



Prevention of trafficking in persons in Central and Eastern Europe
Prewencja handlu ludzmi w Europie Srodkowej i Wschodniej
Предотвращение торговли людьми в Центральной и Восточной Европе
Prevenca obchodu s lidmi ve Středni a Východní Evropě
Prevenција trgovine ljudima u Centralnoj i Istočnoj Evropi
Залобігання торгівлі людьми в країнах Центральної та Східної Європи
Prevenirea traficului de fiinte umane in Europa Centrala si de Vest
Превенция на трафика на хора в Централна и Източна Европа
Превенција од трговија со луѓе во Централна и Источна Европа
Preventie van mensenhandel in Centraal en Oost Europa

Respect and rights protection for women migrant workers

La Strada statement on the occasion of International Women's Day 8 March 2009

Today, on International Women's Day, La Strada International wants to call for respect and rights protection for women migrant workers, who are vulnerable to trafficking in human beings.

La Strada International (LSI), the European NGO network against trafficking in human beings, with representation in nine countries, has repeatedly stressed the need for better and just migration policies and an improved protection of migrants' rights, in particular of women migrant workers. LSI's primary goal is to improve the position of women and to promote their universal rights, including the right to choose to emigrate and work abroad and to be protected from violence and abuse.

Currently, over half of the migrants in Europe are women. Although women used to migrate as part of a family, nowadays they increasingly migrate alone, often leaving their children behind, in order to work in countries of destination. This feminisation of migration is influenced by continued regional discrepancies in wealth and especially by the feminisation of poverty that is the failure of existing economic, political and social structures to provide equal and just opportunities for women to work. But an increase in women migrating is also due to an increased demand in destination countries for cheap labour in female-designated sectors of work, such as health care, domestic services and the sex industry. Industries that are characterised by low pay, less state regulation and consequently also by widespread abuse of workers' rights and women's rights. Exploitation is made possible as these industries and sectors fall outside the scope of labour inspection and typically make the organisation and representation of workers difficult, if not impossible.

Migration is therefore a gendered phenomenon: men tend to be differently affected by migration policies than women. For example, (temporary) legal migration is often allowed for male-dominated sectors, such as construction and agriculture. This is often not the case for female work sectors, such as domestic work. Despite a growing demand for domestic workers in Western Europe, no legal avenues

have been opened to meet this demand with appropriate recruitment or protection mechanisms. However, a lack of labour and social rights protection by the state opens up opportunities for exploitation and abuse of the most vulnerable in society. Today, these are undocumented migrants and, within this group, women.

La Strada International has repeatedly pointed out that existing conditions that allow for exploitation and abuse are the root causes of human trafficking. A lack of legal protection places undocumented women more at risk and thus makes them vulnerable to trafficking in human beings. It is therefore important to understand the gendered factors that increase vulnerability to trafficking, and to raise awareness of the rights violations that are the cause and the consequence of trafficking.

La Strada International is pleased to see that the (vulnerable) position of women migrant workers is increasingly recognised by international and national governmental organisations, but believes that much more is to be done to protect and empower migrant women. LSI therefore welcomes in particular the General Recommendation on Women Migrant Workers, issued by the Committee on the Elimination of Discrimination against Women (CEDAW) on 7 November 2008. The Recommendation recognises that migrant women workers, specifically those in low paid jobs, may be at high risk of abuse and discrimination and may never acquire eligibility for permanent stay or citizenship. CEDAW therefore recommends that “occupations dominated by women migrants workers such as domestic work and some forms of entertainment, are protected by labour laws including wage and hour regulations, health and safety codes, holiday and vacation leave regulations”. LSI would like to support and put forward solutions such as these that tackle root causes instead of symptoms, an approach commonly lacking in anti-trafficking policies.

As long as women cannot live their lives free from the threat of violence and discrimination, and as long as they do not have equal opportunities in the labour market, they will choose to work abroad and labour migration will continue. As long as legal migration is impossible or severely restricted, migrant workers are forced to take risks and are practically driven into the arms of the criminal networks that control the illegal routes into the countries of destination. As long as these countries are not willing to give trafficked persons, as well as (undocumented) migrants, the rights to which they are entitled by international standards, exploitation and abuse will continue.

LSI is convinced that if states are sincere in their wish to end exploitative practices and empower women to defend and enjoy their rights, governments should:

- Respect, protect and promote human rights and especially the human rights of women, irrespective of their legal status, in order to prevent and combat trafficking effectively.
- Take into account the root causes of trafficking and reduce violence against women by increasing public awareness and by empowering women through increasing their economic independence.
- Sanction all forms of violence against women and ensuring the long-overdue prosecution and punishment of such crimes.
- Increase equal opportunities in the labour market and incorporate gender equality and mainstreaming into all (labour) legislation. The sanctioning of discrimination in the labour market, as well as sexual harassment, should be included in this legal framework.
- Adapt migration policy needs to specifically tackle gender aspects of migration, including the creation and implementation of protection mechanisms for women migrant workers
- Increase legal migration opportunities and adopt immigration policies based on human rights that are gender-sensitive and aimed at empowering women migrants.
- Better control those sectors or activities where forced labour or services are likely to occur. People with informal and unregulated work should be properly protected by labour laws to ensure that all workers enjoy the same labour rights.
- Delink labour inspection from immigration remits so that undocumented workers can report abuse without having to fear for their residency in countries of destination.
- Ensure that the protection of and support for trafficked persons is no longer made conditional upon cooperation with law enforcement agencies, but is based on human rights. Exploited and trafficked persons should have access to adequate facilities in accordance with international standards, such as assistance and support, protection, legal aid and compensation for any injuries suffered. Action should be taken to prevent trafficked persons from suffering further rights infringements.

It is by respecting, protecting and promoting the rights of all women, and in particular migrant women, that progress can be made to ensure an end to trafficking in women. It is therefore time that women are protected not only on paper, but also in practice. It is time to take women's rights seriously.