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Opening Remarks of Ms. Marcia V.J. Kran,
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at the 11th Alliance against Trafficking in Persons Conference
Preventing Trafficking in Human Beings
for Labour Exploitation: Decent Work and Social Justice

Vienna, Austria
20-21 June, 2011

Madame Maria Grazia Gimmarinaro, OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings,
Excellencies,
Ladies and gentlemen,

I am very pleased to be in Vienna for the 11th *Alliance against Trafficking in Persons* Conference. This year's conference addresses a particularly important and timely topic in the international debate: "trafficking in persons for the purpose of labour exploitation."

Human trafficking, as we all know, is a global issue, taking place every day and in many places. Trafficked women, men and children fall into many different forms of exploitation in factories, farms, cotton fields, fishing boats, hotels, brothels, construction sites, camel races, operating tables for organ harvesting, military barracks, and private households.

The problem of trafficking for the purpose of labour exploitation is complex and widespread. According to a recent study by the ILO, more than 12 million persons world-wide are victims of forced labour and are trapped in exploitive work conditions – and among those several million are estimated to have been trafficked. They may be trafficked for sexual exploitation, but more often they are in economic sectors such as agriculture, construction or informal manufacturing, and do domestic work. Both forced labour and trafficking hinder human development and are violations of human rights.

Trafficked persons often come from unstable and economically disadvantaged situations. Traffickers frequently identify vulnerable communities and populations that experience oppression, and have high rates of illiteracy, and limited economic opportunities. The causes are closely linked with poverty, discrimination, lack of decent work and the absence of social justice. Addressing these root causes is necessary to combat trafficking in persons for the purpose of exploiting their labour.

Despite the widespread use of trafficking for the purpose of labour exploitation, it is often not prosecuted although the international normative framework on trafficking is clear: human trafficking is an international crime and victims have the right to effective remedies.

To date, a comprehensive and sound international legal framework has been developed to provide guidance on how to address the problem of trafficking. Currently three main types of international treaties govern trafficking in persons: first, the ILO conventions prohibiting slavery and forced labour, including the brand new convention on “Decent work for Domestic Workers”, which require that legal protection and assistance be provided to the most vulnerable. Second, those relating to the criminal justice system, such as in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, known as the Palermo Protocol.

Allow me however to highlight also the key elements of the international human rights law, which form an integral part of the international legal framework applicable to trafficking. *The 1979 Convention on the Elimination of All Forms of Discrimination against Women* requires states to take appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women. The 1989 *Convention on the Rights of the Child* prohibits trafficking in children for any purpose, including for exploitive and forced labour. Other human rights treaties prohibit certain practices linked to trafficking such as slavery, forced labour and servitude, and the sale of children and their exploitation in the context of prostitution. The 1990 *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families* focuses on irregular migration, and encourages appropriate action to prevent and eliminate trafficking in migrant workers. As a whole, these treaties set out the legal obligations of duty bearers, such as states, in dealing with trafficking, and provide the basis for victims of trafficking to claim their rights.

In addition to treaties, international declarations and guidelines exist for the same purpose. *The Recommended Principles and Guidelines on Human Rights and Human Trafficking*, developed by the Office of the High Commissioner for Human Rights, offer guidance to address trafficking in persons. We have also elaborated a commentary on the Principles and Guidelines to provide legal and policy analysis which can be used by states, intergovernmental organizations, academics and individuals, to further the goal of preventing trafficking and protecting the rights of the victims. The Principles and Guidelines place the victim at the centre of action to address trafficking and encourage the effectively addressing of the root causes. In this way, trafficking is not reduced exclusively to a problem of

population movements, a problem of public order or a problem of organized crime, but rather is recongnized as a violation of human rights.

The international human rights standards have a practical value that can and should assist States in developing a comprehensive approach to combat trafficking. We all agree that building multi-faceted strategies and broad partnerships are essential to respond to today's reality. The human rights principles of participation, non-discrimination, transparency and empowerment are key to supporting those broad partnerships.

One clear value of using a human rights framework is that it underscores the importance of accountability. Accountability is sometimes narrowly understood to mean blame and punishment but in reality has two distinct main components: addressing past grievances and correcting systemic failure to prevent future harm. The international level human rights mechanisms that monitor compliance with treaties by State parties can provide guidance in this regard. At the national level, establishing mechanisms to monitor the human rights impact of anti-trafficking policies and programmes, can ensure the protection of the human rights of trafficked persons, including those trafficked for the purpose of forced labour - and can allow for a systematic evaluation of those policies.

Put another way, existing human rights standards provide benchmarks guidelines for policy-makers seeking to align their measures with international law. Human rights standards require, for example, that migrants be fully informed about their rights and responsibilities throughout the cycle of migration. They stipulate that migrants have the right to just and favorable working conditions. The enjoyment of these rights has made migration a positive experience for millions, but many others continue to be discriminated against and remain vulnerable.

While there has been progress in certain areas, the potential for achieving positive change through the use of the applicable legal human rights framework is far greater. This requires incorporating human rights into national legislation. Based on a human rights approach, the development of national action

plans to combat trafficking, in consultation with a wide spectrum of actors in government, civil society and national institutions, has proved an effective way to build policy coherence across various sectors such as labour and migration.

Excellencies,
Distinguished guests and Colleagues,

In order to effectively combat human trafficking and forced labour, the global strategy must be grounded in human rights as well as in broader social justice concepts.

The United Nations recently launched “Decent work and Social Justice” agenda that linked it with human rights calling for social justice based on the provision of basic services, decent paid jobs, and safeguards for the poor and vulnerable groups. As my colleague from ILO has mentioned, ILO developed the Decent Work Agenda based on the creation of job opportunities, the guarantee of human rights at work, the extension of social protection and the promotion of social dialogue. OHCHR strongly supports this agenda. We believe if it is implemented, it can contribute to addressing some of the root causes of trafficking.

“Social Justice is more than an ethical imperative; it is a foundation for national stability and global prosperity. Equal opportunities, solidarity and respect for human rights, these are essential to unlocking the full productive potential of nations and peoples” This was the message of the Secretary General on the World Day of Social Justice in February 2011¹. The message clearly reflected the strong linkages between human rights, equal opportunities and social justice.

The notion of decent work is further reflected in the United Nations Millennium Development Goals. Reviews of the progress towards achieving the MDGs have shown that job loss has forced workers,

¹On 26 November 2007 the General Assembly declared the 20th of February to be celebrated as The World Day of Social Justice

especially women workers, into vulnerable and informal employment without benefits or security and some of the demand for employment has been met through trafficking.

Another United Nation's initiative, the Global Compact aims to enhance respect for human rights by the business sector including multinational companies, by encouraging them to enact principles consistent with international human rights standards. These principles are, first, to promote, respect and protect internationally proclaimed human rights, and safeguard against complicity in human rights abuses. And second, to follow labour practices which include respect for freedom of association, elimination of all forms of forced labour, abolition of child labour, and elimination of discrimination in employment. In partnership with our office, the Global Compact has addressed the role of private companies in the rescue of victims of human trafficking. Our joint publications provide guidance on human rights protection in business practice.

Excellencies,

Distinguished guests and Colleagues,

In conclusion, the fight against trafficking in persons for forced labour is complex and needs to be addressed holistically through the combined efforts of all stakeholders. Attention to human rights in this process is critical. The OHCHR "Recommended Principles and Guidelines" note that victims who are protected and supported are more likely to cooperate in the legal proceedings against their traffickers, thereby put an end to impunity by the perpetrators.

States are responsible for fulfilling their obligations to identify victims of trafficking; to protect and support them; to prosecute offenders; and most importantly, to provide access to justice remedies for the victims. For this to occur, effective accountability mechanisms must be in place.

While sound international legal framework exists, it is now time for strong push towards ratification and implementation to achieve the changes that the standards prescribe. Ratifying UN human rights conventions, the ILO conventions on forced labour, and relevant treaties on crime control is important

and integrating the norms and standards of the conventions into national measures and implementing them is crucial to succeed in the fight against trafficking.

In closing, let me note that OHCHR appreciates the work undertaken by the OSCE under the leadership of the Special Representative and Coordinator for Combating Trafficking in Human Beings, Madame Maria Grazia Gimmarinaro, we look forward to continuing an active and productive partnership between our organizations.