

1998/20. Action to combat international trafficking in women and children

The Economic and Social Council,

Gravely concerned by the significant and continuing increase in the activities of transnational criminal organizations and others that profit from international trafficking in women and children,

Declaring that the attention and resources of law enforcement authorities, in particular in the countries of destination for the women and children being trafficked, must

⁷⁶ A/C.3/51/7, annex; the text of the framework convention is reproduced in annex III to resolution 1997/22 of 21 July 1997.

⁷⁷ E/CN.15/1998/5, para. 13.

⁷⁸ *Official Records of the Economic and Social Council, 1998, Supplement No. 10* and corrigendum (E/1998/30 and Corr.1), annex V.

be directed towards preventing and punishing the activities of all those involved in organizing and facilitating such international trafficking, including criminal groups, individual traffickers, employers and consumers, who often force women and children into forms of debt bondage, servitude or sexual exploitation, involving criminal activities, in order to pay for their passage,

Recognizing that organized international criminal groups are becoming increasingly dangerous and active in international trafficking in women and children, without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Taking note of the report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998,⁵⁶ and recalling the text of the draft United Nations framework convention against organized crime, submitted to the General Assembly at its fifty-first session by the Government of Poland,⁷⁶

Recalling its resolution 1996/26 of 24 July 1996, on measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences,

Recalling also General Assembly resolution 52/86 of 12 December 1997, on crime prevention and criminal justice measures to eliminate violence against women,

Convinced of the need for all States to protect fully the universally recognized human rights of women and children, regardless of their legal status, and to provide humane treatment, in particular with regard to assistance, and protection,

Recognizing that international trafficking in women and children has high social and economic costs, often contributing to official corruption and burdening law enforcement agencies in all States where women and children subjected to such trafficking depart, transit or are found,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control immigration flows,

Concerned that trafficking in women and children undermines public confidence in laws, policies and procedures relating to immigration and to ensuring the protection of genuine refugees,

Commending those States that have enacted effective domestic legislation permitting seizure and forfeiture of property, both real and personal, that is knowingly used in organized criminal activities that involve trafficking in women and children, as well as all property used in or derived from such trafficking,

Encouraging Member States that have not yet done so to enact domestic criminal legislation to combat international trafficking in women and children,

Concerned that, in the absence of a universal instrument on these matters, women and children will not be sufficiently

protected against this type of crime, which is increasingly transcending national borders,

Declaring that effective action to combat international trafficking in women and children requires a comprehensive approach in the countries of origin, transit and destination that includes preventive measures to educate potential victims and their families as well as to frustrate traffickers, enforcement measures against traffickers and all those who assist them and protective measures to aid victims of trafficking, including protection for those victims who would assist in the prosecution of the traffickers,

1. *Decides* that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration, as appropriate, of an international instrument addressing trafficking in women and children;

2. *Stresses* the relevance of the following issues in connection with trafficking in women and children:

(a) The need for States to take effective and expeditious measures, in particular the enactment or amendment, if necessary, of domestic legislation, to provide for appropriate penalties, such as substantial imprisonment, fines and forfeiture, in order to combat all aspects of organized criminal activities related to trafficking at the international level in women and children;

(b) The importance for States of sharing information, coordinating law enforcement activities and otherwise cooperating, if their laws permit, in order to locate and arrest those who organize trafficking in women and children, as well as those who exploit those trafficked;

(c) The need for States to provide specialized training for law enforcement, immigration and other officers concerned, as well as to initiate public information campaigns to make both potential victims and the general public aware of the terrible exploitation and possible loss of life inherent in trafficking in women and children;

(d) The need for countries of origin, transit and destination to observe fully international obligations and national laws, including those concerning the humane treatment and strict observance of all human rights of women and children, regardless of whether they were trafficked voluntarily or involuntarily;

(e) The goal of ensuring that international efforts to prevent international trafficking in women and children do not inhibit immigration or freedom of travel consistent with laws or undercut the protection provided to refugees by international law;

(f) The need for strengthened international cooperation and technical assistance for the benefit of developing countries.

*44th plenary meeting
28 July 1998*