

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

Mike Dottridge

Independent consultant

July 2009

PRESENTATION INCLUDES

- 1. Problems stemming from an emphasis on punishing traffickers**
- 2. Outline of a human rights approach**
- 3. Policy implications**

INTERNATIONAL LAW AFFECTING MIGRANTS

- **Regulatory**
- **Punitive / criminalising**
- **Protecting human rights**

PROBLEMS WITH A PUNITIVE APPROACH (EMPHASIS ON PUNISHING TRAFFICKERS)

- Detention (and deportation) of people who have been trafficked – *victims of crime*
- Conditionality of assistance
- Difficult to distinguish trafficked migrants from others
- Discrimination against women and girls

CONFUSION IN DISTINGUISHING WHO HAS BEEN TRAFFICKED

- Children labelled 'trafficked' inappropriately
- Intermediaries who help children labelled 'traffickers' inappropriately
- ILO: "...the lessons of experience point to a very thin dividing line between coerced and non-coerced exploitation."

A HUMAN RIGHTS APPROACH

- Place people who experience abuse centre stage: *they have rights!*
- Assess strategies on the basis of their impact on these individuals and their rights
- Identify 'duty bearers'
- Analyse who is accountable for protecting human rights

KEY INTERNATIONAL STANDARDS

- UN High Commissioner for Human Rights' *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (2002)
- UNICEF Guidelines (2003)
- WHO Recommendations (2003)
- IOM – Mental Health (2004) & Handbook (2007)

PRINCIPLES

- (1) "The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims"
- "..measures should not adversely affect the human rights and dignity of persons...in particular...those who have been trafficked, migrants, internally displaced persons, refugees and asylum-seekers"

POLICY IMPLICATIONS

1. Get procedures and protocols in place for IDENTIFICATION
2. Evidence-based approach = don't base policy on theory, but on facts
3. Monitor impact of anti-trafficking policies and programmes; and amend them when necessary

ASSESSING IMPACT

- **Advantages of an independent monitor or Rapporteur**
- **Talking to adults and children who have been trafficked reveals gaps in protection and other unexpected effects of policies – some undesirable which require counter-action**

MOVING TO A MORE COMPREHENSIVE APPROACH

- 1. Give attention to any abuse of migrants, not just 'trafficking'**
- 2. Address the conflict in priorities between immigration policies (that seek to exclude irregular migrants) and anti-trafficking policies (which seek to stop violations of human rights)**

A MORE COMPREHENSIVE APPROACH...

- 3. Address exorbitant fees paid by migrants and 'debt bondage'**
- 4. Amend policies which make assistance conditional**
- 5. Repeal legislation which allows trafficked persons to be locked up**

***THANK YOU FOR YOUR
ATTENTION!***

Mike Dottridge

Independent consultant

E-mail: mikedottridge@btopenworld.com