

## ACTIVITIES REGARDING THE PREVENTION OF TRAFFICKING IN WOMEN AND GIRLS

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The Division for the Advancement of Women (DAW) provides substantive and technical servicing to the Committee on the Elimination of Discrimination against Women, the body that monitors implementation of the CEDAW Convention. The Division also provides substantive support to the Commission on the Status of Women, the central intergovernmental body responsible for follow-up to and monitoring of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly in 2000, "Women 2000: gender equality, development and peace for the twenty-first century". The Division also provides substantive support to the General Assembly and the Economic and Social Council in relation to their work on gender equality and the advancement of women. To that end, the Division undertakes policy research and analysis, convenes expert group and technical meetings on issues falling within the Beijing Platform for Action; supports gender mainstreaming into all policies and programmes of the United Nations; and also implements a small technical cooperation and advisory services programme which focuses on capacity building for national machineries for the advancement of women, and support for governments in implementation of the Convention, with a particular focus on reporting.

Turning to the topic of this panel, 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. Globalization has facilitated freer movements of people, goods and services across international borders, unwittingly resulting in camouflaging clandestine operations such as human trafficking. 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<sup>1</sup>.

Considering that the majority of the estimated 700,000<sup>2</sup> people who are trafficked every year are women and children, the issue of trafficking in women and girls has been a particular area of interest to the Division for quite a number of years. In the past decade, the Division has regularly reported to the General Assembly on this topic. The last report (A/57/170) mandated by General Assembly resolution 55/67 of 4 December 2000, covered measures taken by member states, entities of the United Nations system and other intergovernmental organizations to address trafficking in women and girls. The next report in this series, mandated by General Assembly resolution 57/176 of 18 December 2002, will be before the fifty-ninth session of the General Assembly in 2004.

The issue of trafficking in women and girls is addressed in both the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly. The Platform addressed this issue in strategic objective D.3, "Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking". It 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

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<sup>1</sup> Report of the Expert Group Meeting on "Trafficking in women and girls", Glen Cove, New York, 18-22 November 2002, p. 6, <http://www.un.org/womenwatch/daw/egm/trafficking2002/reports/Finalreport.PDF>

<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)

other forms of commercialized sex, in order to eliminate trafficking in women and girls. The outcome document of the twenty-third special session of the General Assembly 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 are incompatible with the dignity and worth of the human person and must be combated and eliminated.

The issue of trafficking is furthermore addressed in the Convention on the Elimination of All Forms of Discrimination against Women, which, in its article 6, states that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”. The Committee in charge of monitoring the implementation of the Convention consistently addresses the issues of trafficking in women and exploitation of prostitution of women in its constructive dialogue with reporting States. In its concluding comments, the Committee regularly calls on States parties (174 as of October 2003) to adopt legislation on trafficking in women and girls which would focus on de-criminalizing victims and punishing traffickers and other offenders, and serve to better combat the exploitation of prostitution. The Committee also stresses the importance for State parties to implement projects and programmes to prevent trafficking and forced prostitution, and to support victims. Great emphasis is placed on a holistic approach and the implementation of comprehensive strategies to combat trafficking, to prosecute and punish offenders, to strengthen provisions of assistance to victims and protection of the human rights of trafficked women and girls, and to increase international, regional and bilateral cooperation. Emphasis is placed on the need to ensure that trafficked women and girls have the support they need, including residence permits so that they can provide testimony against their traffickers. Other necessary measures include training of border police and law enforcement officials so as to enable them to recognize victims of trafficking and to render support to victims of trafficking. As women in many countries are forced into prostitution by poverty, action programmes are needed to address poverty, as well as measures and programmes to combat and eradicate the exploitation of prostitution, including the prosecution of and penalties for those who exploit prostitutes.

In order to look at trafficking from gender and human rights perspectives and design appropriate criminal justice responses, in November last year, DAW, in collaboration with the United Nations Office on Drugs and Crime, organized an Expert Group Meeting on “Trafficking in women and girls”, which took place in Glen Cove, New York. The Expert Group Meeting adopted a number of recommendations to better prevent trafficking, prosecute traffickers, and protect victims of trafficking. The EGM stressed that the protection of the human rights of trafficked persons and the 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. Moreover, the meeting pointed out the current inadequacies of the criminal justice system in addressing the issue of trafficking and recommended effective prosecution and punishment of traffickers and the creation of legal mechanisms that enhance victims’ rights. The need for victim support and empowerment measures was particularly stressed. Often victims of trafficking are not identified as victims, but rather they may be criminalized for crimes connected with the condition of being undocumented migrants, for being prostitutes or for other related crimes. They may be afraid of immediate deportation if they try to escape from traffickers. Thus, the EGM recommended the creation of a suitable referral mechanism 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 to the country of origin is not possible. The root causes of trafficking were also discussed, including the feminization of poverty, displacement as a result of natural and human made catastrophes, gendered cultural practices, gender discrimination and gender-based violence in families and communities. The documentation related to the EGM is accessible through the website of the Division (<http://www.un.org/womenwatch/daw>).

The results of the EGM were presented to the forty-seventh session of the Commission on the Status of Women, 3-14 and 25 March 2003, which considered the theme “women’s human rights and the elimination of all forms of discrimination against women as defined in the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly.” They were also presented to the twelfth session of the Commission on Crime Prevention and Criminal Justice, May 2003 which held the thematic discussion on “trafficking in human beings, especially women and children”.

As a follow-up to the Expert Group Meeting, the Division, in collaboration with the United Nations Office on Drugs and Crime and the United Nations Office of the High Commissioner for Human Rights, is now working at the preparation of a publication on trafficking in women and girls to be addressed to policy makers and practitioners. The publication would take as a reference point the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Recommended Principles and Guidelines on Human Rights and Human Trafficking as well as article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and, on the basis of such documents, identify the necessary elements to make “good practices” to prevent trafficking in women and girls, prosecute traffickers and protect victims of trafficking. The publication is at its initial stage of preparation and it is expected to be ready next year.

In conclusion, emphasis should be placed on the need to reflect on the distinction between undocumented migrants and trafficked persons. Whilst undocumented migrants willingly accept to pay and take risks in order to be transported across borders in search for better life prospects, trafficked persons are victims of criminal groups and find themselves in situations of slavery after having been deceived. Yet, one needs to be aware that there is a fine line between undocumented migration and trafficking as, very often women wishing to migrate in search of better living conditions find themselves victims of trafficking. The link between migration and trafficking therefore needs to be further explored so that adequate responses, which are attentive to the situation of victims, can be appropriately designed.