

**SPEECH FROM THE OSCE SPECIAL REPRESENTATIVE
AND CO-ORDINATOR
FOR COMBATING TRAFFICKING IN HUMAN BEINGS
MS EVA BIAUDET
"Gender Sensitive Labour Migration Seminar"**

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Dear Excellencies, dear Colleagues,

On behalf, of Ms. Biaudet we are pleased to gather with you today so as to exchange some ideas, as well as learn from your experience on the subject of **gender-sensitive labour migration policy**. This issue is one of the most important themes when discussing the on-going transnational movement of female labour migrants, although, most of the time, it is treated as the “invisible half” within the current global dialogue on migration.

I take this opportunity to stress that, if on the one hand I am pleased with the recent priorities attached by governments around the world to promote co-operation through the Global Forum on Migration & Development, a parallel process should also be implemented with a view to ensure that the voices, welfare and protection of female migrant workers are taken fully into account vis-à-vis the current migration policy and practices at national level. **This process can stimulate a more equitable balance of competing social demands between the migrant worker and the countries of origin and of destination.**

However, I must confess that I am rather disturbed by the news in the EU Observer, and other media outlets concerning the series of strikes in Britain. The strikes revolve around a key EU internal market law - the EU Posted Workers Directive, which allows EU companies to use its own workers (in this case Portuguese and Italian nationals) so long as they are hired with the same conditions as local workers in a temporary project. Some segments of our society concur that this law can lead to the abuse of workers by companies. As important as it is to revise legislation if need be, in times of crisis we must be cautious not to believe in “quick fix” rhetoric and impose restrictions on the free movement of persons within the EU, which would push us backwards in our achievement of an open and integrated European market. Additionally, irregular migration flows would even increase, thus making control very difficult, while putting migrants at risk for exploitation and THB.

As the OSCE Special Representative for Combating Trafficking in Human Beings, I am reminded on a daily basis of a certain category of migrants who experience one of the worst forms of human rights abuse; that is **women victims of trafficking!** In recent years more **attention** (but not always appropriate action) has been dedicated to trafficking in human beings compared to substantial policy developments aimed at advancing the conditions of migrant women. This has been to such an extent that in many circles migrant women have become synonymous with **female victims of sex-trafficking**. Such overarching emphasis has only fomented stereotypes in the OSCE region, especially concerning Central and Eastern European women and certain groups of nationals from third countries, without much positive impact in terms of increased identification and assistance of victims.

Bringing perpetrators to justice is a must; identifying and assisting victims of trafficking is primordial; hence my mandate and the priorities attached by the participating States and successive Chairmanships since the endorsement in 2003 of the OSCE Action Plan on Combating Trafficking in Human Beings under the Dutch Chairmanship.

However, I am convinced that it is within the third “P”- PREVENTION that the turning point in our fight against this crime lies. Preventing trafficking in human beings means creating environments where women migrants are in stronger position, hence less at risk of being exploited. It also means creating societies where the acts of abuse and exploitation, are addressed adequately. Our hopes to have the rights of migrant women respected and upheld by all those concerned will not happen as a result of dreaming, but of consistent efforts by decision makers. **The fundamental values and rights enshrined in the UN Universal Declaration of Human Rights have no borders!** And here, I am not attempting to evoke John Lennon’s imaginary vision, but rather what States and the international community should strive to abide by.

Sustainable progress and prosperity - that is human and economic development - can only flourish in environments, which are hostile to exploitation. The on-going demand for ever cheaper and unprotected labour, combined with limited legal migration channels, create a good business for smugglers and corrupt officials; stimulating the irregular channels sought after by desperate migrants in search of opportunities for a better livelihood. Moreover, responsibility also lies in countries of origin: sometimes failed states which are unable to generate sufficient social protection and decent work in particular for women and youth, or more equal opportunities for women in the labour market and in society. And on this last point, **I am not referring** to “impressive declarations” and legal frameworks, but “de facto” mechanisms, which allow women to enter

employment while providing safety and education for their children.

A review of various international instruments shows that they provide ample protection for the rights of migrant women. Numerous recommendations at international forums have covered the lives of migrants. **The challenge, however, lies in their implementation at national level, in particular with regard to migrant women, mostly in the least protected sectors of work and women in irregular situations.** The effectiveness of international standards protecting the rights of migrant women is only as good as the domestic legislation, policy and the practice of implementation, including the enforcement of labour standards. Furthermore, for positive change to happen, women need to be given concrete means to achieve the results desired. If women are to benefit from the development potential of migration, the first element that needs to be changed is that of increasing regular channels of migration particularly for women, otherwise they will continue to be pushed towards irregular channels and to sectors where there is no decent work or, in the worst case, they will end up as victims of trafficking. What society can actually afford to leave out the resources women embrace?

I recognize that some of us are privileged to have been given wider choices, including the one to choose to move abroad; yet most migrant women around the world do it in order to provide for their families some basic rights, such as education, health, housing, food, etc., as well as to enjoy the freedoms that we take for granted.

Nevertheless, those of us who have fought hard to achieve such freedoms for women are beginning to feel their general deterioration as other priorities such as security issues have taken centre stage in recent years! But be certain: there is no return to simplistic views from the past, withholding that hardcore security

matters are incompatible with the notion of ensuring comprehensive security, women's rights, empowerment of vulnerable groups, as well as the strengthening of dialogue and participation in the decision-making process.

“Power – dear colleagues – from an OSCE security/human rights perspective, must be about effecting change which empowers individuals rather than implementing power over others”! Thus, in this context, the notion of empowerment of migrant women must be understood as the expansion of choices and means of participation for those who enjoy less power in society. On this, civil society is to be commended for working for the protection of migrants' rights, thus filling in the gaps of traditional players (trade unions, social services, etc.)

Overall, I am pleased to have joint efforts with the OCEEA and Senior Gender Adviser's team in this project since, contrary to widespread views, **female victims of trafficking are also found in the agricultural sector, domestic service, in the garment industry, restoration and other economic sectors, as well as in organized begging.** Owing to the complexity of trafficking for labour exploitation, my Office will be producing a number of publications in 2009: within our Occasional Paper series and focusing on THB in specific economic sectors, starting with trafficking in the agricultural sector, followed by domestic servitude, with a view to assisting policymakers and practitioners in the participating States in relation to the implementation of OSCE commitments.

In general, as I have said before, the promotion of gender-sensitive labour migration policy bears a direct link to PREVENTION, and as such I am committed to continue supporting this approach as part of my advising role to the participating States towards a comprehensive policy aimed at addressing

trafficking in human beings.

Finally, we need to know more. Current research, including the information presented in the Guidelines, points to the fact that we are still “exploring” what are the full implications of migration movements on women’s social and economic development, as well as their contribution to the community.

According to a wide range of scholars, migrant women were nearly always conceptualized as accompanying dependents, thus not given the appropriate attention by theoretical accounts of migration. Governments like to state that their policies are gender neutral; yet, we will see in these two days that this is not always the outcome of current policies on labour migration. It is important to highlight that a great number of research pieces on female migrant workers have so far focused on sacrifice, suffering and exploitation experienced by this group. Depending on the way in which the research has been elaborated, these studies have the potential to perpetuate stereotypes and the image of immigrant women as passive victims. I would claim that many, however exploited have endured and survived as strong individuals experiencing difficult situations trying to care for their families. However, migrant women do not form a homogeneous group: they vary from lower skilled workers to those in the high-end of the skill spectrum; and yet, we know very little about them. One of the main problems in current research is that focus has been on migrant women solely as domestic workers, caregivers, nurses and trafficked victims. To me, this means that we don’t even know what we could learn from the experiences of skilled migrant women.

Research is an important tool for understanding and social advocacy, but I am afraid that the imbalanced focus on the most vulnerable is not always helpful. To empower migrant women, as well as helping us understand what have been the useful tools or elements which contributed to the social and economic

mobility of other female migrant workers, a more nuanced picture of female migrants is needed. Too often policies are based on perceptions that migrant women are inherently non-productive! Evidence-based policy could also take into consideration the migrant women's contribution and priorities. We should aim to move beyond the feminization of survival into a situation where migrant women are able to take credit for their contribution and be recognized as true vehicles for social, political and economic development in their place of residence, be it country of origin or destination!

Harnessing the potential and concrete contribution of migrant women is a global challenge. According to a recent study made by the IOM there is no doubt that the number of people moving internally is far greater and the remittances to the rural village more manifold than in international migration. The IOM report cites as an example the fact that, in 2005, China's rural migrants sent nearly 30 billion USD back home to their families. For those left behind and the ones receiving the migrants' remittances, the challenges are, however, similar and good practices can be beneficial from one experience to the other.

Migratory movement is a reality. Gender sensitive labour migration policies can contribute towards an environment and opportunities which promote independence not vulnerability. I believe there is always an opportunity during a “crisis”. It is a momentum to re-think, reform and rebuild policies that are more long-term, more sustainable. The challenge is to rise above the situation and remind ourselves of our human values and priorities when designing the social order of our □interdependent societies of tomorrow.

Thank you.