

ALLIANCE AGAINST TRAFFICKING IN PERSONS

“Stolen Lives, Stolen Money: The Price of Modern-Day Slavery” (25-26 June 2013)

Panel 3: Economic, social and political costs of trafficking in human beings

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Thank you for inviting me to make a contribution to this important and exciting meeting.

Thank you also to the interpreters who make my argument available more widely.

Today I want to make an argument for a cosmopolitan approach to global justice as the best strategy to the long-term prevention of human trafficking and all forms of contemporary slavery. I will make this argument in several steps. First, I outline how governments contribute to human trafficking and exploitation and secondly, I show the importance of a commitment to global social justice as an underlying principle of a human rights approach.

My research on human trafficking since 1998 looks at the gap between the commitments of governments to promote and protect human rights and the experience of trafficked persons. (See bibliography) Human trafficking is morally wrong, international standards exist to criminalise the practice and in most countries it is explicitly against the law. Yet, human rights are often inaccessible to trafficked persons in countries of origin, transit and destination. Not only the right to freedom from slavery is violated, also rights to freedom of movement, freedom from torture, equality before the law, access to justice, the right to family life, an adequate standard of physical and mental health, access to housing, education, social welfare, safe and suitable employment and freedom from torture are largely inaccessible. A similar list can be created for people who are enslaved or exploited without being trafficked.

A human rights approach has been systematically defended by NGOs and international organisations like the UN, the ILO, the OSCE and the Council of Europe. Governments increasingly acknowledge their human rights commitments yet they do not fully recognise their complicity to the inaccessibility of human rights for people who are vulnerable to exploitation and human trafficking.

1. How do governments contribute to human trafficking?

Human trafficking takes place in the wider context of global inequality and national violations of human rights that create both space for forms of contemporary slavery and exploitation and put pressure on people to migrate which increases their vulnerability. The idea of a continuum of exploitation with human trafficking and other forms of contemporary slavery at one end and decent work at the other end, shows that human trafficking is not an isolated problem but is part of this wider context. The definition of human trafficking in the Palermo Protocol establishes that people need to be recruited, harboured or moved; by means of force, deception or abusing their vulnerability; with the intention to exploit them. Yet, many people who find themselves in exploitation do not match these criteria fully – if they used an intermediary to make travel arrangements or help to find a job in another country or region and their exploitation happened by someone different after they arrived, for example. Anyone in this situation has a right to protection and support.

Governments contribute to human trafficking and labour exploitation in various ways. If human rights are not protected, contemporary forms of slavery can flourish. Restrictive and complex migration regimes cause people to resort to unsafe migration trajectories. Complex regulations on who can work in a country risk many migrants working for employers who do not meet labour standards effectively. An undocumented migrant, for example, is vulnerable due to fear of deportation and has according to employers ‘a sticker of half price on their forehead’.

2. Global justice

I now move to the second part of my argument: what do governments need to do to make human rights accessible for everyone and to end the exploitation of humans in contemporary forms of slavery, including human trafficking?

My second step in this argument is to show how global social justice as a principle underpinning a human rights approach will help to provide long-term prevention of human trafficking and other forms of contemporary slavery.

Global justice inspires duties for governments that include a principled defence of human rights for non-citizens within the borders of nation-states. Yet, it also contributes to long-term initiatives to create global equality which will reduce pressure to migrate and enhance safe and fair opportunities for decent work everywhere.

A global justice approach provides a normative perspective which emphasises the need for long-term prevention of trafficking through cross-border and multilateral initiatives on redistribution, social investment and policy development to enhance trade justice.

This approach also provides us with a list of principles which would make a difference to the existing human rights approach to human trafficking, contemporary slavery and exploitation. The principles I propose include: Respect for the rights of victims; cosmopolitan impartiality (justice for all); respect for the agency of victims; commitment to long-term structural change in the global economy; provision of support to develop viable livelihoods.

Global justice requires governments to develop initiatives that support long-term prevention of trafficking by investing in development, collaborating on global schemes for taxation and debt relief, and pushing for global corporate social responsibility and fair trade, signing up to the UN Convention on Protection of the Rights of Migrant Workers and their Families. These duties apply to countries of destination, transit and origin. Where the resources are lacking to develop effective human rights protection, there is an international duty to contribute in terms of capacity building and resource direction.

Finally, in a transnational world global justice also requires governments to contribute to the awareness of their citizens around a) contemporary forms of slavery, b) complicity of governments and c) options for ending this complicity through global justice initiatives. Governments should also provide education on migration and human rights to assist in better hospitality and less xenophobia; and to provide human rights education to help non-citizens recognise their rights.

In conclusion, governments can contribute a lot to making their policies more welcoming to migrants especially in the most vulnerable categories of undocumented, rejected asylum seekers and trafficked persons. Educating the citizenry on cultural traditions of tolerance and inclusion rather than fighting elections on right-wing anti-immigrant stances would make a big difference to human rights protection.

Of course there are several potential objections. We are talking about the costs of human trafficking and the costs of counter trafficking measures including the prevention strategies I have outlined above. The main objection to my proposal is that the costs are too high. Yet, the costs of these initiatives are economically not necessarily higher than the costs of the current law enforcement. Moreover, the social costs of a break down in government- society

relationships can be reduced a lot by investing in global justice and good governance. Individual costs of lost income, lost life chances and lost relationships will be much reduced, too, with the kind of global social investment I envisage.

Selected Bibliography

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