

United Nations High Commissioner for Human Rights

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Main Speech

Symposium of KOK - German NGO network against trafficking in human beings

16/10/2015 - Berlin

Thank you very much for this invitation.

I have been following the work of KOK also in my previous capacities and I would like to say that this has been key in this country to advance the prevention and fight against trafficking in human beings. My mandate is about reporting to the Human Rights Council in Geneva and to the General Assembly in New York to whom I report twice a year on the situation of trafficking and anti-trafficking policies globally. Of course, I carry out research on thematic aspects of anti-trafficking action and about certain areas which have been overlooked in the past. My mandate is basically about making the UN institutions aware about the situation of the protection of the rights of trafficked persons, but also of people at risk of trafficking. I do this also through country visits, some reports are also reports on individual countries that I visit. On those occasions, I have an opportunity to have a direct contact with all the authorities in charge of anti-trafficking policies. At the end of the visits, I address governments with the recommendations and in time there is also a follow-up. In other words, I ask for information about what has been done to implement recommendations. My mandate is about monitoring and reporting, but it is also about contributing to improve anti-trafficking action. I would like to underline an important aspect of my mandate: I can send communication to governments concerning individual cases of gross violations of human rights, of trafficked persons, or of people at risk. Of course, on a global basis, I can do this only on cases of extreme gravity. I encourage you to provide us with information if such cases of gross violations of rights occur. In general terms, I value the relationship with the civil society, with experts, with associations working in the field. For me, this is the only way to have a real picture of the situation. Of course, official data must always be compared with anecdotal evidence and the perception of the situation coming from people working in the field and working in direct contact with people victimized and exploited.

I would like to talk a few words about what is, in my view, the priority of today. The priority is the linkage between trafficking and migration policies: a linkage, which is not really understood by authorities. Yesterday, the latest data was disclosed by IOM concerning

people dying in the Mediterranean Sea. 3000 people died this year only in the Mediterranean Sea. I would like spend a few words on these search and rescue operations remaining the priority in this field. I am aware that the objective of fighting against organized crime and networks putting people at risk is also important. I think this should be done through investigative means. I don't understand how this can be done through military operations, without putting at further risk people during their journey. From a human rights point of view, search and rescue operations remain the priority. I hope that Frontex will continue, even if the mandate of Frontex is not focused on search and rescue operation, to do this kind of work. I would like to pay tribute to my country, that the operation Mare Nostrum was actually focused on search and rescue. I think that Triton, for the first part of its work, has done a good work. I hope that Frontex will continue to ensure that people will survive their perilous journey.

What is the link with trafficking?

The link is very clear. What is the fate of those surviving? We know very well that people, when they start their journey, can already be in debt. They can lose all their goods and money during their long journey. For months, they are kept in transit countries, before being in a position to continue their journey. We know from people, for example in Libya, who had the courage to tell their story, that they are already aware that they will be sold to other people. They are aware that there will be someone who is entitled to exploit them at work or in prostitution. The issue is that nowadays it is becoming more and clearer: to prevent trafficking and to protect trafficked persons, we have to minimize the vulnerability of all migrants, be they asylum seekers, refugees, economic migrants. The distinction between refugees, asylum seekers and economic migrants makes sense when we think that applicable legislation is different. But, if we think about the condition of people, who are trying to escape from conflicts, political prosecutions, discrimination or extreme poverty, those people are actually forced to leave their countries and to undertake a dangerous journey. Unfortunately, migration policies in European countries are part of the problem and not a part of the solution. Restrictive and exclusionary migration policies increase the vulnerability of all migrants and push them towards smuggling and subsequent exploitation, simply because they have to survive during their journey. I will try to undertake some research about the linkage of trafficking and conflicts: What are the new trends in this field? What are the mechanisms? It is more and more clear that trafficking is nothing that eventually can occur in a situation of conflict, crisis or emergency. It is a direct consequence of the situation. It is a systemic component in different forms, because sometimes in certain situations, children are recruited as soldiers, women are recruited as comfort women to provide sexual services for combatants. We have seen the horrible things happening in areas controlled by ISIS, in areas controlled by Boko Haram. Conflict areas are attracting people who end up in labor exploitation because of the needs for subcontractors. We have seen people lured and deceived, not only about the nature of the work, be even about the destination. They were convinced to go to Europe and they end up in a container in Iraq performing their forced

labor. This situation should be under our attention and under the attention of international organizations. I will devote a report next year on this linkage. The linkage between trafficking and migration policies should be better explored and understood.

Today, if I had to indicate a priority for national policies, it would be to evaluate the impact of migration policies and labor market policies on trafficking in human beings: for example criminalization of irregular stay or the linkage between the right to stay and the labor contract, which favors exploitation because the workers are completely at the mercy of the employer and cannot change the employer even in cases of serious exploitation without losing their residence permit. I think that a specific evaluation should be made about what is the consistency between anti-trafficking policies and migration policies. There are lots of good declarations, but we have to ask ourselves: what is the reason why there is a systematic failure in identification of trafficking cases? It is really a drop in the ocean if we think that the estimated scale of trafficking is 20 million people globally, and at least 1 million in the European Union. We think that trafficking is becoming a systematic component of certain economic sectors; it is not something that eventually can happen from time to time. Certain sectors are completely affected by trafficking, agriculture for example, but also construction. Very recently, I have been at a very interesting conference of the global trade union in the construction sector, BWI. Trafficking is becoming a focus for them, because they are aware that trafficking is going to be systematically detected in this sector.

The imperative at the moment should be policy coherence. The mainstreaming in all related policy areas is a priority that should become a real priority on the basis of which we should be evaluating the effectiveness of other related policies. From this point of view, there are areas of particular interest that should be analyzed. I told you about restrictive migration policies, as it is very clear when there is a barrier on a certain route or even more restrictive regulations, the immediate result is to oblige people to take more dangerous routes and to choose more dangerous means of transportation and to choose irregular channels for migrating.

The second area is procedures. People arriving should find an opportunity to be listened to and there should be an opportunity for the authorities to detect exploitation and violence that has already taken place in transit countries. In Italy, there is just now the case of 66 Nigerian women. Some of them have clear indication of torture and violence. It is very clear that they were trafficked. They arrived by sea and they are still at risk of being repatriated apart from 13 who obtained humanitarian protection. So, what are the procedures in place to detect trafficking among people arriving, be they asylum seekers or economic migrants?

The third area is the labor market: What are the controls? What are the checks? What are the possibilities to identify, especially in sectors that are particularly at risk, trafficking cases?

Prevention should become the main focus of anti-trafficking actions. Prevention is an issue that has been dealt with mostly with respect to countries of origin, in terms of information, in terms of awareness-raising, in terms of information for communities and people at risk. We should be aware that awareness-raising is also an issue in countries of destination. For example, the recruitment of migrant workers: what are the checks on recruitment agencies? Very often there is a criminal segment of the whole network. What are the possibilities to identify fraudulent practices in the labor market, especially in this segment of recruitment and especially in sectors particularly affected? What are the possibilities to detect cases of domestic servitude? What are the possibilities to encourage the private sector to take responsibility for what happens in their supply chains? In European countries, there are many multinational companies subcontracting in different areas of the world. What are the actions that governments also should encourage? Concerning certain basic obligations, these obligations should be provided for by the law. It is not only a private sector task to be undertaken on a voluntary basis, it is also a responsibility of governments to make it clear what they expect from the private sector.

These are only a few ideas.

The Anti-Trafficking Day is on Sunday, so we have to evaluate what is the situation in the European Union. I would like to say that the European Union has done a lot in the field of anti-trafficking. I don't think there is another area of the world in which such production of legislation has been done, which also includes funding of projects etc. I would like to pay tribute to the European Union for that. Unfortunately, I think the issue of a certain or total inconsistency between the approach to trafficking and the approach to migration policy is something that concerns European Union institutions and also, and I think even more seriously, individual member states' migration policies. I think the task to ensure policy coherency is there. The European Union should, for example, evaluate the coherence between the anti-trafficking directive, providing for unconditional assistance to victims of trafficking, and the directive on residence permits, which makes assistance conditional on cooperation with the judicial authorities. In general, this is an approach which is still based on a security and criminal justice approach. The European Union institutions should be aware today that there is a need to switch the approach to an approach genuinely based on human rights protection.

Thank you.