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HUMAN RIGHTS COUNCIL
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Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Armenia*, Austria*, Belarus*, Belgium*, Bosnia and Herzegovina, Bulgaria*,
Chile, Colombia*, Costa Rica*, Croatia*, Cyprus*, Czech Republic*,
Denmark*, Dominican Republic*, Egypt, El Salvador*, Estonia*, Finland*,
France, Germany, Greece*, Honduras*, Hungary*, Iceland*, Indonesia,
Ireland*, Israel*, Italy, Japan, Kazakhstan*, Latvia*, Lithuania*,
Luxembourg*, Maldives*, Mexico, Monaco*, Montenegro*, Netherlands,
Nigeria*, Norway*, Panama*, Peru*, Philippines, Poland*, Portugal*,
Romania*, Serbia*, Slovakia, Slovenia, Spain*, Sri Lanka*, Sweden*,
Thailand*, the former Yugoslav Republic of Macedonia*, Turkey*,
Uganda*, Ukraine, Uruguay, Viet Nam*: draft resolution**

11/... Trafficking in persons, especially women and children

The Human Rights Council,

Reaffirming all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 63/156 and 63/194 of 18 December 2008, and also its resolution 8/12 of 18 June 2008, in which the Council extended the mandate of the Special Rapporteur on trafficking in persons, especially women and children,

* Non-member State of the Human Rights Council.

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Recalling the United Nations Convention against Transnational Organized Crime and the protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance, and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel trafficking in persons,

Recognizing also that trafficking in persons violates human rights and impairs the enjoyment of them, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for it to be eradicated,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate and punish perpetrators, to rescue victims and to provide for their protection, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

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

Recognizing also the challenges to combating trafficking in persons, especially women and children, owing to the lack of adequate legislation and implementation of existing legislation, the lack of availability of reliable sex- and age-disaggregated data and statistics and the lack of resources,

Noting that some of the demand for prostitution and forced labour is met by trafficking in persons in some parts of the world,

Recognizing that policies and programmes for prevention, rehabilitation, return and reintegration should be developed through a gender- and age-sensitive, comprehensive and multidisciplinary approach, with concern for the security of the victims and respect for the full enjoyment of their human rights and with the involvement of all actors in countries of origin, transit and destination,

Taking note with appreciation of the report of the Special Rapporteur on trafficking in persons, especially women and children, presented to the Council at its tenth session,

Taking note with appreciation also of the report of the Office of the United Nations High Commissioner for Human Rights on the latest developments within the United Nations relating to combating trafficking in persons and on the relevant activities of the Office, and taking note of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, presented to the Council at its tenth session,

Taking note of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime Open-ended Interim Working Group on Trafficking in Persons, held in Vienna on 14 and 15 April 2009, and the recommendations resulting therefrom, and the interactive dialogue on the theme “Taking collective action to end human trafficking” of the General Assembly, held on 13 May 2009, which included a discussion on the advisability of a global plan of action against human trafficking,

Welcoming especially the efforts of Governments, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture at the persistence of trafficking and the vulnerability of victims to human rights violations,

1. *Affirms* that it is essential to place the protection of human rights at the centre of measures taken to prevent and end trafficking in persons, and to protect, assist and provide access to adequate redress to victims, including the possibility of obtaining compensation from the perpetrators;

2. *Reiterates its concern at:*

(a) The high number of people, especially women and children, in particular from developing countries and countries with economies in transition, who are being trafficked to developed countries, as well as within and between regions and States;

(b) The increasing activities of transnational and national organized crime and others who profit from trafficking in persons, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(c) The use of new information technologies, including the Internet, for the purposes of exploitation of the prostitution of others and other forms of sexual exploitation, for trafficking in women as brides and for sex tourism, for child pornography, paedophilia and any other forms of sexual exploitation of children;

(d) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

3. *Urges Governments:*

(a) To take appropriate measures to address the root factors, including external factors, that encourage trafficking in persons for prostitution and other forms of commercialized sex,

forced marriages and forced labour, slavery or practices similar to slavery, servitude or the removal of organs, including by strengthening existing legislation or by considering the enactment of anti-trafficking legislation and the adoption of national plans of action;

(b) To criminalize trafficking in persons in all its forms and to condemn and penalize traffickers, facilitators and intermediaries, including, where applicable, by imposing sanctions against legal entities involved in the process of trafficking, without making accusations by, or the participation of, the victims of trafficking a precondition to the prosecution of trafficking;

(c) To ensure protection and assistance to the victims of trafficking with full respect for their human rights, including, where appropriate, through legislation;

(d) To provide resources, as appropriate, for the comprehensive protection and assistance to victims of trafficking, including access to adequate social, necessary medical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance in a language that they can understand and helplines, and to cooperate in this regard, as appropriate, with intergovernmental and non-governmental organizations;

(e) To take all appropriate measures to ensure that victims of trafficking are not penalized for being trafficked and that they do not suffer from revictimization as a result of actions taken by Government authorities, bearing in mind that they are victims of exploitation, and encourages Governments to provide trafficked persons with access to specialized support and assistance, regardless of their immigration status;

(f) To devise, enforce and strengthen effective gender- and age-sensitive measures to combat and eliminate all forms of trafficking, especially in women and children, including for sexual and labour exploitation, as part of a comprehensive anti-trafficking strategy that integrates a human rights perspective, and to draw up, as appropriate, national plans of action in this regard;

(g) To adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons and leads to trafficking in persons, including the

demand created by sex tourism, especially in children, and forced labour, and to enhance, in this regard, preventive measures, including legislative measures, to deter exploiters of trafficked persons and to ensure their accountability;

(h) To establish 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 or other forms of exploitation, and to strengthen international cooperation to investigate and prosecute trafficking facilitated by the use of the Internet;

(i) To provide or strengthen training for law enforcement, immigration, criminal justice and other relevant officials, including personnel participating in peacekeeping operations, in preventing and responding effectively to trafficking in persons, including the identification and treatment of victims with full respect for their human rights;

(j) To conduct information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and at encouraging the public, including the victims of trafficking themselves, to report on instances of trafficking;

(k) To support allocation of the necessary resources, as appropriate, in cooperation with intergovernmental and non-governmental organizations, to strengthen preventive action, in particular education for women and men, as well as for girls and boys, on the human rights of women and children, gender equality, self-respect and mutual respect;

(l) To consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an inter-agency body, with the participation of civil society, including non-governmental organizations, to encourage the exchange of information and to report on data, root causes, factors and trends in trafficking;

(m) To enhance information-sharing and data-collection capacities as a way of promoting cooperation to combat trafficking in persons, including through the systematic collection of sex- and age-disaggregated data;

(n) To enhance cooperation with each other and with relevant intergovernmental and non-governmental organizations to ensure effective prevention and countering of trafficking in people, and to consider strengthening existing regional cooperation and mechanisms aimed at combating trafficking in persons or to establish such mechanisms where they do not exist;

(o) To consider signing and ratifying, as a matter of priority, in the case of Governments that have not yet done so, and for States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention, and to take immediate steps to incorporate provisions of the Protocol into domestic legal systems;

4. *Calls upon* all Governments to continue to cooperate with the Special Rapporteur on trafficking in persons, especially women and children, and to consider responding favourably to requests to visit their countries, and to provide all necessary information related to the mandate to enable the mandate holder to fulfil the duties of the mandate effectively and, in this regard, expresses its appreciation to the large number of Governments that provided responses to the initial questionnaire on trafficking developed by the Special Rapporteur;

5. *Invites* Governments to include information on measures and best practices to combat trafficking in persons, especially women and children, in their national reports submitted for the universal periodic review;

6. *Encourages* Governments to take into account, as a useful tool to integrate a human rights-based approach, the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) developed by the Office of the United Nations High Commissioner for Human Rights, including, as appropriate, in the formulation, review and implementation of legislation, policies and programmes aimed at preventing and eradicating trafficking in persons, especially women and children, and providing assistance to victims;

7. *Encourages* the Office of the High Commissioner to provide or to support, within existing resources, training at the national level for all stakeholders on the integration of a human rights approach into the prevention and response to trafficking in persons, including the identification and treatment of victims with full respect for their human rights;

8. *Requests* the Office of the High Commissioner to enhance its efforts within the Inter-Agency Coordination Group against Trafficking to promote and integrate a human rights-based approach into efforts to combat human trafficking;

9. *Also requests* the Office of the High Commissioner to organize, within existing resources, and in close coordination with the Special Rapporteur, a two-day seminar aimed at identifying opportunities and challenges in the development of rights-based responses to trafficking in persons with a view to acknowledging emerging good practices and further promoting the practical application of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, with the participation of Governments, the Special Rapporteur and other relevant special procedures, treaty bodies, United Nations specialized agencies and programmes, regional, intergovernmental and non-governmental organizations, national human rights institutions, academics, medical experts and representatives of victims, and to submit a report on the proceedings of the seminar to the Council;

10. *Further requests* the Office of the High Commissioner to disseminate the Recommended Principles and Guidelines on Human Rights and Human Trafficking, and to collect the views of stakeholders, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, regional bodies, non-governmental organizations and national human rights institutions, on the Recommended Principles and Guidelines, as well as on experiences and emerging good practices while applying them, and to make available to the Council a compilation of these views as an addendum to the above-mentioned report;

11. *Requests* the Secretary-General to provide the Office of the High Commissioner with sufficient resources to fulfil its mandate in relation to combating trafficking in persons, especially women and children;

12. *Decides* to continue consideration of this matter under the same agenda item according to its annual programme of work.
