordination on the part of actors involved – at the national, regional and international levels.”²

B. Key issues and strategies

1. The human rights and gender-based approach to prevent and combat trafficking in women and girls

21. A gender and human rights perspective is an essential element in combating trafficking in women and girls. A counter trafficking strategy must therefore address gender-based violence which includes gender-based discrimination and racism; patriarchal structures which encourage and promote the demand for and the commercialization of women’s and children’s bodies; cultural practices and social-relation structures which violate the human dignity of women and are inherently exploitative and humiliating; the denial of equal status to women in the access to property and their attainment of economic independence and the attendant feminization of poverty; all of which foster a favourable environment for trafficking. Counter trafficking strategies and programmes are necessarily both immediate and long-term interventions, which should provide adequate frameworks for the elimination of trafficking.

22. According to article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, “Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

23. Under this Protocol, the definition of trafficking is very broad and covers all forms of trafficking for the purpose of any kind of exploitation, including exploitation of prostitution, forced labour, slavery-like practices and servitude.

24. Protection of human rights of the trafficked person and promotion of gender equality must be at the core of the anti-trafficking strategy. This implies that national legislation dealing with the problem of trafficking should conform to international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention on the Rights of the Child (1989) and its Optional Protocol on the Sale of Children, Child Prostitution and Child

² Report of the Secretary General to the Commission on Human Rights on “Integration of the Human Rights of Women and the Gender Perspective: Traffic in Women and Girls”, 25 January 2002, E/CN.4/2002/80, para. 2.

Pornography (2000); the ILO Convention No. 182, Worst Forms of Child Labour Convention (1999); the Rome Statute of the International Criminal Court (1998), which defines trafficking as a form of enslavement falling within crimes against humanity; the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); as well as the Recommended Principles and Guidelines on Human Rights and Human Trafficking adopted by the United Nations High Commissioner for Human Rights (2002).³

25. Every action against trafficking must be consistent with existing human rights standards and should not lead to further stigmatization or marginalization of women and girls who have been trafficked.

2. Root causes and strategies

26. Trafficking has supply and demand dimensions. On the supply side, factors that render persons, especially women and children, vulnerable to trafficking are: development processes marked by class, gender and ethnic concerns that marginalize women, in particular, from employment and education; displacement as a result of natural and human made catastrophes; dysfunctional families; gendered cultural practices, gender discrimination and gender-based violence in families and communities.

27. On the demand side, the causes are: globalization that has fuelled the development of economic sectors with a woman-specific demand for cheap labour and the growth of the commercial sex industry; restrictive immigration policies and laws that are obstacles to the demand for labour being met by supply, thus generating a market for trafficking; exploitation in the labor market, especially exploitation of illegal and unregulated work of migrants; economic and political trade offs between public officials and enforcement agencies that make trafficking a high profit low risk venture; consumerism, greed, and impoverishment of values resulting in the exploitation of the vulnerability of human beings to trafficking.

28. Trafficking often occurs within the context of migration. Deprivation in countries of origin generates pressures to migrate to richer sites where there exists a demand for jobs. The lack of access to reliable information and contacts, lack of literacy and language barriers, which marginalized women face, result in facilitated job placements. Traffickers motivated by the will and intent to exploit for profit take advantage of such vulnerability.

³ The Recommended Principles and Guidelines on Human Rights and Human Trafficking are contained in the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, 20 May 2002, E/2002/68/Add.1.

3. Legal framework

29. According to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, trafficking must be investigated, prosecuted and dealt with as a serious crime committed in a framework of organized crime. However, so far the response of the criminal justice system has not been adequate. Effective prosecution and punishment and the creation of legal mechanisms that enhance victims rights are essential in the anti-trafficking strategy.

30. Investigation and prosecution should be prioritized in law enforcement structures, and in investigation and prosecution procedures. Appropriate techniques and methods of investigation and prosecution should be used, based on anti organized crime tools and skills. However, the role and the testimony of the victim are always essential in criminal proceedings against trafficking.

31. Bearing in mind the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,⁴ a person may be considered a victim, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. This definition implies that the protection of the rights of the trafficked person should be ensured because she/he is a victim, not only when she/he acts as a witness or when the testimony leads to the arrest and conviction of the offenders.

32. According to the Declaration, the responsiveness of judicial and administrative processes to the needs of victims should be facilitated, *inter alia*, by taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, from intimidation and retaliation, as well as that of their families and witnesses on their behalf.

33. In the framework of established principles and rules for a fair trial, a victim-friendly procedure should be established, taking into account the particular condition of the victim of trafficking, especially the impact of the trauma deriving from violence, loss of self-determination and self-esteem, and the bias and stereotypes connected with the condition of being an illegal alien and/or a prostitute.

34. National legislation should guarantee that the trafficked person has access to justice, including police protection, legal representation and compensation.

35. Corruption is a factor facilitating trafficking and a serious obstacle to action aimed at eradicating it.

⁴ Adopted by the General Assembly in its resolution 40/34 of 29 November 1985.

4. Victim support and empowerment

36. Trafficked persons, especially women and girls, face negative consequences as a result of lack of legislation and appropriate procedures aimed at supporting and protecting them.

37. Victims are often not identified as victims; thus they do not receive appropriate support and protection. Victims may be criminalized for illegal border crossing; for crimes connected with the condition of being undocumented migrants; because of being prostitutes or for crimes connected with prostitution; for illegal labour; or for other reasons.

38. They may be re-trafficked, if they are deported without any kind of assistance. Often victims are afraid of retaliation from traffickers, against them or against their families. In the event trafficking involves illegal border crossing, due to their illegal status in countries of destination, victims are often afraid of immediate deportation if they seek help and try to escape from traffickers. Possible alternatives to repatriation should be identified and stipulated in national legislation.

39. Therefore, a suitable referral mechanism needs to be created, based on human rights protection and the need of the victim to immediate protection and help. Foreign victims should be given temporary residence and work permits and the chance of applying for asylum where safe return is not possible.

5. Children's rights

40. Children are trafficked for many different reasons: prostitution; pedophilia; forced labour or services; begging; involvement in criminal activities, including petty theft and drug trafficking; illegal adoptions; and removal of organs.

41. The underlying socio-economic and cultural causes and factors that increase vulnerability to trafficking include poverty; gender-based violence and discrimination; lack of education opportunities; restrictive migration regimes; and vulnerability associated with age. Underaged girls, especially from dysfunctional families and impoverished families, are becoming victims of trafficking. The demand for young minors has increased due to fear of HIV/AIDS and superstitions connected with it.

42. Despite ratification of the Convention on the Rights of the Child (CRC) by most countries, adequate implementation is lacking. In most countries, there is no special protection and treatment for trafficked children.

43. In countries of destination, children under 12 are often placed in orphanages, while they await organized return. Older children are often treated as illegal migrants and criminals and face prosecution, imprisonment and deportation from the countries in which they are arrested.

44. In many countries, the lack of registration procedures makes the identification of children difficult. Systematic procedures for registration of births, marriages and deaths should be established in every country worldwide.

45. Trafficking in children must be considered as a priority in government action against trafficking.

46. Special standards providing protection and rehabilitation for children should be established. In addition to measures provided for trafficked persons who are adults, assistance programmes for children should include education on the same terms as nationals, and separate shelters and rehabilitation programmes for small children.

6. National mechanisms

47. Taking as examples countries which have established national mechanisms to fight HIV/AIDS as well as countries which have initiated the establishment of similar mechanisms to combat trafficking, Governments should, in cooperation with inter-governmental organizations (IGOs), non-governmental organizations (NGOs) and other parts of civil society, and other agencies, design anti-trafficking programmes, for example National Plans of Action.

48. Those national mechanisms, which should be based on human rights principles, will make it possible to coordinate efforts to prevent and combat trafficking among all relevant actors: government agencies, including law enforcement authorities; NGOs; IGOs; and civil society. The mechanisms should aim at the protection of trafficked victims and ensure that their rights and well-being are in the centre of all anti-trafficking activities. They also should ensure close cooperation between law enforcement agencies and other actors, and contribute to the prosecution of traffickers.

IV. RECOMMENDATIONS

49. The expert group meeting adopted the following recommendations:

A. General recommendations

50. Governments should treat trafficking as a development concern and place it on the national, regional and international agenda.

51. Governments should take effective action aimed at preventive interventions, protection and assistance to trafficked persons, prosecution and punishment of traffickers.

52. Governments should integrate a gender and human rights perspective into all development and anti-trafficking plans in an integrated, multi-sectoral manner. This should encompass all relevant government ministries and departments, including national women's machineries and NGOs.

B. Prevention

1. Economic empowerment

53. Governments should review and re-orient from a gender perspective macro-economic, trade, and social sector policies to ensure they do not exacerbate feminized poverty and gender-based inequalities.

54. Governments should incorporate gender perspectives into budgets as a tool to ensure gender responsive outcomes of all policies and programmes.

55. Governments should expand and upgrade women's business skills and employment opportunities. Governments should introduce sustainable development initiatives from a gender perspective that are also consistent with market trends.

56. Governments should establish partnerships with the private sector to develop programmes to ensure that women and children at risk are provided with job training and opportunities.

57. Governments should establish mechanisms for monitoring employment agencies, travel agencies and adoption agencies. Governments should ensure compliance with international standards regarding international adoptions.

2. Education for livelihood and resilience

58. Governments should expand opportunities and improve access to formal and non-formal education for women, girls, boys, and ethnic minority groups at all levels, to ensure a match between better education and available job opportunities.

59. Governments should ensure life skills and resilience training which raises awareness about the methods of recruitment used by traffickers and should also provide assertiveness and self-defence training.

60. Governments should incorporate human rights education in education and training programmes for policy makers, institutional service providers (doctors, lawyers, social workers), police and the judiciary, as an incentive for professional advancement.

3. Safe migration

61. Governments and NGOs should build women's and children's capacity to deal with potential exploitation through: (a) pre-departure gender and rights-based orientation and training that provides information on human rights and available services, and on where and how to access such services when needed; (b) distribution of information on safe migration through visa, passport, immigration and other offices; and (c) public service advertisements (PSAs), radio, TV, print media, and establishment of hot lines.

62. Governments should regulate employment and travel agencies, and develop mechanisms for accountability, including those that ensure safe living and working conditions compatible with human respect and dignity.

63. Governments should conclude bilateral and regional agreements that provide for protection of immigrant workers, especially women.

4. Demand

64. Governments should, as a matter of priority and urgency, adopt measures which discourage all forms of demand, including the demand for exploitative commercial sexual services, and exploitative illegal and unregulated labour.

65. Governments, NGOs and civil society should:

(a) Use positive cultural values and practices which promote empowerment of women and gender and sexual relations marked by mutuality, dignity and sensitivity, and which forestall trafficking;

(b) Raise public awareness and education about HIV/AIDS and myths promoting the use of young children for sexual exploitation;

(d) Ensure that the United Nations Information and Communications Technologies Task Force⁵ include in their recommendations the development of mechanisms aimed at monitoring sexual exploitation of women and children on the internet and the use of the internet as a means to trafficking in persons.

5. Data collection and research

66. Governments, enforcement agencies and NGOs should establish indicators and provide sex- and age-disaggregated quantitative and qualitative data on all aspects of trafficking and related movements. Governments should establish appropriate national mechanisms for this purpose.

67. Governments should conclude international, regional, sub-regional and bilateral agreements to ensure and facilitate data collection and exchange of information on: law enforcement cooperation; prosecution of offenders; assistance to victims, including return and reintegration; and prevention measures undertaken in the countries of origin, transit and destination.

68. Governments should support studies and research on trafficking to better understand the phenomenon, its dynamics and mutations, and the best ways of addressing it. In furtherance of this aim, Governments should set up or promote independent national institutions on trafficking, which would be responsible for data collection, research and analysis at national and regional levels, and sharing of information with other actors.

6. Awareness raising and training

69. Governments and NGOs should:

(a) Develop information campaigns for the general public aimed at promoting awareness of the dangers of trafficking, especially in women and children, as well as small scale, well-designed and targeted campaigns for special groups, including policy makers, police, judiciary, and communities at risk; and

(b) Establish evaluation and monitoring mechanisms to evaluate the impact of such campaigns, especially those targeting children.

70. Governments should institute training programmes for law enforcement, immigration and other frontline agencies dealing directly or indirectly with trafficking issues in order to sensitize them and raise their awareness about issues relating to trafficking and victims; to furnish them with adequate instruments for the identification and protection of victims of trafficking; and to enhance their ability to handle trafficking issues.

⁵ For information on this task force, see www.unicttaskforce.org.

7. Special procedures to prevent trafficking in children

71. Governments should create adequate birth and death registration facilities, where they do not already exist, aimed at the adequate identification of children in national and international contexts.

72. Governments should create specific measures for the protection of children, including measures concerning the issuance of passports or travel documents, visa and travel regulations.

C. Victim support and empowerment

1. Victim referral

73. Governments, in close cooperation with NGOs and civil society, should develop a referral system so that victims are referred to appropriate services.

74. Government should support capacity building and sustainability of local institutions and NGOs providing services to victims.

75. Governments should develop special procedures to identify and refer trafficked children under 18, based on the “best interest of the child”, to programmes for assistance.

76. Governments and NGOs should develop clear guidelines and procedures for the identification and treatment of victims of trafficking based on human rights standards, with special protection for children under 18.

2. Assistance to victims

77. Governments should establish in partnership with NGOs and support safe and adequate shelters for all trafficked persons, regardless of their status, and should also establish clear rules on the establishment and operation of shelters in order to protect the rights of victims. The provision of such shelters should not be made contingent on the willingness of the victim to give evidence in criminal proceedings. Trafficked persons should not be held in immigration detention centers or other detention facilities.

78. Governments should ensure, in partnership with NGOs, that all victims have access to health care, including physical care, culture-based psychological support, and voluntary HIV/AIDS counseling and testing. HIV/AIDS testing should never be mandatory.

79. Governments should ensure trauma-specific treatment and services in cases of traumatic stress.

80. Governments should provide victims of trafficking with legal and other assistance in relation to any criminal, civil or other action against traffickers/exploiters. Victims should be provided information in a language that they understand.

81. Governments should enable and support former victims of trafficking to work with anti-trafficking agencies. Governments should provide training for shelter personnel, members of NGOs, and service providers for victims of trafficking, to enable them to provide the best assistance to victims.

82. Governments should ensure monitoring and evaluation of assistance and reintegration programmes, focusing on the long-term impact of reintegration.

83. In connection with assistance programmes, Governments should provide temporary residence permits to individuals on grounds of being a victim of trafficking, allowing victims to work, and/or apply for a residence work permit.

84. Governments should consider the possibility of granting asylum on grounds of trafficking, as a severe form of violence against women.

3. Return and reintegration

85. Governments should ensure the safe and voluntary return of trafficked persons and provide them with other options, including residence permits or voluntary resettlement in a third country, where it is in the best interest of the victim.

86. Governments should establish cooperation between countries of origin, transit and destination to give better support to victims.

87. Governments, in partnership with NGOs, should ensure that trafficked persons who return to their country of origin are provided with the assistance and support necessary to ensure their well-being, facilitate their social reintegration and prevent their re-trafficking. Measures should be taken to ensure the provision of appropriate physical and psychological health care, and housing, education and employment services for returned trafficked victims.

88. In cases of children who are victims of trafficking, in situations where the safe return of the child to her or his family is not possible or where such return would not be in the best interest of the child, Governments should establish adequate care arrangements that respect the rights and dignity of the trafficked child.

D. Legal framework

1. Criminal law

89. Parliaments and Governments should adopt and implement, as a matter of urgency and priority, laws aimed at improving the response of the criminal justice system to trafficking. National law should specifically criminalize trafficking and establish adequate penalties, according to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and in accordance with principles that promote human rights and gender equality.

2. Investigation and proceedings

90. Bearing in mind that trafficking is normally committed in a context of organized crime, Governments and Prosecutor's Offices should ensure that appropriate techniques and methods, including financial investigation, are used for investigation and prosecution.

91. Governments and Courts must protect victims who act as witnesses and their families from retaliation and intimidation before the trial, through appropriate procedures for giving evidence. In case of danger, they must have access to witness protection programs, including, when necessary, replacement and change of identity.

92. Governments should ensure protective measures for the families of victims in countries of origin, *inter alia*, through bilateral agreements.

93. Parliaments and Governments should ensure that special and protective procedures in investigation and criminal proceedings are stipulated where the victim concerned is a minor.

94. Parliaments and Governments should enable victims to have access to legal representation and compensation, including by establishing a civil right of action for victims.

95. Governments should ensure that frozen and confiscated assets are used in favour of victims, including for assistance and rehabilitation programmes, micro credit projects and other measures aimed at promoting women's economic self sufficiency and independence.

3. Human rights legal framework

96. Governments should accelerate ratification and strengthen implementation of international instruments and protocols on human rights, gender equality and criminal justice relating to trafficking.

97. Governments should, as a matter of priority and urgency, eliminate discriminatory legislation and gender-based customs and practices, which perpetuate the exploitation of women and children and the use of violence against them.

98. Governments should ensure that all anti-trafficking programmes are based on human rights principles and protect the rights of victims.

99. Governments and competent authorities should consider victims as “members of a particular social group” as contemplated by the 1951 Convention relating to the Status of Refugees and, where the safe return of victims to their countries of origin cannot be guaranteed, they should be dealt with under the “well founded fear of persecution” principle within the meaning of that Convention.

4. Corruption

100. Recognizing that corruption is often a vehicle for the promotion and perpetuation of trafficking and acts as an obstacle to combating trafficking, Governments should establish ethical standards and codes of conduct for law enforcement, immigration and other frontline agencies dealing directly or indirectly with trafficking issues.

101. Governments should establish dissuasive penalties and ensure effective prosecution of corrupted officials who are accomplices of traffickers.

E. National mechanisms and international cooperation

1. National mechanisms

102. Governments should establish national mechanisms to combat trafficking, in cooperation with NGOs, civil society and IGOs.

103. National Plans of Action against trafficking should be developed and national coordinators should be appointed by Parliaments or Governments, to harmonize implementation of the plans and foster cooperation between all relevant agencies.

104. Mechanisms should be established by Governments for monitoring and evaluating the implementation of National Plans of Action.

105. Law enforcement agencies should be part of this comprehensive system and cooperate with other government agencies and NGOs on issues of identification of victims, as well as assistance to victims and their protection.

106. Priorities of the National Plans of Action, time-frames and means for implementation should be defined jointly with all involved agencies and NGOs to create a comprehensive and inclusive framework for national anti-trafficking initiatives.

2. International cooperation

107. Governments should institute inter-governmental, interagency and regional cooperation to coordinate anti-trafficking programmes. International organizations should act as facilitators for this cooperation.

108. In order to secure coordination, the police should cooperate with other agencies within the framework of laws, relevant policies and other agreements or arrangements, which should be based on human rights principles and the protection of victim's rights.

109. Governments should institute bilateral and multilateral agreements and protocols, where they do not already exist, to promote contact and close collaboration between law enforcement agencies of sending and receiving countries, especially in the area of investigation, prosecution and recovery of assets of traffickers;

110. Governments and the United Nations should establish mechanisms for implementing specific anti-trafficking regulations and codes of conduct for all international personnel of peacekeeping, peace building, civilian police, humanitarian and diplomatic missions, and for systematic investigation of all allegations of trafficking concerning such personnel.

111. In reviewing the initial and periodic reports of States parties, human rights treaty bodies should continue to review and monitor the issue of trafficking in human beings, especially women and children, and make concrete recommendations in their concluding comments/observations.

Annex I

GOOD PRACTICES⁶

Brazil

Within the Programme to Prevent and Combat Trafficking in Human Beings, the justice and security authorities have established a committee in which they work together with non-governmental organizations, mass media, and universities in order to bring cases of trafficking in women and girls into the criminal justice system.

National educational programmes for schools and universities include information about trafficking in human beings. In addition, an educational institution is producing videos and information folders.

The Latin American Institute of Human Rights (ILADH), together with representatives of civil society, organized a national network to provide legal, psychological and social support to victims.

Colombia

In 1996, a law was adopted to create an Interagency Committee against trafficking in women and children (Decree number 1974 of 11 October, 1996). The Committee includes representatives of the Ministry of Justice, the Ministry of Foreign Relations, the General Department of Security, the Attorney General's Office, the General Director of the National Police, the Ombudsman, the Office of Civil Registration, the Programme of the President for personal freedom, the Colombian Institute of Family, the Office of Women Equity, INTERPOL, and the Child Office. There is a special trafficking unit within the police for investigating trafficking cases.

Czech Republic

The trafficking unit of the criminal police in the Czech Republic has developed a database to help the police to investigate trafficking cases. The unit includes a central office located in the capital, supplemented by liaison officers in different districts around the country. Each liaison officer is equipped with a palm top personal computer and a digital camera. During raids, the officer enters information concerning the persons involved in the case, location and other relevant data into the palm top. This data is then transferred to a central database on organized crime cases. When investigating new trafficking cases the police can review relevant information based on previous trafficking and other organized crime cases entered into the database.

⁶ This compilation of good practices is based on the contributions of the experts and does not refer to an exhaustive list.

Federal Republic of Yugoslavia

In June 2001, the National Coordinator on the issue of Trafficking in the Federal Republic of Yugoslavia launched the Initial Board for Combating Trafficking in Human Beings with the support of representatives of the Federal and Republic Ministers, national NGOs, international agencies, and the media. The Initial Board prepared a long term, coordinated and multi-disciplinary approach to trafficking in the form of the National Plan of Action. The National Plan of Action provides a model of cooperation between agencies and describes areas for action.

The Initial Board, in cooperation with the Organization for Security and Cooperation in Europe (OSCE) has developed “Guidelines for a referral mechanism on trafficked persons in FRY”. These guidelines describe the system of identifying trafficked women, and the support which should be given to them. The cooperation of the involved agencies is described and agreed upon in a memorandum of understanding. Identification of the victims of trafficking is carried out by representatives of government, international organizations and NGOs during the clearing and referral process. The system includes all trafficked women, regardless of their initial wish to stay or leave the country.

Once the clearing and referral point has identified the needs of the victim, she is transferred to a women’s shelter or specialized orphanage, where she can receive assistance in the form of safe accommodation, long-term counseling, legal consultation and preparation for the next steps. The guidelines also suggest that before a victim is sent back to her country of origin, all the parties concerned should be involved in preparing reintegration measures and safe conditions for return. Follow-up monitoring on the situation of the trafficked person should be established and agreed with the respective returnee.

A similar referral system of victims of trafficking, based on a memorandum of understanding between governmental agencies and NGOs, exists in Montenegro.

India

An NGO network has been created for exchange of information about traffickers and transport of victims, their rescue, and other issues. A help-line for victims has been established.

NGOs and police are working together at the time of rescue operations. NGOs counsel victims, provide trauma care, and help in questioning of victims.

NGOs, the police and administration are working together in shelter homes. NGOs help trace families of victims, counsel families and even entire villages for the purpose of reintegrating the victim. They escort victims back home and supervise rehabilitation. NGOs also help with programs of economic rehabilitation in shelter homes as well as help with medical aid in shelter homes.

Education and training is provided to the children of prostitutes. This prevents second generation sexual exploitation.

The National Human Rights Commission, in cooperation with the Government of India, UNIFEM and the police, are in the process of establishing a database on trafficking, with data collected from various sources, including NGOs, trafficked women, the police, the judiciary, the Government and the media.

Italy

Art. 18 of the Law on Immigration provides for a residence permit for victims of trafficking in human beings on grounds of social protection. Trafficked persons can get a special residence permit when they are in danger because of their attempts to escape from traffickers. The support mechanisms for victims are based on close cooperation between NGOs, law enforcement officials, and local authorities. Reporting the crime to the police is not a precondition for requesting support and protection from an NGO worker or from a social worker of a street unit.

NGOs included in a special register can apply for the residence permit on behalf of the trafficked persons, based on social protection. In fact, this process implies that victims have a period of reflection, in which they cannot be deported; they are placed in a shelter and are granted – or apply for – a residence permit, before reporting to the police or acting as a witness. The residence permit is connected with the participation in an assistance and social integration program. The trafficked person is provided with medical and psychological assistance, legal counseling, training and education opportunities. During the period of validity of the residence permit, the victim can work and ask for a new permit for work. Close collaboration between NGOs, government agencies and law enforcement agencies is an important element of the practice.

In the first two years of implementation of this provision, 1,755 people – mostly women and girls – have been accepted in the programmes of assistance and social integration, and about 1,000 have received a residence permit. A hotline has been established, and more than 5,000 people have received concrete help in terms of information, counseling and health care.

Italy/Nigeria

An Italian/Nigerian NGO (Associazione Iroko Onlus) is working to combat trafficking and provide assistance to victims. An important element of this assistance is that victim-members actively participate in the creation and implementation of relevant programmes and strategies. In addition, as a preventive measure, Associazione Iroko Onlus prepared a short film on trafficking entitled “Viaggio di Non Ritorno”, in Italian and English about the violence of trafficking, to inform and dissuade young girls from falling prey to traffickers. The fact that the socio-cultural aspects in Nigeria were taken into consideration in making the film, has made the film very effective as a preventive measure. Other important elements in Italy in the fight against trafficking are the

meetings between Italian and Nigerian police agencies to find ways of collaborating in combating trafficking, and the creation of employment opportunities in Nigeria in communities directly affected by trafficking. To this end, Associazione Iroko Onlus, met with the representatives of the communities and, in collaboration with them, it is putting together a programme of agricultural projects for affected communities as a preventive measure against trafficking.

Netherlands

The Immigration Law Circular B permits prevention and protection during the investigation and court proceedings. The fight against trafficking is a priority of the police and prosecutions department. For that reason, regional police forces have established a “protecting” group, which regularly meets to discuss all aspects of combating trafficking. It identifies bottlenecks, general problems and action to solve them, and it develops uniform approaches of police action to combat trafficking. The project is governed by a steering committee that has direct contact with the highest levels of the local and national governments, the prosecutions department and the national police.

The prosecutions department has designated local representatives on trafficking at each of the regional prosecutions departments in order to share and exchange information. In addition, a National Rapporteur on Trafficking in Human Beings has been appointed and acts as a national coordinating public prosecutor. The National Rapporteur has an independent position and has a right to answer questions before Parliament.

The National Rapporteur collects data from the police, courts and other stakeholders on the trafficking situation in the Netherlands. The report of the Rapporteur is submitted to the Government for feedback and then to the Parliament for debate and further changes in policy, where required. This provides an example not only of how a centralized database is established, but also establishes how such data can inform government for policy review and change.

Peru

The NGO (Movimiento El Pozo) has collected information from foreign embassies and consulates in Peru as well as Peruvian embassies and consulates abroad regarding trafficking in persons. The NGO has also gathered information from the INTERPOL Peru, Migrations Direction and Ministry of Internal Issues (Police) concerning trafficking cases. In addition, victim-related responses to trafficking cases have been collected.

Philippines

In the Philippines, a group of male students in communication arts produced an infomercial entitled ‘The First Time’. The film deals with the sexual initiation of men using women in prostitution; i.e. young men were celebrating their friend’s eighteenth birthday and presented him with a woman in prostitution to celebrate his coming of age.

Images of the boy's mother, sister and girlfriend loom up before him and he turns away. The film, which is now used in schools for discussion, has had a powerful message on the audience for its simple message – 'A real man does not buy women'.

South Asia

The United Nations Fund for Women (UNIFEM) is supporting a regional initiative to develop the capacity of NGOs, academic institutions and professionals in interdisciplinary psycho-social services for trafficked women and children.

In South Asia, UNIFEM has been working with the police and NGOs to facilitate human rights responsive rescues of trafficked women and girls from brothels.

Southeast Asia

The United Nations Fund for Women (UNIFEM) East and Southeast Asia, Bangkok, has been supporting the Hotline Foundation. The Foundation has a hotline for men with problems related to violence, including sexual violence against women and children. The Hotline Foundation provides in-house counseling and has referral services. It also runs a weekly television programme on violence against women with a call in provision during the programme for information, advice, clarifications, comments. The programme that is highly regarded caters to 1.5 million viewers in Thailand, Laos and Cambodia.

The Governments of Thailand and Cambodia have just concluded a bilateral agreement on return and reintegration of trafficked persons.

South Eastern Europe

The Stability Pact for South Eastern Europe's Task Force on Trafficking in Human Beings (SPTTF) was launched in September 2000 under working Table III on Security Issues, sub-table on Justice and Home Affairs. The Governments of the countries from South Eastern Europe, donors, international agencies (including OCSE, the Council of Europe, the International Organization for Migration, the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and international and national NGOs) are all active members of the Task Force. The Task Force provides a regional forum for co-ordination and has developed a comprehensive regional strategic framework for anti-trafficking efforts in the region. Priority areas identified for action are prevention, raising awareness, victim protection, return and reintegration, legislative reform, and law enforcement cooperation, training and exchange of information. International organizations form an expert group addressing the priority areas of concern.

The SPTTF acts as a clearing house, fostering coordination between relevant actors, providing information and supporting regional cooperation between governments, international agencies and NGOs. SPTTF has also developed a model National Plan of Action (NPA) as a framework for a comprehensive anti-trafficking approach, to encourage cooperation and coordination between government, international agencies and

NGOs at the national level and has been instrumental in putting trafficking on the political agendas of SEE governments.

Thailand

The Thai government, NGOs and other stakeholders have signed a memorandum of understanding on the minimum human rights standards of treatment of trafficked persons. These minimum standards are used in human rights training of police, immigration officials, social workers, and health personnel on how to treat trafficked persons from a human rights perspective.

USA

The John school organized by the Standing Against Global Exploitation (SAGE) in San Francisco, addresses itself to men who use and abuse women in prostitution by enabling them to introspect and reflect on their sexual behaviour. This has been hailed as an effective approach in shifting attention to the consumers of sex. Along with research that has been done to question masculinity and socialization, this programme also gets men thinking about sexual exploitation⁷.

West Africa

The Political Declaration and the Plan of Action against Trafficking in Human Beings was adopted by the Economic Community of West African States (ECOWAS) Summit of Heads of State and Government, held in December 2001. The Plan commits ECOWAS countries to urgent action against trafficking in persons in 2002-2003, setting achievable goals and objectives. The plan focuses on criminal justice responses and includes action related to legal framework and policy development, protection and support of victims, prevention and awareness raising, collection, exchange and analysis of information, specialization and training, travel and identity documents, and monitoring and evaluation of the implementation of the Plan of Action. A technical cooperation project to implement the plan has been initiated by the ECOWAS Secretariat together with the United Nations Office on Drugs and Crime.

⁷ The inclusion of this good practice does not imply acceptance of the idea of criminalization of clients.

Annex II

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Annex III

LIST OF DOCUMENTS

A. WORKING PAPERS

- EGM/TRAF/2002/WP.1 *Trafficking in women and girls*
Prepared by Sujata Manohar (India)
- EGM/TRAF/2002/WP.2 *The United Nations response to trafficking in women and girls*
Prepared by the United Nations Division for the Advancement of Women

B. PAPERS BY EXPERTS

- EGM/TRAF/2002/EP.1 *Trafficking in women and girls*
Prepared by Gulnara Shahinian (Armenia)
- EGM/TRAF/2002/EP.2 *Victim referral and assistance system and gaps therein in Southeastern Europe*
Prepared by Barbara Limanowska (Poland)
- EGM/TRAF/2002/EP.3 *Trafficking in women and girls*
Prepared by Ernest Taylor (Ghana)
- EGM/TRAF/2002/EP.4 *Trafficking for prostitution in Italy: concept paper*
Prepared by Esohe Aghatise (Nigeria)
- EGM/TRAF/2002/EP.5 *Journey to a “developed” country to be exploited*
Prepared by Tammy Quintanilla Zapata (Peru)
- EGM/TRAF/2002/EP.6 *Trafficking in women and girls*
Prepared by Maria Grazia Giammarinaro (Italy)
- EGM/TRAF/2002/EP.7 *The Brazilian programme to prevent and combat the trafficking of human beings*
Prepared by Anália Beliza Ribeiro Pinto (Brazil)
- EGM/TRAF/2002/EP.8 *Trafficking in persons: a gender and rights perspective*
Prepared by Jean D’Cunha (India)
- EGM/TRAF/2002/EP.9 *Reclaiming lives: interventions on trafficking in women and girls*
Prepared by Aurora Javate de Dios (Philippines)

Annex IV

PROGRAMME OF WORK

Monday, 18 November 2002

7:00 p.m. Registration of participants, followed by dinner

Tuesday, 19 November 2002

8:30 – 9:30 a.m. Registration of participants

9:30 – 10:00 a.m. Opening ceremony
Statement by Carolyn Hannan, Director, United Nations
Division for the Advancement of Women
Statement by the United Nations Office on Drugs and
Crime delivered by Kristiina Kangaspunta, Programme
Officer, Crime Reduction and Analysis Branch

10:00 – 11:00 a.m. Election of officers and adoption of the programme of work
Introduction to the meeting

11:00 – 11:15 a.m. Break

11:15 a.m. – 12:00 p.m. Presentation of background paper by the Consultant
Justice Sujata Manohar (India), Member of the National
Human Rights Commission
Trafficking in women and girls

12:00 – 1:00 p.m. Presentation of papers by Experts
***[It is proposed that presentations do not exceed 15
minutes each]***
Gulnara Shahinian (Armenia), Director, Centre for Gender
Studies Democracy Today
Trafficking in women and girls
Barbara Limanowska (Poland), Special Adviser on
Trafficking in South Eastern Europe
*Victim referral and assistance system and gaps therein in
Southeastern Europe*

Aurora Javate de Dios (Philippines), President, National
Commission on the Role of Filipino Women
Trafficking in women and girls

General debate

1:00 – 2:30 p.m.

Lunch

2:30 – 3:45 p.m.

Jean D’Cunha (India), Technical Advisor on Migration and
Trafficking

Trafficking in persons: a gender and rights perspective

Anna Gerardina Korvinus (Netherlands), National

Rapporteur on Trafficking in Human Beings

Trafficking in women and girls

Maria Grazia Giammarinaro (Italy), Criminal Court Judge

Trafficking in women and girls: best practices in Europe

Esohe Aghatise (Nigeria), Director, Iroko Onlus, Turin,
Italy

Trafficking for prostitution in Italy

General debate

3:45 – 4:00 p.m.

Break

4:00 – 6:00 p.m.

Ernest Taylor (Ghana), Consultant for IOM

Trafficking in women and girls

Tammy Quintanilla Zapata (Peru), Movimiento El Pozo
Journey to a “developed” country to be exploited

Anália Beliza Ribeiro Pinto (Brazil), Coordinator, Global
Programme Against Trafficking in Human Beings

*The Brazilian programme to prevent and combat the
trafficking of human beings*

Presentation by observers followed by general debate

Wednesday, 20 November 2002

9:30 – 10:00 a.m.

Discussion and formation of working groups

10:00 – 11:00 a.m.

Working groups

11:00 a.m. – 11:15 p.m.

Break

11:15 – 1:00 p.m.

Working groups

1:00 – 2:30 p.m.

Lunch

2:30 – 3:45 p.m.

Working groups

3:45 – 4:00 p.m.

Break

4:00 – 6:00 p.m.

Working groups

Thursday, 21 November 2002

9:30 – 11:00 a.m.	Working groups
11:00 – 11:15 a.m.	Break
11:15 a.m. – 1:00 p.m.	Working groups
1:00 – 2:30 p.m.	Lunch
2:30 – 3:45 p.m.	Reports from working groups to plenary
3:45 – 4:00 p.m.	Break
4:00 onwards	Meeting of the drafting committee

Friday, 22 November 2002

9:30 – 11:00 a.m.	Discussion of report of expert group
11:00 – 11:15 a.m.	Break
11:15 a.m. – 1:00 p.m.	Discussion and adoption of report of expert group
1:00 p.m.	Closing session followed by lunch
