



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



Trafficking in women and girls

Commission on Human Rights Resolution: 2004/45

The Commission on Human Rights,

Recalling the United Nations Millennium Declaration, particularly the resolve expressed by heads of State and Government to intensify efforts to fight transnational organized crime in all its dimensions, including trafficking in human beings,

Recalling also all previous resolutions on the problem of the traffic in women and girls adopted by the General Assembly and the Commission, including their reaffirmation of the principles set forth in relevant human rights instruments and declarations, as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Welcoming the entry into force on 29 September 2003 and 25 December 2003, respectively, of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,

Reaffirming the provisions pertaining to trafficking in persons, especially women and children, contained in the outcome documents of relevant international conferences and summits,

Stressing once again the urgent need to eliminate all forms of sexual violence and trafficking, including for prostitution, which both violate and impair or nullify the enjoyment of the human rights and fundamental freedoms of victims of trafficking and are incompatible with the dignity and worth of the human person, through the adoption of effective measures nationally, regionally and internationally,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance,

Noting with concern that women and girls are often subject to multiple forms of discrimination on the grounds of their gender as well as their origin, particularly when they are victims of trafficking,

Recognizing the importance of bilateral, subregional and regional cooperation mechanisms and initiatives to address the problem of trafficking in persons, especially women and children, and taking note of relevant efforts in this regard (most recently, the second Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held at Bali, Indonesia, from 28 to 30 April 2003, and the eighth Regional Conference on Migration, held at Cancún, Mexico, on 29 and 30 May 2003 as part of the Puebla Process, as well as the Organization for Security and Cooperation in Europe Action Plan to Combat Trafficking in Human Beings, endorsed at the Eleventh Meeting of the

Organization for Security and Cooperation in Europe Ministerial Council held at Maastricht, The Netherlands, on 1 and 2 December 2003).

Recognizing also that global efforts, including international cooperation and technical assistance programmes, to prevent and combat trafficking in persons, especially women and children, demand strong political commitment by and the active cooperation of all Governments of countries of origin, transit and destination,

Stressing the need for a global approach to prevent and combat trafficking in persons, especially women and children, and the importance, in this regard, of systematic data collection and comprehensive studies, including on the modus operandi of trafficking syndicates,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, organizing prevention campaigns, providing shelter for trafficked women and children and in effecting their voluntary repatriation to their countries of origin,

Recognizing the need to address the impact of globalization on the problem of trafficking in persons, especially women and children, in particular girls,

Seriously concerned at the increasing number of women and girl children from developing countries and from some countries with economies in transition who are being trafficked to developed countries, as well as within and between regions and States, and concerned that men and boys are also victims of trafficking,

Gravely concerned at the increasing activities of transnational criminal organizations and others that profit from international trafficking in persons, especially women and children, without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Convinced of the need to protect and assist all victims of trafficking, with full respect for their human rights,

Convinced that no person willingly consents to the suffering and exploitation that trafficking of persons entails,

Deeply concerned about the use of new information technologies, including the Internet, for purposes of exploitation of the prostitution of others and for child pornography, paedophilia and any other forms of sexual exploitation of children, as well as for trafficking in women as brides and sex tourism,

Acknowledging the fact that the majority of victims of trafficking in persons are women and girls and, for that reason, measures to prevent and to combat this form of violence need to be child- and gender-sensitive,

1. *Takes note with appreciation* of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2004/76 and Add.1-4), which focuses mainly on an analysis of the situation of women migrant domestic workers but devotes a section to trafficking, especially of women;

2. *Calls upon* on all Governments to strive to ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care, and services, including those related to HIV/AIDS;

3. *Encourages* Governments to intensify collaboration with non-governmental organizations to develop and implement programmes, effective counselling, training and reintegration into society of victims of trafficking and programmes that provide shelter and helplines to victims including, where appropriate, in cooperation with international organizations and relevant United Nations agencies;

4. *Invites* Governments to take steps to include in their domestic legal systems, inter alia, measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered;

5. *Invites* Governments as well as donors, the Office of the United Nations High Commissioner for Human Rights and international, regional and non-governmental organizations to consider the need for comprehensive anti-trafficking strategies, greater allocation of resources and better coordination of programmes and activities in tackling the problem of trafficking in persons, especially women and children;

6. *Invites* Governments to consider preventing, within the legal framework and in accordance with national policies, victims of trafficking from being prosecuted for their illegal entry or residence, bearing in mind that they are victims of exploitation;

7. *Invites* human rights treaty bodies, the special rapporteurs and subsidiary bodies of the Commission, the Office of the High Commissioner, other United Nations bodies and international organizations, to continue to address, within their mandates, the problem of trafficking in persons, especially women and children, and to share their knowledge and best practices as widely as possible, and encourages Governments to outline measures taken to combat trafficking in their periodic reports to the relevant United Nations human rights treaty bodies;

8. *Urges* Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in persons, especially women and children, in particular girls, for prostitution and other forms of commercialized sex, forced marriages and forced labour, including by strengthening existing legislation with a view to providing better protection for victims of trafficking and to punishing perpetrators, through both criminal and civil measures;

9. *Also urges* Governments to adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking;

10. *Calls upon* Governments to criminalize trafficking in persons, especially women and children, in all its forms and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;

11. *Encourages* Governments to take steps to promote respect for victims of trafficking and ensure respect for their human rights and fundamental freedoms by taking

steps to ensure that all legislation related to combating trafficking is gender-sensitive and provides protection for the human rights of women and girls and against violations committed against women and girls;

12. *Calls upon* Governments to ensure that the treatment of victims of trafficking in persons, especially women and children, as well as all measures taken against trafficking in persons, in particular those that affect the victims of such trafficking, are consistent with internationally recognized principles of non-discrimination, including the prohibition of racial discrimination and the availability of appropriate legal redress;

13. *Encourages* Governments to conclude bilateral, subregional, regional and international agreements to address the problem of trafficking in persons, especially women and children, in particular girls;

14. *Urges* Governments to consider signing and ratifying the United Nations Convention against Transnational Organized Crime and the protocols supplementing the Convention, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

15. *Also urges* Governments to consider, as a matter of priority, signing and ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) of the International Labour Organization;

16. *Invites* Governments to encourage Internet service providers to adopt or strengthen self-regulatory measures to promote the responsible use of the Internet with a view to eliminating the trafficking in persons, especially women and children, in particular girls;

17. *Urges* Governments to consider establishing mechanisms, where appropriate, in cooperation with the international community to combat the use of the Internet to facilitate trafficking in persons and crimes related to sexual exploitation and to strengthen international cooperation to investigate and prosecute trafficking facilitated by the use of the Internet;

18. *Encourages* the business sector, in particular the tourism industry and Internet providers, to develop codes of conduct with a view to preventing trafficking in persons and protecting the victims of such traffic, especially those in prostitution, against gender-based and racial discrimination and promoting their rights, dignity and security;

19. *Encourages* Governments, in cooperation with intergovernmental organizations and non-governmental organizations, to study, by applying a gender perspective, the vulnerable situation of potential victims of trafficking, especially women and girls, and to undertake information campaigns targeted at potential victims of trafficking, especially women and girls, aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable them to make informed decisions to prevent them from being victims of trafficking;

20. *Calls upon* concerned Governments to allocate resources, as appropriate, to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and health care, and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims;

21. *Also calls upon* Governments to establish comprehensive policies, programmes and other measures, which may include the development of national plans of action to prevent and combat trafficking in persons, especially women and children, and should include mechanisms for the collection of qualitative and quantitative data to prevent the trafficking of persons, especially women and children, and to protect victims of trafficking from revictimization;

22. *Invites* Governments to consider contributing to the various funds established at the international and regional levels to counter trafficking in persons, especially women and girls;

23. *Urges* Governments to provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons, which should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of victims, including protecting the victims from traffickers; the training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society;

24. *Invites* the United Nations High Commissioner for Human Rights, in cooperation with participating organizations of the Intergovernmental Organization Contact Group on Human Trafficking and Migrant Smuggling, to brief delegations and other interested parties on the Office of the High Commissioner's Trafficking Programme and the activities of the Contact Group during the sixty-second session of the Commission;

25. *Decides* to continue its consideration of this question at its sixty-second session under the appropriate agenda item.

*55th meeting
19 April 2004*

[Adopted without a vote. See chap. XII.- E/2004/23 – E/CN.4/2004/127]