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

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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
Conceptual Issues

Migrant Exploitation

 Trafficking in Persons
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
Trafficcking in Persons

- Trafficcking 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

<table>
<thead>
<tr>
<th>Migrant’s Needs</th>
<th>Administrative category</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Medical</td>
<td>Regular</td>
</tr>
<tr>
<td>✓ Psychological</td>
<td>Irregular</td>
</tr>
<tr>
<td>✓ Legal</td>
<td>Trafficked</td>
</tr>
<tr>
<td>✓ Humanitarian</td>
<td>Smuggled</td>
</tr>
<tr>
<td></td>
<td>Forced migrant</td>
</tr>
</tbody>
</table>

- Special protection regime
- Special protection regime

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