

OPENING REMARKS BY
THE SPECIAL RAPPORTEUR ON TRAFFICKING IN PERSONS, ESPECIALLY
WOMEN AND CHILDREN
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Stolen Lives, Stolen Money: The Price of Modern-Day Slavery

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**Excellencies,
Distinguished Delegates
Ladies and Gentlemen,
Chairperson,**

It is my pleasure to deliver this opening remark in my capacity as the UN Special Rapporteur on Trafficking in Persons, Especially Women and Children. I welcome this meeting and I am grateful for the invitation to participate in this dialogue.

I would like to spotlight cases and share my field experience to demonstrate and reinforce the need for the thematic focus on- stolen lives, stolen money: the price of modern day slavery (Case studies are taken from my visits to Thailand, Argentina, Japan, Philippines, UAE and Egypt).

Cases of victims of human trafficking stares me in the face everywhere I go, on mission and in the course of carrying out my mandate as the United Nations Special Rapporteur on Trafficking in Persons, especially women and children.

- (1) In April at the Women of the World event organized by Newsweek and Daily Beast in New York, I met and shared a podium with an Argentina woman called Susana Trimarco whose child was stolen by traffickers. Susana Trimarco has so many questions, but they all return her to the same sorrowful place: what became of her only daughter, María de los Ángeles Veron—known in Argentina as Marita—who disappeared a decade ago and is still missing?

The Case of Susana Trimarco (as documented by Newsweek & Daily Beast April, 2013), Susana Trimarco is the mother of Marita Veron, a young Argentinian from the northeast province of Tucumán who, according to the testimony of witnesses, was kidnapped and forced into prostitution in 2002. In 2007, Susana Trimarco founded the Foundation of Maria of the Angeles in order to rescue kidnapped girls in Argentina. It is a nonprofit organization that assists and offers free legal assistance to victims of sexual exploitation. They also provide them with counseling for victims and families,

and social assistance. On account of Trimarco's persistence in searching for her daughter, she was awarded the distinction "Women of Courage" by the U.S. State Department on the International Women's Day, 2007, and the Domingo Faustino Sarmiento Award by the Senate of Argentina. On March 14, 2012, Canada honored Trimarco with the John Diefenbaker Defender of Human Rights and Freedom Award. In 2012 she was nominated for the Nobel Peace Prize.

- (2) During my country visit to Argentina in 2010, I met a Bolivian a man and his family all trafficked to a poultry farm and was enslaved and forced to work with its entire family; the wife was raped by the owner of the factory, same with the children, some got infected and the entire family suffered immensely before they were rescued. As they narrated their lots they wept and I wept. His two brothers also trafficked were not so lucky and are yet to be found.
- (3) In Thailand I recall meeting hundreds of girls rescued and in shelters who were trafficked from mainly neighbouring countries of Myanmar, Laos, Cambodia and Vietnam; all of school age but some have never been to school and have had their childhood murdered by traffickers.
- (4) In the UAE the story was even worst as girls, men and women were trafficked for sexual and labour exploitation. I met a Colombian girl who got trafficked through an internet job offer and once she landed in Dubai, she became enslaved for three years until she was found by the police.
- (5) In Japan, I met - and also heard- about foreign victims whose employers were so inhuman and exploitative that their use of toilets was deducted from their meagre wages and maintained carefully in a log book. It took a judge to restore those lost wages/money in form of award of compensation when the case went for adjudication before a labour court.
- (6) In Philippines the case of a young girl who was trafficked at age 13 and endured almost 5 years of captivity, including having a child who was also abducted forcefully from her and still no trace of the child; she continues to live in agony.
- (7) In Egypt, I met dozens of young girls' victims of *urfi* /seasonal marriage, sexually exploited in a sham-Seville of arranged marriage by brokers who reap huge profit while leaving these girls robbed of their virginity in most bizarre manner desolate, dejected, rejected and stigmatized by their families and societies.

- (8) In the Western Sahara region I also met an old woman whose son was abducted and the last she had was that he was taken to Libya and given to Ghaddafi, now unfortunately history repeated itself and the granddaughter was also abducted and allegedly trafficked to Spain. As she relates her story in an emotionally charged condition all I could mutter is to encourage her to keep hope alive that they would be found alive.

I can go on *ad infinitum on stolen lives, lost lives, stolen money, childhood destroyed, human beings degraded and tortured. These are calamitous price of modern day slavery?*

As Special Rapporteur on trafficking in persons, especially women and children, the fulcrum of my work has been to advocate for the implementation of anti-trafficking responses based on **5Ps** (protection, prosecution, punishment, prevention, promoting international cooperation and partnership), **3Rs** (redress, recovery and reintegration) and **3Cs** (capacity, cooperation and coordination), guided by international human rights law and standards.

The current **world economic crisis** has further exacerbated the desperation and the quest for human security, access to decent standards of living, survival and development. As I stressed in my 2009 annual report to the General Assembly, trafficking of human beings and **migration pushed by** the search for a better life are closely linked. It is often difficult economic circumstances that make people consider the option of migration and it is also poverty with other intertwining factors that makes them vulnerable to becoming easy targets for traffickers. The global economic crisis and the increasing poverty caused by massive unemployment are likely to lead to an increase in trafficking for the purpose of exploitative labour. In this context, employers tend to seek cheaper labour which allows them reduce their costs and to maximize their profits. My last report to the Human rights council at its 23rd session addressed the ‘Demand side’ of trafficking in persons. Demand is a significant factor that contributes to fostering and leading to human trafficking. The demand side of trafficking generally refers to the nature and extent of the exploitation of the trafficked persons after their arrival at the point of destination, as well as the social, cultural, political, economic, legal and developmental factors that shape the demand and facilitate the trafficking process.

While taking note of the variety of measures and approaches to prevent trafficking, I have, however, observed that often the focus has exclusively been on demand for commercial sexual exploitation, particularly of women and girls, and neglected other forms of demand, such as demand for exploitative labour and sale of organs. Of course this is not to underestimate that trafficking disproportionately affects women and children or to understate the traumatic and irreparable physical and emotional harm done to women and girls enslaved and forced into prostitution or sexual servitude, including in servile marriages.

In addition, having analysed the question of trafficking in persons in business **supply chains**, including corporate responsibilities to prevent and combat human trafficking in their supply chains, I noted that in today's globalized world, the risks of human trafficking in business supply chains are significant in many economic sectors, and have not been adequately dealt with, either by States or by businesses themselves. Challenges in integrating a human rights-based approach in addressing the **demand side of trafficking** in persons include obstacles such as ensuring labour rights, ensuring the respect and implementation of children's rights, and other fundamental human rights while conducting business. States have the primary obligation to protect its citizens, to prevent and combat trafficking in persons under international law by enacting and enforcing legislation criminalizing trafficking and forced labour, imposing proportionate punishments on perpetrators. The business responsibility to respect human rights requires that businesses not only avoid causing or contributing to adverse human rights impacts through their own activities, but also seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts. Addressing the issue of trafficking in supply chains requires a multi-stakeholders approach putting emphasis on those States in which suppliers or subcontractors in the production chain are based.

With regards to the right to an effective **remedy** for trafficked persons which essentially entails the 3Rs, and on which I paid particular attention in the exercise of my mandate as access to effective remedies may also contribute to preventing trafficking from happening, I observed that adequate and effective remedies are often out of reach for trafficked persons, despite the egregious human rights violations they suffered. The right to effective remedies

is one of the fundamental guarantees under international human rights law. Article 6, paragraph 6 of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (“Palermo Protocol”) expressly provides that “[e]ach State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered”. While the right to an effective remedy is a well-established norm under international law, there remains a wide gap in practice between the law and its implementation vis-à-vis trafficked persons. In many States, trafficked persons are not provided with remedies as a matter of right, but only with ad hoc measures predominantly aimed at facilitating criminal investigation, such as for example temporary residence permits contingent upon cooperation with law enforcement authorities. Trafficked persons are rarely known to have received compensation, as they do not have access to information, legal assistance, and support services. At worst, many trafficked persons are wrongly identified as irregular migrants, detained and deported before they have an opportunity to even consider seeking remedies, thus leading to their double victimization. This is why I will once more stress the necessity of ensuring that anti-trafficking measures do not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and urge States to actively monitor the impact and possible side effects of measures to discourage demand and take appropriate action to address any unintended side effects which restrict the exercise of human rights.

This is why I presented the draft **basic principles on the right to an effective remedy** for trafficked persons annexed to my 2011 report to the HRC at its 17th session. These basic principles are based on existing international human rights law and standards, and are designed to bring clarity to the concept of the right to an effective remedy and to elaborate specific factors to be taken into account when this right is applied to trafficked persons. Taking note of my report, the Human Rights Council has adopted, at its 20th session on 5 July 2012, Resolution 20/1¹, which among others, requests the Office of the High Commissioner to organize, in close cooperation with my mandate, consultations with States, regional intergovernmental bodies and organizations and the civil society on the draft basic principles on the right to effective remedy for trafficked persons. I believe, these principles

¹ A/HRC/RES/20/1

could be deepened and enriched by the exchange of views and ensuing discussions of participants of this high level event. (A/HRC/17/35)

Conclusion

In conclusion, allow me to underline that **cooperation and partnership** among all stakeholders are critical to fighting trafficking in persons. Trafficking in persons requires a multidisciplinary and multi-stakeholder response. Coordination should be at the national, regional and international levels. It is in this spirit that I have convened a series of Consultations and workshops respectively on the role of regional mechanisms (Dakar) and the role of national monitoring and coordinating mechanisms (national rapporteur and equivalent mechanisms) in order to share lessons learned, best practices and assess remaining challenges. I would like to take this opportunity to thank the OSCE for its long standing cooperation with my mandate and for its key role in addressing trafficking in persons in the region under its responsibility but also at the international level. The theme of this conference reflects the reality of victims/survivors of human trafficking around the globe. Economically speaking, trafficking in persons has become a global business, reaping huge profits for traffickers and organized crime syndicates, generating massive human rights violations, and causing serious problems for Governments.

The challenge is not to allow the impunity of trafficking in persons to continue. We have to make trading in human beings a high risk business and a zero profit one with the only just dessert being effective punishments for even attempts at trafficking for the purpose of exploitation. We must do everything as governments and non -state actors to restore the stolen lives, bring succour to victims and provide compensation for lost wages and help put them back on a path of sustainable livelihood to avoid re-victimization and re-trafficking.

Trafficking in persons results in cumulative breaches of human rights, and this correlation needs to be recognized in any intervention effort. As far as the mandate of the Special Rapporteur is concerned, the real challenge is not just in adopting strategies that will effectively lead to catching the perpetrators and punishing them. Rather, it is preferable to put in place strategies that will focus equally on the victim by recognizing and redressing the violations suffered, empowering the victim to speak out without being doubly victimized,

jeopardized or stigmatized, while at the same time targeting the root causes of human trafficking. The strategies must be people-centred, bearing in mind that human trafficking is about persons whose basic right to live free particularly from fear and want is under constant threat. We must recognize the dignity of the victims and their right to survival and development. Thus, restorative justice is central to combating human trafficking.

I look forward to further strengthening cooperation and partnership with Member States in promoting the effective implementation of the international provisions to end human trafficking. I urge all Member States and other stakeholders to renew their commitment to concertedly fight this heinous crime to ensure the universal respect for human rights of all persons.

Thank you for your attention and I look forward to a fruitful dialogue.