



GENDER AND HUMAN RIGHTS

Universal Declaration of Human Rights, Article 1:

“All human beings are born free and equal in dignity and in rights.”



Promoting human rights is a key purpose of the United Nations and an integral driving force behind UNODC's work as guardian of the UN Protocols on the Trafficking in Persons and Smuggling of Migrants. A human rights-based approach requires that human rights objectives and principles are integrated into all aspects of work. This includes ensuring the participation and inclusion of disadvantaged rights holders, promoting non-discrimination and equality, and strengthening the capacity and accountability of States in fulfilling their human rights obligations.

Human rights and gender equality are intrinsically intertwined. Equality among individuals is both a human rights end in and of itself, as well as a means to achieving other fundamental rights. True gender equality is achieved when the rights, responsibilities, and opportunities of an individual do not depend on whether this person is born male or female. In pursuit of this objective, UNODC fights to overcome the barriers and limitations set by harmful gender stereotypes, traditional gender roles and internalized misogyny and instead strengthens and creates systems characterized by equitable norms and dynamics.

Gender plays a critical role in the root causes that make individuals vulnerable to trafficking in persons and smuggling of migrants, including through gender-based expectations, deeply entrenched gender-based violence and inequitable access to resources, opportunities, and protection. But gender issues, including sexual orientation, gender identity and expression, do not exist in isolation from other forms of discrimination or marginalization. Therefore, UNODC adopts an intersectional approach that acknowledges how gender intersects with other layers of identity and marginalization.

Sustainable Development Goal No. 5:

“Achieve gender equality and empower all women and girls.”

Traffickers and smugglers often target the most vulnerable men, women, boys, and girls, owing to a combination of factors such as race, ethnicity, socio-economic status, and political affiliation. Understanding the dimensions that influence vulnerability and using this information to create a more equitable world, is a fundamental part of UNODC's work against trafficking in persons and smuggling of migrants. Human rights and gender equality activities implemented through a rights-based and gender-responsive approach are opportunities to achieve sustainable change. By respecting, protecting, and fulfilling fundamental human rights, human rights become both a means of achieving positive outcomes of UNODC programmes, and, additionally, ends in and of themselves.

Examples of UNODC's human rights-based and gender sensitive approaches to its work include:

- **Promoting laws** that recognize the agency of people in need of protection.
- **Confronting stigmatization** of those who have faced sexual and other forms of exploitation.
- Incorporating **gender-analysis research** into training programs for policy makers, law-enforcement officers, prosecutors, and judges.
- Advocating for and raising awareness of the strong operational **advantages that increased inclusion of women brings to criminal justice teams.**

The principle of non-discrimination can be found in Articles 14 (2) of the UN Trafficking in Persons Protocol and 19 (2) of the UN Smuggling of Migrants Protocol.

Articles 14 (1) of the UN Trafficking in Persons Protocol and 19 (1) of the UN Smuggling of Migrants Protocol explicitly state that:

“Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law....”

- **Supporting services that address the intersectional needs of various vulnerable groups**, including those that are particularly vulnerable as a result of age, ethnicity and/or gender discrimination.
- Ensuring **access to justice for people with disabilities** and working to ensure that barriers to legal action, protection and assistant services are overcome.
- Highlighting the **importance of restorative justice** for victims, offenders, and communities at large.
- Emphasizing that **every person within the State’s jurisdiction has human rights** – including the right to a fair trial and due process – regardless of their migration status.

This last point is a crucial aspect of UNODC’s work. Many people who have been trafficked and smuggled, as well as those who have been accused of these crimes, are not citizens of the country they are in. They often face discrimination, whether unofficially or officially, when their rights are not legally guaranteed. What is required to achieve a human rights-based and gender-sensitive approach varies from country to country, from context to context and indeed from person to person. UNODC’s interventions are therefore tailored to particular circumstances and local dynamics. Achieving gender equality and human rights for all is a progressive task requiring sustained commitment and effort. UNODC therefore explores the opportunities that each intervention offers, to build a more equitable world. Below are some examples of UNODC’s work to mainstream human rights and gender sensitive approaches:

- **GLO.ACT Human Rights and Gender Equality Toolkit: Under the previous phase of GLO.ACT (GLO.ACT Asia and the Middle East)**, UNODC developed a human rights and gender mainstreaming Toolkit to assist policy makers, practitioners, and UN staff in meeting their due diligence obligations when implementing activities to counter migrant smuggling and trafficking in persons.

The focus of the Toolkit is not on the consequences of the crimes themselves, but rather the human rights and gender equality objectives of the work that UNODC does to support States in responding to them. The Toolkit was initially presented in December 2019, piloted in 2020 with our partner organisations and countries. An online version is available [here](#).

- **GLO.ACT Women’s Network:** with the aim of strengthening the capacity, knowledge, and resources available to female officials and male gender champions working in policy making, the justice sector, law enforcement, civil society, and other relevant local entities the Network was launched in June 2020 under the framework of the previous phase of GLO.ACT. With this initiative UNODC is promoting a transformative shift in the narrative: from women as victims to women as powerful agents of change. The Network addresses the grave underrepresentation of women working in and/or leading institutions responding to TIP and SOM, despite the gendered nature of these crimes. Since its launch the Women’s Network has grown into an active community and is shaping up to be a powerful vehicle for change.
- **University Module Training Programs:** UNODC has developed a university module on the human rights and gender dimensions of trafficking in persons and migrant smuggling, to support the next generation in understanding interlinkages between various vulnerability factors when confronting human trafficking and migrant smuggling crimes. UNODC has also developed two informative videos outlining the importance of both human rights and gender-based considerations in the context of human trafficking and migrant smuggling. To tailor these resources for stakeholders in partner countries, GLO.ACT, in close consultation with national experts and members of the GLO.ACT Women’s Network, developed two Gender Training Modules which were launched in February 2024 and are available on [KNOWTS](#).