



Preventing trafficking by protecting migrants' human rights

Statement of La Strada International for the Day of General Discussion on Undocumented Migrant Workers

La Strada International (LSI), the European NGO network against trafficking in human beings, has always advocated for fair migration policies and improved protection of migrants' rights, in particular women migrant workers, as one of the main instruments to prevent Trafficking in Human Beings.

The rise of economic inequality and increasing economic insecurity, as well as the consequences of political and armed conflict, have led to an increase in human movement for labour and to an increase in informal and unprotected work. Furthermore, the increasing informalisation of and competition within the global economy has led to more flexible labour markets and a demand for cheap labour, triggering migration and the gradual erosion of labour rights protection worldwide.

It is generally known that state policies in promoting restrictive immigration controls and reducing opportunities for regular migration have created a market for irregular migration, often as result of serious organised crime, through human trafficking and smuggling. It has also been widely recorded that restrictive immigration laws and the criminalisation of (undocumented) migration have left a large number of migrants, and specifically migrant workers, vulnerable and open to varying degrees of exploitation and abuse by others, including 'employers' operating within the irregular market and private households.

The proclaimed wish to combat human trafficking is often used as an argument for increasing restrictive measures against migrants through a rigid visa policy, border controls or obstruction of family reunification. However, restrictive policies contradict their proclaimed purpose, as they create situations in which human rights violations are most likely to occur: both irregular migration and undocumented work create precarious working conditions that allow extreme forms of exploitation to take place, in turn creating the necessary conditions for trafficking.

Current EU legislation on labour migration, such as the single permit directive and the proposal for a seasonal workers directive, acknowledges the Union's dependence on migrant workers for unskilled labour but focuses only on the need of the member States for labour and the desire to regulate migration and provides very little labour protection for workers.

In the world, over half of the migrants are women. 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 certain parts of 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.

The 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.

On the occasion of the Day of General Discussion on Undocumented Migrant Workers, La Strada International calls on the United Nations, its different bodies and its Member States to:

- ◆ Monitor all immigration legislation and measures for its impact on the human rights of (irregular) migrant workers and trafficked persons.

- ◆ Increase the opportunities for legal, gainful and non-exploitative labour migration for workers of all skill levels, and strengthen regulatory and supervisory mechanisms to protect the rights of migrant workers.
- ◆ Ratify and implement the UN Convention on the Rights of Migrant Workers and their Families, in order to protect the basic human rights of migrants, coupled with the implementation of gender-sensitive national programmes based on these international standards.
- ◆ Pay special attention to the vulnerable position of migrant women, and devise specific protective measures in all EU policies concerning migrants and trafficked persons.
- ◆ Adapt migration policy needs to specifically tackle gender aspects of migration, including the creation and implementation of protection mechanisms for women migrant workers.
- ◆ Better control those sectors or activities where forced labour or services are likely to occur. People in informal and unregulated work situations 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.