



# Fourteenth United Nations Congress on Crime Prevention and Criminal Justice

24 February 2021

English only

Kyoto, Japan, 7–12 March 2021

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Item 3 of the provisional agenda\*\*

**Comprehensive strategies for crime prevention  
towards social and economic development**

**Statement submitted by the Global Alliance Against Traffic  
in Women (GAATW)\*\*\***

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\* Reissued for technical reasons on 26 February 2021.

\*\* [A/CONF.234/1/Rev.1](#).

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## Prevention of Human Trafficking towards and through Social and Economic Development

Since the adoption of the United Nations Protocol on Trafficking in Persons over twenty years ago, States have primarily addressed human trafficking through the criminal justice system. This has meant stricter border controls and restrictions on migration, tighter visa regimes, policing and surveillance of low-income and migrant communities, raids on sex work establishments, detention of suspected victims, and arrests and prosecutions of suspected traffickers.

There is no evidence that these measures have been successful in reducing the scale of trafficking. There is, however, ample evidence that the increased policing of borders and restrictions on migration do not deter migrants but, in fact, force them to take riskier journeys and exacerbate their vulnerability to exploitation.<sup>1</sup> In some cases, such measures may contravene individuals' rights to freedom of movement and international protection.

There are serious concerns that many individuals prosecuted and convicted as traffickers are low-level offenders, such as pimps, madams and marriage brokers<sup>2</sup> and women who were themselves trafficked.<sup>3</sup> The disproportionate focus of anti-trafficking interventions on women in the sex industry has had enormous negative impact both on women who are trafficked and those who voluntarily sell sexual services.<sup>4</sup> In many countries, trafficked persons are coerced into cooperating with the criminal investigation through arrest and detention or by making assistance and support conditional on such cooperation.<sup>5</sup>

Rather than preventing trafficking, punishing perpetrators and delivering justice to trafficked persons, the criminal justice approach to human trafficking has resulted in increased state oppression of and rights violations against migrants, sex workers, trafficked persons, ethnic minorities and low-wage workers as “collateral damage”.<sup>6</sup> This is because the criminal justice system reflects the inherent biases in our societies – prejudices based on race, gender, ethnicity, class, caste, religion or occupation. The criminal justice system works for those who are wealthy and privileged, not those who are most vulnerable to human trafficking.

The criminal justice system needs urgent and deep reform in order to ensure accountability and inclusiveness and foster a culture of lawfulness. Without these, the fight against human trafficking will continue to be ineffective. At the same time, the international community needs to look beyond the criminal justice system and

<sup>1</sup> J Chacon, “Tensions and Trade-offs: Protecting Trafficking Victims in the Era of Immigration Enforcement”, *University of Pennsylvania Law Review*, vol. 158, issue 6, 2010, pp. 1609–1653; ILO and GAATW, *No Easy Exit: Migration bans affecting women from Nepal*, ILO, Geneva, 2015; C Healey, *The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe*, International Centre for Migration Policy Development, Vienna, 2019.

<sup>2</sup> A. T. Gallagher, “Editorial: The Problems and Prospects of Trafficking Prosecutions: Ending impunity and securing justice”, *Anti-Trafficking Review*, issue 6, 2016, p. 10, <https://doi.org/10.14197/atr.20121661>.

<sup>3</sup> A. Baxter, “When the Line between Victimization and Criminalization Blurs: The Victim-Offender Overlap Observed in Female Offenders in Cases of Trafficking in Persons for Sexual Exploitation in Australia”, *Journal of Human Trafficking*, 2019, <https://doi.org/10.1080/23322705.2019.1578579>.

<sup>4</sup> Global Network of Sex Work Projects, *The Impact of Anti-trafficking Legislation and Initiatives on Sex Workers*, NSWP, Edinburgh, 2018.

<sup>5</sup> A. T. Gallagher, 2016.

<sup>6</sup> Global Alliance Against Traffic in Women, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World*, GAATW, Bangkok, 2007, <https://gaatw.org/resources/publications/908-collateral-damage-the-impact-of-anti-trafficking-measures-on-human-rights-around-the-world>.

recognize that human trafficking is the result of complex socioeconomic and political factors and address these root causes.<sup>7</sup>

**Therefore, GAATW calls upon States to focus on preventing and addressing human trafficking by stepping up their efforts to achieve the Sustainable Development Goals:**

### **1. End poverty and ensure access to social protections (Goal 1)**

The vast majority of trafficked persons become vulnerable to exploitation because they cannot afford to cover their costs for food, housing, and healthcare or their children's education. The lack of affordable and accessible public services and social protections, brought on by years of austerity measures and privatization, is a major cause of distress migration and vulnerability to human trafficking. Furthermore, underfunding of social services and labour inspections creates a barrier to the identification of trafficked persons.

**Therefore, we urge States to:**

- Strengthen the quality, accessibility and affordability of public services by keeping them inclusive of marginalized groups, and in public control
- Ensure adequate funding for public services to deliver quality services for low-income people and migrants, and ensure that social services for trafficked persons are well-funded, well-coordinated, comprehensive, and unconditional
- Introduce progressive tax policies, eliminate tax incentives for corporates, and curb illicit financial flows, tax avoidance and evasion to finance public services
- Ensure sufficient number of labour inspectors, as per the recommendations of the International Labour Organization.

### **2. End violence and discrimination against women (Goal 5)**

In the case of women, human trafficking and exploitation are enabled by patriarchal social norms about men and women's role in society, which assign lesser value to women and normalize violence against them. Furthermore, the non-recognition and undervaluation of the work that women do (such as care and domestic work) have a direct relationship to the increased risk that women face to human trafficking and exploitation. The lack of value given to gendered work informs the undervaluing of migrant women's labour in the transnational care economy. The lack of legal protection, social discrimination, non- and underpayment that female migrants doing so-called "women's work" experience create conditions conducive to exploitation<sup>8</sup> that can meet the criteria for human trafficking. Increase in demand for domestic and care work in some developed countries, linked to the reduction in provisions for child, elder and social care in state budgets, has created a growing need for domestic workers. This creates a risk for exploitation, which is increased when coupled with policies that restrict the rights of women to migrate for domestic work.

**Therefore, we urge States to:**

- End gender-based violence and discrimination, including through educational and other policies that challenge established social norms about the roles of men and women in society
- Value, reduce, and redistribute unpaid care work through the promotion of gender equality and provision of public services and social protection policies
- Institute the principle of equal pay for work of equal value in all occupations.

<sup>7</sup> G. LeBaron, P. Kyritsis, C. Thibos and N. Howard, *Confronting root causes: forced labour in global supply chains*, Beyond Trafficking and Slavery, 2019, [www.opendemocracy.net/en/beyond-trafficking-and-slavery/confronting-root-causes](http://www.opendemocracy.net/en/beyond-trafficking-and-slavery/confronting-root-causes).

<sup>8</sup> CEDAW General Recommendation No. 16; See also: Report of the United Nations Special Rapporteur on Contemporary Forms of Slavery, its causes and consequences on the Gender Dimensions of Contemporary Forms of Slavery, A/73/139, paras. 46–47.

### 3. Ensure decent work for all (Goal 8)

Globalization, the deregulation of labour markets, the decimation of rural livelihoods by corporations and the climate crisis, and technological innovations have increased the supply of low-wage, controllable and unprotected workers. The lack of decent work opportunities pushes people into the hands of unscrupulous recruiters and employers and increases their vulnerability to human trafficking.

Evidence shows clearly that trafficking and exploitation occur primarily in sectors that are informal and/or unmonitored, such as sex work, domestic work, garment, fisheries, agriculture, construction and so on. The work in these sectors is often performed by women, migrants, and people with low levels of education. Reducing the risks of trafficking and exploitation requires States and other actors to ensure that all people, regardless of immigration status, labour sector or perceived skill level, enjoy the right to decent work, a living wage, and the right to freedom of association and collective bargaining.

#### Therefore, we urge States to:

- Introduce, strengthen, and enforce labour protections regarding minimum wage, overtime, health and safety, and working conditions, in informal or unmonitored economic sectors, such as domestic and care work, sex work, garment, construction, agriculture, food processing, fishing, and others
- Facilitate the self-organization and unionization of workers in informal or unmonitored labour sectors as a way of strengthening their collective power and reducing the risks of exploitation and human trafficking
- Make available more regular, long-term or permanent pathways for migration for decent work across sectors and skills/pay levels to all migrants without discrimination
- End discriminatory conditionalities in recruitment, including the practice of making the migration status of workers conditional on the sponsorship or guardianship of a specific employer. Allow migrant workers to change employers and sectors of employment.

### 4. Promote inclusive societies (Goal 16)

The exploitation of migrants is enabled and normalized by persistent racist and xenophobic perceptions of them as desperate and willing to accept any payment and working conditions offered to them. Furthermore, migrants may be mistrustful of authorities because of actual or perceived corruption in their home countries, as well as associations between the authorities, employers and traffickers. This prevents them from leaving exploitative situations and reporting exploitation and abuse, including trafficking, to authorities.

#### Therefore, we urge States to:

- Punish racism and xenophobia, including by political leaders and the media, and combat misinformation about migrants and migration
  - Reduce corruption and ensure access to justice for all.
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