



First decade of the mandate of the Special Rapporteur on trafficking in persons, especially women and children



UNITED NATIONS

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Ms. Joy Ngozi Ezeilo

United Nations Special Rapporteur on Trafficking in Persons, especially women and children (2008 -2014),

Ph.D. (Nig.), LL.M (London), LL.B. (Nig.), BL, (Lagos), Diploma Peace & Conflict Res (Uppsala).

Ms. Joy Ngozi Ezeilo took up her office as the United Nations Special Rapporteur on Trafficking in Persons, especially women and children in August 2008. Ms. Ezeilo holds a Ph.D. in Law and acquired her legal education training from both University of Nigeria and University of London, United Kingdom. She teaches law at the Faculty of Law, University of Nigeria (Enugu Campus). Joy Ezeilo has served Nigerian governments at both the state and federal levels in different capacities; notably as the Honourable Commissioner for Women Affairs and Social Development, Enugu State (2003-2004), and a federal delegate to the National Political Reform Conference. Recently, she was appointed by the Honourable Attorney General and the Minister for Justice to chair the Committee drafting a Bill Elimination of Violence and by the Enugu State Governor as a member of the Governing Council of Citizen's Rights and Mediation Centre, Enugu and also, of the Nigerian Institute of International Affairs (NIIA). Joy Ezeilo has also been actively involved in the civil society movement in Nigeria particularly in the areas of human rights, democracy and good governance. She has published extensively on a variety of topics, including human rights, women's rights, and Sharia law. Ms. Ezeilo was conferred with a national honour (Officer of the Order of Nigeria) in 2006 in recognition of her contributions to nation building in the area of legal scholarship, advocacy, civil society movement and community service.

In April, 2013 she was recognised by Newsweek/Daily Beast International Magazine, USA as one of the 125 women of impact in the world for her work, especially in combating human trafficking—a modern day slavery. She was appointed by the UN Secretary General, in December 2013 as a member of the Board of Trustees of the UN Voluntary Trust Fund for Victims of Trafficking.



Ms. Sigma Huda

Special Rapporteur on trafficking in persons, especially women and children (2004-2007)

Sigma Huda served as the first Special Rapporteur on trafficking in persons, especially women and children from 2004 to 2007. Ms. Huda was an Advocate in a law firm in Bangladesh. She also served in various capacities in the Bangladesh Women Lawyers Association, the Institute for Law and Development, the Bangladesh Association for the Prevention of Septic Abortion, the Breast Feeding Foundation, the Acid Survivors Foundation, the Bangladesh Society for the Enforcement of Human Rights and the Centre for the Training and Rehabilitation of Destitute Women and the United Women's Movement. Ms. Huda also served in the Supreme Court Bar Association, the Bar Council and the Labour Law Reform Commission in Bangladesh and was a Fellow of the Indian Council of Arbitration and a member of the International Council of Arbitration.

In recognition of her work against trafficking and sexual exploitation, particularly of women and girls, she was appointed to the National Council for Women in Development in Bangladesh, the highest national body for the development of women.

Acknowledgements

The mandate has received valuable support from a wide range of stakeholders and partners including States, UN agencies and international organizations, academic institutions, and non-governmental organizations. The Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo is very grateful to all for all their important contributions in the form of expertise, research and other types of support. She appreciates the efforts of States to reply to questionnaires sent and their cooperation prior, during and after country visits throughout the years of existence of the mandate. A number of independent experts developed background papers and other materials in the context of the Special Rapporteur's thematic studies. In 2011, a Human Trafficking Research Panel was established at Oxford and Cambridge Universities to support the work of the mandate by providing assistance in background research and, since that time, has made a substantial contribution to the work of the Special Rapporteur. Others provid-

ing substantive support include the International Human Rights Clinic at Duke University School of Law and the African Women's Development Fund. Ms. Ezeilo takes this opportunity to express her thanks to those mentioned and the many others who have provided the mandate with invaluable and much appreciated assistance over the past decade.

A word of appreciation must also go to the victims of trafficking who have so bravely and generously shared their stories and their experiences with the Special Rapporteur. Their willingness to contribute, inform and advise has been critical to the mandate's understanding of how trafficking happens and how it impacts on the rights and freedoms of individual women, men, girls and boys. Ms. Ezeilo acknowledges the great contribution made by victims to the work of the mandate and expresses her sincere hope that their voices continue to guide and shape the mandate into the future.

Acronyms

ACHPR	African Commission on Human and Peoples' Rights
ASEAN	Association of South East Asian Nations
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
IOM	International Organization for Migration
OHCHR Principles and Guidelines	Office of the United Nations High Commissioner for Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
SRTIP	Special Rapporteur on trafficking in persons, especially women and children
Trafficking Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review

I. Introduction

The issue of trafficking in persons arrived on the international agenda in the mid-1990s with the commencement of work on a new treaty on trafficking, with a particular focus on organized criminal aspects, which would address the gaps in the understanding of trafficking in persons. In December 2000, the General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the first international agreement on trafficking in persons since the adoption by the General Assembly in 1949 of the narrowly focused Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. The adoption of the Protocol signalled a fundamental shift in the international approach to the exploitation of individuals for private profit. In the years that followed, other treaties on the subject were developed, along with a substantial body of soft law, including the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1). International and regional bodies, along with civil society groups, became involved in researching the issue of trafficking and supporting anti-trafficking efforts, and States began to introduce new laws and policies aimed at criminalizing trafficking, protecting victims and preventing future trafficking. One State launched a unilateral monitoring mechanism that began reporting on, and evaluating the response of other States to, the issue of trafficking in persons.

The present review of the mandate seeks to examine and reflect on the first decade of work of the Special Rapporteur on Trafficking in persons, especially women and children, with particular attention paid to the principle that have informed the mandate since its inception, namely that the human rights of trafficked persons are at the centre of anti-trafficking efforts and that measures taken against trafficking should not adversely affect the human rights and dignity of all persons. The review is not exhaustive. Rather, it draws on documentation produced by the Special Rapporteur to identify key achievements and ongoing challenges within the context of global anti-trafficking efforts. In addition to providing a record of the work of the mandate, the Special Rapporteur seeks to draw lessons and insights for the future work of the mandate and the anti-trafficking sector as a whole.

While initiated by the current mandate holder, the review covers the whole duration of the mandate to date, including the work of the first mandate holder, Sigma Huda, between 2004 and 2007. Its preparation involved a desk review and analysis of the documentation produced by the two mandate holders, including annual and thematic reports, country mission reports, communications sent to Governments, statements from the mandate holders, research and reports of meetings. The Special Rapporteur also circulated a questionnaire to Member States and organizations to solicit their views on the achievements of the mandate and its future areas of work.¹

¹ For more detail, see Addendum 2 to the present report entitled “Stocktaking exercise on the work of the mandate on its tenth anniversary”.



At a vocational training center for women during a country visit to Thailand

II. Mandate, legal framework and working methods

A. Mandate of the Special Rapporteur

In its decision 2004/110, the Commission on Human Rights appointed a Special Rapporteur “whose mandate will focus on the human rights aspects of the victims of trafficking in persons, especially women and children”. In the same decision, the Commission invited the Special Rapporteur to submit annual reports, including recommendations on measures required to uphold and protect the human rights of victims. The Special Rapporteur was further requested to respond effectively to reliable information on possible human rights violations, with a view to protecting the human rights of actual or potential victims of trafficking and to cooperate with relevant United Nations bodies, regional organizations and victims and their representatives. The establishment of the position of Special Rapporteur, with an explicit mandate to address the human rights aspects of trafficking, proved to be a critical circuit-breaker, affirming on behalf of the international community two key principles: first, that the human rights of trafficked persons should be at the centre of all efforts to combat trafficking; and second, that anti-trafficking measures should not adversely affect the human rights and dignity of all persons concerned.

The initial mandate of the Special Rapporteur was for three years. In 2008, in resolution 8/12, the Human Rights Council extended the mandate for a further three years, in order to, inter alia, “promote the prevention of trafficking in persons in all its forms and the adoption of measures to uphold and protect the human rights of victims”. The appointment of the current mandate holder was based on this resolution. The resolution specifically requested the Special Rapporteur to, inter alia, promote the effective application of relevant international norms and standards and contribute to the further improvement of them; integrate a gender and age perspective throughout the work of the mandate; identify and share best practices, propose adequate responses to challenges and obstacles, in order to uphold and protect the human rights of victims, and identify gaps in protection in this regard; emphasize practical solutions, including through international cooperation; and respond to reliable

“I have to forget, it is hard, but I need to fight hard to put this behind me” she kept repeating while sobbing three years after her ordeal. The now 18 year old girl from Guatemala was smuggled into Belize when she was 13 on a promise of a babysitting job. Instead her trafficker, a woman originally from Guatemala who grew up in Belize, took her to work in a bar, in a small village, where she was made to sell her body, never paid and was deprived of her freedom, threatened with detention for entering the country irregularly and abused with the complicity of a local police officer. Three years after being rescued the victim has not received proper social assistance or psychological support although she now feels at ease living with the foster family who is hosting her. She remains anonymous, three years under the protection of the Belizean Government she has not been issued a residency permit because the few requests made to the Guatemalan authorities for identification documents remain unanswered.

information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking. Specific reference was made in the resolution to the relevant international instruments: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Right, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and its Protocol on the sale of children, child prostitution and child pornography and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.



Interview with Victims of trafficking in a detention facility during a country visit to Italy

In 2011, in resolution 17/1, the Human Rights Council extended the mandate of the Special Rapporteur for a further three years. In resolution 17/1, the Council reiterated the relevant standards, principle areas of focus and working methods set out in its previous resolution, adding a request that the mandate “examine the impact of anti-trafficking measures on the human rights of victims of trafficking in persons with a view to proposing adequate responses to challenges arising in this regard and to avoid re-victimization of victims of trafficking”.

B. Definition and scope of trafficking in persons

Trafficking in persons was defined internationally for the first time in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as constituting three elements: (a) an “action”, being recruitment, transportation, transfer, harbouring or receipt of persons; (b) a “means” by which that action is achieved, for example threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability and the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; and (c) a “purpose” of the intended action or means, namely exploitation. Thus, consent of the victim to the intended exploitation is irrelevant when any of the listed means have been used. All three elements must be present to constitute “trafficking in persons” in international law. The only exception is that when the victim is a child, the “means” element is not part of the definition.

Since the inception of the mandate, both mandate holders have upheld the international legal definition of trafficking, affirming its central role in establishing the parameters of trafficking and enabling responses to be developed with consistency and clarity. That definition is now well entrenched in international, regional and national normative frameworks developed since the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The majority of States (reported in 2012 by UNODC

to be 134²) have criminalized trafficking in their national laws, generally conforming to the definition in the Protocol.

That definition affirmed that trafficking is much wider in scope than previously envisaged: that it can take place for a wide range of end purposes, including, but not limited to, sexual exploitation; that it can involve as victims men and boys, as well as women and girls; and that it can take place across borders or within a country, including the victim’s own. The Special Rapporteur has embraced this understanding of trafficking, affirming in her first report the scope of the mandate to include trafficking in children for sexual purposes, child labour, adoption and participation in armed conflict; trafficking in men for forced labour, organized crime and other exploitation; trafficking in women and girls for forced marriage, sexual exploitation and forced labour; and trafficking in persons for the removal of organs (A/HRC/10/16, para. 16).

The Protocol proved to be both an impetus and a framework for subsequent legal and policy developments that, taken together, have helped to clearly establish the obligations of States in this area. The Special Rapporteur has regularly promoted the effective implementation of the Protocol and encouraged its ratification.

C. Working methods

The approach to the mandate has been guided by Human Rights Council resolutions 8/12 and 17/1, which required the Special Rapporteur to: (a) seek and receive information from States, human rights bodies and other relevant sources and respond effectively to such information; (b) recommend practical solutions with regard to the implementation of relevant rights; (c) examine the human rights impact of anti-trafficking measures with a view to proposing adequate responses; and (d) work closely with other mechanisms of the Human Rights Council, the United Nations and other partners. In the discharge of her mandate the Special Rapporteur has focused particularly on the working methods set out below.

² *Global Report on Trafficking in Persons 2012* (United Nations publication, Sales No. E.13.IV.1).

► **Communication and engagement with stakeholders.**

Trafficking in persons is a critical issue for every country, affecting many different groups and cutting across multiple areas of legal and illegal activity. The range of current and potential stakeholders is accordingly very wide. The first mandate holder recognized this aspect of her work from the outset (E/CN.4/2005/71, paras. 41–47) and made consistent efforts to extend her engagement beyond Governments and international agencies to include the full range of civil society organizations working on the issue, as well as those engaged in related areas, such as the rights of migrants and violence against women. Her participatory and collaborative approach was continued and extended by the current mandate holder, who declared an intention to “reach out, listen, learn and share good practice around the world” (A/HRC/10/16, para 62). She has put this commitment into practice through regular, broad-based regional consultations aimed at securing expert input into her work while improving the understanding of the mandate amongst interlocutors.

The Special Rapporteur has also engaged directly and consistently with international, regional and subregional bodies working on trafficking issues, most particularly UNODC, OSCE, the United Nations Children’s Fund (UNICEF), the International Organization for Migration, ILO, the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well as regional bodies, including the Association of Southeast Asian Nations and the African Commission on Human and Peoples’ Rights.

“X”, a 21 year old Nigerian girl travelled by plane from Nigeria, transiting through Turkey, Serbia, Hungary and Slovenia before arriving in Italy by train. Not only was she trafficked but was held in debt bondage as her father back in Edo State had put up his land as collateral for the down-payment of the 60,000 euro fee demanded to bring her to Europe. The young woman was moved from Turin to Milan and Paris to engage in prostitution in order to repay her debt. She was rescued following a random identification check in Italy where she now benefits from assistance. However, “X” has to lie to her parents about her detention as they are asking her to send money to repay the debt to her traffickers. The traffickers have continued to threaten her family back in Nigeria since her disappearance from their radar.

In the course of her work the Special Rapporteur has also actively solicited input from the private sector and from persons and institutions with particular expertise. In relation to specialist subjects, such as trafficking in persons for the removal of organs, the Special Rapporteur has sought external expertise from the medical and transplant communities, in an effort to ensure the accuracy of her reporting and the practical relevance of her recommendations, as well as to improve understanding among relevant stakeholders.

► **Communication with victims of trafficking.**

The mandate of the Special Rapporteur is focused on the rights and needs of victims of trafficking and it is appropriate that victims are consulted and involved in the work of the mandate. The Special Rapporteur has paid particular attention to developing this aspect of her working methods. She has participated in panel discussions involving survivors of trafficking in New York and



Geneva and has included the voices of victims in her studies and reports. She is convinced that the involvement of victims is critical to ensuring that the measures taken to address trafficking benefit those in need; that unintended harmful consequences are anticipated and avoided; and that opportunities for change and improvement are identified in a timely way.

► **Thematic studies and reports.**

Thematic studies have been a major focus of the work of the Special Rapporteur, enabling the mandate to make substantial and (according to the responses to the questionnaire) highly appreciated contributions to poorly understood or new areas of concern. The topics for study have been carefully chosen on the basis of their relative importance and urgency, as well as the capacity of the Special Rapporteur to make a contribution to shaping international standards and promoting awareness in the chosen area. Issues covered in this way have included measures to discourage demand (2006 and 2013); trafficking for forced marriage (2007); victim identification, protection and assistance (2009); regional and subregional cooperation in promoting a human rights-based approach to trafficking (2010); prevention of trafficking (2010); the right to an

effective remedy for trafficked persons (2011); the administration of criminal justice in the cases of trafficked persons (2012); trafficking in supply chains (2012); and trafficking in persons for the removal of organs (2013). In accordance with the mandate issued by the Human Rights Council, particular emphasis has been placed on developing practical solutions to the issues under consideration.

► **Country visits and reports.**

Country visits help to ground the mandate holders' understanding of the problem of trafficking in national realities and forging relationships with those on the front line, while also providing involved States and their partners with an opportunity to access information, expertise and insight. Respondents to the questionnaire, including several States, noted that official missions had influenced shifts in policy and practice around trafficking, for example leading to changes in migration policies, amendments to the national trafficking law and improved cooperation with civil society organizations. Several international organizations noted that the official missions had provided valuable opportunities for stakeholders to convey their views and insights to the higher levels of Government and that the



Discussion with victims of trafficking in a shelter during a country visit to Italy

reports were an excellent source of useful, high-quality information.

During those visits, the focus was on the nature of the trafficking problem, the key human rights issues and the effectiveness of institutional, legal, judicial, administrative and other mechanisms to protect those rights. In her country visits, the Special Rapporteur has taken care to ensure that they are widely consultative, involving government officials (including practitioners); victim support agencies and, where appropriate, victims; members of the judiciary and parliamentarians; United Nations country offices; and international and non-governmental organizations in the country concerned, as well as local civil society organizations. A detailed report is subsequently issued. The reports have evolved to follow a format that tracks the major issues of concern to the mandate: forms and manifestations of trafficking; the legislative and institutional framework; identification of trafficked persons; protection of trafficked persons; prosecution of perpetrators; cooperation with civil society; and international and regional cooperation. In the decade since the mandate was created, 21 official country visits have been undertaken. The first mandate holder carried out five visits: to Bosnia-Herzegovina and Lebanon in 2005 and to Bahrain, Oman and Qatar in 2006. The current mandate holder has undertaken 16 visits: to Belarus, Poland and Japan in 2009; to Egypt, Argentina and Uruguay in 2010; to Thailand and Australia in 2011; to the United Arab Emirates, Gabon and the Philippines in 2012; to Morocco, Italy, Bahamas and Belize in 2013; and Seychelles in 2014.

► Recommendations and checklists.

The Special Rapporteur has actively sought to promote normative clarity around trafficking and help flesh out the substantive content of key rules and obligations where that is required. This work has been firmly based on existing international standards, as recognized in the major human rights treaties and the specialist trafficking instruments. A major output of this method of work is a set of draft basic principles on the right to an effective remedy (A/HRC/17/35, annex I), developed after extensive consultation with stakeholders in all regions, which seek to bring clarity to the

On her country visit to the Philippines, the Special Rapporteur met with several victims (aged between 12 and 22) who had been trafficked mostly from the Mindanao region to Cebu and Manila for prostitution. In many cases the young girls and women, who had either run away from home to escape their parents' physical and/or sexual abuse or wanted to alleviate the economic situation of their families, approached a neighbour or friend for help. However, the neighbour/friend deceived them with fake employment opportunities and took them to big cities, where they were forced into prostitution. Victims were made to work continuously from 6 pm to 2 am, irrespective of their health conditions, and were confined to the casas. As payments are made directly to mamasangs (pimps), they received no money at all. One child victim also reported that when she became pregnant she was put in a house with several other women and girls who were either pregnant or had already given birth. When she gave birth, unknown persons forcefully took her baby away from her. Thereafter she was forced back into prostitution until the day she escaped and went to the police.

concept of the right to an effective remedy and set out the factors to be taken into account when this right is applied to trafficked persons. The Special Rapporteur has also created a draft checklist of indicators and benchmarks which businesses can use to assess the risks of human trafficking in their supply chains (2012). The checklist was developed and revised through consultations and is intended to build on and complement existing initiatives, including the Guiding Principles on Business and Human Rights.

► Action on communications and urgent appeals.

The Special Rapporteur is explicitly mandated to respond effectively to reliable allegations of human rights violations, with a view to protecting the rights of actual or potential victims of trafficking. In accordance with established procedures, the Special Rapporteur communicates the case to the Government concerned, requesting clarification and action, either through an allegation letter or through an urgent appeal where the alleged violation is time-sensitive and/or of a very grave nature. Since the mandate was established a total of 99 communications have been sent and a total of 54 responses received.

III. Overarching principles and themes

In their performance of the mandate, the two mandate holders have affirmed a number of overarching principles and themes as central to all aspects of their work. Those principles and themes draw both inspiration and substance from international legal frameworks around trafficking and seek to reinforce the consensus that has developed around the scope of the problem and the direction of appropriate responses.

A. Strategic direction: five “Ps”, three “Rs” and three “Cs”

Overall strategic direction. At the commencement of the mandate the “three Ps”, protection, prosecution and prevention, were already well established as guideposts for the strategic organization of responses to trafficking at the national, regional and international levels. They provided important guidance and structure to the mandate during its first several years. In 2009, the Special Rapporteur proposed an expansion of this strategic vision to include eight more pillars:

- (a) An additional two “Ps” focused on criminal justice: punishment of perpetrators/non-punishment for trafficked persons and promotion of international cooperation;
- (b) Three victim-centred “Rs” - redress, rehabilitation and reintegration;
- (c) Three “Cs” - capacity, coordination and cooperation.³

³ See A/HRC/10/16, section V, and the statement made by the Special Rapporteur to the Third Committee on 25 October 2010 during the sixty-fifth session of the General Assembly.

Together, these 11 pillars have supported the Special Rapporteur in shaping and promoting a coherent and comprehensive vision of an effective and rights-based response to trafficking.

B. All forms of trafficking and all victims

As noted above, international understanding of the nature and scope of trafficking has expanded significantly in the past several decades. It is now widely accepted that women, men and children are trafficked and that the forms of trafficking are as varied as the potential for profit or other personal gain. This development is highly significant from the perspective of international law because it brings within the relevant legal framework a wide range of exploitative conduct, much of which has been poorly or selectively regulated at both national and international levels.

Both mandate holders have embraced this comprehensive understanding of trafficking, which includes trafficking in children for sexual purposes, child labour, adoption and participation in armed conflict; trafficking in men for forced labour and other exploitation; trafficking in women and girls for forced marriage, sexual exploitation and forced labour; and trafficking in persons for removal of organs.

C. A human rights-based approach

A human rights-based approach has been integral to the mandate since its inception in recognition of the fact that responses to trafficking have not always been grounded in the firm foun-



At the 20th anniversary of the Vienna Declaration on human rights



Visiting a fish canning factory during a country visit to Seychelles

Pillars of an effective and rights-based response to trafficking

The Special Rapporteur advocates a human rights-based approach to combating trafficking in persons, guided by international law and standards, in particular the Recommended Principles and Guidelines on Human Rights and Human Trafficking. Further guidance is provided by Special Rapporteur Ezeilo's framework of implementation of national laws, policies and measures, based on **5Ps** (protection, prosecution, punishment, prevention, promotion of international cooperation and partnership), **3Rs** (redress, rehabilitation/recovery and reintegration) and **3Cs** (capacity, cooperation and coordination).

The "Ps"

To be adequately **protected** and supported victims of trafficking must be quickly and accurately identified and provided with immediate protection and support. They should not be detained or criminalised for status offences and should be provided with legal assistance, including temporary residency and safe and voluntary return. Protection and support should not be conditional on cooperation with criminal justice agencies. States have a duty to ensure the effectiveness of their criminal law by appropriately investigating allegations of trafficking, **prosecuting** those against whom there is adequate evidence, and subjecting them to trial. It is important that those responsible, including individuals and legal persons, face **punishment**. Custodial and noncustodial sanctions should be "effective, proportionate and dissuasive". Although investigators need not necessarily rely on complaints from victims, the effectiveness of victim protection measures,

including victim complaint procedures, has a direct impact on the ability of the criminal justice system to investigate and prosecute trafficking cases.

Prevention refers to positive measures to stop future acts of trafficking from occurring. Policies and activities identified as prevention are generally those considered to be addressing the causes of trafficking. In the Special Rapporteur's view, prevention must be at the heart of efforts to combat trafficking, and the key to prevention is giving people, in particular vulnerable groups, advice and information about human trafficking. **Promotion** of international cooperation and partnership is important because human trafficking is a widespread criminal phenomenon affecting all regions and most, if not all, countries in the world; and it does not recognise borders.

The "Rs"

States should take measures to provide victims of trafficking with avenues for **redress**. Redress is important for victims who must, for example, be compensated for loss of income and for the harm caused to them. The compensation must be recovered from the trafficker, however, rights to redress should not be based on a requirement that harm or loss is attributed to a specific perpetrator. **Rehabilitation** helps us to understand the practical needs of victims, such as medical and psychological care, medical facilities and safe and adequate shelter. Rehabilitation can be considered an aspect of restitution to the extent that it seeks to ensure that the person who has suffered a gross violation of their human rights

has his or her status and position "restored" in the eyes of the law as well as the wider community. Supported **reintegration** is a right owed to trafficked persons by virtue of their status as victims of crime and victims of human rights violations. It is a critical aspect of safe repatriation and must be accompanied by respect for the repatriated individuals' rights, including their right to privacy and right not to be discriminated against. Reintegration requires cooperation with the authorities and with organisations in the relevant country. The Special Rapporteur has also called attention to the principle that trafficked persons should be offered legal alternatives to repatriation in cases where it is reasonable to conclude that such repatriation would pose a serious safety risk to them or their families.

The "Cs"

To address human trafficking effectively requires capacity, cooperation and coordination. All these elements are essential, for example, to correctly identify victims. Agencies involved in the identification of victims, such as the police, immigration officials, labour inspectorates and embassy staff require training and support to ensure they have the **capacity** to accurately and quickly identify victims of trafficking. **Cooperation and coordination** between these agencies, which should cover both policies and action, is required to reduce discrepancies in identification procedures and to ensure that the rights of victims are upheld and victims receive protection and support appropriate to their needs.

dations provided by human rights. The Special Rapporteur has consistently maintained that prioritizing other concerns, such as crime prevention and migration control over human rights, distorts the nature of the problem and obscures the most important and effective solutions. The two fundamental principles of a human rights approach were set out by the first mandate holder in her first report and they continue to guide the work of the mandate. They are first, that the human rights of trafficked persons must be at the centre of all efforts to combat trafficking and to protect, assist and provide redress to those affected by trafficking; and second, that anti-trafficking measures should not adversely affect the human rights and dignity of the persons concerned (E/CN.4/2005/71, para. 11). The current mandate holder has actively sought to develop the concept further, for example by showing how consultation with those who will be or have been affected by potential anti-trafficking measures is essential to a human rights approach to trafficking (A/HRC/23/48, para. 76).

D. A child-centred approach

It is well established that the trafficking of children through abduction, sale and other means is a widespread criminal phenomenon affecting all regions and most countries. The work of the mandate has confirmed that children are trafficked for the purpose of sexual exploitation, including prostitution and the production of pornography. They are trafficked for forced and exploitative labour on farms, in factories and on fishing boats, for forced begging and for domestic servitude in

private homes. While much trafficking of children involves movement across international borders, many countries experience the phenomenon of internal trafficking of children.

The Special Rapporteur has repeatedly emphasized that the needs of child victims of trafficking in terms of assistance, protection and support will often differ substantially from those of adults and has advocated for child-specific and child-centred measures in relation to the identification and protection of, and assistance to, children that are based on the principles and provisions of existing human rights law, most importantly the Convention on the Rights of the Child (A/64/290, paras. 68–76). Such an approach also involves listening and responding to the voices and views of children who have been or who are at risk of being trafficked (A/HRC/23/48, para 69).

E. Attention to causes and vulnerability factors

The mandate holders have been mindful that prevention of future trafficking must be based on a thorough and nuanced understanding of the root causes of this phenomenon, including the factors that make some people more vulnerable than others to exploitation related to trafficking. Such an understanding also helps to guide more effective responses, for example by helping to identify persons and groups at risk of trafficking and by shaping public and official understanding about how trafficking happens and why. Furthermore, attention to underlying causes helps



At the UN General Assembly, October 2011



With His Excellency Mr. James Alix MICHEL, President, Republic of Seychelles during a country visit

to counteract the prevailing narrative in reporting on these issues, dominated by sensationalist stories about victims of trafficking, which routinely overlook the underlying social and economic factors that led to the violation of their human rights (A/67/261, para. 42).

During the first decade of the mandate, the mandate holders have consistently sought to identify those factors that contribute to increasing the vulnerability to trafficking of an individual or a group. The work of the mandate has revealed consistency across all regions and all manifestations of trafficking with regard to the factors that include human rights violations associated with (a) poverty and inequality, (b) migration and (c) discrimination, including through gender-based violence. Critically, there is almost never a single root cause; as the Special Rapporteur has noted, "it is the combination of multiple factors that may place certain individuals at a higher risk of being trafficked" (A/65/288, para. 26). The Special Rapporteur has maintained throughout that States have a legal obligation to work to prevent trafficking by addressing vulnerability. That obligation is part of international treaty law and has been regularly affirmed by the Human Rights Council and the General Assembly,⁴ as well as by the human rights treaty bodies.

⁴ See, for example, General Assembly resolution 67/145, paras. 10–12 and 22 and Human Rights Council resolution 14/2, para. 7 (g).

On her country visit to the United Arab Emirates, the Special Rapporteur spoke to a number of migrant workers living in labour camps on the outskirts of Dubai. All reported that their employers had confiscated their passports and that they were paid less than what they had been promised and they did not receive an overtime rate. Many shared overcrowded rooms with other co-workers. Some stated that initially their wages had been withheld for months, and in many cases there were delays in the payment of their wages; however, they acknowledged that since the establishment of the electronic payment system, this practice had recently been abandoned by employers.

Illegal practices, such as charging recruitment fees, substituting contracts and confiscating the passports of foreign workers, continue on a large scale in the United Arab Emirates, not only in the construction industry, but throughout the whole services sector. For example, one driver, who had been working in the United Arab Emirates for over 20 years, said that his employer still held his passport and in order to get it back, he would have to hand over his labour card. Two ladies working in a beauty salon also reported that their passports had been retained by their employer, and that they and other colleagues were made to work long hours without even being paid overtime. All stated that they preferred not to complain about their working conditions for fear of losing their jobs and being deported.



Presenting a report to the UN General Assembly in October 2013



At an event by the Organization for Security and Co-operation in Europe

IV. Major areas of focus and concern

Both mandate holders have taken a strongly thematic approach to their work, actively seeking to identify cross-cutting concerns and aspects and manifestations of trafficking that are highly relevant to all States and have not yet been subject to detailed consideration. This is especially appropriate given that trafficking, as now understood, is a new issue for many Governments and for the international community as a whole. In the present section, the Special Rapporteur has identified five areas of the work that have emerged as major themes of importance to the anti-trafficking movement as a whole, namely: (a) the right of victims to assistance, protection and support; (b) the right of victims to remedies; (c) human rights in the criminal justice response; (d) the prevention of trafficking - identifying the core strategies; and (e) trafficking in persons for the removal of organs. Some of these have been regularly considered throughout the mandate in the context of annual reporting and/or country visits. Others have been subject to separate, detailed consideration. It should be noted that the breadth of the work of the Special Rapporteur is considerable and the present report does not include all substantive areas dealt with by the mandate holders.

A. Rights of victims to assistance, protection and support

In line with the rights-based and victim-centred approach taken throughout the mandate, both mandate holders have focused strongly on elaborating the legal dimensions of the right of victims to assistance, protection and support and in considering the extent to which these rights are respected and protected in practice. It is abundantly clear that States are indeed required to provide immediate assistance and support to victims of trafficking within their jurisdiction and to protect them from further harm.⁵ The provision of immediate assistance, protection and support should not be conditional on the capacity or willingness of the victim to cooperate with criminal justice agencies. In 2009, the Special Rapporteur devoted a thematic report to the issue of victim



At the vatican, attending the workshop on Trafficking in Human Beings: Modern Slavery
Destitute peoples and the message of Jesus Christ

identification, protection and assistance, affirming the key responsibilities of States in this regard and identifying ways in which these obligations can be effectively met in practice (A/64/290).

Victim identification is fundamental to the realization of victim rights. By not identifying victims swiftly and accurately States effectively and permanently deny victims the rights to which they are legally entitled (*ibid.*, para. 91). Both mandate holders have drawn attention to the failure of criminal justice systems to identify trafficking victims, who instead are often arrested, detained, charged and prosecuted for entering a country and working irregularly, or engaging in prostitution.⁶ As noted by the Special Rapporteur, “victims are simply treated as criminals and are arrested and deported with no opportunity to be identified and provided with the necessary assistance as trafficked victims” (A/64/290, para. 91). Both mandate holders have advocated for more thorough and collaborative approaches to victim identification. The Special Rapporteur has repeatedly encouraged greater cooperation between victim support agencies and front line officers.⁷

⁵ See *Commentary on the Recommended Principles and Guidelines to Human Rights and Human Trafficking* (United Nations publication, Sales No. E.10.XIV.1), pp. 141–151.

⁶ See A/HRC/20/18, paras. 23 and 24, E/CN.4/2005/71 para. 10, E/CN.4/2006/62/Add.3, paras. 47, 58, 63 and 64.

⁷ See, for example, A/HRC/20/18, paras. 45–53.

Trafficked men. The Special Rapporteur has regularly raised concerns about the lack of appropriate assistance to men and boys who have been trafficked.⁸ Low identification rates are a widespread problem. Many States have been slow to recognize the issue of trafficking in men, a situation that is explained, at least in part, by the continuing strong focus on trafficking for sexual exploitation at the expense of trafficking for labour exploitation. For cultural and other reasons, male victims of trafficking are often reluctant to self-identify. Even where victim support assistance is available, it may be inaccessible or not properly adapted for them and declined for those reasons.

No prosecution or punishment. The acceptance that victims of trafficking should not be punished – or indeed prosecuted – for offences that have been committed in the course of their trafficking, such as immigration and work offences has grown. The Special Rapporteur has regularly upheld the importance of this principle⁹ and endorses the now widespread position that States should not prosecute or punish victims “for unlawful acts committed by them as a direct consequence of their situation as trafficked persons or where they were compelled to commit such unlawful acts” (CTOC/COP/WG.4/2009/2, para. 12(b)).¹⁰ A number of States, international organizations and civil society groups responding to the questionnaire pointed to the work of the Special Rapporteur on this issue as a major achievement, helping to establish non-prosecution and non-punishment as an accepted standard.

B. Rights of victims to remedies

From the inception of the mandate, both the Special Rapporteurs have clearly affirmed the right of victims of trafficking to access remedies for the harms committed against them. In country reports, both mandate holders have consistently examined the extent to which this right is pro-

On her country visit to Thailand, the Special Rapporteur spoke to a number of migrants from Myanmar, who reported that they were forced to work on fishing boats for as long as 18 to 20 hours per day, seven days a week. They were physically and verbally abused, given very little or inedible food, and were not paid at all or paid a meagre amount of money, contrary to what they had been promised. Many of the trafficked fishermen allegedly witnessed the killing of their fellow fishermen by the boat captains and threatened with death if they did not work hard. Furthermore, they complained of lack of access to medical services on the boats, and those who fell ill were either beaten so that they would continue working or left to die and thrown overboard. As one trafficked fisherman stated, they were treated as “reusable merchandise rather than as human beings”. The Special Rapporteur also met with a 15-year-old boy from Myanmar who was trafficked to work on fishing boats at the age of 12. His job consisted of lifting boxes of fish and pulling the fishing net from dusk until dawn, seven days a week, until he was cast off the boat for being too weak to work.

ected by law and realized in practice. This has revealed that trafficked persons are frequently left without remedies or the support necessary to access them, a situation that exacerbates the risk of further human rights violations including through re-trafficking. It was on the basis of insights gained through her country visits and information received through other activities, including her assessment of regional response mechanisms, that the Special Rapporteur decided to make effective remedies for victims the subject of more systematic and detailed attention. To that end she organized an expert consultation in 2010 that was followed by an online discussion forum and an interactive dialogue held during the seventeenth session of the Human Rights Council in the context of her thematic reports on the subject (A/HRC/17/35 and A/66/28). Regional consultations were held during 2013 and early 2014 to disseminate, discuss and refine a set of draft basic principles on the right to an effective remedy for trafficked persons.

► Applicable legal framework.

One of the main purposes of the work of the Special Rapporteur on effective remedies for victims has been to help clarify the relevant legal framework and by so doing, to provide guidance

⁸ See, for example, A/HRC/23/48/Add.2, paras. 62, 92; A/HRC/23/48/Add.1, para. 81 (v); A/HRC/17/35/Add.4, para. 85; A/HRC/14/32/Add.3, para. 61 and A/HRC/14/32/Add.4, para. 43. See also the statement by the Special Rapporteur at the end of her visit to Italy in 2013.

⁹ See, for example, A/HRC/20/18 paras.23–30 and 89 and A/65/288, para 20.

¹⁰ See also A/64/290, para. 95.



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At a shelter for victims of trafficking in persons during a country visit to Italy

to practitioners and help address the substantial gap between the provisions of international law in this area and what happens in practice. In her report to the General Assembly on the issue, the Special Rapporteur referred to the established legal doctrine requiring a State to remedy a wrong where an act or omission is attributable to that State and constitutes a breach of its obligations (A/66/283, para. 12). While States are not usually the direct source of trafficking-related harm, they may not absolve themselves of legal responsibility on this basis. The obligation to provide remedies – or at least access to remedies – to victims of trafficking is set out in a number of relevant instruments¹¹ and has been widely recognized by United Nations bodies and regional courts.¹² Its essence is captured in principle 1 of the draft basic principles on the right to an effective remedy for trafficked persons: “Trafficked persons as victims of human rights violations have the right to an effective remedy for harms committed against them.”

► **Substantive components of the right to a remedy.**

The Special Rapporteur has recognized four substantive components of the right to a remedy that are applicable in cases of trafficking in persons. They are captured in principle 4 of her draft ba-

sic principles: “In substance, trafficked persons should be provided with adequate reparations for the harms suffered, which may include restitution, compensation, recovery, satisfaction and guarantees of non-repetition.” Compensation is of critical importance to victims of trafficking who are likely to have suffered significant harm and lost valuable opportunities. It can be awarded to victims through legal proceedings that may be civil or criminal. It can also be delivered through State-administered compensation funds or through non-judicial methods, such as those operating between employers and employees in respect of wage disputes and work-related injury compensation.

► **Procedural components of the right to a remedy.**

The procedural obligations may be conceived as the range of measures needed to guarantee access to an effective remedy, including access to information, legal assistance and regularization of residency status, which contribute to the realization by trafficked persons of the substantive components of the right to an effective remedy. The Special Rapporteur has come to appreciate that certain preconditions must be fulfilled if the right to a remedy for victims of trafficking is to be realized in practice. For example, failure to identify victims in the first place will inevitably operate to deny those persons access to remedies. In too many countries, trafficked persons, including those who have been identified as such, are detained or deported without being given any opportunity to claim compensation. Improvements

¹¹ See the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, art. 6 (6) and the Council of Europe Convention on Action against Trafficking in Human Beings, art. 15.

¹² See *Rantsev v. Cyprus and Russia*, European Court of Human Rights, application No. 2595/04, judgment of 7 January 2010.

in identification procedures; the institution of a “reflection and recovery period”, during which victims can receive legal and other assistance; and a review of any legal obstacles to access are therefore critical to effective realization of the right to a remedy.

The draft basic principles on the right to an effective remedy for trafficked persons. The principles are firmly based on established rules of international law and are informed by an understanding of the legal and practical obstacles that have prevented progress in relation to remedies for victims of trafficking. The Special Rapporteur recommends the draft basic principles to States, intergovernmental organizations, non-governmental organizations, criminal justice agencies and others who may be in a position to contribute to the realization of the right of all victims of trafficking to remedies for the harms committed against them.

C. Human rights in the criminal justice response

The Special Rapporteur has noted an important shift in attitudes towards the criminal justice aspects of the trafficking response over the course of the mandate. The development of a new international legal instrument on trafficking within a crime control framework has raised understandable concerns that this focus would diminish the attention and commitment due to the human rights of victims. It is felt that a strong criminal justice response to trafficking may conflict with a rights-based, victim-centred response. While accepting the dangers that an overwhelming focus on investigations and prosecutions may take attention away from the rights and needs of victims, the Special Rapporteur notes that a strong response from the criminal justice system is an integral part of dealing effectively with trafficking. In short, there should not be a conflict between the rights of victims and the responses of the criminal justice system, provided that the latter explicitly set out both to challenge the culture of impunity enjoyed by traffickers and to secure justice for the victims.

Too often, victims of trafficking are treated as instruments of criminal investigations, rather than as rights holders with a legal entitlement to

On her country visit to Argentina, the Special Rapporteur heard the story of Oscar, a Bolivian survivor of labour exploitation who was forced to work from 16 to 17 hours a day in a poultry farm located in the province of Buenos Aires. Oscar and his family worked every day of the week and they were not allowed to leave the farm, which was surrounded by an electric fence. Not even when his children were sick or injured was Oscar allowed to seek medical assistance outside the farm. Oscar explained how the owner of the farm would force his wife and young children to help him collect eggs while he had to clean away poultry excrement.

The work at the farm also involved the handling of pesticides and other toxic chemicals without appropriate training or instruments. Reportedly, even young children were involved in these tasks. Owing to contact with chemicals and the terrible working conditions, Oscar's wife suffered a miscarriage and another woman experienced a stillbirth. Whenever the workers attempted to complain or threatened to go to the authorities, the farm owner would taunt them that their claims would not be taken seriously because they were just undocumented immigrants and he was well connected with the authorities. Finally, when Oscar had the courage to complain about his situation, he was fired from the farm, without receiving pending payments or compensation.

Oscar explained that, when recruited, Bolivian farm workers were offered good working conditions, free housing and salaries ranging from 1,000 to 2,000 pesos. However, once in Argentina, they were paid approximately 800 pesos and forced to work in slave-like conditions.

protection, support and remedies. In her report to the General Assembly in 2009, the Special Rapporteur affirmed her position that “administration of justice systems must be geared towards guaranteeing access to justice to victims, providing an effective remedy, promoting respect for the fundamental human rights of victims, including offenders, and ensuring adequate protection and assistance to victims of trafficking in order to prevent revictimization and avoid the danger of being re-trafficked” (A/64/290, para. 99).

In 2011, in recognition of the pressing problems associated with the responses of the criminal justice system and the lack of available guidance, the Special Rapporteur undertook a thematic study of rights-based approaches to the administration of



Press Conference in Rabat at the end of a country visit

criminal justice. The study involved the commissioning of a background paper, the distribution of a detailed questionnaire to Member States and the convening of a group of expert practitioners. The resulting report affirmed the obligation on States to criminalize trafficking; to investigate and prosecute trafficking with due diligence; and to provide for appropriate penalties (A/HRC/20/18).

D. Prevention of trafficking: identifying the core strategies

The prevention of trafficking through addressing the underlying vulnerabilities of individuals and groups has been a key theme of the mandate since its inception. However the mandate holders have always accepted that the concept of prevention is much wider than this, encompassing the full range of measures aimed at preventing future acts of trafficking from occurring. International law requires that States act with due diligence to prevent trafficking and the human rights violations with which it is associated. The mandate has examined the general concept of prevention and particular aspects of a preventive approach, including addressing demand and supply chain transparency and accountability.¹³ Key questions include, for example, what role should measures to encourage safe migration and protect labour rights play in a national or regional prevention strategy? Should States seek to raise public awareness about trafficking? What is required of States with respect to addressing the demand for the goods and services produced

through trafficking? How does the obligation of prevention operate in respect of addressing trafficking-related exploitation in supply chains and how can business be encouraged to support supply chains that are free of trafficking? These are complex, difficult issues and the mandate has not been able to address them in full, rather seeking to raise awareness among States and others that will help contribute to a greater understanding of what is required and how it may be achieved.

► Safe migration.

The creation of opportunities for legal, gainful and non-exploitative migration is crucial for preventing future trafficking. That responsibility falls on countries of origin as well as countries of destination. For the former, the provision of adequate information about the rights of migrants and practical advice on how to manage risks in the migratory process are integral obligations. Countries of origin should also ensure that they have the consular facilities to maintain contact with their citizens working abroad and respond effectively to any concerns.¹⁴ Countries of destination should ascertain the demand for migrant labour and develop the procedures and mechanisms that enable this demand to be met without exploitation.

► Labour rights.

In many countries, labour inspectorates are not up to the task of supervising workplaces and will anyway not have access to the common sites of exploitation for trafficked persons, which include brothels, private homes, farms and small factories. The Special Rapporteur has repeatedly called on States to strengthen their enforcement of labour laws and take steps to regulate the recruitment agencies that, along with the legitimate businesses that use their services, are profiting so handsomely from the exploitation of migrant workers. The mandate has ascertained that the failure to protect the rights of workers, and in particular migrant workers, is a major contribution to exploitation related to trafficking.

¹³ See A/65/288, paras. 29–38, A/HRC/23/48 and A/67/261.

¹⁴ See, for example, A/HRC/23/48/Add.3, para. 75 and A/65/288 para. 73.

► **Public awareness.**

Awareness-raising campaigns can be an important method of prevention on two levels: first, by working with at-risk communities to warn them of the dangers of trafficking and second, by sensitizing the public in countries of destination to the plight of trafficked persons and informing them about their role in prevention. However, the Special Rapporteur has noted that public awareness campaigns are sometimes crude in conception and execution, employing sensationalist scare tactics or designed simply to stop people from moving. There has also been very little critical examination of the effect of such campaigns, including the unintended negative effects that have been anecdotally noted by the Special Rapporteur in the course of her work,¹⁵ pointing to a need for all countries to monitor and regularly evaluate the impact of their prevention efforts.

► **Addressing demand.**

Trafficking feeds into a global market that seeks out cheap, unregulated and exploitable labour and the goods and services that such labour can produce. Both mandate holders have affirmed that international law requires States to discourage the demand that fosters exploitation related to trafficking.¹⁶ The Special Rapporteur has examined that demand in detail in the context of a review of prevention (A/65/288, paras. 29–38) and in a dedicated report (A/HRC/23/48). In the latter report, the Special Rapporteur recommended that States take steps to understand the nature of demand and develop measures to discourage it, based on accurate information and experience. Basic human rights, including the prohibition on discrimination, should further guide this process. The Special Rapporteur also noted the importance of ensuring that measures to address demand do not themselves negatively affect individual rights and freedoms.

While visiting a privately run shelter in Buenos Aires, the Special Rapporteur heard the story of "A", a young victim of trafficking for sexual exploitation who arrived at the age of 12 years. A and other young girls were sexually abused and exploited by a man who ran a small shop in their neighbourhood. From the time an official complaint was filed with the police against A's trafficker in 2006 until his arrest in 2010, the man remained in contact with his victim, constantly harassing her, pressuring her to drop the charges and not to testify against him. During that time, he also continued to run a network of sexual exploitation of girls in his neighbourhood. A's reluctance to testify against her exploiter was seen as an obstacle by prosecutors handling the case, and the testimonies of non-governmental organizations and other service providers assisting her and other victims were not taken seriously by the authorities.

This case is a clear example of the long delays encountered in investigations and of the failure of authorities to address the special needs of trafficking victims during judicial procedures. As is common in cases of child sexual abuse, "A" saw her exploiter as a father figure and was initially reluctant to act against him. It took years of therapy and support for "A" to realize that she had been subjected to exploitation. It was not until she decided to denounce his continued harassment that she finally received protective custody against her abuser, who was eventually arrested. The support, counselling and protection that "A" received over the years and that eventually led to her recovery were provided and funded by the private shelter.

► **Supply chains and public-private partnerships.**

The mandate has maintained a strong focus on non-State actors and the role they can or should play in preventing and responding to trafficking. Information about trafficked labour in the supply chains of major industries, including agriculture, information and communications technology, fishing, garment-making and textiles, has alerted the mandate to the importance of engaging directly with business corporations. Over the past years, the Special Rapporteur has taken up this difficult issue, undertaking research and holding wide-ranging consultations on trafficking in global supply chains. In a dedicated report she outlined a series of clear and practical recommendations for businesses and States

¹⁵ See, for example, A/65/288, para. 45.

¹⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, art. 9 (5) and Council of Europe Convention on Action against Trafficking in Human Beings, art. 6.

to help them eliminate trafficking in the supply chain (A/67/261). This provided the basis for further consultations with business experts that resulted in a draft set of benchmarks and indicators for ensuring that supply chains are free of trafficking. That draft was presented to the Human Rights Council at its twenty-third session (A/HRC/23/48/Add.4, appendix I) and the second United Nations Forum on Business and Human Rights in 2013.

E. Trafficking in persons for the removal of organs

While trafficking in persons for the removal of organs is specified as a form of exploitation related to trafficking in the international legal definition, until very recently the mandate did not deal substantively with this issue. This reflected the paucity of reliable information on the

practice and uncertainty around its true extent. However, in recent years, there have been a series of reputable reports documenting systematic trafficking in persons for the removal of organs in several different regions of the world and major prosecutions in Africa and Europe. Anecdotal reports of this form of trafficking in persons were also provided to the mandate in the context of recent country visits. Consistently with the commitment of the mandate to tackling difficult, emerging and under-researched issues, the Special Rapporteur focused her attention on trafficking in persons for the removal of organs, with a view to contributing to the international conversation at a pivotal point. She reported on trafficking in persons for the removal of organs on the basis of an expert background paper, peer-reviewed by an informal group of transplant specialists, ethicists and researchers. (A/68/256).



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Visiting a detention center for migrants during a country visit to Italy

V. Contribution of the mandate to key conceptual and legal gains

A. A broader focus

The past decade has been one of great development and change. With the benefit of an agreed definition of trafficking in persons, new international, regional and national laws, clearer policies and heightened political commitment, the mandate has been able to make a critical contribution at a unique moment in time. It has actively embraced and advocated for the definition of trafficking that is now enshrined in international law through the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and other instruments and is reflected in the law of many States. This approach has been instrumental in helping to expand the focus of international and national anti-trafficking efforts beyond the previous focus on trafficking for the exploitation of prostitution and contributing to greater conceptual clarity around the parameters of the definition of trafficking. In their responses to the questionnaire, a number of States and organizations highlighted the substantial contribution of the mandate to expanding the discourse around trafficking. This expansion was noted in relation to: (a) identification and exploration of different forms of exploitation related to trafficking and (b) consideration of different avenues and actors that could or should play a role in preventing or responding to trafficking.

B. Greater clarity regarding the rights of victims

It is one thing to assert the human rights of victims of trafficking and another to specify, with a sufficient level of detail, what those rights actually are and what obligations they impose on States. That process is essential, because it is only through such certainty that it becomes possible to assess the extent to which a particular situation, initiative or response is in conformity with international human rights law. The task is made somewhat more difficult by the fact that the central international instrument relevant to trafficking, the Protocol to Prevent, Suppress and

A 17-year-old Indonesian woman travelled to Kuwait to work as a domestic worker. After six months, her Saudi employer took her to Egypt, where she was forced to work for five years without pay. She was subjected to severe physical abuse and forced to sleep in the bathroom. Despite the long working hours, she was not provided with adequate food, and her employer retained her travel documents at all times. She subsequently managed to escape from her employer and sought refuge at the Indonesian embassy. In the meantime, the employer filed a criminal complaint against her for stealing, and she was detained by the authorities. She was subsequently deported to Indonesia without any compensation for her work for five years.

A 20-year-old Indonesian woman was recruited in Indonesia to work as a domestic worker in Egypt. An Egyptian man, who acted as recruitment agent, married her so that she could obtain an entry visa for Egypt. Upon her arrival in Egypt in February 2010, she was sent to an Egyptian employer who abused her physically and psychologically. The employer did not pay her and prevented her from seeking medical care. She managed to run away and met an Egyptian man who promised to help her. However, he took her to a warehouse where he and a gang of men raped her several times, which left her with a broken hip. Reputedly there was no investigation of the said recruitment agent or employer. While the men who raped her were apparently detained by the police, it is not clear whether the police conducted a criminal investigation. The woman was returned to Indonesia according to her wish, and did not receive any compensation for the injuries she suffered.

Punish Trafficking in Persons, especially Women and Children, is not clear on the issue of the rights of victims. There are general references to human rights in the Protocol and it includes a number of obligations that may be understood as intended to protect victims. However, on its own, it makes little headway in establishing the precise nature of the entitlements of victims and how these should be met. It is also relevant to note that, when the mandate was first instituted, the international human rights system itself had not contributed substantially to clarifying the substantive content of relevant rights and obligations. While there was regular condemnation of the human rights violations associated with trafficking,

the practice was rarely linked to the violation of a specific right in a specific treaty.

Throughout all aspects of its work, from country missions to thematic studies, the mandate has helped to confirm and promote awareness of those important rights. Respondents to the questionnaire sent to Member States and other actors by the Special Rapporteur confirmed that the work of the mandate in this area was one of its most significant achievements.

C. Greater clarity regarding the obligations and responsibilities of States

Respondents to the questionnaire noted that the mandate had also directly contributed to confirming and disseminating the obligations of States with respect to their response to trafficking. The mandate has also been very clear that the obligations of States extend beyond those that relate immediately to victims. For example,

in relation to the responses of the criminal justice system, the Special Rapporteur has confirmed the obligation on all States to investigate and prosecute trafficking, as well as the obligation to protect the rights of suspects and the right to a fair trial.¹⁷ In their country mission reports, the mandate holders have also highlighted the link between corruption and trafficking, noting that States are required to act in preventing such corruption and dealing with it once it is uncovered.¹⁸ More broadly, and in particular during the tenure of the current mandate holder, the mandate has examined the implications of the legal obligation on States to take steps to prevent trafficking, detailing actions that should be taken within the framework of a human rights approach (A/HRC/10/16, paras. 45–47).

¹⁷ See, for example, A/HRC/20/18, para. 71 and A/HRC/20/18/Add.2, para. 77 (h).

¹⁸ See, for example, A/HRC/20/18, para. 90 and A/HRC/20/18/Add.2, paras. 72, 73 and 77 (h).



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Inter active dialogue with Member States at the UN general Assembly, October 2013

VI. Challenges

The work of the mandate has confirmed that the problem of human trafficking continues to be endemic in all parts of the world. While awareness of trafficking and of relevant rights and obligations has improved significantly, this has not resulted in substantial improvements on the ground. Large numbers of women, men and children continue to be exploited; very few receive support, protection or redress; few of those who are doing the exploiting are apprehended and in every country the number of prosecutions remains stubbornly low. Many of the obstacles to a more effective response have been addressed in the previous sections of the present report. Nevertheless, it is pertinent to draw out those challenges that are likely to be of particular concern to the international community and to the mandate as it evolves in the future.

A. Clarifying the parameters of the international legal definition

The parameters of the international legal definition need to be clarified, as it would be a mistake to assume that the adoption of the definition has ended discussion around the parameters of trafficking. In fact, there is a continuing vigorous debate within and among States and other actors over what conduct is or is not defined as "trafficking". For example, to what extent does the act of "harbouring" enable the definition to encompass the maintenance of an individual in a situation of exploitation and not just movement into that situation? Would a single, minor deception at the recruitment stage be sufficient to turn an exploitative situation into one of trafficking? Is the consent of the victim ever relevant in establishing whether trafficking has occurred? How broadly should the phrase "abuse of a position of vulnerability" be read? For example, should it include vulnerability related to economic necessity or to immigration status? How broadly should "exploitation" (including "sexual exploitation") be understood? What criteria, if any, should be used to determine whether other exploitative practices are to be included within the open-ended list set out in the international definition? What are the relationships between

In Japan, the Industrial Training and Technical Internship Programme was established in order to develop human and industrial resources of developing countries, with the aim of securing the transfer of industrial technology, skills and/or knowledge. While on her country visit to Japan, many reported that this system was used by some companies as a conduit to bring in unskilled workers to Japan to work at very low wages, under conditions that may well amount to trafficking.

The Special Rapporteur heard various testimonies of trainees who were housed in containers, without heating at 10 degrees, drinking dirty water or sleeping on the floor. She also heard testimonies of young women who were sexually harassed and abused. In one case, a young Chinese woman who was supposed to be a trainee in a farm to acquire agricultural skills was taken by the entrepreneur to work as a servant in her house and raped on a regular basis until she could escape. A case was filed in court. She succeeded in receiving monetary compensation through an out-of-court settlement. Generally, it is difficult to reach the end of a court case, since interns have to leave after three years and a court case usually lasts two years.

The Special Rapporteur heard several testimonies of Chinese men and women forcibly deported when they complained about their work and living conditions. Attorneys representing trainees reported the case of a Chinese woman who was told she would be trained in making clothes but, once in Japan, was put to work as a cleaner. She worked for almost three years from 8.30 am to 12.00 am with very few days off. When, together with other colleagues, she asked for better working conditions, the employer forced her and her colleagues into a car and took them to the airport to be deported to China, with the assistance of the airport police. She subsequently escaped and went to a workers' union in Tokyo that has tried to sue the company in court.

trafficking and related practices also prohibited under international law, including slavery, servitude and forced labour? When would an instance of forced labour or slavery not be trafficking? How should exploitation through debt bondage be understood in the context of modern recruitment and employment practices? And critically, at what point does a bad employment situation metamorphose into trafficking?

As UNODC has noted, these questions are important because to characterize certain conduct as “trafficking” has significant and wide-ranging consequences for States, for the alleged perpetrators of that conduct and for the alleged victims. It is also highly significant for organizations and agencies that are engaged in fighting “trafficking”. UNODC identifies “a tension between those who support a conservative or even restrictive interpretation of the concept of trafficking and those who advocate for its expansion. The complex and fluid definition in the Protocol provides justification for both perspectives and has contributed to ensuring that such tensions remain unresolved”.¹⁹

B. Strengthening the accountability of non-State actors and involving civil society

Another key challenge is the extent of the involvement of civil society and the community in combating and preventing trafficking in persons. The experience of the mandate has underlined the critical role that civil society must play in the response to trafficking at the national, regional and international levels. The Special Rapporteur has often noted tensions between civil society groups working on trafficking and Governments, and this needs to be better managed so that civil society organizations can contribute effectively.

The Special Rapporteur has repeatedly recognized the power of the media in raising community awareness of trafficking in all its forms and also informing vulnerable groups about certain migration risks. However that power makes it particularly important that media treatment of the issue of trafficking is both accurate and appropriate. The mandate has noted repeated examples of media sensationalism, manifested for example through a prurient and overly narrow focus on sexual exploitation. Other problems that are regularly encountered include the failure to adequately protect the privacy of victims; stigmatization of victims; and fostering confusion between trafficking and other phenomena, such as irregular migration and migrant smuggling.

C. Involving victims and vulnerable groups

The Special Rapporteur has consistently sought to engage victims in all aspects of her work and is of the view that the mandate has benefited enormously from this approach. Respondents to the questionnaire affirmed this finding, emphasizing the importance of the mandate focusing on the real experiences of victims and drawing on strong, evidence-based research. Several respondents identified the efforts of the Special Rapporteur to give a voice to victims, including at the Human Rights Council and the General Assembly, as a major achievement.

D. Improving compliance mechanisms at the national, regional and international levels

The mandate has drawn attention to worrying gaps between the obligations of States with regard to trafficking (what States are required to do or refrain from doing) and the extent to which those obligations are met in practice (what actually happens). This is particularly the case with regard to the rights of victims that, despite being protected by international and national laws, are often disregarded. This is not always the result of lack of political will. The complexity of the trafficking phenomenon, uncertainty about aspects of the solution and the fact that States are rarely the direct perpetrators of trafficking-related harm, all complicate the task of securing compliance with international legal rules. Improving compliance mechanisms at all levels must be a priority for States and the international community.

At the national level. The mandate has repeatedly called on States to strengthen their implementation machinery and has sought to provide practical guidance to States on implementing a rights-based approach. Respondents to the questionnaire identified this as a key contribution of the mandate. The Special Rapporteur has consistently advocated for the establishment of national rapporteurs or equivalent mechanisms in countries that do not yet have such a position. Where they do exist (principally, at present, in Europe), independent, appropriately tasked national rapporteurs have generally played an important role in monitoring the national situation; facilitating

¹⁹ UNODC, “Abuse of a position of vulnerability and other ‘means’ within the definition of trafficking in persons”, issue paper (Vienna, 2013), p. 1.



collaboration between different agencies and between the Government and civil society; and overseeing the collection and analysis of data on the national response and on trafficking trends. Their central role was confirmed at a consultative meeting in 2013 convened by the Special Rapporteur, which brought together, for the first time, national rapporteurs, from 19 countries. A follow-up meeting is scheduled for mid-2014. Of course, the national rapporteur mechanism is just one way for States to approach the challenge of compliance. The Special Rapporteur has encouraged States to consider additional paths to this end, including the development of national plans of action against trafficking and the establishment of broad-based consultation groups to advise and support implementation.

The mandate notes the unilateral compliance mechanism established by the Office to Monitor and Combat Trafficking in Persons of the United States Department of State, which undertakes an annual assessment of the trafficking situation in States worldwide and the quality of the national responses.²⁰ The Special Rapporteur has

established an excellent working relationship with officials at the Office and generally welcomes this initiative as an important contribution to promoting strong national responses and increased awareness about trafficking throughout the world. However, she cautions that the criteria used to assess national performance should be explicitly based on international standards. This is not just essential to the credibility of the mechanism, it is also an important way to strengthen the international legal framework and affirm its key standards.

States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, could also be encouraged to take up the challenge of implementation more creatively, for example by opening up the deliberations of the Working Group on the Universal Periodic Review to some input from civil society and providing it with more substantive oversight responsibilities. Trafficking remains a difficult issue for all States and increased support aimed at helping them to meet their international obligations should be welcomed.

²⁰ See www.state.gov/j/tip/rls/tiprpt/.

VII. Conclusion and recommendations

The Human Rights Council is to be congratulated for its wisdom and foresight in establishing a mechanism that has ensured human rights retain their rightful place at the centre of the international response to trafficking. This role has been particularly important in light of the fact that the key international treaty on trafficking was established outside the human rights system. States and partners, including United Nations bodies, intergovernmental organizations, national human rights institutions and civil society, surveyed as part of the preparation for this report have affirmed the positive impact of the mandate on their work and on the anti-trafficking sector as a whole. They have drawn particular attention to the contribution of the Special Rapporteur to standard-setting; to mainstreaming human rights into the anti-trafficking discourse; and to drawing attention to emerging and less well-known forms of trafficking.

On this basis, the Special Rapporteur offers the following recommendations for the Human Rights Council and future mandate holders.

The Human Rights Council should:

- (a) Continue the mandate, in recognition of the prevalence of trafficking in persons and the need for longer-term strategies with a human rights-based approach;
- (b) Consider abbreviating the title of the mandate by removing the specific reference to women and children. While that reference is part of the title of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, it may deflect attention from the reality that trafficking is a problem affecting men as well as women and children. However, the substance of the mandate as set out in Human Rights Council resolution 8/12: “to promote the prevention of trafficking in persons in all its forms and the adoption of measures to uphold and protect the human rights of victims” has proved to be a sound one that requires no substantial modifications.

Future mandate holders could focus on conceptual and definitional overlaps; the consequences of a human rights-based approach to trafficking; measuring the impact of anti-trafficking interventions, corruption and trafficking; and the effectiveness of victim identification tools. They should:

- (a) Consider undertaking studies in relation to emerging areas of concern, such as (i) illicit recruitment practices, (ii) trafficking in men for forced and exploitative labour, (iii) trafficking for forced begging and criminal activities, (iv) trafficking for forced or servile marriage and (v) return and the risk of re-trafficking. They should consider giving further attention to trafficking in persons for the removal of organs in continuation of the initial work undertaken by the Special Rapporteur;
- (b) Continue the cooperation between the mandate and international and regional and national mechanisms to combat trafficking in persons, in consultation with victims;
- (c) Consider collaborating with the Special Rapporteurs on contemporary forms of slavery, including its causes and its consequences, on the sale of children, child prostitution and child pornography, and on the human rights of migrants, to capitalize on common interests and approaches;
- (d) Continue promoting implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and relevant regional instruments, as well as other standards and policies related to trafficking in persons, including endorsing the draft basic principles on the right to an effective remedy for trafficked persons and encouraging States to incorporate them into domestic legislation;
- (e) Continue promoting the involvement of civil society in all international and regional anti-trafficking forms, including discussions on the review mechanism for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

ANNEXES

Annex 1

List of activities undertaken by the Special rapporteur on trafficking in persons, especially women and children, 2004–2014

A. Country Visits Undertaken and Reports

Year	Country	Reports
2014	Seychelles (27–31 January 2014)	A/HRC/26/37/Add.7
2013	Belize (12–16 December 2013)	A/HRC/26/37/Add.6
	Bahamas (9–11 December 2013)	A/HRC/26/37/Add.5
	Italy (12–20 September 2013)	A/HRC/26/37/Add.4
	Morocco (17–21 June 2013)	A/HRC/26/37/Add.3
2012	Philippines (5–9 November 2012)	A/HRC/23/48/Add.3
	Gabon (14–18 May 2012)	A/HRC/23/48/Add.2
	United Arab Emirates (11–17 April 2012)	A/HRC/23/48/Add.1
2011	Australia (17–30 November 2011)	A/HRC/20/18/Add.1
	Thailand (8–19 August 2011)	A/HRC/20/18/Add.2
2010	Argentina (6–11 September 2010)	A/HRC/17/35/Add.4
	Uruguay (13–17 September 2010)	A/HRC/17/35/Add.3
	Egypt (11–21 April 2010)	A/HRC/17/35/Add.2
2009	Japan (12–17 July 2009)	A/HRC/14/32/Add.4
	Poland (24–29 May 2009)	A/HRC/14/32/Add.3
	Belarus (18–24 May 2009)	A/HRC/14/32/Add.2
2006	Qatar (8–2 November 2006)	A/HRC/4/23/Add.2
	Oman (2–7 November 2006)	A/HRC/4/23/Add.2
	Bahrain (29 October – 1 November 2006)	A/HRC/4/23/Add.2
2005	Lebanon (7–16 September 2005)	E/CN.4/2006/62/Add.3
	Bosnia-Herzegovina (20–28 February 2005)	E/CN.4/2006/62/Add.2

B. Consultations Convened

Regional Consultations on Effective Remedies

Year	Consultation
2014	Fifth Regional Consultation on the Right to an Effective Remedy for Trafficked Persons for representatives from the MENA Region, Amman (9 January 2014)
2013	Fourth Regional Consultation on the Right to an Effective Remedy for Trafficked Persons for representatives from the Africa Region, Abuja (21 November 2013)
	Third Regional Consultation on the Right to an Effective Remedy for Trafficked Persons, for representatives from the Asian Region, Bangkok (27 September 2013)
	Second Regional Consultation on the Right to an Effective Remedy for Trafficked Persons for representatives of Latin American and Caribbean States, Santiago (22 July 2013)
	First Regional Consultation on the Right to an Effective Remedy for Trafficked Persons for representatives of Eastern European States and Western European and other States, Geneva (1 March 2013)
	Global Consultation on the Right to an Effective Remedy for Trafficked Persons, New York (24 October 2013)
	Consultation on the Right to an Effective Remedy for Trafficked Persons, Geneva (7 November 2013)
	Side event on the “Right to Effective Remedies for Trafficked Persons” at the fringe of the Commission on the Status of Women, New York (14 March 2013)
2010	Expert Consultation on Effective Remedies for Trafficked Persons, Bratislava (22–23 November 2010)

Consultative Meetings with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms

Year	Consultation
2013	Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms, Berlin (23–24 May 2013)
2014	Second Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms, Bangkok (21–22 May 2014)

Thematic Expert Group Meetings and events

Year	Consultation
2014	Side event on Fighting Trafficking in Persons: Stocktaking exercise on the work of the mandate on its tenth anniversary (13 June 2014)
	Side event on the “Post-2015 MDGs Development Agenda and Combatting the Root Causes of Trafficking in Persons” at the fringe of the Commission on the Status of Women, New York (18 March 2014)
2013	Panel discussion on the theme “Human trafficking and exploitative labour in supply chains: addressing the demand and supply sides” in collaboration with the Permanent Mission of Germany to the United Nations Office and other international organizations in Geneva, Geneva (29 May 2013)
	Side event on “Preventing and Addressing Trafficking in Persons in Global Supply Chains” during the Second Annual United Nations Forum on Business and Human Rights, Geneva (4 December 2013)
2012	Expert Group Meeting on “Human Trafficking and Global Supply Chains”, Ankara (12–13 November 2012)
2011	Expert Meeting on “Prosecution of Trafficking in Persons Cases: Integrating a Human Rights-Based Approach in the Administration of Criminal Justice”, Geneva (4 July 2011)
2010	Consultation with anti-trafficking experts from nine Regional Mechanisms on “The role of regional and sub-regional mechanisms in international efforts to counter trafficking in persons, especially women and children”, Dakar (4–5 October 2010)

Other Activities / Conferences

Year	Event
2014	Presentation of the Special Rapporteur's thematic report on the 10 year review of the trafficking in persons mandate (1994–2014), 26th session of the Human Rights Council, Geneva (10–27 June 2014)
	21st Annual Meeting of Special Procedures mandate-holders of the Human Rights Council, Geneva (2–6 June 2014)
	58th session of the Commission on the Status of Women (CSW), New York (17–21 March 2014)
	International conference, "Enforcement of International Human Rights Law through the Mechanism of UN Special Rapporteurs", organized by John Hopkins University, Bologna (3–4 March 2014)
	Organization for Security and Co-operation in Europe (OSCE) and Council of Europe conference, "Not For Sale – Joining Forces Against Trafficking In Human Beings", Vienna (17–18 February 2014)
	Conference, "Addressing Implementation Gaps: Improving Cooperation between Global and Regional Human Rights Mechanisms, organized by Wilton Park, Steyning West Sussex (23–25 January 2014)
	International Organization for Migration (IOM), Symposium on the Role of the Media in Combatting Human Trafficking, Kuwait (7–8 January 2014)
2013	United Nations Office on Drugs and Crime (UNODC), Expert Group Meeting on Trafficking in Persons for the Purpose of Organ Removal, Vienna (4–5 December 2013)
	International Labour Organization (ILO) conference, "Combatting Forced Labour and Human Trafficking in Africa", Lusaka (19–20 November 2013)
	Seminar, "Trafficking in Human Beings: Modern Slavery – Destitute Peoples and the Message of Jesus Christ", organized by the Pontifical Academies of Science and Social Sciences, Vatican City (2–3 November 2013)
	Presentation of the Special Rapporteur's thematic report on trafficking in persons for the removal of organs, 68th session of the United Nations General Assembly, New York (25 October 2013)
	Talk at School of Law, Duke University, North Carolina (24 October 2013)
	Talk at Leitner Center, Fordham Law School, New York City (22 October 2013)
	Meeting with the Organization for Security and Co-operation in Europe (OSCE) Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Geneva (17 October 2013)
	Global Online Counter Child Trafficking Conference, organized by Counter Child Trafficking, Online (16–18 October 2013)
	International Bar Association Showcase, "Human Trafficking: Modern Slavery", Boston (7 October 2013)
	Informal visit to Uganda (2–6 September 2013)
	3rd Latin American Congress on "Globalisation, Human Trafficking and Access to Justice: Articulation of Regional Dialogues", Bogota (16–18 July 2013)
	Exchange of views with the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) on possible joint actions, strengthening synergy and information-sharing, Strasbourg (2 July 2013)
	Conference, "Vienna +20: Advancing the Protection of Human Rights", co-hosted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Austria, commemorating the twentieth anniversary of the World Conference on Human Rights, Vienna (25–26 June 2013)
	13th High-level Alliance against Trafficking in Persons Conference, "Stolen Lives, Stolen Money: The Price of Modern-day Slavery", organized by the Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings of the Organization for Security and Co-operation in Europe (OSCE), Vienna (25 June 2013)
Side event on clarifying the concept of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, organized by the permanent missions of Switzerland and Egypt and the United Nations Office on Drugs and Crime (UNODC), Geneva (27 May 2013)	

Year	Event
	Presentation of the Special Rapporteur's thematic report on the integration of a human rights-based approach in measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and which leads to human trafficking to the Human Rights Council at its 23rd session, Geneva (28 May 2013)
	25th Quadrennial Congress of the International Council of Nurses, Melbourne (21 May 2013)
	High-level meeting of the General Assembly on the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons, New York (13 May 2013)
	Expert meeting, "Corporate Responsibility to Respect Human Rights: Addressing Trafficking and Forced Labour in Supply Chains", Atlanta (8 May 2013)
	2013 Women in the World Summit, New York (4–5 April 2013)
	57th session of the Commission on the Status of Women and co-held an interactive dialogue with the Member States of the Commission, New York (11 March 2013)
	Side event, "Women's Access to Justice: Models, Strategies and Practices from the Field" hosted by the International Development Law Organization (IDLO), 22nd session of the Human Rights Council, Geneva (28 February 2013)
2012	Seminar on the Trafficking of Persons and Smuggling of Migrants hosted by the National Institute of Human Rights, Chile (26 October 2012)
	Conference, "Working Together towards the Eradication of Trafficking in Human Beings: The Way Forward", organized by the Cyprus Presidency of the Council of the European Union and the European Commission on the occasion of the 6th European Union Anti-Trafficking Day, Brussels (18 October 2012)
	The Atlantic Dialogues, Rabat (28–30 September 2012)
	6th session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Vienna (16 October 2012)
	Workshop on combating human trafficking during sporting events, Qatar Foundation for Combating Human Trafficking and Stop the Trafficking, London (11 July 2012)
	Side event, "Remedies for Trafficking Victims: Civil Society and Law Enforcement Working Together", organized by the permanent missions of Germany, the Philippines and the United States of America to the United Nations Office and other international organizations in Geneva, Geneva (25 June 2012)
	Discussion on a human rights-based approach to prosecuting cases of human trafficking, organized by Anti-Slavery International, Christian Organisations against Trafficking in Women, Franciscans International and the Global Alliance against Traffic in Women (GAATW), Geneva (22 June 2012)
	Side event on the migration-trafficking nexus, drawing on casework on women domestic migrant workers from South Asia, organized by Anti-Slavery International, Franciscans International and the Global Alliance against Traffic in Women (GAATW), Geneva (21 June 2012)
	Side event on domestic servitude in diplomatic households and challenges for the international community, organized by the permanent missions of Austria and Switzerland to the United Nations Office and other international organizations in Geneva and the Organization for Security and Cooperation in Europe (OSCE), Geneva (21 June 2012)
	Presentation of the Special Rapporteur's thematic report on integrating a human rights-based approach to the administration of criminal justice in cases of trafficking in persons to the Human Rights Council at its 20th session, Geneva (22 June 2012)
	General Assembly interactive dialogue, "Fighting Human Trafficking: Partnership and Innovation to End Violence against Women and Girls", convened by the President of the General Assembly in cooperation with the Group of Friends United against Human Trafficking and the United Nations Office on Drugs and Crime (UNODC), New York (April 2012)
	Informal Network of European National Rapporteurs and Equivalent Mechanisms, organized by the European Commission and the European Union Anti-Trafficking Coordinator, Brussels (2–3 February 2012)
	Dialogue between Special Procedures mandate-holders and the African Commission on Human and Peoples' Rights, organized by the Office of the High Commissioner for Human Rights (OHCHR) in cooperation with the African Commission, Addis Ababa (17–18 January 2012)

Year	Event
2011	4th session of the Open-ended Interim Working Group on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Vienna (10–12 October 2011)
	Human Dimension Implementation Meeting, organized by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), Warsaw (5–7 October 2011)
	Association of Southeast Asian Nations (ASEAN) workshop on criminal justice responses to trafficking in persons, hosted by Singapore's Ministry of Home Affairs, Singapore (11–13 July 2011)
	World Justice Forum III, organized by the World Justice Project, Barcelona (21–22 June 2011)
	Conference, "Child trafficking in Scotland", organized by the Scottish Commissioner for Children and Young People, Edinburgh (7 June 2011)
	Side event, "Deported Without Justice: Barriers to Trafficked Persons Accessing Remedies", organized by Franciscans International and the Global Alliance against Traffic in Women (GAATW), Geneva (1 June 2011)
	Side event, "Access to Justice and Compensation for Trafficked Persons", organized by the Permanent Mission of Germany to the United Nations, the Permanent Mission of the Philippines to the United Nations, Anti-Slavery International, La Strada International and the Organization for Security and Cooperation in Europe (OSCE), Geneva (31 May 2011)
2010	Inter-parliamentary conference, "Parliaments United Against Human Trafficking", held by the Parliamentary Assembly of the Council of Europe, Paris (3 December 2010)
	Press conference organized by anti-trafficking action (ASTRA) on the occasion of the tenth anniversary of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ("Palermo Protocol"), Belgrade (2 December 2010)
	Presentation of the Special Rapporteur's report on the prevention of trafficking in persons, 65th session of the United Nations General Assembly, New York (25 October 2010)
	5th session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Vienna (19 October 2010)
	International Members' Conference and Congress of the Global Alliance against Traffic in Women (GAATW), Bangkok (6–7 July 2010)
	7th Annual Meeting of Special Procedures at the Office of the High Commissioner of Human Rights (OHCHR), Geneva (30 June – 2 July 2010)
	International Conference against Trafficking in Migrant Women, organized by the National Human Rights Commission of Korea, Seoul (28 June 2010)
	Side event on implementing victim-centred approaches to human trafficking, organized by the Global Alliance against Traffic in Women (GAATW), Geneva (3 June 2010)
	Presentation of the Special Rapporteur's report on regional and sub-regional cooperation in promoting a human rights-based approach to combating trafficking in persons, Human Rights Council, Geneva (3 June 2010)
	Special event, "Giving Voice to the Victims and Survivors of Human Trafficking" at the 14th session of the Human Rights Council, Geneva (2 June 2010)
	Conference, "Human Rights and Migration: Realizing a Human Rights-Based Approach to the Protection of Migrants, Refugees and Asylum-Seekers", organized by the Ministry of Interior of Portugal and the Council of Europe, Lisbon (31 May – 1 June 2010)
	Seminar on a human rights-based approach to combating trafficking in persons and the implementation of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, organized by the Office of the High Commissioner for Human Rights (OHCHR), Geneva (27–28 May 2010)
	Doha Foundation Forum of the Arab Initiative to Combat Human Trafficking, Doha (22–23 March 2010)
	Gender-Based Violence and Trafficking in Persons workshop, organized by the United States Agency for International Development (USAID), Washington DC (16 to 19 February 2010)
Senior Officials Meeting of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), Bagan (20–22 January 2010)	
Consultations with intergovernmental and non-governmental organizations working on human trafficking in the region, Bangkok (18 January 2010)	

Year	Event
2009	International summit, “The Courage to Lead: A Human Rights Summit for Women Leaders”, Geneva (8–10 December 2009)
	4th Annual Symposium on “Trafficking in Persons as a Form of Violence against Women”, organized by the John Hopkins University, Washington DC (2 November 2009)
	Presentation of the Special Rapporteur’s report on identification, protection of and assistance to victims of trafficking, 64th session of the United Nations General Assembly, New York (23 October 2009)
	Special event, “Giving Voice to the Victims and Survivors of Human Trafficking”, New York (22 October 2009)
	European Union Ministerial Conference “Towards EU Action against Trafficking in Human Beings”, Brussels (19–20 October 2009)
	Launch of the International Framework for Action to Implement the Trafficking Protocol at the 64th session of the United Nations General Assembly, New York (9 October 2009)
	International Conference on “Prevention of Modern Slavery”, organized by Organization for Security and Cooperation in Europe (OSCE), Vienna (14–15 September 2009)
	High-level panel at the Group of Eight International Conference on Violence against Women, Rome (9–10 September 2009)
	6th Annual Meeting of Special Rapporteurs, Representatives, Independent Experts and Chairpersons of Working Groups of the Human Rights Council, Geneva (29 June–3 July 2009)
	Joint consultative workshop to discuss methods of work including with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on contemporary forms of slavery, Geneva (24–26 June 2009)
	Thematic dialogue of the United Nations General Assembly on taking collective action to end human trafficking, New York (13 May 2009)
	Round table on preventing human trafficking in relation to the 2012 Olympic Games, London (April 2009)
	Launch of the Mayor’s strategy to eradicate violence against women, “The Way Forward: A Call for Action to End Violence Against Women”, London (20–23 April 2009)
	Side event held during the 10th session of the Human Rights Council, organized jointly with the Permanent Missions of the Philippines and Germany to the United Nations, Geneva (13 March 2009)
	First annual report to the Human Rights Council at its 10th session, Geneva (12 March 2009)
	Events organized by the Coalition Against Trafficking in Women (CATW) and film shows on trafficking, prostitution and pornography, New York (6 March 2009)
Panel discussion on Special Procedures of the Human Rights Council and women’s rights convened during the 53rd session of the Commission on the Status of Women, New York (6 March 2009)	
International conference, “Human Trafficking at the Crossroads”, Bahrain (2–3 March 2009)	
Conference on “International Migration and Human Trafficking: Maximizing Benefits, Overcoming Challenges”, convened by the Commonwealth Parliamentary Association at the Houses of Parliament, London (3–4 February 2009)	
2008	Round table on human trafficking, sexual rights, sex work and health organized by the Public Health Program of the Open Society Initiative, Washington DC (11 December 2008)
	Consultations with stakeholders relevant to the Special Rapporteur’s mandate, including Human Rights Watch, the Steering Committee of the New York State Anti-Trafficking Coalition, Equality Now, and the Polaris Project, New York (7–10 December 2008)
	Third World Congress against Sexual Exploitation of Children and Adolescents, Rio de Janeiro (25–28 November 2008)
	Regional consultation on building and expanding connections towards promoting the human rights of trafficked and migrant persons in Africa, organized by the Global Alliance Against Trafficking in Women (GAATW), Nairobi (21–22 November 2008)
	Event for the Network of African National Human Rights Institutions and West African National Human Rights Institutions hosted by the National Human Rights Commission and the Open Society Initiative for West Africa, Abuja (10 November 2008)

Year	Event
	44th ordinary session of the African Commission on Human and Peoples' Rights, Abuja (8–12 November 2008)
	Questionnaire in English, French and Spanish circulated to all United Nations Member States to gather baseline information on the problem of human trafficking (October 2008)
	Consultations with representatives of the Committee on the Rights of the Child, permanent missions, the International Labour Organisation (ILO), the International Organization for Migration (IOM), non-governmental organizations and the United Nations Office on Drugs and Crime (UNODC), Geneva (6–10 October 2008)
2006	Inter-parliamentary Conference on Human Rights and Religious Freedom organized by the Institute of Religion and Public Policy, Rome (27–29 November 2006)
	Conference on trafficking of and violence against women organized by FOKUS – Forum for Women and Development, Oslo (November 2006)
	Addressed the Madrid City Hall to mark the International Day for the Elimination of Violence against Women, Madrid (24 November 2006)
	International conference on "Human Rights and Prostitution", organized by the City Council of Madrid, Madrid (22 November 2006)
	Conference on "Cooperation between Source and Destination Countries in Combating Trafficking in Human Beings", organized by the International Organization for Migration (IOM), the Belarus Ministry of International Affairs, the United Nations Children's Fund (UNICEF) and the Organization for Security and Cooperation in Europe (OSCE), Minsk (25–27 October 2006)
	Thematic report on the relationship between trafficking and the demand for commercial sexual exploitation to the Human Rights Council, Geneva (18 September – 6 October 2006)
	Rule of law seminar organized by the American Bar Association and the International Bar Association, United States of America (16 September 2006)
	Presentation at the University of Iowa, Iowa (13 September 2006)
	Discussions with Congressman Chris Smith, met with the Secretary-General, officers of the Organization of American States, officials in the United States Department of State and the Office to Monitor and Combat Trafficking in Persons, Washington DC (11 September 2006)
	Visit to the Girls Education and Mentoring Society, New York (7 September 2006)
	International conference on the "Linkages between Prostitution and Trafficking", at the invitation of the Centre for Women's Human Rights, Seoul (4–6 September 2006)
	Regional conference on "Addressing the Demand Side of Trafficking: Challenging States, Social Movements and the Media", hosted by the Coalition against Trafficking in Women (CATW)-Asia Pacific, Chiang Mai (27–29 August 2006)
	Meeting with the National Human Rights Commission, various public officials, non-governmental organizations and the media, Kathmandu (12–15 August 2006)
	Meeting on "Poverty, Inequality and Violence: Is There a Human Rights Response?" organized by the World Organization against Torture (OMCT), Geneva (23 June 2006)
	13th Annual Meeting of Special Procedures mandate-holders of the Human Rights Council, Geneva (19–24 June 2006)
	Conference on "Regional Cooperation to Combat Trafficking in Human Beings" organized by the Swedish Ministry of Foreign Affairs, Stockholm (9 June 2006)
	Conference on "Micro-credit and Women's Empowerment", organized by the Centre for Study on Democracy at the University of Westminster, London (May 2006)
	Westminster International Relations Forum at the University of Westminster, London (11 April 2006)
	Meetings with representatives of non-governmental organizations and other stakeholders, London (April 2006)
	Conference, "From the United Nations to the Council of Europe Convention against Trafficking in Human Beings: Recent Developments and New Challenges", Bologna (25 March 2006)

Year	Event
2005	5th General Conference of the Council for Security Cooperation in the Asia Pacific, Jakarta (6–7 December 2005)
	World Summit on the Information Society at the invitation of the United Nations Children’s Fund (UNICEF) and the non-governmental organization End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), Tunis (16–18 November 2005)
	World Conference on Prevention of Family Violence, Banff (23–26 October 2005)
	Conference on “Tackling Human Trafficking: Policy and Best Practices in Europe”, organized by the Presidency of the European Union, the European Commission and the Nordic Baltic Task Force against Trafficking in Human Beings, Brussels (19–20 October 2005)
	Press conference on “Trafficking for Sexual Exploitation: Who Speaks for Women in Prostitution?” sponsored by the joint American–Swedish project on demand, organized by the Coalition Against Trafficking in Women (CATW) and the European Women’s Lobby, Brussels (17 October 2005)
	Press briefing in the British House of Lords on forced marriage as a part of trafficking and migration and address to the seminar of the European Women’s Lobby on “Trafficking in Women for Sexual Exploitation: Who is Responsible?”, London (15 October 2005)
	Informal seminar with Member States on enhancing and strengthening the Special Procedures of the Commission on Human Rights, Geneva (12–14 October 2005)
	Conference on “Poverty, Inequality and Violence: Is there a human rights response?” organized by the World Organisation Against Torture, Geneva (4–6 October 2005)
	13th Workshop of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia Pacific Region, Beijing (30 August – 2 September 2005)
	Beijing Plus Ten Review at the Forum on Human Security, Chubu University, Japan (9–10 July 2005)
	Final Conference of the Network for European Women’s Rights (NEWWR), University of Birmingham, United Kingdom (30 June – 1 July 2005)
	12th Annual Meeting of Special Procedures mandate-holders (and served as the Rapporteur to the meeting), Geneva (20–24 June 2005)
	Training for senior United Nations Children’s Fund (UNICEF) staff working in the North Africa and Middle East region (24 May 2005)
	First annual report to the Commission on Human Rights, Geneva (April 2005)
Commission on the Status of Women on the occasion of the Review and Appraisal of the Beijing Declaration and Platform for Action and the Outcome Document of the 23rd special session of the General Assembly (Beijing Plus Ten Review), New York (7 March 2005)	
2004	International congress of members of the Global Alliance against Trafficking in Women (GAATW), Bangkok (6–9 December 2004)
	Orientation session organized by OHCHR, Geneva (8–11 November 2004)
	Third Committee of the General Assembly, New York (28–30 October 2004)

Annex 2

List of official documents by the Special rapporteur on trafficking in persons, especially women and children, 2004–2014

A. Reports submitted to the UN General Assembly

Report (Thematic Topic)	UN Document Symbol
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 69th session of the General Assembly in 2014 (ten year review of the mandate 1994–2014 of the Special Rapporteur on trafficking in persons, especially women and children)	
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 68th session of the General Assembly in 2013 (trafficking in persons for the removal of organs)	A/68/256
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 67th session of the General Assembly in 2012 (human trafficking in supply chains)	A/67/261
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 66th session of the General Assembly in 2011 (the right to an effective remedy for trafficked persons)	A/66/283
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 65th session of the General Assembly in 2010 (prevention of trafficking in persons)	A/65/288
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 64th session of the General Assembly in 2009 (identification, protection of and assistance to victims of trafficking)	A/64/290

B. Annual Reports submitted to the Human Rights Council / Commission on Human Rights

Report (Thematic Topic)	UN Document Symbol
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 26th session of the Human Rights Council in 2014 (ten year review of the mandate 1994–2014 of the Special Rapporteur on trafficking in persons, especially women and children)	A/HRC/26/37 A/HRC/26/37/Add.2
Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo - Addendum - Strengthening partnerships with national rapporteurs on trafficking in persons and equivalent mechanisms, (Berlin, 20-21 May 2013)	A/HRC/26/37/Add.1
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 23rd session of the Human Rights Council in 2013 (integrating a human rights-based approach in measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and which leads to human trafficking)	A/HRC/23/48
Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo - Addendum - Expert consultation on human trafficking and global supply chains (Ankara, 12 and 13 November 2012)	A/HRC/23/48/Add.4
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 20th session of the Human Rights Council in 2012 (a human rights-based approach to the administration of criminal justice in cases of trafficking in persons)	A/HRC/20/18
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 17th session of the Human Rights Council in 2011 (the right to an effective remedy for trafficked persons)	A/HRC/17/35

Report (Thematic Topic)	UN Document Symbol
Addendum - Consultation on the role of regional and sub-regional mechanisms in international efforts to counter trafficking in persons, especially in women and children convened by the SR on trafficking in persons, especially women and children (Dakar, 4 & 5 Oct. 2010).	A/HRC/17/35/Add.5
Addendum - Consultation on the right to effective remedy for trafficked victims, convened by the SR on trafficking in persons, especially women and children (Bratislava, 22 & 23 Nov. 2010).	A/HRC/17/35/Add.6
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 14th session of the Human Rights Council in 2010 (regional and sub-regional cooperation in promoting a human rights-based approach to combatting trafficking in persons)	A/HRC/14/32
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 10th session of the Human Rights Council in 2009 (mandate of the Special Rapporteur on trafficking in persons, especially women and children)	A/HRC/10/16
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 4th session of the Human Rights Council in 2007 (forced marriage in the context of trafficking in persons)	A/HRC/4/23
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 62nd session of the Commission on Human Rights in 2006 (demand for commercial sexual exploitation and trafficking)	E/CN.4/2006/62
Report of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the 61st session of the Commission on Human Rights in 2005 (mandate of the Special Rapporteur on trafficking in persons, especially women and children)	E/CN.4/2005/71

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UNTV documentary on trafficking in persons: http://www.youtube.com/watch?v=FE_mSntYm8

