



# International Dialogue on Migration

## Trafficking in Persons and Exploitation of Migrants: Ensuring Protection of Human Rights



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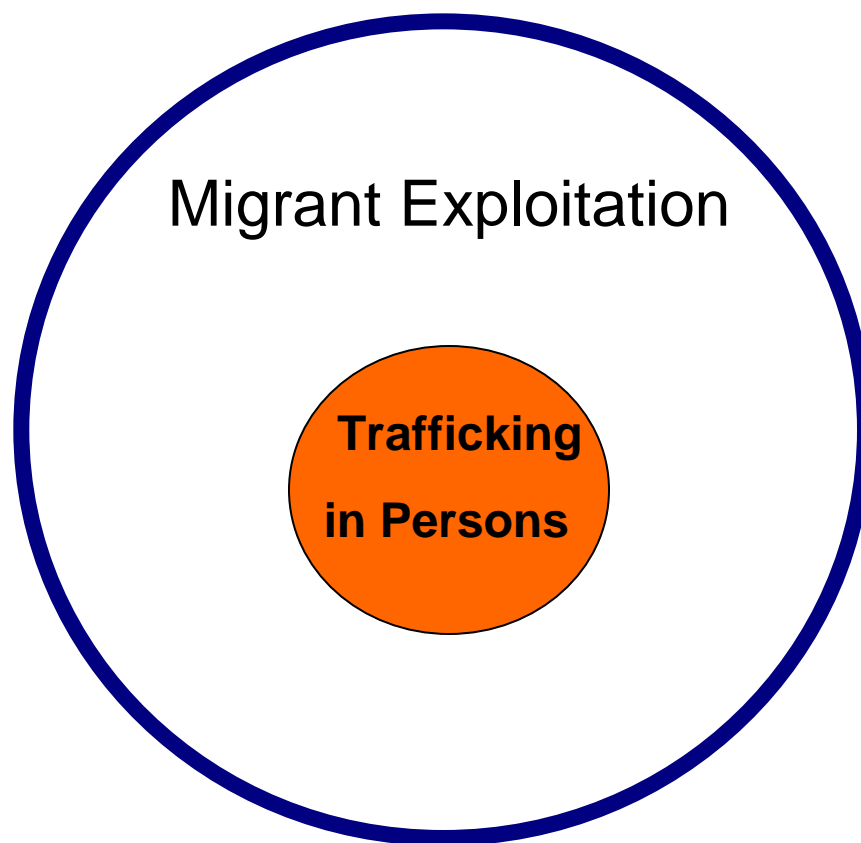
# Fundamental Principles of Human Rights Law

1. Human rights are
  - Universal and inalienable
  - Interdependent and indivisible
  - Equal and non-discriminatory
2. Human rights treaties oblige States to
  - Respect
  - Protect
  - Fulfil
3. Fundamental rights are absolute



# Migrant Exploitation and Trafficking in Persons

## Conceptual Issues





# Human Rights of Migrants

## International Human Rights Law

- UDHR
- ICERD
- ICESCR
- ICCPR
- CEDAW
- CAT
- CRC
- ICMWR
- CRPD

## International Refugee Law

## Migrant Protection

## International Labour Law

ILO Conventions concerning:

- Forced or Compulsory Labour (No. 29)
- Abolition of Forced Labour (No.105)
- Minimum Age for Admission to Employment (No.138)
- Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182)

## International Criminal Law

- Convention against Transnational Crime and Supplementary Protocols on Trafficking and Smuggling

## International Humanitarian Law



# Trafficking in Persons

- Trafficking definition in the Palermo Protocol:
  1. Recruitment, transportation, transfer, harbouring, receipt
  2. By means of threat, force, other means of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability
  3. For the purpose of exploitation (sexual exploitation, forced labour, slavery, servitude or the removal of organs)
- Regional instruments





# What happens when...

- A domestic worker who has migrated through a legally sanctioned labour scheme is forced to work under slavery-like conditions?
- A smuggled migrant has suffered abuse and exploitation along the migration route and is in need of assistance and protection?
- A migrant construction worker who voluntarily sought the services of a recruitment company finds himself in bonded labour?
- Economic migrants, trafficked persons and future asylum seekers use the same migration routes and the same means, such as resorting to a smuggler, to arrive to their final destination?





# Needs-first Approach to Protection

## Migrant's Needs

- ✓ Medical
- ✓ Psychological
- ✓ Legal
- ✓ Humanitarian

## Administrative category

Regular  
Irregular  
Trafficked  
Smuggled  
Forced migrant



Special protection  
regime

Special protection  
regime

***All action to be guided by human rights principles***



# How to Combat Trafficking in Persons and Migrant Exploitation?

## **Migration Management Tools**

- Based on human rights principles
- Comprehensive legislative framework
- Creation of legal migration opportunities
- Building capacity of institutions
- Data collection, research and evaluation of policies and programmes
- International cooperation
- Partnerships





# How to Combat Trafficking in Persons and Migrant Exploitation?

## Areas of Policy Response

- Informed migration
- Labour standards
- Anti-corruption
- Criminal justice
- Social services
- Public awareness
- Outreach to vulnerable migrants
- Access to legal redress





Ultimate Goal

Respect for Human Rights of  
*all*  
Migrants





**Thank you.**