

## **European Conference**

### **“Data Protection and right to privacy of marginalized groups”**

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I would like to thank the organizers of this conference and congratulate with important initiative addressing one of the key human rights aspects of protection of marginalized groups—data protection and rights to privacy for victims of trafficking. For me this is extremely important opportunity to discuss issues of concern with esteemed experts and friends the strengthening of the application of human rights standards to protect victims of trafficking and victims of other forms of slavery. The extreme sensitivity and importance of the phenomena requires rethinking the existing legal and ethical norms towards their effectiveness and development of standards that would invest in strengthening victim protection ,reintegration and exclude revictimization of the person.

I am very thankful for the invitation, as in most of the forums trafficking in humans in all its diverse forms is the only and central theme for discussion and hope that in future more space would be provided to discussion of other forms of slavery as I believe it is impossible to fight slavery addressing only one of it’s forms, leaving other forms unaddressed .

While some forms of human exploitation involve human trafficking, including across borders - an aspect which has galvanized international cooperation, my mandate addresses human exploitation which is tantamount to contemporary forms of slavery regardless of the methods or means used to achieve it and without necessarily requiring the constitutive elements of trafficking, such as the acts of recruitment and transportation, the threat of force and deception as a means, or the explicit intent and purpose of exploitation. It is of deep concern to me that as of 2012, the ILO estimated that there were 21 million victims of forced labour worldwide. Yet, figures on victims of trafficking and of forced labour do not tell the whole story with regard to the prevalence of various forms of slavery-like practices. Indeed, many contemporary forms of slavery cannot legally or practically be easily or at all subsumed into these other categories or legal definitions. Contemporary forms of slavery is both distinct and broader than these concepts and definitions – and should in my view, be interpreted so that it can adapt to the modern day reality and to the specific context of each society.

The evolution in international normative standards on slavery since the 1926 Slavery Convention, reflects two important elements in my view: the recognition by the international community that slavery and slavery-like practices continue to be realities that are relevant to us today, and they should remain living concepts that can be interpreted in their modern day manifestations and according to our evolving human rights standards. Over my last six years on this mandate I have confirmed my belief that it is necessary to remain open to evolving interpretations and manifestations of slavery like practices. For this reason, I have sought to

address many different forms of contemporary slavery, including lesser known or subtler forms of slavery that deserve more attention, such as bonded labour, domestic servitude, early forced marriage, child slave work, servile marriages, and cast-based forms of slavery that affects lives of many million people and are not confined to developing and poor countries only.

Today, I would like to share with you some of my observations over the last several years while I have served on this mandate, particularly in relation to the continuing challenges in the fight against slavery, and some of the good practices and achievements we have succeeded in attaining.

Data collection is similar challenge for slavery like practices. While we know that there are 21 million victims of forced labour, according to the latest ILO statistics, and that 20 per cent of these are victims of trafficking, data on other forms of contemporary slavery is difficult to obtain. There are numerous reasons for this. A key reason is the **social and economic invisibility** of those who are in slavery. The overwhelming majority of victims are not registered at birth, which put them in vulnerable situation and denies their future access to rights. The gender dimension plays an important role in this regard, as in many states I visited, it was women and girls who were predominantly denied their right to identity documents. Moreover, most victims of slavery are not registered among the labour force, and their contribution to the economy is invisible as the work they do in some countries is not included in labour law, such as domestic work. Geographic distance and closed areas where they work is also key to their invisibility

In some countries there are political motivations behind some discriminatory practices, and victims fear retaliation.

Although countries may have ratified domestic legislation and international conventions that explicitly prohibit and sanction human exploitation, many have not taken adequate action to enforce these laws in practice. In some cases, this is due to the failure of central Governments in the capital, to accept and recognize the existence of contemporary slavery in other parts of the country. Other key impediments include: the lack of resources and low levels of awareness in labour inspectorate offices and other public enforcement institutions; the State's lack of capacity to reach remote and isolated areas with its prevention, assistance and protection programs; and the lack of prosecutions and convictions for contemporary forms of slavery which leads to a climate of impunity, and lack of trust by victims. Some of these deficiencies in enforcement are related to weak cooperation and coordination systems within government institutions. Very few countries have established special institutional mechanisms to identify, assist and provide long-term protection to victims of slavery (e.g. such as state commissions at federal or local levels, or special inspection units trained in investigation and identification of slavery practices).

A persistent challenge to combating contemporary forms of slavery is also the preservation and proliferation of traditional practices. Practices which continue to exist in many countries, such as polygamy, "bride price", temporary marriages, marriages of honour, and marrying off girls to pay family debts for example, are often indicators of servile marriages - especially when this is coupled with the prevalence of domestic violence. In many countries these practices have been revitalized in some ethnic communities. Women's bodies are directly tied to a family's honour, or the financial situation of the family in many cultures, so that if a girl refuses to marry despite the social and family pressure, there is little or no legal protection for her, and in practice she is

vulnerable to being ostracised, to character assassination, kidnapping and destitution. Existence of discriminatory practices based on race, ethnicity and caste also play a role in increasing vulnerability to contemporary forms of slavery.

I am very happy to note however, that irrespective of persistent challenges in combating slavery, there have also been important positive developments. For example, there is more space today than in the past, in which to discuss problems related to various forms of slavery. There is also increased recognition of the importance of our work to eradicate slavery like practices, and of the role of this mandate in the Human Rights Council and among member states.

Instead of an outright rejection or denial of the existence of slavery, many states now engage with the mandate and other actors, to address this phenomenon. For instance, I have had excellent cooperation with many countries I visited during my two terms, including states such as Brazil, Ecuador, Peru and Mauritania –where I have conducted follow-up missions, and together with governments, civil society, and international organisations, we have developed action plans towards the implementation of recommendations I made during country visits. Many of these actions plans have been adopted or are currently in the pipe line for adoption, such as the case in Mauritania, where a road map is awaiting presidential signature.

There have been a series of improvements to legal frameworks at both the international and national level as well, which represent good practices in combating contemporary forms of slavery. At the national level, a wide range of countries have passed comprehensive legislation prohibiting and sanctioning contemporary forms of slavery. Owing to the variety of mechanisms used to subject individuals to slavery, many countries have also necessarily looked beyond traditional laws on forced labour and human trafficking. For example, some have established mechanisms to combat exploitative recruitment and hiring practices which increase the risk of contemporary forms of slavery.

As business has become increasingly global, the international community has also responded by adopting non-binding global frameworks that are addressed to businesses, such as the Guiding Principles on Business and Human Rights, which offers companies guidance on key labour and human rights issues relevant to contemporary forms of slavery. It is also important to mention that the ILO Convention on decent work for domestic workers has now received the sufficient number of ratifications to enter into force, and constitutes an important document to protect the rights of domestic workers.

There have been important precedents in European Court for Human rights, African court of human and people's rights , InterAmerican court of human rights to adjudicate cases of slavery related to domestic servitude, forced marriage, forced labour. It has to be mentioned that alongside the development of new laws, many countries have also taken steps to ensure that laws are effectively enforced. This is often more difficult, resource-intensive and time-consuming than getting laws passed. However, a number of countries have taken efforts to overcome challenges to successfully combat contemporary forms of slavery.

This is an extremely important process that has been developed and with regard to it them it is to be stressed that the common denominator and link between all forms of contemporary slavery - be it debt bondage, servile marriages, child slavery, serfdom, forced labour or traditional forms of slavery – is the foundational premise of international human rights standards. As I look to the future, I see challenges –indeed I have enumerated many – but these are not insurmountable. They are increasingly met by progressive national legislation, good practices, and improved methodologies which allow us to better quantify and understand the problem. These will hopefully help us to address the human rights violations and situations which are both a cause and a consequence of contemporary forms of slavery. Six years into my term on this mandate however, I note that our progress in eradicating and raising awareness of the very real, very contemporary forms of slavery that persist globally is too slow.

Slavery is not a problem of the past. Comprehensive programs and actions, including at the regional level, are needed to address this problem, which violates human rights, affects economies, perpetuates organized crime and exploitation, and endangers the achievement of MDGs. We know that the issues and responses must surely include, but also go beyond labour law. A human rights based approach is instrumental to allow us to recognize and address slavery-like situations when they fall outside what is usually perceived as the public spheres of labour law, or criminal law (e.g. sex trafficking). This is the case with servile marriages, domestic servitude and some forms of child slavery which often take place exclusively within the so called ‘private sphere’ and home, and are frequently accepted by the community. Application of human rights in relation to victims of slavery has transformative nature and empowering nature bringing many millions of people from invisibility to active and productive citizenship and providing to so many children protected future.

Thank you