



UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS



Address of Ms. Kyung-wha Kang,
Deputy High Commissioner for Human Rights,
to the UN General Assembly Special Thematic
Debate on Human Trafficking

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**A HUMAN RIGHTS-BASED APPROACH
TO PREVENTING TRAFFICKING IN PERSONS**

Tuesday, 3 June 2008

New York

Mr. President, Excellencies, ladies and gentlemen,

Let me begin by thanking you, Mr. President, for convening this important forum today and for inviting me to participate as a panellist. I would also like to congratulate the eleven governments that have initiated this special debate on human trafficking, which builds on the discussion generated by the Vienna Forum to Fight Trafficking, held in February this year. A special General Assembly meeting on this subject is long overdue.

Ladies and Gentlemen,

Sixty years ago, the General Assembly adopted the Universal Declaration of Human Rights as a common standard of dignity and rights that all human beings are entitled to. However, for the millions every year and in every corner of the world who become victims of trafficking, the high aspiration proclaimed in the Universal Declaration remains an empty hope.

It is necessary for us all to confront the uncomfortable fact that so far, we have not succeeded in eliminating this trade in people for profit. We have not even managed to stem the tide. More people are being trafficked than ever before. The pool of potential victims in every part of the world is growing rapidly due to widespread inequalities, insecurity of food and livelihoods, lack of employment opportunities, violence, conflict, discrimination, poverty, and uprooting of populations resulting in large-scale migrations.

Increasingly restrictive immigration policies and inadequate labour laws on the part of many wealthy countries force individuals desperate for work into the arms of unscrupulous traders. Profiteers in the sex trade use a multitude of deceptive and coercive techniques to prey on girls and women made particularly vulnerable by gender-based discrimination, which deprives them of access to education and employment. Traffickers are able to operate with impunity in the face of weak or ineffective law enforcement, which is compounded, in some cases, by official corruption and complicity.

Ladies and Gentlemen,

Human trafficking is a crime and an assault to our shared dignity as human beings. In developing our responses to trafficking, it is essential that we keep certain basic principles in mind – guiding principles that can provide us with a way to measure the success of our initiatives and avoid the harm that can fall upon the very ones we seek to protect. One principle must be the primacy of human rights.

Making human rights the centre of our work against trafficking means, first and foremost, seeing trafficking in and of itself as a clear violation of basic human rights. Trafficking involves prohibited practices, such as debt bondage, forced labor, sexual exploitation and slavery-like practices. It violates the most fundamental of rights we all hold dear: the right to life, to equality, dignity and security; the right to health; the right to freedom of movement, freedom from violence and abuse, the right to be recognized as a person before the law. These are rights to which every human being is entitled, without discrimination. Bought and sold as commodities, terrorized by violence and intimidation, victims of trafficking are denied this sense of entitlement and cowered into thinking themselves as less than deserving. They should be actively assisted in retrieving that sense of entitlement.

Second, prevention should be a priority. Governments bear a particular responsibility in this regard. Governments are responsible for protecting their citizens and others within their jurisdiction from both public and private wrongs. This responsibility implies a legal obligation to exercise due diligence to take all appropriate measures to prevent trafficking and related exploitation.

Third, all states and all parts of the international system should place the focus on the victims in their analysis of the problem and in their responses, as well as the perpetrators. Trafficking should not be reduced to a problem of population movements, public order or transnational crime. We must not be so callous and short-sighted as to think that trafficking can be dealt with solely as a problem of law

enforcement or organized crime, although clearly more effective law enforcement is needed.

A human rights approach is a holistic one: it provides a comprehensive framework within which law enforcement and victim-focused responses can be developed, implemented and evaluated. In seeking to flesh out that framework, OHCHR in 2002 developed the Recommended Principles and Guidelines on Human Rights and Human Trafficking, a document that has since been used by many intergovernmental organizations, governments and victim support agencies to guide their work and to measure their achievements.

A major focus of the Principles and Guidelines is prevention of trafficking. It is not enough for us to react. To truly make a difference we must work at prevention. We must identify and alleviate the factors that fuel human trafficking. This means addressing the many factors that increase vulnerability to trafficking: discrimination, in particular gender-based discrimination and violence against women, poverty, inequality of resources and opportunities within and between countries.

Preventing trafficking also means tackling the difficult issue of demand. It means addressing the clear link between demand and the huge financial gains that can be secured through the predatory exploitation of others. It means taking effective measures to lower the demand for the exploitation of prostitution and the exploitation of labor that are the main 'products' of this sordid trade. It means acknowledging that the problem of trafficking is not just a concern for countries of origin but is inextricably linked to distorted market forces in countries of destination.

Preventing trafficking also means addressing weaknesses in national, regional and international responses that allow traffickers and their accomplices to operate with impunity. Weak legal frameworks, public sector complicity, untrained and uncommitted public officials all contribute to an environment in which deterrence of traffickers is extremely difficult.

A human rights-based approach to prevention can be summed up along the following points:

- focusing on the rights of trafficking victims as well as the prosecution of traffickers;
- formulating comprehensive approaches to prevention that address gender-based discrimination and other human rights violations and that protect freedom of movement and other rights;
- ensuring accountability that includes protection of victims in the criminal justice response as well as effective prosecution of traffickers with serious penalties commensurate with the crime.

Ladies and Gentlemen,

One child trafficker, arrested by police in 2002, put it this way: “We get money, the parents get money, the children get money, immigration officials get money, when everybody gets money, why be sorry?”

How do we respond to such cynicism? I would suggest by going back to the fundamental core on which the idea and reality of human rights have developed and evolved. Simply put, human beings are not objects to be sold or bought. Dignity is trampled the moment a human being becomes a victim of trafficking. We owe it to the victims, to our shared dignity as human beings, to end this modern day slavery.

Thank you.