



Human Rights Council

Resolution 8/12. Special Rapporteur on 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 61/144 and 61/180, and also decision 2004/110 of 19 April 2004 of the Commission on Human Rights establishing the mandate of the Special Rapporteur,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on a code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling also 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 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 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,

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

Taking note of the Vienna Forum against Trafficking in Persons in the framework of the United Nations Global Initiative to Fight Human Trafficking, held from 13 to 15 February 2008, and of the thematic debate on the issue of trafficking in persons in the framework of the General Assembly on 3 June 2008,

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 human rights, 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 in order to be eradicated,

1. *Expresses concern* at:

(a) The high number of persons, 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 that 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 standards;

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

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

2. *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 with a view to providing better protection for victims of trafficking and to punishing perpetrators through criminal and civil measures;

(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 for the prosecution of trafficking;

(c) To ensure protection and assistance to the victims of trafficking with full respect for their human rights;

(d) To actively promote the rehabilitation of victims of trafficking by providing them with access to adequate physical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance and help lines;

(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;

(f) 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;

(g) 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;

(h) 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 of victims with full respect for their human rights;

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

(j) To cooperate with each other and with relevant intergovernmental and non-governmental organizations to ensure the effective countering of trafficking in persons;

(k) 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;

(l) To consider strengthening existing regional mechanisms aimed at combating trafficking in persons or to establish such mechanisms where they do not exist;

(m) To consider signing and ratifying and 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;

3. *Takes note* of the work undertaken by the Special Rapporteur on trafficking in persons, especially women and children;

4. *Decides* to extend the mandate of the Special Rapporteur on trafficking in persons, especially women and children, for a period of three years, in order to, inter alia:

(a) 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;

(b) Promote the effective application of relevant international norms and standards and to contribute to the further improvement of them;

(c) Integrate a gender and age perspective throughout the work of his or her mandate, inter alia through the identification of gender- and age-specific vulnerabilities in relation to the issue of trafficking in persons;

(d) Identify and share best practices as well as challenges and obstacles in order to uphold and protect the human rights of the victims and to identify protection gaps in this regard;

(e) Give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by the identification of concrete areas and means for international cooperation to tackle the issue of trafficking in persons;

(f) Request, receive and exchange information on trafficking in persons from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations and non-governmental organizations and other relevant sources, as

appropriate, and, in accordance with current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking;

(g) Work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies and mechanisms, including the Inter-agency Coordination Group on Trafficking in Persons, the treaty bodies and regional human rights mechanisms, as well as national human rights institutions and civil society and the private sector;

(h) Report annually, starting in 2009, on the implementation of the present resolution to the Council and the General Assembly, according to their respective programmes of work;

5. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit to the Council, at its ninth session, a report on the latest developments in the United Nations relating to combating trafficking in persons as well as on the activities of the Office on this issue, including by presenting the recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office;

7. *Calls upon* all Governments to cooperate with the Special Rapporteur and to consider responding favourably to his or her requests to visit their countries and to provide him or her with all the necessary information related to the mandate to enable him or her to fulfil the mandate effectively;

8. *Decides* to continue its consideration of this matter under the same agenda item.

28th meeting
18 June 2008

[Adopted without a vote.]