

CHECK AGAINST DELIVERY



**Statement by Ms. Joy Ngozi Ezeilo,  
UN Special Rapporteur on Trafficking in Persons,  
Especially Women and Children**

**57<sup>th</sup> session of the Commission on the Status of Women**

**New York, 11 March 2013**

## CHECK AGAINST DELIVERY

Madame Chair,  
Distinguished delegates and representatives,  
Ladies and gentlemen,

It is my great pleasure to address the 57<sup>th</sup> session of the Commission on the Status of Women. I would like to express my sincere thanks to the Commission for this opportunity to have a dialogue and share views and experiences on this important topic – how we can do better at preventing and responding to violence against women and girls globally.

I also welcome the Commission's willingness to foster partnership and cooperation with the United Nations Special Procedures mechanism.

### **Prevention**

Trafficking in persons remains not only one of the fastest growing criminal activities in the world, but fore and foremost a serious breach of human rights, in particular of women and girls. Although trafficking affects women, men, boys and girls, there is a consensus that trafficking disproportionately affects women and constitutes a form of violence. Trafficked victims are economically and sexually exploited, held in sexual slavery, domestic servitude and other similar abusive conditions that constitute violence and violate their human dignity and rights. Trafficking by its nature, characteristics and consequences is intertwined with violence chiefly directed at the female gender and shares underlying causes with violence against women, including unequal power relations, gender inequalities, feminization of poverty, sexual objectification and commercialization of women and ingrained sex stereotypes and gender based discrimination reinforced by cultural and religious tenets.

Indeed, trafficking in persons entails some of the worst forms of violence against women and girls. Violence is used to intimidate and subdue the victims of trafficking, to curb their freedoms, and to subject them to physical, psychological, and sexual abuses.

In saying that human trafficking is a form of violence against women one would appear to be stating the obvious, however, in reality the connection is often lost, especially to policy makers and other stakeholders. In fact, there are challenges at country level in addressing trafficking as a form of violence against women. Undoubtedly, addressing trafficking also from the perspective of violence that women suffer will increase effectiveness in combating trafficking especially of women and girls.

With a better understanding of the causes and factors that lead to trafficking in persons, and more effective prevention mechanisms and countermeasures in place, I believe we can make great progresses in eliminating trafficking.

The root causes of violence against women are similar to the root causes of trafficking in persons, especially women and children. It has been recognized that the relationship between poverty, gender inequalities and violence is a mutually reinforcing one. There is a long standing failure to protect women from gender based violence. Nonetheless, we must address economic, social and cultural issues particularly gender inequalities that causes gender based-violence and make women and girls vulnerable in order to effectively combat trafficking.

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In discharging my mandate as the Special Rapporteur on trafficking in persons, I have been consistently advocating for the framework based on 5Ps (protection, prosecution, punishment, prevention and promotion of international cooperation), 3Rs (redress, rehabilitation/recovery and reintegration of trafficked persons), and 3Cs (capacity, coordination and cooperation), in combating trafficking in persons.

In my recent reports to the General Assembly, I examined various measures for preventing trafficking in persons, such as addressing the root causes, reducing demand for exploitative labour and services, promoting safe migration and raising awareness of risks associated with trafficking.

Addressing the root causes of trafficking in persons, such as poverty, unemployment, lack of human security, gender-based discrimination and discrimination based on other grounds such as ethnicity, caste, social origin, is of paramount importance. Evidence suggests that there is a wide range of intertwined factors at play. One single factor such as poverty, gender discrimination or lack of employment opportunities per se does not necessarily lead to trafficking; rather, it is the combination of multiple factors that may place certain individuals, particularly women and girls, at a higher risk of being trafficked. Therefore, measures aimed at addressing the root causes of trafficking should be based on the recognition that trafficking is caused by a lack of comprehensive protection of human rights, such as freedom from discrimination, the right to work, the right to an adequate standard of living and freedom of movement. In this regard, it is timely and important to recall States' commitments towards the achievement of the Millennium Development Goals, particularly goal 1 (eradicate extreme poverty and hunger), goal 2 (achieve universal primary education), and goal 3 (promote gender equality and empower women). The Millennium Development Goals, by addressing different aspects of poverty and promoting human development, contribute to reduce vulnerability of people to trafficking, especially regarding poverty reduction, women's discrimination and education. In an indirect way, by promoting women's empowerment, they also attack the demand aspect of trafficking. However, they were not designed specifically to deal with trafficking and thus have some limitations, particularly because they are mainly considering the situation in developing countries whereas in the context of trafficking vulnerability should be tackled in developing as well as developed countries

Trafficking in persons entails movement of people by fraudulent or coercive means for exploitative purposes. There is a strong causal link between restrictive immigration policies and trafficking. With trade liberalization, immigration policies have become increasingly restrictive, particularly for certain individuals, particularly young women and girls. In this connection, States should apply the concept of "safe migration" in accordance with human rights principles and standards. Strategies to promote "safe migration" should not be based on restricting migration channels that States may regard as potentially dangerous without concrete evidence. Rather, any prevention strategies should be underpinned by the recognition of the freedom of movement and the creation of more opportunities for legal and non-exploitative labour migration.

Raising public awareness about the risks associated with trafficking is also an essential part of prevention strategies. However, some awareness-raising campaigns result in

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stigmatizing certain groups of trafficked persons and potential victims of trafficking, particularly women and girls. Awareness-raising campaigns should be based on accurate and adequate information so as to give potential victims of trafficking a realistic understanding of the risks of trafficking. Prevention programmes should also strategically target individuals who are at particular risk of being trafficked. This requires a careful assessment of the main characteristics of individuals who are being trafficked from a particular community to understand why they are vulnerable to trafficking.

It is also essential that prevention programmes are based on accurate data, and their implementation is regularly monitored and evaluated to ensure best impact. Furthermore, the participation of victims of trafficking is critical in formulating prevention strategies and initiatives as they can provide crucial information about the causes that expose to the risk of trafficking and necessary prevention mechanisms that would have prevented them from being trafficked.

In examining the issue of prevention of trafficking in persons, it is also useful to look at the legal framework and standards on combating such trafficking. One of the fundamental objectives of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) is to prevent and combat trafficking in persons, paying particular attention to women and children. To that end, States parties are obliged to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons. Article 9 of the Palermo Protocol further provides that States parties shall adopt or strengthen various measures to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity and to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

The Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the OHCHR notes that strategies aimed at preventing trafficking should address demand as a root cause. To the upcoming session of the Human Rights Council in June this year, I am going to present my annual report on "Integration of a human rights-based approach in measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and which leads to human trafficking". The report attempts to provide an analysis of the existing international, regional and national legal and policy frameworks for addressing the demand side of trafficking, and identify potential gaps and obstacles to integrating a human rights-based approach in addressing demand. These include for instance, abuses of labour rights, human rights impacts of business activities, as well as anti-trafficking laws and regulations that may infringe upon other human rights, such as freedom of movement.

### **Multisectoral services and responses**

My mandate as a Special Rapporteur on trafficking in persons, especially women and children, includes inter alia, promotion of measures to uphold and protect the human rights of trafficked victims, including women and girls.

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To initiate dialogue and to provide States with practical guidance on the framework of identification and protection of, and assistance for, trafficked victims, I focused my 2009 report to the General Assembly on "Identification, Protection and Assistance to Victims of Human Trafficking".

The proper identification of victims of trafficking is the very first step in the process of providing trafficked victims with necessary protection and assistance for recovery from harms suffered and for their social rehabilitation and reintegration. Trafficked victims are often exposed to the risks of being charged or prosecuted for immigration or labour related offences in destination countries, precisely because the authorities fail to identify them as trafficked victims.

In the context of criminal proceedings and protection of victims' human rights, States should implement measures to ensure that victims are not forced to testify, or that their continuing stay in the receiving country and access to other types of assistance is not made contingent upon their willingness to testify. Trafficked victims should not be detained, charged or prosecuted for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons. Many States still lack an adequate protection framework for trafficked victims that would comply with these standards.

There is a strong need for strengthening legal frameworks for the protection of victims witnesses, who have real fears of retaliation against them or their family members. To provide with some guidance, in my reports I made specific recommendations for witness protection programmes, which include, *inter alia*, the provision of secure and safe accommodation; relocation for reasons of safety; security protection and escort to and from the court; conduct of trials in chambers; assistance in obtaining means of livelihood; free medical treatment; legal assistance and counselling services.

Support to trafficked victims is crucial in two fundamental respects: first, it is an integral process in ensuring the full rehabilitation, reintegration and redress for victims as a matter of right. Secondly, assistance is essential to prevent re-victimization and re-trafficking of victims. Adequate sheltering is part of the essential direct assistance and protection that ought to be available for all victims. Counselling is also a vital aspect of psychosocial support, which should be a continuous process tailored to the particular circumstances and needs of victims. Given that trafficked victims are often exposed to a number of health risks, including but are not limited to sexually transmitted infections, HIV/AIDS, unwanted pregnancy and complications relating to abortion, States and other relevant actors should consider the importance of making health care services available to victims in an atmosphere of respect, without stigmatization or discrimination. Moreover, trafficked persons should be provided with translation and language support as well as legal representation before and during all criminal, civil, administrative and other proceedings in which they are involved

Another aspect of assistance which warrants particular attention is repatriation and reintegration of victims. Should there be real threats of persecution or other repercussions, victims should not be returned, but rather granted the right to remain in the destination country. Where victims are repatriated to their countries of origin, return should be voluntary and must be carried out with due regard for the safety of that person. Consequently, returned

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victims should be provided with necessary assistance and support in reintegrating into their communities to prevent from being re-victimized or re-trafficked.

Throughout my work as a Special rapporteur on trafficking, I have consistently advocated the importance of the right to effective remedies for trafficked victims, given its crucial role in ensuring the victims' recovery and reintegration, as well as the prevention of re-victimisation. Adequate and effective remedies are often inaccessible for trafficked persons, despite the numerous human rights violations they suffered. In many States, trafficked persons are not provided with remedies as a matter of right, but only with ad hoc measures mainly aimed at facilitating criminal investigation, such as temporary residence permits contingent upon cooperation with law enforcement authorities. Trafficked persons, who are often women and girls, are rarely known to have received compensation, as they do not have access to information, legal assistance, regular residence status and other assistance necessary to seek compensation. At worst, many trafficked persons, as mentioned earlier, are wrongly identified as irregular migrants, detained and deported even without having had a chance to consider seeking remedies

In my reports to the Human Rights Council and the General Assembly in 2011, I focused on the legal framework of this right, good practices and main challenges in ensuring its effective implementation at the national level. The report also set out in detail each component of the right to an effective remedy, identifying specific factors to be considered when implementing this right vis à vis trafficked persons, and put forward recommendations to States on how they could fulfil their obligations to provide effective remedies to trafficked victims.

Given the obligations under the Palermo Protocol to "prevent and combat" trafficking in persons, and under international human rights law to prevent human rights violations by non-State actors obligations, it can be said that the obligation to prevent and punish acts of private persons does exist. The standard applied in determining a breach of these obligations is that of "due diligence", so that States may be responsible for providing remedies where they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of such violations. In addition, since human trafficking involves multiple violations of human rights, international human rights law is of direct relevance. Under the international human rights law, States have a duty to provide a remedy to victims of human rights violations committed within its territory and jurisdiction. While international instruments specifically applicable to the crime of trafficking, namely the United Nations Convention against Transnational Organized Crime and the Palermo Protocol, do not expressly guarantee the right to a remedy to trafficked persons, they do require States to establish procedures to provide access to compensation, and to provide for measures that may form part of the right to an effective remedy.

In the same year, I also presented to the Human Rights Council the draft Basic Principles, intended to provide States with useful guidance on implementing the right to an effective remedy. The draft Basic Principles are based on existing international human rights law and standards, and designed to bring clarity to the concept of the right to an effective remedy and to elaborate specific factors to be taken into account when this right is applied to trafficked persons.

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This year, in cooperation with OHCHR, I have been, and will be, organizing a series of regional consultations on the draft Basic Principles on effective remedies in accordance with Human Rights Council Resolution 20/1 of 5 July 2012, which among others, requests my mandate and the Office of the High Commissioner to organize consultations with States, regional intergovernmental bodies and organizations and the civil society on the draft Basic Principles on the right to effective remedy for trafficked persons, in order to gather inputs on this draft guidance document.

The first regional consultation on effective remedies was held two weeks ago in Geneva. Taking the opportunity of my visit to New York during this year session of the Commission, I would welcome any contribution on the topic of the right to effective remedies for trafficked victims, including inputs and comments on the draft Basic Principles. In this regard, I am also convening a side event on Thursday as a space to deepen discussions around this issue.

Madame Chair,  
Distinguished delegates,  
Representatives,  
Ladies and gentlemen,

I would like to thank you once again for allowing me to address this session. I look forward to contributing to discussions and deliberations on preventing and responding to violence against women and girls. Accountability to gender equality is central to combating both trafficking and other gender based violence against women.

I would like to reiterate that violence against women and girls including trafficking in persons, requires a multifaceted approach based on prevention measures and responses by not only Governments, but also other stakeholders such as civil society organizations, international organizations and the private sector. I hope that these discussions lead to practical and useful outcomes and recommendations on actions to be taken at the national, regional and global levels aimed at ensuring respect, protection and fulfillment of the human rights of millions of women and girls around the globe.

Thank you

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Ms. Joy Ngozi Ezeilo assumed her functions as Special Rapporteur on trafficking in persons, especially in women and children on 1 August 2008 Ms. Ezeilo is a human rights lawyer and professor at the University of Nigeria. She has also served in various governmental capacities, including as Honourable Commissioner for Ministry of Women Affairs & Social Development in Enugu State and as a Delegate to the National Political Reform Conference. She has consulted for various international organizations and is also involved in several NGOs, particularly working on women's rights. She has published extensively on a variety of topics, including human rights, women's rights, and Sharia law. Ms. Ezeilo was conferred with a national honour (Officer of the Order of Nigeria) in 2006 for her work as a human rights defender.

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Learn more about the mandate and activities of the Special Rapporteur on trafficking in persons, especially women and children:

<http://www2.ohchr.org/english/issues/trafficking/index.htm>

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