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ESPECIALLY WOMEN AND CHILDREN

High-Level meeting of the General Assembly
on addressing large movement of refugees and migrants

**“Addressing vulnerabilities of refugees and migrants on their
journeys from their countries of origin to their countries of
arrival”**

Round Table 6

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Chairs, Distinguished Representatives, Delegates and Observers,

I would like to thank the General Assembly for this opportunity to take part in this *Round table on Addressing vulnerabilities of refugees and migrants on their journeys from countries of origin to their countries of arrival*. At the outset of my mandate which I assumed in August 2014, I have identified the link between mixed migration flows and human trafficking as an area warranting further international focus – I am happy to note that today's High Level plenary meeting of the General Assembly, and particularly this round table addresses trafficking in persons as a possible vulnerability faced by refugees and migrants.

Increasingly restrictive and exclusionary immigration policies, including criminalization and detention of irregular migrants, insufficient channels for regular migration and family reunification and lack of regular access to the labour market for asylum seekers, refugees and migrants further contribute to an increase in the exploitation of migrants, including through trafficking. This forces migrants, including asylum seekers and refugees, into the arms of those able to help them circumvent controls.

Throughout their journey and at their destination, migrants, including refugees and asylum seekers forced to flee their country are highly vulnerable to physical violence, sexual assault, extortion and trafficking, as well as detention by national authorities. Incidences of trafficking and exploitation primarily amongst Afghans, Syrians and Iraqis men and boys with low education level and travelling alone is identified among irregular migrants arriving in Europe via the Western Balkan routes. The journey of female migrants and unaccompanied children travelling is particularly hazardous. Thousands have disappeared, presumably abducted for purposes of trafficking related exploitation.

1. Which actions are needed to implement effectively the international principles and standards related to the human rights of people in transit at the local, national, regional and international levels?

To address the systemic exploitation of refugees and migrants, that in some cases amount to trafficking, a policy shift is needed. Trafficking has been so far considered a specific and rather marginal policy area, in which identification procedures are mostly based on police operations, and protection is mostly made conditional to cooperation with law enforcement authorities. When large movements of refugees and migrants are concerned, it is clear that this approach does not work, and does not allow authorities to identify the vast majority of trafficking situations.

In order to take any opportunities to address vulnerabilities of refugees and migrants on a larger scale:

- anti-trafficking policy identification procedures should be established and carried out in cooperation with civil society organizations and international organizations in hotspots, reception centres and administrative detention centres.
- Decisions regarding identification and referral of trafficked persons should be made not by law enforcement but by social authorities.

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- More emphasis should be put on prevention; therefore not only indications of trafficking should be identified, but also indications of risk of trafficking.
- On the basis of existing national anti-trafficking legislation and policy, every trafficked person is entitled to a number of protective measures, including legal counselling to enable them to access justice and remedies. Moreover, a trafficked person must have the option to remain in the country and be helped to find a gainful job. Such measures should never be made conditional on the capacity or willingness of the victim to cooperate with criminal justice agencies.
- Legal counselling and job opportunities should be provided also to people at risk of trafficking, for example those indebted to facilitators of their journey are bound to work for them or someone else in order to repay their debt in situation amounting to debt bondage.
- States must implement their obligation to provide access to remedies to victims of trafficking and exploitation, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.
- Activities addressing human trafficking and exploitation of migrants and refugees need to be systematically included in humanitarian responses to crises at the very beginning, as a means to prevent human trafficking. Anti-trafficking measures must be pro-active and preventive, and must be in place even if trafficking incidents have not been detected. This requires the presence in crisis situations of people adequately trained to identify trafficking and risks of trafficking. Such a policy shift implies that the prevention of trafficking and the protection of victims and potential victims must be an integral part of the response to crisis and large movements of refugees and migrants, based on a human rights approach.

2. How can child protection services and migration authorities cooperate across and within borders to ensure that children – especial unaccompanied and separated children – receive adequate protection, and are treated as children first and foremost?

Unaccompanied children fleeing conflict often have no choice but to work to meet their basic needs.

- For example, Iraqi and Syrian refugee children in Lebanon, work in textile factories, in construction, in the food service industry, in agricultural labour or as street vendors in conditions amounting to forced labour. There appear to be organized systems within refugee camps for making these work arrangements.
- These Worst Forms of Child Labour often mask other forms of exploitation, such as trafficking for forced labour and sexual exploitation, and have negative consequences on children's health and education.
- Unaccompanied children from Afghanistan and Sudan in refugee camps in Calais and Dunkirk in France are trafficked for sexual exploitation and forced to commit crimes such as thefts or selling drug by traffickers who promise them passage to the UK.

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Cooperation between law and immigration officials, as well as humanitarian personnel, CSOs and government is needed for speedy and accurate detection of cases of trafficking of children and provision of adequate assistance to victims and potential victims.

States hosting, among persons fleeing conflict, children who may have been or are at risk of being victims of trafficking in persons should:

- Prevent child trafficking, especially targeting isolated children such as orphans, children left behind by parents fleeing conflict, children moving alone to flee conflict areas or those in camps, in cooperation with civil society organizations, United Nations agencies and programmes and international organizations;
- Adopt proactive measures to protect children that are based on the best interest of the child and in line with international humanitarian, human rights and refugee law, when indications of child trafficking or risk of child trafficking are identified;
- Recognize the specific vulnerability of trafficked girls or potential victims of trafficking for sexual and labour exploitation in conflict and post-conflict situations and take measures to reduce their vulnerabilities;
- Ban administrative detention of children, in particular but not only for violations of immigration laws and regulations;
- Ensure that trafficked children and any other trafficked persons are not detained, prosecuted or punished for violations of immigration laws or for unlawful activities they are involved in as a direct consequence of their situation as trafficked persons.
- The United Nations should ensure that child trafficking is linked to the six grave violations and abuses against children. Such violations should be taken into consideration as a ground on which to bar countries repeatedly listed in the annual reports of the Secretary-General on children and armed conflict as being involved in those violations from contributing troops to United Nations operations.

3. Which targeted steps are needed to ensure that the specific vulnerabilities of women and girls during their journeys are addressed and their rights protected?

The journey of female migrants and unaccompanied children travelling is particularly hazardous. Thousands have disappeared, presumably abducted for purposes of trafficking related exploitation.

- Sudanese and Somali refugees and asylum seekers fleeing conflict, including numerous unaccompanied children have been kidnapped or lured from refugee camps or while en route, sold on and subsequently held captive in Libya or the Sinai desert for purposes of exploitation through extortion.
- Rohingya from Myanmar typically embark on maritime and overland journeys, often via Thailand, to irregularly reach Malaysia. Initially smuggled across borders, some are subsequently trafficked to fishing boats and palm oil plantations for labour exploitation, ending up in bonded labour to repay the debts incurred from the transport. Others are held captive and abused in Malaysia until ransom is paid by their relatives.

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- Preventative measures should be taken in refugee camps especially targeting women and girls, such as prevention of early and forced marriages. Moreover, birth and marriage registration must always be ensured.
- In all places where large influx of migrants and refugees arrive, gender-sensitive protective procedures should be established, which take into account the specific need of women and girls who have been subjected to rape and sexual exploitation, amounting to severe traumatisation.

I thank you for your kind attention and I look forward to a fruitful discussion.