

***Key note speech by Marieke van Doorninck, La Strada International at the Alliance high-level conference "Preventing Trafficking in Human Beings for Labour Exploitation: Decent Work and Social Justice"***

Good morning ladies and gentlemen,

Thank you very much for inviting La Strada International to speak here today and by doing so, acknowledging the role that civil society plays with regard to the cooperation in the field of anti trafficking.

I am very honoured to present the key note speech here as a NGO representative, and I hope that I do represent the several NGOs that are here today. For many years, NGOs working in the field of trafficking in human beings have been promoting the human rights based approach. According to this approach states are accountable for violations of human rights, including forced labour and slavery like practises. Any analysis and matching solution in relation to these issues should be carefully questioned in terms of its effects for the groups concerned. 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.

Looking at the focus of this high level conference and the participants, I can only conclude that much has been achieved the past years. Addressing the phenomenon of trafficking in human beings by focussing on prevention of exploitation through providing decent work and through social justice is something that human rights NGOs in the field of anti trafficking have been advocating for many years. Having the trade unions, employers and migrant rights organisations here present as new partners is a major step forward in shifting the focus to from only fighting the crime to preventing people from being exploited.

We have come from far, in the last 20 years we have witnessed that trafficking gained priority on the international agenda after much pressure from grass root NGOs working directly with trafficked women. Unfortunately, the international attention to the issue of trafficking has not always lead to better protection of the rights of trafficked persons. On the contrary, the measures have often harmed their rights and caused revictimisation. Examples of what we call collateral damage are shelters where victims are locked in for their own good, limited migration possibilities for women to protect them from being trafficked, raids of brothels and all the working women arrested and jailed or deported in the name of rescue.

Trafficking, although acknowledged as a gross violation of human rights, was mainly approached from the criminal justice framework with the one dimensional philosophy that if we get the criminals behind bars, the victims are safe. The rights of the victims have been secondary to the prosecution the traffickers. Or, even worse, the anti trafficking agenda was used or one could say abused to introduce repressive migration and anti prostitution policies.

But fortunately in the last few years we have seen important changes in the anti trafficking debate. The negative side effects of anti trafficked policies are finally being acknowledged. The first ones that we as NGOs found at our side for putting the human rights approach on the international agenda were several of the partners from the OSCE Alliance Expert Coordination Team. I truly believe that it is through the cooperation between NGOs and international organisation the international anti trafficking discourse has moved towards the human rights approach. Although anti trafficking policies are still developed within the criminal justice system, in international treaties the protection of the rights of trafficked persons has become more incorporated. We can see that of course in the Council of Europe Convention and also the new EU Directive on trafficking provides better protection mechanisms, such as compensation possibilities, non-punishment clause, free legal aid.

Although not perfect yet, for example support and assistance are still conditional to the cooperation with the authorities, if the protective measures that are in the CoE Convention and the EU Directive were fully implemented many trafficked persons all over Europe would see at least a large part of their rights restored. So what we need now is that these measures will be implemented and monitored.

I know the call for implementation is not new, but that doesn't mean it is less urgent. On the contrary. The reports by the European Commission on the implementation of EU Directives give a very worrying picture. The evaluation in 2010 of Directive on the Temporary residence permit for third country nationals showed that only very few of trafficked persons actually have access to their rights, commissioner Malmstrom was rightly appalled by the lack of proper identification of trafficked persons. She made it very clear that all existing barriers to identification need to be lifted and even suggested that if the conditionality of support on cooperating with the authorities might have to be reconsidered. And already in 2008, a report from EU pointed out that although on the criminal justice part some achievements have been made in the past years, it can be concluded that in the area of protection of victims, states have completely failed.

By implementation we do not mean that international legislation is translated into national law, that is the easy part. We mean that trafficked persons actually have access to all the rights and protective measures that are agreed upon in international legislation. First and foremost, trafficked people must be identified as such, otherwise all the rights that they are entitled to can never be effected and they're rights will be violated for the second time when they are deported as irregular and unwanted migrants. A worrying fact is the lack of awareness amongst professionals on the rights that trafficked persons have. Although the right to compensation was already established in the Palermo Protocol, the COMP.ACT project analyses show that the majority of judges, prosecutors, lawyers and even NGOs are not aware of this fundamental right. In order to know how laws are being implemented and what the impact, positive or negative, these laws have on the rights of trafficked persons, monitoring is of great importance.

NGOs in the field of anti-trafficking in countries of origin, transit and destination that provide services work daily with trafficked people. By supporting trafficked persons in the process of regaining the control over their lives, we share their experiences and frustration when trying to actually realise all the provisions that they are entitled to according to the anti-trafficking policies. Because NGOs have this grass root experience-based knowledge, we consider it our task to report regularly to our governments and to international bodies on how anti-trafficking policies and measures work out in reality, what the impact is on trafficked persons and define what is needed for improvement. We believe that our critical voices and analyses are vital for the changes that need to be made in the anti trafficking policies. For good cooperation within the national states and with international organisations our independence is crucial.

In the past few months, our colleagues in the countries that are being evaluated by GRETA, the monitoring mechanism of the Council of Europe Convention, have experienced how good cooperation with international organisations works in practise.

There is a lot of work to do, but the good news is that for implementation, monitoring and impact assessment of anti trafficking policies we do not need to develop instruments and tools. They are all at our disposal, made by many of the organisations and experts here present. My personal favourites are the NRM handbook of ODIHR, the guidelines and principles of the Office of the High Commissioner of Human Rights and the Assessment Manual for Measuring Responses to Trafficking in Human Beings in the European Union. they are all there, let us use them!

The recognition that labour exploitation is trafficking has completely changed the international anti trafficking debate. The understanding that actually the protection of those vulnerable to exploitation is not secondary in the fight against trafficking but the core. The strengthening of the position of all workers is vital to prevent exploitation, violence and abuse. It is my personal opinion that this is also applicable to trafficking into the sex industry. In some countries sex work is legalised and recognised as labour, exactly for that reason, to protect them from abuse by ensuring their labour rights.

The recognition of labour exploitation as trafficking has also completely changed our framework. When talking about traffickers we are no longer only talking about pimps but also about employers, businesses that we thought were respectable. The image of victim changes from a powerless woman in need of rescue to a worker claiming her rights for pay and for decent work conditions. When addressing the issue of demand we are no longer talking only about clients of sex workers, we are actually talking about you and me, for being ignorant about the way the coffee we drink was produced, for not caring who sewed the cloths we wear, who not thinking about who had to pick the food we eat under the burning sun for hardly any pay. Trafficking in human beings is no longer far away from our beds, but it is directly linked to our own lives.

The coming two days we will discuss on how we can work towards decent work and social justice in order to prevent trafficking for labour exploitation. This strengthens my hope that actually the international anti trafficking community is working towards anti trafficking policies that will be no longer developed within the criminal framework but within the Human Rights and the Labour framework. The brand new ILO convention on decent work for domestic workers is a perfect example of international legislation that concentrates on preventing exploitation by respecting an ensuring rights.

I hope this conference will bring us the discussions between states, international organisations and NGOs that are needed to find the solutions for the challenges we face in working towards a truly human based rights approach to trafficking in human beings.