

## **Input from La Strada International to the Study of the Secretary General on Violence against women**

The International La Strada Association is a network of nine independent human rights NGOs in Belarus, Bosnia and Herzegovina, Bulgaria, the Czech Republic, Macedonia Moldova, the Netherlands, Poland and Ukraine. It aims to prevent trafficking in human beings, especially women in Central and Eastern Europe. The primary goal is to improve the position of women and to promote their universal rights, including the right to choose to emigrate and to work abroad and to protect them from violence and abuse.

### **Key issues that this study should be addressing:**

#### *- Root causes of trafficking*

The rise of economic inequality, the increase of human economic insecurity, the consequences of political and armed conflict and the imbalance in global governance has led to an increase of human movement for labour, an increase in global unemployment and of informal and unprotected work. Nearly all La Strada countries have to deal with an unstable political, social and economic situation and high unemployment figures.

Although trafficking affects both men and women, it is not a gender neutral phenomenon.

Next to poverty and the absence of viable employment opportunities, women are affected by discrimination and traditional gender and family constraints. For these reasons, or to 'discover the world', women seek employment opportunities abroad. At the same time there is an increasing demand for labour in the traditionally female designated sectors of the labour market. It is exactly these sectors which are not traditionally considered as work and which are not — or only to a very limited extent — protected by labour laws. The lack of legal migration opportunities in these sectors, combined with the lack of legal protection, exposes women to a considerable risk of abuse.

#### *"Other" forms of trafficking*

Trafficking in human beings is still, even after the new definition in the UN Palermo Protocol that refers to all form of labour exploitation and slavery like practises was adopted, very much seen as (exclusively) connected to the sex industry. There are many other industries in which women are being exploited and abused, such as domestic labour, sweat shops, marriage market. Focussing on the sex industry and on the 'moral' aspect, can put women in dangerous positions! One: they might be less aware of the abuses they are facing, because they do not work in the sex industry Two: Prevention campaigns can fail to inform women about the risks & dangers they might in other forms of (in) formal labour. Three: Many women who are trafficked into other industries are not being recognised trafficked persons and can't claim their rights.

#### *Consequences of anti trafficking measures on human rights*

Trafficking of persons is a complex problem, related to different fields and interests: migration, organised crime, sex work, human rights, labour rights, violence against women, the feminisation of poverty, the gender division of the international labour market and unequal international economic relationships. Strategies therefore necessarily need to be multi-faceted. However, precisely because the trafficking of persons is related to so many other areas and (state) interests, any analysis and its

matching solutions must be carefully questioned in terms of the interests that are served, whose problems are addressed and whether or not the 'solution' might produce more problems for the persons concerned rather than solving them.

## **Key recommendations**

### *1. Human rights should be at the core of all anti trafficking measures*

A human rights based approach allows the root causes of trafficking, such as gender and ethnic discrimination to be addressed by empowering potential victims. This is more effective than purely repressive strategies, as it makes high risk groups less vulnerable to trafficking. It addresses the consequences of trafficking by promoting respect for and protection of the human rights of trafficked persons and by opposing the use of trafficked persons solely as instruments for the prosecution. Assistance and support for trafficked persons allows them to regain control over their lives and reduces the risk of re-trafficking. It also contributes to an effective prosecution of traffickers. The absence of adequate assistance and support may prevent trafficked persons from reporting to the authorities and may subject them to further trauma and re-victimisation. Both recognition and protection of the rights of trafficked persons, on the other hand, act as an important incentive to report to the authorities and give testimony.

Finally, a human rights-based approach opposes anti-trafficking measures which adversely affect or infringe upon the human rights of trafficked persons or other affected groups.

This approach requires that human rights are at the core of any anti trafficking strategy. It integrates the norms, standards and principles of the international human rights system into legislation, policies, programs and processes.

### *2. Develop an instrument to assess the consequences/effects of trafficking measures and policies on the human rights of trafficked person and vulnerable groups*

Although trafficking is widely recognised as a serious human rights violation, state policies tend to concentrate on measures in the area of crime control and migration policies and much less on the assistance and protection of the human rights of trafficked persons.

Most states do not provide adequate aid for victims, such as assistance, protection and compensation. In general, the restrictive immigration policies of Western European countries affect the work of La Strada in a number of ways, for example because governments tend to treat trafficked persons primarily as unwanted economic migrants who are to be deported right away.

Due to the enormous complexity of the phenomenon of trafficking, also sometimes well intentioned anti-trafficking initiatives do not benefit or even harm or violate the human rights of trafficked persons or vulnerable groups, such as female migrants. Therefore an instrument should be developed that assesses the expected effects of anti trafficking policies from states and NGO's on human rights. This is not an evaluation instrument but a true assessment instrument what implies that the proposed measures need to be assessed on their effect on human rights **before** they are to be implemented.