

Working Together With NGOs for Support and Assistance to Trafficked Persons

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trafficking

- Trafficking can also be defined as the act of violation of HR inherent in abusive forms of migration and in abusive situation of work.

Background

- Trafficking is primarily Demand driven phenomena led by need of cheap controllable labour of the market in one hand and desperate demand (need) of work for security, survival or to cope hard situation in their own place , of a person in another hand.

Back ground

- Trafficking in human being is a clear out come of state failure to protect and promote rights of the people residing in that country.

Trafficking as a result of states failure to protect rights of the citizen residing in that country

- When a country fails to protect basic fundamental rights of the people forcing people to move without proper information risking themselves into different form of abuses for survival, trafficking takes place and that country becomes known as country of origin for trafficked person. Similarly when a country fails to protect the rights of migrants especially migrant workers, forcing them to accept different forms of illegal work and risking themselves to different forms of abuses as a survival strategy, then the person either falls in to slavery like condition or in other forms of trafficked situation In the country of work and that country becomes known as country of destination.

Causes of trafficking

- **Politics of the state supporting discrimination based on class, caste and gender, indifference of states to resolve internal conflict, allocation of more resources to security sector rather than development sector in the name of resolution of armed conflict are some of the examples of state supporting the market to get weak vulnerable and exploitable labour force, by creating huge mass of unemployed, discriminated and marginalized group of people.**

Need to understand political economy of trafficking process to understand it's dynamics

- In order to understand trafficking, it is very important to analyze political economy of whole trafficking process; then only dynamics of trafficking can be understood and preventive activities can be planned appropriately.

Support ,assistance to trafficked persons

- The core elements for the support, assistance and protection of victims of trafficking are clearly outlined in Articles 6 and 7 of the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000) and Articles 24 and 25 of the *Convention on Transnational Organised Crime* .

Support, assistance to trafficked persons

- These measures include the provision of: residency status, appropriate housing, information and counselling, medical and legal assistance, and employment and training opportunities. They also cover areas of witness protection, such as in-court evidentiary measures and police protection, as well as opportunities for legal redress and compensation.

Rights of trafficked persons

- It is necessary to advocate that every trafficked person has right to get necessary support and access to free any fair trial without any condition imposed. National Human Rights commission of both countries of origin and destination can be instrumental to do so. In order to strengthen National Human Rights Institutions to play an active role NGOs can be very strong allies. NGOs can provide information about needs of trafficked persons together with status of services being provided.

Adoption of Principles and Guidelines to support trafficked persons- NHRI can facilitate the process

- There are recommended principles and guidelines brought forward by Human Rights High commissioner's officers, which need to be adopted and practiced by the states. This is the responsibility of National Human Rights Institutions to make the Government responsible for that. NGOs can play very vital role in providing case studies, information, and do advocacy together with the National Human Rights Institutions in order to facilitate their role of making Government responsible.

Immediate needs of trafficked person at different stages of trafficking

- **In process of rescue**
- **After Rescue**
- **Repatriation**
- **Social Inclusion/repatriation**

Support needed during rescue

- No mass raids
- Preparation of guidelines for raids
- Development of criteria for identification of victims and implementation of those.
- Rescue of individual(selective rescue) after proper identification of victim involving social organizations
- Safe shelters to keep trafficked persons after rescuing
- Trust building with the trafficked persons
- Counseling

After rescue

- Safe shelters
- Medical, and psycho-social support
- Legal counseling, free legal aid and assistance with immigration
- Support to the trafficked person without any condition.
- Witness protection(according to need in country of residence and country of work)

In process of repatriation

- proper risk assessment before repatriation
- Counseling before repatriation
- Ensure HR protection throughout the process
- Building trust
- Taking care of basic needs of persons throughout the process.
- Handing over cases to Government rather than to certain NGO's(?)

Social Inclusion process

- **Successful social inclusion largely depends upon proper rescue and repatriation process.**
- **Economy of country of work usually benefits from exploitation of labour of trafficked person, it's very important that those country also play role for proper reintegration of trafficked person.**

Social Inclusion/reintegration

- Adequate risk assessment at the community where trafficked person belongs to.
- Development of program according to the need of the person, involving themselves.

Social inclusion/reintegration

- Immediate support:
 - * safe environment(shelter)
 - * Food
 - * medical assistance
 - * psychosocial counseling
 - * activities supporting to strengthen self esteem of that person

Social inclusion/reintegration

- Support facilitating Social Inclusion:
 - * Education
 - * Employment opportunity according to the need of the person.
- Identity
- Individual need assessment and program development.

Gaps/ Lacunas in existing support programs for trafficked persons

● **Women are the major sufferers:**

- * Due to their migratory status
- * Due to the sex they belong to
- * Due to type of work they engaged with

Gap lacunas in existing programs

- Moralistic values Victimizes and marginalizes women everywhere in the world on the basis of their class, country and work they belong to. This can be seen even in whatsoever available support programs to trafficked persons in most part of the world. Very prominent in South Asian Countries..

Gap/ Lacunas

- Usually short term
- Designed from wel-fare approach
- Blanket approach- does not cater need of individuals
- Without proper need assessment
- From NGO or service providers perspective.
- HR of person is not considered properly.

Conclusion

- Human trafficking neither can be controlled nor eliminated without holistic, interdisciplinary and long-term approaches that address each aspect of the trafficking cycle.
- It is necessary to analyze the causes and consequences of trafficking keeping Human Rights of each individual in center. For this, it is very necessary to recognize that Human rights are not a separate consideration or an additional perspective but are the common frame that should underpin all anti-trafficking efforts.

Conclusion

- There should not be any debate that this is state's responsibility to prevent persons from being trafficked and to support those who are affected by trafficking. This requires interdisciplinary approach and time. National Human Rights Institution can pressurize state to translate their international commitment into practice . In this case The role of National Human Rights Institutions becomes very important, provided they have independent status and not nominated and dominated by totalitarian regime..

Conclusion

- NGOs can be very effective partners of National Human Rights Institution to refrain them from being pressurized by the state, by advocating their rights. On top of this, NGOs can be very helpful to identify the needs of trafficked persons, and that information will definitely make National Human Rights Institutions become more credible, reliable and effective.

Conclusion

- Immediate support services for the trafficked persons should be developed and provided by involving them. This can be done only in the situation, where NGOs of country of residence and countries of work are working together from rights-based perspective. To bring NGOs of both ends together, strengthen their understanding and to facilitate their work, the National Human Rights Institutions can play a very crucial role.

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