Human Rights and Trafficking in Persons

15th Informal ASEM Seminar on Human Rights

Working Group 1: Preventive Measures

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Prevention of trafficking in persons

- UN Trafficking Principles and Guidelines on Human Rights and Human Trafficking
- Measures that address causes of trafficking:
  - Vulnerability of trafficked persons
  - Demand for goods and services produced by trafficked persons
  - Corruption in trafficking
Basic principles

• Do no harm! (Measures shall not adversely affect the human rights and dignity of persons.)

• Participation of those affected – cooperation between States, inter-governmental and non-governmental organizations (ASEAN Convention against Trafficking in Persons, Art. 11)

• Act with due diligence to prevent: taking all reasonable and necessary measures

• Strengthening capacities of law enforcement to prosecute traffickers as preventing measures
Challenges in prevention

• Ensuring access to information
  – Turning information into action: ensuring access to justice
  – Information on safe migration
• Addressing underlying attitudes that fuel trafficking
  – Discrimination of marginalized groups, attitudes towards migrant workers
Addressing demand

• Role of private sector in prevention
  – Strengthening liability of companies concerning trafficking in human beings
  – Duty of businesses to respect human rights: mandating companies to report on efforts against trafficking in supply chain

• Demand for ‘cheap labour’:
  – Example: domestic work: formalizing the sector, defining minimum wages
  – Enabling workers to organize regardless of status or sector to claim rights
  – Monitoring practices of recruitment agencies
  – Strengthening role of labour inspectorate but separate from immigration status inspection

• European Trafficking Convention: Criminalizing of the use of services of a trafficked person
Addressing vulnerability

- Gender-based discrimination
- Vulnerabilities of children
  - Ensuring access to education for children, in particular girls
  - Birth registration
  - Protecting the rights of children on the move
Addressing vulnerability

• Vulnerabilities of children
  – Trafficking of children for forced criminal activities
    • Principle of non-punishment
  – Protecting children during emergencies: addressing trafficking in children

• Necessity to establish programmes for livelihood options
  (basic education, skills training, creating employment options)
Monitoring and Evaluation

- Evaluating impact of preventive measures
- Monitoring mechanisms for implementation of regional/international instruments on trafficking in human beings