



Organization for Security and Co-operation in Europe

Special Representative and Co-ordinator for Combating Trafficking in Human Beings

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at the

12th Alliance against Trafficking in Persons Conference

**An Agenda for Prevention: Non-Discrimination and Empowerment
Vienna, 11-12 October 2012**

Dear Excellencies,
National Co-ordinators and Rapporteurs,
Ladies and Gentlemen,
Dear Colleagues and Friends,

Good afternoon.

I am delighted and honoured to welcome you today as the host of the 12th *Alliance against Trafficking in Persons* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”.

I feel privileged to have the pleasure of opening this conference with the contribution of such high-level officials committed to the cause of human rights. I would like to thank Ambassador Cogan, Head of the Irish OSCE Chairmanship Task Force, the OSCE Secretary General, the ODIHR Director, the High Commissioner on National Minorities and the Director of the European Union Agency for Fundamental Rights (FRA) for joining us today. Let me also extend a warm welcome to all our other speakers and participants at this 12th *Alliance* Conference here in Vienna.

In my opening remarks I would like to explain why the *Alliance against Trafficking in Persons* devotes so much attention to the linkage between trafficking in human beings and discrimination, and how the common understanding of its impact will bring added value to our efforts.

Discrimination is always mentioned as a root cause of trafficking. However, further analysis is needed to better understand the multiple ways in which discrimination can lead to victimisation in a trafficking pattern, regarding for example the personal, family and social background of actual and potential victims, or their belonging to a national or ethnic minority. In addition, even less has been undertaken in the past with respect to discrimination as a vulnerability factor which can lead to victimisation and trafficking during the migration process. Today, very often people are victimized, for example, when they have reached their country of destination, where they very often face discrimination at work, social stigmatisation when they are exploited in prostitution, and sometimes even racist and xenophobic behaviours. This could result in a situation of social isolation and debt bondage and could lead to trafficking for labour, sexual or other forms of exploitation.

In this Conference, by highlighting the linkage between trafficking and discrimination, we want to boost the vision of anti-trafficking action as part of the human rights discourse, open new paths for advocacy strategies, and explore ways to ensure that anti-discrimination and anti-trafficking standards, actors and strategies complement and reinforce each other, enhancing both prevention and protection.

The principle of non-discrimination implies that every individual is entitled to the enjoyment of their rights without discrimination on any grounds.¹ The principle of equality before the law is therefore at the core of the rule of law framework which is essential in the struggle against trafficking in human beings. In this respect, the Conference builds upon the excellent Human Dimension Seminar held in Warsaw in May this year.

I would like to introduce three aspects of the linkage between anti-trafficking and anti-discrimination work that will be further explored during the conference, and highlight some action-oriented implications.

First, to be more effective in preventing trafficking we need to tackle the patterns which underpin discrimination and exploitation.

Second, an effective prevention and protection strategy is founded on empowerment and social inclusion.

Third, multiple and inter-sectional discrimination is an essential component of woman's vulnerability to trafficking. Yet, the causes of inter-sectional discrimination also bring empowerment opportunities.

Addressing the first point, human trafficking always implies exploitation, be it in the context of a migration process or within the country. If we want to prevent and combat it, we have not only to address issues related to various forms of exploitation but also tackle the cultural patterns which make such exploitation largely tolerated, especially where migrants are concerned.

We are confronted every day with the fact that, in practice, many cases in which there are clear indications of trafficking – confiscated documents, excessive working hours, no salary and even injuries as a consequence of physical punishment – even these cases very often are not classified as trafficking cases but treated as less serious crimes. One of the reasons behind this shocking situation is that very often the competent authorities fail to grasp the gravity of the exploitation involved.

Well, when we dig and try to better understand and analyse the reasons for this “blindness”, we find, among other factors, discrimination. We discover, for example, how influential the cultural construction of the migrant as the “other”, and of “otherness” as “inferiority” is, although it mostly works in a subtle and hidden way. The same constructions are reflected in any form of discrimination and racism. The same constructions were once used to validate and justify historical slavery.

This is one of the reasons why racism matters, and should be better understood as an element that needs to be addressed in the prevention and fight against human trafficking. Not only does it reappear directly in certain forms of exploitation, for example in certain cases of domestic servitude, when a worker is regularly abused through racist language. Moreover, racism is a major component in the hidden structure of discrimination and therefore it offers an easy justification for exploitation. We witness every day, for example, the production of xenophobic stereotypes about migrant workers, depicted as inefficient, incapable of being

¹ European Convention on Human Rights, Article 14, and Protocol N. 12, CET N. 5.

fully integrated into society, and even criminals. Such stereotypes, among other things, hamper the perception that they could be victims of a serious crime.

Therefore we want to further explore the many reasons why racism still matters, and plays a major role not only in the history of slavery but also in modern-day slavery. Of course it is not our intention to suggest that historical and contemporary slavery have the same features. However, the differences and similarities should be better understood. If not, the existence of such similarities ironically would lead – and very often in fact leads – to what I call “blindness” toward individual trafficking cases. For example, as long as law enforcement officials do not understand that the restriction of freedom of movement is not necessarily a component of modern-day slavery, and that debt bondage or multiple dependency are the most common means of subjugation, they will continue to identify trafficking cases only in a few extreme situations, and almost exclusively in the field of sexual exploitation.

This is why we are particularly interested in better understanding the nexus between old and new slavery, and we will do it today with the help of one of our keynote speakers, Kenneth Morris. I would like to welcome him and say that we are very proud to have him here with us. He makes an invaluable contribution to the fight against modern-day slavery, bringing forward the legacy of Frederick Douglass, whose inspiring biography and essays are essential to understanding the vital message the abolitionist movement still conveys to the world.

Subsequently, with the help of Matteo Mecacci and Marjan Wijers, and of our panellists later on, we will place human trafficking and the principle of non-discrimination in the broad picture of the struggle for human rights and the rule of law, and will explore recent developments and their implications in this field. In this respect, I would like to mention here the forward-looking concept note drafted by my Office in preparation for this conference.

The second aspect is the nexus of empowerment, non-discrimination and social inclusion as a vision to build a prevention and protection strategy.

This nexus highlights, for example, how deeply the success of anti-trafficking action depends on social inclusion of people with a certain vulnerability profile, and therefore it requires for example the social inclusion of minorities, respect of the rights of migrant workers and their families, the correct implementation of international protection for asylum seekers and refugees, the empowerment of women as a resource for the society as a whole, the implementation of measures regarding education for children and youth and of child-rights procedures based on the best interests of the child and on their participation.

We will explore empowerment from a legal point of view, as we are increasingly aware that trafficked persons’ legal empowerment plays a major role as a driving factor of their access to justice and remedies, and is also a powerful way to prevent re-trafficking and deter crime. This aspect has been discussed extensively at the special event organized this morning by Comp.Act, a European civil society initiative aiming to make compensation for trafficked persons a reality, which my Office strongly supports. We will explore further aspects of empowerment through the law such as a full use of anti-discrimination laws and tools, and a full and correct implementation of international human rights instruments and jurisprudence including the ECHR Rantsev judgement. We will also explore empowerment of workers, especially migrant workers, including through information, freedom of assembly and

association, and the respect of their rights without any discrimination, especially concerning wages and working conditions. Moreover, we will hear about a prosecuted labour trafficking case in which a clear link has been found between discrimination and trafficking, showing how non-discrimination and anti-trafficking measures can reinforce each other.

We will later discuss a number of ideas for concrete action, taking inspiration from existing good practices in various countries of the OSCE region. All of them are pioneering an innovative approach, which is absolutely different from an old and paternalistic approach towards vulnerable people and groups, and victims of trafficking in human beings. We do not want to tell anybody how to handle their life. After dealing with trafficking for many years we have learned that the right approach to trafficked persons must be non-judgemental, and respectful of their dignity and their self-determination.

For example, we do not want to tell anybody to renounce – for the sake of prevention - their dreams and aspirations, especially those related to migration. We do not want to stop children on the move, or prevent them from seeking better opportunities abroad. We want rather to inform them and eventually protect them during their difficult journey. This is the topic of one of our side events, and of the wonderful photo exhibition you can see at the Hofburg today. We want to reinforce everybody's agency and ability to make informed decisions; we encourage civil society to establish forms of mentoring to help vulnerable people and trafficking victims handling new and unknown situations. We want them to have real opportunities, which means they must receive assistance and counselling in identifying job opportunities both in origin and destination countries. Social inclusion must always be considered the final goal of assistance and support of trafficked persons, whatever kind of exploitation they have been subject to.

In the context of empowerment, particular attention will be devoted to non-discrimination measures and social integration strategies regarding Roma, Sinti and Travellers minorities, as they are particularly targeted by discrimination and trafficking. As some legal researchers have recently highlighted, systemic discrimination and vulnerabilities to trafficking are so deeply linked that trafficking affecting these communities should be considered inherently discriminatory.²

Finally, the third aspect – I would really say last but not at all least - is our attention to the gender dimension of trafficking and anti-trafficking action, which is always needed not only when we talk about sexual exploitation but also regarding all forms of trafficking including for labour exploitation. The gender dimension is broader of course, but today I want to focus on women and show how women are affected by the nexus discrimination/trafficking.

According to the recent ILO estimates, women and girls are the vast majority of victims of trafficking for sexual exploitation (i.e. 98%), and represent the 40% of people subject to forced labour exploitation. Therefore, the majority of people subject to forced labour and trafficking worldwide are still women (55%).

² OSCE OSR-CTHB in partnership with the Ludwig Boltzmann Institute of Human Rights, and the Helen Bamber Foundation, *Trafficking in human beings amounting to torture and other forms of ill-treatment*, forthcoming publication.

Over the past years the focus on gender has highlighted that multiple and inter-sectional discrimination is an essential component of women's vulnerability to trafficking in human beings. This approach is still valid and unfortunately has been confirmed by recent trafficking cases.

Especially the approach of inter-sectional discrimination³ can contribute to highlight not only why discrimination massively affects women but also the fact that ironically, the causes of discrimination also bring empowerment opportunities.

Women are in fact at the crossroads of various identity factors such as sex, family status, language, religion or other belief, residence status, membership to a specific community or minority. In this respect women can be subject to discrimination on different grounds in different social environments. For example, they can be discriminated against as women in their community, and as members of a minority in the society at large.

However, being at the crossroads of various identity components also means that women are simultaneously capable of learning from different social and cultural experiences, to build bridges between different communities, and take opportunities for social inclusion as soon as they arise. This is what we have witnessed even in extreme situations such as those of survivors of trafficking in human beings. Successful integration into the labour market of the countries of destination, for example, has been possible in many cases, thanks to the extraordinary woman's ability to take advantage in a creative way of training and work opportunities. At the same time, women at crossroads are usually a sort of cultural mediator, who make possible a dialogue between, for example, native and migrant communities, dialogue that is capable of introducing elements of change in both cultures.

This is the reason why we do not want to look at women, even when they are subject to exploitation and trafficking, merely as victims. At least we don't want to see them as mere victims according to the usual stereotype of a victim as a person lacking agency and free will. Rather, we want women to be and be seen as owners of their own destiny and agents of change, as highlighted in a recent inspiring round-table convened by the Gender Senior Adviser. This way of looking at trafficked women, of building a relationship with them accordingly, and of designing and implementing consistent policies, is itself an empowerment strategy.

Conclusion

In conclusion, I would like to underline that this conference aims to open new paths to advocacy, to better protection of the rights and dignity of victims and potential victims, to the rule of law including access to justice and remedies, and to effective prevention.

In particular, this conference aims to promote a better and updated understanding of trafficking in human beings as – unfortunately – a systemic component of the economy,

³ S. Burri, D. Schiek, *Multiple Discrimination in EU Law. Opportunities for legal responses to intersectional gender discrimination?*, The European Network of Legal Experts in the Field of Gender Equality (2009).

labour market, and ultimately, our societies as a whole. Furthermore, the Conference aims to build a cultural framework to challenge discrimination as a driving factor of that common sense which leads to a sort of “normalisation” of exploitation in our societies.

I am increasingly convinced that, as modern-day slavery has reached such massive and pervasive dimensions in all its forms of exploitation, we need stronger cultural means to prevent and combat it. We need to involve human rights and cultural institutions, academia, teachers, journalists and artists. This will be the topic of our second side event tomorrow.

In other words, we need an innovative discourse, capable of mobilizing thoughts and energies of decision makers and practitioners, ordinary people and the public at large against this gross human rights violation. I thank you all for contributing to this effort.