

IMADR's Statements submitted to UN Human Rights Bodies

IMADR, either on its own or jointly with other NGOs, has submitted statements on human trafficking to the following sessions of the United Nations' human rights bodies:

Commission on Human Rights (CHR):

61st Session (2005); 59th Session (2003); 57th Session (2001); 56th Session (2000); 55th Session (1999); 54th Session (1998); 53rd Session (1997); 52nd Session (1996); 51st Session (1995); 50th Session (1994)

Sub-Commission for the Promotion and Protection of Human Rights (SCHR):

53rd Session (2001); 52nd Session (2000); 51st Session (1999); 50th Session (1998); 49th Session (1997); 48th Session (1996); 47th Session (1995); 46th Session (1994; *introduced IMADR's Project for the Elimination of Trafficking in Women*); 45th Session (1993; *raised the issue of female migrant workers*)

Working Group on Contemporary Forms of Slavery (WGCFS):

2000; 1999; 1998; 1997

Board of Trustees of the UN Voluntary Trust Fund on Contemporary Forms of Slavery (1999)

Below are the texts of the latest three statements:

61st Session of the Commission on Human Rights Geneva, April 5, 2005

Agenda item 12: Integration of the human rights of women and the gender perspective

(a) Violence against Women

Trafficking in Persons, especially Women and Children

Thank you,

I speak on behalf of the International Movement Against All Forms of Discrimination and Racism (IMADR).

Mr Chairperson,

Trafficking in persons, especially women and children, is a major source of gender insecurity and violence, violating the fundamental rights of its victims. Appointment of the Special Rapporteur, Ms Sigma Huda, is a welcoming step towards the elimination of this practice, while protecting the human rights of trafficking victims. We wish to offer all possible support for her important tasks ahead.

Mr Chair,

IMADR also supports the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. We welcome the initiatives of some of those States, which are countries of destination [of human trafficking], in inviting all the States to take necessary measures to eradicate this criminal practice. However, these initiatives often lay too much emphasis on consolidating efforts to combat criminal organizations without much regard to their victims. For example in Japan, a new provision proposed to be introduced in its Penal Code would punish the acts of human trafficking, while a series of measures have been gradually introduced to tighten immigration control. We are concerned that the attempt to resolve the problem by means of tightening immigration control may, in fact, increase the insecurity of trafficked persons, and that there is a danger of further victimizing the victims.

It is therefore indispensable for all the States to implement fully the clauses of Article 6 of the Protocol providing the assistance and protection of the victims, who should not be treated as 'illegal migrants' and criminalized as a consequence. Beyond joint efforts by police and immigration authorities, a much wider cooperation of labour, health, education, and social security agencies is essential for the physical, psychological, and social recovery of victims. We hope that the paragraph 64 of the Durban Programme of Action will be fully implemented in terms of designing a 'comprehensive anti-trafficking strategy, allocating necessary resources for its implementation'.

We call upon the Special Rapporteur, in close cooperation with member States as well as relevant Specialized Agencies and NGOs, to develop a minimum level of security and dignity for the victims of trafficking, for their compensation and their rapid social recovery.

Thank you, Mr Chairperson.

Speaker: Ms Gurbir Bhullar, IMADR Intern

59th Session of the Commission on Human Rights – Geneva, April 2003

Agenda item 14: Other vulnerable groups and individuals

(d) Contemporary forms of slavery

Joint Statement by:

Anti-Slavery International, Franciscans International, Caritas Internationalis, Dominicans for Justice and Peace, IMADR in cooperation with Trocaire and International Partners in Mission

Thank you, Mr Chairperson.

I speak on behalf of Anti-Slavery International, Franciscans International, Caritas Internationalis, Dominicans for Justice and Peace and the International Movement Against All Forms of Discrimination and Racism. Trocaire, the Irish Catholic Agency for World Development and International Partners in Mission, would also like to associate themselves with this statement.

The Slavery Conventions of 1926 and 1956, along with the International Labour Organization's Forced Labour Convention 1930, were drawn up with the aim of eradicating the practice of slavery and forced labour.

Yet today, many decades after these Conventions first came into force, contemporary forms of slavery like forced labour, bonded labour, trafficking in persons and the worst forms of child labour, persist in every continent of the world. Indeed, in many places the numbers of people affected by modern slavery has actually increased in recent years.

The International Labour Organization (ILO) Global Report for 2002, "A Future Without Child Labour", estimated that the number of children in the worst forms of child labour at 179 million children. Of these, some 8.4 million children are in slavery, debt bondage and forced labour, which includes forced recruitment into armed conflict, trafficking and prostitution and pornography.

To this figure we must add the millions of women and men who are trafficked for sexual or labour exploitation or who are required to work as forced or bonded labourers around the world. These statistics testify to the scale of the international community's collective failure to implement Article 4 of the Universal Declaration of Human Rights, which states "no one shall be held in slavery or servitude."

At the heart of this problem is a lack of commitment from States to uphold their international obligations and prioritise the eradication of contemporary forms of slavery. The Convention on the Rights of the Child has been ratified by all States with the exception of Somalia and the United States of America. Article 32 of the Convention prohibits the economic exploitation of children yet, as the ILO statistics quoted above show, millions of children are being held in slavery in contravention of the Convention.

Many countries have also been quick to condemn the increase in trafficking of human beings and more than 115 States have now signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

However, while many Governments are taking steps to criminalise trafficking in people, most have not introduced legally binding measures for the protection and support of victims of trafficking. Unless the policies and procedures outlined in Articles 6, 7 and 8 of the Protocol and in the Office of the High Commissioner for Human Rights' Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002) are incorporated into domestic legislation, there is little likelihood of making significant progress in the fight against human trafficking.

Bonded labour continues to be a problem, particularly in countries like India and Pakistan. Both these States ratified ILO Convention No 29 on forced labour over 45 years ago and have passed good domestic legislation, which prohibits the use of bonded labour. Despite this and some positive initiatives taken by these Governments in recent years, progress remains slow and research indicates that millions of people continue to work in conditions of forced labour in both countries.

No State or individual should be complacent about the fact that so many people are subjected to modern forms of slavery as we enter the 21st century. Governments need to publicly recognise the scale of the problem, particularly where there exists within its own borders, and take effective measures to identify, release, support and compensate those held in slavery whether they be trafficked, bonded or in some other form of forced labour. Those who seek to profit from the forced labour of others must not be allowed to do so with impunity, but it is equally important that Governments address the root causes of slavery such as poverty, discrimination, corruption and increasing inequalities of wealth and opportunity between regions and countries.

57th Session of the Commission on Human Rights – Geneva, April 10, 2001

Agenda item 12: Integration of the human rights of women and the gender perspective

**Joint Statement by Anti-Slavery International and IMADR on
TRAFFICKING IN PERSONS**

Thank you, Mr Chairperson.

I speak on behalf of the International Movement Against All Forms of Discrimination and Racism (IMADR) and Anti-Slavery International.

Five months ago the General Assembly agreed a major new initiative associated with the new UN Convention Against Transnational Organized Crime, a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This Protocol, already signed by 84 States, contains a clear definition of what constitutes trafficking, and it concerns recruitment into a range of forms of exploitation including sexual exploitation, forced labour or services, and slavery or slavery-like practices. The Protocol also provides that the consent of a victim of trafficking is irrelevant when the person concerned has been subjected to force, coercion,

deception or other forms of abuse.

While the Protocol contains some provisions concerning the protection of victims, this Protocol was, of course, not prepared by the Commission on Human Rights, and its primary aim is to deal with crime rather than to uphold human rights. Thus, while the Protocol calls upon States to protect and support victims of trafficking, there is no obligation to do so, thereby significantly weakening the Protocol's protection provisions.

In practice, many states continue to treat victims of trafficking as if they are the offenders. They are arrested, detained, summarily deported, and often scapegoated upon returning home.

While several human rights conventions do require State Parties to report both on action to prevent trafficking and to protect victims, the resulting reports are fragmentary and insufficient, and the new Protocol against trafficking in persons does not establish any treaty monitoring body. Therefore, there is a real need for both a much more proactive approach by States to protect the rights of those trafficked, and for the establishment of a consolidated reporting system by the Commission on the actions taken by States.

Both thematic and country Special Rapporteurs of the Commission on Human Rights, including the one on violence against women, are urged to give attention on a regular basis to the issue of trafficking in persons, in their reports to the Commission. We also suggest the appointment of a Special Rapporteur, either by this Commission or, as trafficking is not just a human rights issue, by the General Assembly, as a focal point for information on trafficking.

Furthermore, the Office of the High Commissioner for Human Rights should be urged to prepare guidelines on specific ways in which States can implement international legal obligations with respect to human trafficking including the new Protocol and give priority to actions which protect the human rights of trafficking victims.

In the meantime, States should be given every encouragement and support, including technical assistance, to help them incorporate measures to protect victims of trafficking into domestic legislation. Such measures should include social, medical and psychological care; granting victims temporary or permanent residency permits; and offering them the possibility of obtaining compensation for the damage suffered.

Legislation should prevent trafficked persons from being prosecuted for the illegality of their entry or residence or for the activities they perform as a consequence for their status as trafficked persons. States should also be encouraged to appoint a national focal point for information concerning trafficking and for preparation of national plans against trafficking.

Thank you, Mr Chairperson.

Speaker: Ms Atsuko Tanaka, IMADR Representative to the United Nations