

Statement by Don Flynn to the OSCE meeting on Human Dimension Implementation

Warsaw, 2nd October 2007-10-08

ON TRAFFICKING IN HUMAN BEINGS

On behalf of PICUM – the Platform for International Cooperation on Undocumented Migrants

Madame Chair and delegates, I am grateful for the opportunity to make this statement on behalf of PICUM – the Platform for International Cooperation on Undocumented Migrants.

PICUM was established seven years ago and it runs an information network on matters relating to the position of undocumented migrants. Its origins lay with grassroots community organisations in Europe but in recent years it has been joined by groups in Asia and the Americas. With over 7,000 participating organisations in this work PICUM is able to reflect the views of a substantial part of international civil society working on issues relating to the position of undocumented migrants.

The first point we would want to make is that the protection of trafficked people is jeopardised in many countries by national authorities who regard the matter as being in large part an issue of immigration control rather than a humanitarian concern. Delegates from Georgia and Tajikistan have already pointed out that a great deal of the work they do with victims of trafficking involves people who have been arrested, detained and subject to sanctions as migrants outside the provisions of law after being identified by the authorities.

This is not an appropriate response to the issue. As well as adding to the harm which has already been inflicted on people who have been trafficked there are practical objections to police work that proceeds on this basis. Using immigration violations as a trigger for action will obscure the position of those people who have been trafficked but whose nationality allows them the right to enter and reside in the country in question. As the borders of the European Union open to the east, and as vulnerable people moving to escape poverty turn towards agents and facilitators to organise their migration, we can expect that an increasing proportion of trafficked persons will have a legal right to cross frontiers and therefore cannot be regarded as irregular migrants.

The concentration on immigration status also blunts the task of identifying trafficked persons in the labour market, where they appear as the victims of forced labour. Forced labour is violation of human rights. Its growing prevalence in many European countries needs a response which works on the links between

economic sectors which are increasingly dependent on the labour provided by a mobile, casualised, poorly protected work force, the use of unscrupulous agents as recruiters and providers of labour, and other indicators such as low pay and accommodation which is tied to the job. A vigorous approach to checking the conditions of employment and the employment contractors of workers in these sectors would reveal a great deal about the contemporary realities of trafficked persons.

A second area of concern is with the way the instrument of the National Referral Mechanism is being used in many countries. The NRM could be powerful tool with the potential to promote joined-up actions between different government departments and civil society to aid in the identification of trafficked persons. Its use has been advocated by the OSCE/ODIHR as a means to broadening the scope of involvement of society in activities to counter trafficking and we should work hard to ensure that it is used in this way.

However, it is the case that in some countries the NRM has been taken on as an instrument to be used almost exclusively by police agencies rather than as the building of bridges between a wider range of organisations. When it used in this way there is a danger that the task of identification becomes over centralised and subordinate to policy agendas in which humanitarian protection plays a very small part. No doubt some inter-agency consultations take place even in these centralised systems, but it has to be doubted that the core direction of work is strongly influenced by collaboration with civil society.

This leads to the third point, and one which deals again with the role of civil society in tackling and reducing trafficking in human beings.

The widest possible scope for civil society engagement is needed because of the character of the forces in society which are creating the demand for trafficking in our societies. As we have said, the re-emergence of trafficking and forced labour is closely connected with the de-regularisation of the labour market in many countries and the growth of factors which simultaneously offer low levels of wages and poor working conditions, but also require a highly disciplined labour force which produces workers at short notice and utilises them for long hours in short but intensive periods of labour.

The danger that forced labour will appear in these circumstances is ever present. No country is immune from this threat. In the country where I live and work, the United Kingdom, the government's own estimates are that one-fifth of the labour force falls into the category of vulnerable workers – a group for whom the experience of work is not rewarding and beneficial in terms of the improvement of life chances – but at best a minimal strategy for grinding, day-to-day survival; and at worst, a collapse into conditions of modern-day slavery.

This means that one in every five workers in the UK is working in the same sectors of the economy where they are likely to know of activities that amount to forced labour and which might involve trafficked people.

The situation of these vulnerable workers is the subject of immense activity on the part of trade unions, anti-poverty welfare networks, church organisations, and citizens' and legal advice groups. What is crucially needed is the unity of all these bodies, working on their own respective agendas but collaborating and sharing information, and piecing together programmes of activity which challenge exploitation, coercion and violence at every point.

If a broad front against trafficking and forced labour can be constructed along these lines I can assure this meeting that it will have the enthusiastic support of civil society across Europe.