



HUMAN TRAFFICKING, HUMAN RIGHTS AND MIGRATION
NHRC/ONRT and OHCHR Training in Dhulikel , Nepal
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Distinguished participants, our partners from NHRC and colleagues,

I am delighted to say a few words at this training workshop on human trafficking and human rights, organized jointly by the NHRC/ Office of the National Rapporteur and OHCHR in Geneva as well as in Nepal.

The crime of human trafficking is a serious global challenge facing human rights today. Trafficking represents the denial of all those human rights which make for a life of dignity, including the right to mobility, freedom from violence and abuse, security, health, education, family life and a decent livelihood. If the victims of trafficking are children, then a number of other rights are violated and the crime becomes much more heinous.

I am told that there have been encouraging developments in the recent past with respect to sub-regional and national initiatives on trafficking, *the SAARC (South Asian Association for Regional Cooperation) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*, the Trafficking Bill and the Plan of Action to address the trafficking of women and children in Nepal, to name a few. A number of major international standards have also come into force.

While all these initiatives are welcome, the next most important next step is their effective implementation. This is also one of the biggest challenges before all of us.

We need to mount an all-out effort to address human trafficking - its causes and consequences.

From the reports and new research coming in from various quarters we, at OHCHR learn the pool of those vulnerable to trafficking in most parts of the world including this region, may be actually growing rather than declining. This is on account of widespread inequalities, insecurity of food and livelihoods, violence, conflict, discrimination, and a general uprooting of populations resulting in large-scale migrations. In this regard, an understanding of the dynamics of modern-day migration, with multi-faceted dimensions would be useful in order to better understand human trafficking which also fundamentally involves the movement of people.

Many players present today including NHRC and OHCHR have been active in countering trafficking – What more can we do? What is it that we are not doing right? How do we assess the impact of our own anti-trafficking work and through which lens?

OHCHR's global approach to trafficking is based on two fundamental principles:

- First: that human rights must be at the core of any credible anti-trafficking strategy; and
- Second: that we must work from the perspective of those who most need their human rights protected and promoted, i.e. from the perspective of victims of trafficking and those vulnerable to it.

What does it mean to make human rights the core of anti-trafficking work?

It means first and foremost, acknowledging that trafficking and related practices and purposes such as debt bondage, forced labour, sexual exploitation and slavery-like practices are themselves a violation of the basic human rights.

Secondly, since the trafficked person realizes that she or he is a victim of trafficking upon being harboured in situations of forced labour or exploitation in the country of destination, a human rights approach places added responsibility on governments of destination countries. This translates into establishing enforceable labour standards,

efficient prosecution of the offenders and above all, extending full support and assistance to trafficked persons. In this regard it is important to underscore the need for cooperation between countries of origin and destination by understanding the complex dimensions of supply and demand.

Thirdly, a human rights approach means ensuring appropriate identification based upon clear distinctions between irregular migrants, trafficked persons, and smuggled persons. Trafficked persons should not be subjected to summary deportations nor held in detention including immigration detention. Nor should they be prosecuted for activities that are a direct outcome of their situation of trafficking.

Fourthly, a human rights approach involves ensuring that all anti-trafficking measures are designed to empower trafficked persons to recover their personhood and rights by recognising their human agency, and not further affect them adversely by curtailing their mobility, denying them the right to make decisions or victimizing and stigmatizing them.

Fifthly, a human rights approach entails special care for the protection of the rights of children (up to the age of 18 years) at all stages. Procedures should be established for the rapid identification of trafficked children. Age-sensitive and other measures need to be taken to reunite these children with their families or to otherwise meet their best interests, in line with the Convention on the Rights of the Child and its Optional Protocol.

In developing detailed human rights based responses to each stage of the trafficking cycle the Office of the High Commissioner for Human Rights in Geneva, issued the **Recommended Principles and Guidelines on Human Rights and Human Trafficking** in July of 2002. This is a key tool which aims to integrate the human rights of victims of trafficking at all levels of anti-trafficking interventions. Taken together, the Recommended Principles and Guidelines are a very worthwhile contribution for the development of human rights approach to trafficking, its practical implementation as well as evaluation.

The successful implementation of a human rights approach necessitates

1. Enhanced bilateral and multilateral cooperation between countries of origin and destination in order to address the root causes of trafficking from the standpoint of prevention and to affect sustainable reintegration of the trafficked person into society, be it in the country of origin or destination.
2. Multidisciplinary cooperation and coordination among policy makers, law enforcement and border officials, prosecutors and judges, local authorities, employers, trade unions, NGOs and international organizations.
3. Integration of human rights into all parts of the national protection system, into the analysis of the problem and into the responses. This is the only way to retain a focus on the trafficked person, to ensure that trafficking is not simply reduced to a problem of public order, a problem of law enforcement, or a problem of transnational crime or a problem.

Colleagues,

In summation, let me say that the problem we are grappling with, the crime of trafficking in persons, is a very daunting one. It is connected to large structural issues and will not go away easily. Concerted and joint effort on the part of many stakeholders is merited. This is happening, indeed. This training workshop is one example of such an effort at partnership and collaboration and I am very delighted that is proceeding successfully. We now need to make sure that we consciously and systematically weave the principles of human rights into all of our initiatives to combat human trafficking and at the same time devise measures to assess the human rights impact of our anti-trafficking work at all levels.

I wish you the very best for the remaining duration of this training.

Thank you.

