

Statement by the Global Alliance Against Traffic in Women to the Constructive Dialogue on Trafficking in Persons, 1 July 2022, Vienna

Thank you, Chair, for the opportunity to deliver this statement to the Constructive Dialogue on Trafficking in Persons.

The Global Alliance Against Traffic in Women (GAATW) is an international network of almost one hundred NGOs that advocate for the rights of migrants and trafficked persons. For the last three decades GAATW has been documenting the experiences of women workers and trafficked persons across Europe, Asia, the Americas and Africa.

We applaud states for undertaking this mechanism to review their efforts to implement the United Nations Convention against Transnational Organised Crime and its protocols.

Despite notable progress, we have documented several limitations in states' anti-trafficking efforts.

First, some states have altered the carefully crafted international definition of trafficking by removing the 'means' element from their national definition.

Whilst GAATW will continue to fight for a world where no one is subjected to exploitative working conditions, the reality is that individuals can and do consent to be transported for work in circumstances that may be considered exploitative. Criminalising consensual agreements between two parties, where no force, fraud, deception, or coercion were involved, diverts precious resources away from real situations of trafficking.

This approach has had a particularly damaging effect on the rights of sex workers. In states which hold the ideological position that all sex work is inherently exploitative, by removing the 'means' element from the definition of trafficking, state actors are able to disregard evidence that a woman has consented to sex work, and deem all women who willingly provide sexual services in exchange for money to be victims of trafficking. The Travaux Préparatoires of the Trafficking in Persons Protocol demonstrate that the purpose of the Protocol was not to criminalise sex work. Again, investigating consensual adult sex work as trafficking, and treating sex workers as victims, takes precious resources away from dealing with real situations of trafficking. It also leads to human rights violations of sex workers who are arrested and forced into 'rehabilitation' programmes against their will.

We urge all states to ensure that the 'means' element of the international definition of 'trafficking in persons' is an integral part of their national definition, and that they make a clear distinction between trafficking in persons and sex work.

The second limitation we have identified is that too often states' anti-trafficking responses are limited to criminalisation and law enforcement measures. However, criminalisation alone cannot end trafficking in persons. Trafficking, like other crimes, is rooted in socioeconomic inequality, gender-based violence, weak labour and social protections, and racial and ethnic discrimination, amongst other social issues. In fact, it is often the same socioeconomic factors that make individuals vulnerable to being trafficked

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as those that lead people to commit the crime of trafficking. We therefore urge all states to address the root causes of the crime of trafficking and implement measures that lead to the achievement of the Sustainable Development Goals, in particular, Goals 1, 5, 8 and 16.

Finally, we have observed an inconsistent interpretation and application of trafficking laws across different state actors and between different countries. We recognise that some elements of the definition of ‘trafficking in persons’ can be particularly complex, such as exploitation, or ‘abuse of a position of vulnerability’. However, these differing degrees of understanding have led to widely different responses to situations of trafficking. When the same conduct can be considered trafficking in persons by one state official, a labour rights violation by another, and nothing by yet another, this prevents us from obtaining a clear and realistic picture of the scale and severity of trafficking in persons and allocating the appropriate resources.

We appreciate the efforts of the UN Office on Drugs and Crime to clarify different concepts within the trafficking definition. We urge states to ensure that relevant officials are acquainted with this terminology and apply it appropriately in all cases.

Thank you.