

## **Statement of the Global Alliance Against Traffic in Women (GAATW), to the UN.GIFT Vienna Forum to Fight Human Trafficking**

Vienna, 13-15 February 2008

GAATW is an alliance of 84 NGOs working in more than 50 countries to promote the rights of trafficked persons and migrant women. The membership includes organisations that provide direct assistance to trafficked persons, policy and research organisations, self-organised groups of women with direct experience of trafficking or migration into the informal sector and community development organisations. The International Secretariat of GAATW was established in 1994 in Bangkok, Thailand.

In 2007, GAATW published *Collateral Damage*, a study into the impact of anti-trafficking initiatives on the rights of trafficked persons and migrant workers, covering eight countries. The following statement and recommendations are drawn from this report. This statement is written on behalf of the members of the GAATW Alliance.

### **A. Vulnerability, Prevention and Human Trafficking**

Effective prevention of trafficking requires recognition of the migration-trafficking nexus and efforts to facilitate and promote safe migration and fair work for all. Migration and labour policies are discriminating against poor people and in particular poor women. Such discrimination creates opportunities for dishonest brokers, corrupt officials and ruthless employers to exploit or traffic migrants. Those people who need to migrate for work in order to survive or to improve their well-being are facing increasingly severe restrictions on their ability to migrate legally and safely. Similarly, their access to fair and reasonable working conditions is increasingly limited.

To determine what makes people vulnerable to trafficking, it is essential to work closely with economic migrants. Although most trafficked persons are economic migrants, the vast majority of economic migrants are not trafficked. Migrants can also, therefore, inform policy-makers about the safeguards that are instrumental in protecting them from a trafficking situation. Policy-makers should explore the factors that increase vulnerability on the one hand and protection on the other, in countries of origin, countries of destination and also in immigration policies.

### **B. Impact of Trafficking**

### The impact on the trafficked person

Trafficking can have profound impacts on an individual's health and wellbeing. An effective response must centre each individual's rights and aim towards her feeling confident and capable of exercising her rights, and to make decisions about her future. Our findings show that many of the current global responses to trafficking, which emphasise the rescue and a protectionist attitude towards trafficked persons, are failing to do this.

Further, the protection of the rights of trafficked persons is being made secondary to the perceived protection of national security. This response prioritises the prosecution of the trafficker and the protection of national borders from irregular migrants over the rights of the trafficked person, with disastrous human rights consequences. This can be seen in particular in the widespread practice of making assistance to trafficked persons conditional on them testifying in a criminal trial against a trafficker. Not only is this a violation of an individual's right to assistance if she or he is a victim of a human rights violation, but can also place her or him at risk of further harm from traffickers, as well as further trauma from a long and drawn out criminal process.

### The impact on all workers

Trafficking impacts on all workers, not only the individuals who have been trafficked. By tolerating the kinds of working conditions that permit trafficking to occur, we are lowering the standard for acceptable working conditions; exploitative conditions that do not reach the point of severe or slavery-like conditions come to seem tolerable.

In addition, responses to trafficking often have isolated trafficked persons so that the case is seen as an individual aberration and violation of law and order, rather than a structural problem. Each case is tackled individually by police rather than a movement of workers making structural changes to exploitation.

### The impact on families

Trafficking also has negative consequences for the family of the trafficked person that stay behind. Providing for children is often one of the main motivations for the trafficked person to assume the risks of migrating for work. However, in the experience of our members, isolated local actions or poorly thought-out responses against trafficking can lead to greater risks for the families, including the children. Children of trafficked persons often need as much protection as their parents, but this is being overlooked in the global response.

## **C. Action:**

### *On Protection of Trafficked Persons:*

♣ All assistance, protection, and a right to stay for trafficked persons should be unconditional. The practices of linking the right to stay with agreement to testify against the trafficker in court is a deal unworthy of states that are committed to providing real protection for trafficked persons.

♣ In addition to prosecution of traffickers, services should be provided to trafficked persons to facilitate their access to justice in all arenas where they have suffered, including compensation for unpaid labour and for physical and emotional stress.

#### *On Labour:*

♣ The International Labor Organisation as an international body should promote decent work for all workers, including migrant workers, through their tri-partite structure. UN Member states should uphold the right of all workers, including migrant workers to freedom of association and collective bargaining.

♣ Migrants should be consulted in developing appropriate mechanisms to end labour exploitation and trafficking.

#### *On Migration:*

♣ Migration policies should be re-assessed in view of discriminatory policies against poor people and particularly poor women. (CERD)

♣ Labour migration frameworks should be developed multi-laterally to protect the rights of workers to travel and to safe migration.

♣ Migration policies should be reformed to be in line with national and international anti-trafficking legislation to protect trafficked persons.

### **The Global Alliance Against Traffic in Women**

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