



**UNITED NATIONS HIGH COMMISSIONER  
FOR HUMAN RIGHTS**



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Address of Ms. Kyung-wha Kang,  
Deputy High Commissioner for Human Rights,  
at  
“Countering Human Trafficking -  
Partnerships for protection and capacity-building”

UNITAR, UNODC, IOM, ILO, OHCHR, UNFPA  
and MacArthur Foundation

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**TOWARDS A HUMAN RIGHTS-BASED APPROACH TO  
FIGHTING HUMAN TRAFFICKING**

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New York

I am very happy to be with all of you this morning, and even more pleased that OHCHR has joined forces with UNITAR, UNODC, IOM, ILO and UNFPA to organize this important seminar with the support of the MacArthur Foundation, which takes place on the eve of the General Assembly special debate on human trafficking. The global fight against human trafficking must be a collective endeavour, to which the organizers and participants of today's seminar are clearly committed.

Ladies and Gentlemen,

The sheer scope of the problem of trafficking almost defies description. Every year, millions of human beings are tricked, sold, forced or otherwise coerced into situations of exploitation from which they cannot escape. They are the commodities of a transnational criminal industry which generates billions of dollars and operates with virtual impunity, due to inefficient law enforcement, compounded, in many cases, by official corruption and complicity.

The pool of potential victims in every part of the world is expanding due to widespread inequalities, lack of employment opportunities, insecurity of food and livelihoods, violence, conflict, discrimination and poverty.

UN.GIFT, of which OHCHR is a part, has endeavoured to raise alarm bells and mobilize actions to counter trafficking of human beings, and there have been encouraging developments at the national, regional and international levels. However, little has changed for those caught up in this sordid trade. Attempts to deal with the human consequences of trafficking have been largely ineffective. Some anti-trafficking efforts have even been harmful to the very ones they aimed to protect, as victims of trafficking become "collateral damage" in law enforcement.

I say all of this not to discourage but to point the way forward. I am convinced that we will not be able to effectively counter the global trade in human beings without shared commitments to human rights, human development and human security. Human rights must be at the core of any credible anti-trafficking strategy.

To this end, OHCHR issued in 2002 the Recommended Principles and Guidelines on Human Rights and Human Trafficking, aimed at bolstering the rights of victims, as well as protecting the vulnerable and giving guidance to law enforcement authorities to help prevent trafficking.

Anchoring anti-trafficking work in human rights means we work with some basic premises. First and foremost, trafficking in and of itself is a grave violation of basic human rights to which all persons are entitled.

**Second**, the factors that increase vulnerability to trafficking include inequality, poverty and all forms of discrimination. Traffickers prey upon vulnerable people, who have been discriminated against, marginalized, and left without means to realize their economic and social rights.

**Third**, prevention is a priority. A human rights approach underscores the responsibility of governments to protect and promote the rights of all persons within their jurisdictions. This responsibility implies a legal obligation to exercise due diligence to take all appropriate measures to prevent trafficking and related exploitation. Passivity and inaction are inexcusable. Tolerance and more active complicity are unacceptable.

**Fourth**, accountability should be at the center of our efforts. A human rights approach requires that the issue of demand be addressed. This places added responsibility on the governments of destination countries. This means, for instance, establishing enforceable labour standards, measures to prevent sexual exploitation, effective prosecution of the perpetrators and above all, extending full support and assistance to trafficking victims.

**Fifth**, our focus - at all times - should be on the victims. Appropriate identification of and support for the victims is critical to the success of any anti-trafficking efforts. Trafficking victims should not be subjected to summary deportations, nor should they be held in detention. Nor should they be prosecuted for activities that are a direct outcome of being trafficked. Instead, all anti-trafficking measures should be designed to support trafficked persons to recover their dignity and rights. They should be provided with needed assistance and service. Their mobility should not be further

curtailed. They should not be denied the right to make decisions. In particular, special care is needed for the protection of children who fall victim. Procedures for the rapid identification of trafficked children and age-sensitive measures need to be taken to address their needs and protect their interests.

**Finally**, all states and all parts of the international system should integrate human rights into their analysis of the problem and into their responses. This is the only way to retain the focus on the victims, to ensure that trafficking is not simply reduced to a problem of population movements, a problem of public order or a problem of transnational crime.

These principles will be further elaborated through the discussions today. I do hope that they will strengthen and enrich, and become incorporated into the partnerships against trafficking that today's seminar aims to foster.

Thank you.