

CHECK AGAINST DELIVERY



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ESPECIALLY WOMEN AND CHILDREN**

Open debate on Conflict-Related Sexual Violence:
Responding to human trafficking in situations of conflict-related
sexual violence

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Mr. President, Secretary General, Distinguished Members of the Council,

It is a great honour for me to be able to address this Council today. This is the first time that this mandate has been invited to contribute to the open debate and I thank you profusely for this. I am encouraged to see that the issue of trafficking in persons in armed conflict and post-conflict situations continues to be addressed by the Security Council including through the Presidential Statement of December 2015 and today's open debate.

Since assuming my functions as Special Rapporteur on trafficking in persons especially women and children in August 2014, I have identified the impact of conflict on trafficking in persons for purposes of sexual, labour and other forms of exploitation as a thematic that warrants further research and international attention. Since mid-2015, I have dived into researching further and consulting with practitioners and other actors on these issues I will present some of this work in my thematic report to the Human Rights Council, at its 32nd session in June 2016.

Trafficking in persons, especially women and children is an umbrella concept, which includes different forms of exploitation. The aim of trafficking is actually exploitation and abuse of people who find themselves in a position of personal or social vulnerability.

Recent reports – such as those published by the International Organisation for Migration (IOM) and Caritas, and other initiatives like the Migrants in Countries in Crisis Initiative (MICIC) have shown that trafficking in persons in conflict and crisis situations is not a mere possibility, but a consequence of crisis and conflict on a regular basis. Why?

The features and patterns of modern-day conflict whether non-international or international are linked to trafficking in persons, especially women and children. Conflict is accompanied by a breakdown in public institutions, violation of human rights, erosion of essential services, heightened tensions within and between communities that previously coexisted in relative peace, inequalities and impoverishment. Existing vulnerabilities to trafficking, from gender-based violence to discrimination to lack of economic opportunity, are exacerbated before, during and after conflict. Furthermore, conflict tends to fuel impunity, the breakdown of law and order and the destruction of institutions and communities, which foster the conditions within which trafficking will flourish, often past the point at which hostilities cease.

Conflict-related violence, such as sexual violence, can itself be a driver of forced internal displacement, which in turn increases vulnerability to further exploitation, including through trafficking. For instance, in Colombia sexual violence by armed groups has forced

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ethnic minority women and girls in remote rural areas away from their communities and placed them at greater risk of trafficking within the country as well as overseas.

Conflicts and the resulting increase in displacement affect an already strained international asylum/refugee system. Lack of access to safe and legal migration options forces many persons fleeing conflict to use the services of illegal facilitators, increasing their exposure to exploitation, including trafficking.

For the millions of people who are forced to flee their country because of armed conflict, the journey of escape has become increasingly expensive and hazardous. *The Syrian conflict, in particular, is causing a massive exodus, that should be considered a global humanitarian crisis. Hundreds of people including so many children have lost their lives in the Mediterranean Sea.* For those surviving their perilous journey, there is a tangible risk of trafficking-related exploitation. Throughout their journey and at their destination, migrants, including refugees and asylum seekers who have sold all their possession to pay for their travel, are highly vulnerable to physical violence, sexual assault, extortion and trafficking.

Moreover, people fleeing internal conflicts, authoritarian regimes, persecutions and human rights violations, not always recognized by competent authorities as grounds for asylum or other forms of international protection, share the same risks with the migrant population at large. 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 fleeing conflict, into the arms of those able to help them circumvent controls.

For such migrants, the clandestine nature of their journey, the often unscrupulous and corrupt conduct of their facilitators and collaborators and the extent to which some States will go to prevent their departure, transit or arrival all operate to create or exacerbate opportunities for traffickers who prey on their precarious situation. Therefore, even if they were not trafficked from the very beginning of their journey, they can become trafficked during the process. *For instance, 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.*

The conclusion is clear: Not all people fleeing conflict are victims of trafficking in persons, from a legal point of view. However, trafficking in persons for the purpose of exploitation, even extreme exploitation, be it sexual or labour or other forms, can occur any time.

Recently, an egregious pattern of abductions from their homes or schools of women and girls who are subsequently forced to marry and/or serve as sex slaves has been reported in conflict-affected settings, though some forms of this phenomenon have also been a

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feature of armed conflicts in the past. *Such exploitation, which in some cases involves trafficking for forced marriage and sexual enslavement by extremist groups such as ISIL (Islamic State in Iraq and the Levant), Boko Haram and their affiliates, is believed to be a strategy to generate revenue as well as to recruit, reward and retain fighters. In addition, the journey of female migrants and unaccompanied children travelling through the Horn of Africa is particularly hazardous. Thousands have disappeared, presumably abducted for purposes of exploitation including sexual exploitation.*

Mr. President,

The combat against trafficking in persons, especially women and children is an example how UN goals relating to peace, security and human rights can reinforce each other.

In fact, protecting vulnerable people, particularly children, women and minority groups in crisis areas and in areas affected by the aftermath of crisis, such as, for example, countries in which displaced people and people fleeing conflict arrive, is not only a human rights issue; it is also a security preventative measure. Allow me to elaborate on this concept through a few examples:

Firstly. The obligation to protect vulnerable people fleeing conflict may appear obvious, but unfortunately it is much less obvious, when it involves a large influx of displaced people and people crossing the border of affected countries for safety. *If we take the Syrian conflict, which has contributed to the so-called European migration and refugee crisis; EU countries - in a situation clearly requiring a strong HR approach - have mostly failed to identify international protection needs, indications of human trafficking and risks of trafficking. This is not only a human rights violation but also poses a security risk. In fact, inadequate individual risk assessments at points of arrival /destination, enables criminals including smugglers, traffickers, and even terrorists to take advantage of large influx of refugees and migrants to enter a host country to carry out their criminal activities.*

Second example. In conflict areas it is imperative to protect children from being trafficked into military service and - especially girls - from being used as sexual slaves. In this case human rights violations are directly linked with the increase of military power of one of the conflicting parties. Protection of children is not only a legal and moral imperative but also a means to prevent armed extremist groups access to "human resources" to increase their chances in armed conflict. In this context, the gravity of the use of girls and young women as sexual slaves should not be underestimated, as it has been in the past, and it is today a systemic component of armed conflict, as in the case of *sexual enslavement of women and girls perpetrated by extremist groups such as ISIL (Islamic State in Iraq and the Levant), Boko Haram and their affiliates.* Again, this is simultaneously, a human rights and a security issue.

Third example. Peacekeeping operations unfortunately continue to be the occasion for shameful incidents of sexual violence and abuse (SG report A/70/729), which undermines their vital role in protecting communities, including women and children, from violence and exploitation that is common in post-conflict situations,

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For instance, in Haiti, Kosovo and Sierra Leone, the link between the introduction of peacekeeping forces into a conflict zone and the subsequent increase in human trafficking as a direct result of an increase in demand for sexual services has been observed. The demand for sexual services created by peacekeepers deployed in the former Yugoslavia led to an expansion of the sex industry, with many of the women trafficked and sexually exploited in brothels established expressly to serve United Nations peacekeepers. The relationship between deployed troops and the demand for trafficked women was unmistakable. Also, the recent cases of sexual abuse and exploitation by peacekeepers in the Central African Republic who prey on the economic vulnerability of children and women as well as on their need for assistance and protection could, in some cases, fuel trafficking for purposes of sexual exploitation.

In the context of recent conflicts, cases of human trafficking have not been systematically identified and reported, as it was, *for instance, on the occasion of former Yugoslavia war. Most probably trafficking in persons has not been recognized as such, in spite of the fact that any form of abuse for the purpose of exploitation must be considered trafficking, especially when it involves children.* It is imperative to do more, and do better, as it was stated in the Security Council C Resolution 2272. Also in this case, the protection of human rights goes hand in hand with legitimacy and effectiveness of the peace and security mission of peacekeeping operations.

Mr. President,

Let me now highlight some linkages between trafficking and conflict or post-conflict situations, that are much less known and investigated compared to those I have already mentioned.

1) Trafficking of migrant workers into conflict zones is so far a completely hidden issue. While not all cases of contracting and subcontracting involve trafficking for labour exploitation, there have been cases where large firms that hold the prime contract with States and their militaries hire migrant workers through smaller subcontractors or local employment agencies to perform tasks including cleaning, construction, cooking and serving, and haircutting.

Exploitative recruitment of South Asian migrant workers to provide service at military worksites of conflict areas in the Middle East has been detected. The subcontractor deceives the workers about the country of work, which is more dangerous than the promised country, and the type of work to be done, and withholds workers' passports to prevent them from fleeing the conflict zone where they were deceptively hired to work.

Often conditions of trafficking for labour exploitation also favour sexual violence and exploitation. Out of reach of workplace protections, discrimination, harassment, unsafe conditions, exploitation and abuse of women are common. In such situations women and girls are often subjected to both labour and sexual exploitation.

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2) Persons fleeing conflict could also be vulnerable to trafficking for purposes of organ removal. *There was evidence that migrants fleeing conflict in the Sudan were being targeted for organ harvesting in Egypt. In addition, medical practitioners from post-conflict Kosovo were found to be involved in the trafficking of victims from the Republic of Moldova, the Russian Federation and Turkey to Kosovo for the purpose of organ removal.* Certainly, conflict and post-conflict situations provide fertile ground for increasing vulnerability to this form of trafficking and enables impunity for exploiters.

3) Syrian refugee women and girls are trafficked for sexual exploitation through the practice of “temporary” or child and/or forced marriages. These girls and women are often forcibly married by their parents, who view such arrangements as a way of securing their daughters safety and ensuring the family’s livelihood through the bride price. Once married, such wives are likely to end up in a situation of sexual and domestic exploitation by a spouse whom they followed abroad. Trafficking for forced prostitution through marriages with foreign men who then force their “brides” into prostitution in another country is also common.

4) In the post-conflict climate, the vulnerability of women and girls to trafficking-related exploitation is heightened by their relative lack of access to resources, education, documentation in their own name and protection. While trafficking-related exploitation is part of conflict, it is common for societies to experience a rise in trafficking for sexual exploitation (e.g., for forced prostitution) as well as other forms of gender-based violence, such as rape and domestic violence, after a conflict has formally come to an end.

It is therefore important to ensure that issues related to trafficking, sexual or other forms of gender-based violence are incorporated in peace-building and post-conflict reconstruction processes, and support equal and full participation of women in decision-making, according to UN Resolution 1325.

5) After fleeing conflict, children may be compelled to work to sustain themselves and/or to support their families. *Iraqi and Syrian refugee children in Lebanon, for example, work in textile factories, in construction, in the food service industry, in agricultural labour or as street vendors in conditions amounting to forced labour. These child labour situations 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.*

So **what can be done** to address the issue of trafficking in persons, especially women and children in the context of conflict?

I am still working - together with experts and other actors, to refine recommendations to be included in my next reports.

I will therefore focus only on three points that in my view need stronger attention and require immediate action.

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1.Regarding trafficking for sexual exploitation, and the link with peacekeeping operations in particular, I rely upon the statement of the Under-Secretary-General and Special Representative of the Secretary-General on Sexual Violence in Conflict .

Mr. President, let me only point out that:

-Firstly, trafficking incidents should always be actively and accurately detected, bearing in mind that trafficking situations could constitute - and in fact very often are - the hidden background of sexual abuse and exploitation.

-Secondly, in order to end impunity and protecting victims, it is imperative that States contributing personnel to peacekeeping operations immediately waive the immunity of peacekeepers as soon as indications of their involvement in human trafficking situations have been detected.

-Thirdly,, the possibility of negotiating with the host country – and or the country of which the victim is a national - the granting of subsidiary jurisdiction to hear and adjudicate claims of sexual abuse and exploitation, and provide compensation to victims should be considered.

-Finally, the UN system should ensure that child trafficking is linked with the six grave violations and abuses against children, on which grounds countries repeatedly listed in the annual Report of the Secretary General on children and armed conflict as beinng involved in such violations should be prevented from contributing troops to UN peacekeeping operations.

2.Regarding trafficking in persons for the purpose of labour exploitation:

-The same level of attention and initiative devoted to sexual exploitation should be attached to labour exploitation by the whole UN system. In particular:

-State contracting agencies should exercise due diligence when employing workers including migrant workers; employ workers directly whenever possible; ensure that private individuals or companies they have contracted or sub-contracted protect the rights of workers including decent working and living conditions, their right to return and their freedom of assembly and association.

-States contracting agencies should exercise due diligence to prevent or mitigate trafficking committed by sub-contracted private individuals or companies that are directly linked to their operations, even if the State agencies or armed forces have not themselves contributed to the violations.

-The UN system should address labour exploitation by making all necessary efforts to ensure that, in conflict and post-conflict areas and including in the context of peace-keeping operations, all workers, including migrant workers, employed by State and non-State military actors, their contractors and subcontractors are employed in decent conditions of work;

-Establish a zero-tolerance policy towards violations of those workers' fundamental rights.

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3. The protection of people during conflict and of people fleeing conflict is now the top priority, and should be addressed with a shared responsibility approach at the global level. In this context:

-Anti-trafficking measures should be incorporated in all humanitarian interventions in conflict zones. In particular, UN agencies and programmes, international and humanitarian organizations should include prevention of trafficking in persons as part of life-saving protection activities, from the outset of a conflict-crisis, and even if trafficking incidents have not been detected before.

-In reception centers for migrants, hotspots, centers for asylum seekers and refugees, and in administrative detention centers, appropriate procedures should be established, carried out by trained personnel preferably in cooperation with civil society organizations, aimed at assessing grounds for international protection, grounds for child protection, indications of trafficking and risks of trafficking and exploitation.

-When such indications have been found, tailored solutions should be identified in every individual case, be they on international protection grounds or on other protection grounds, including the granting of assistance, residence permit and compensation for trafficked persons, and job opportunities for trafficking victims and people at risk of trafficking and exploitation.

-In this context, the protection of children is paramount. Children must never be detained on immigration grounds, and a durable solution must be identified on a case by case basis in the best interests of the child.

I thank you for your attention and I look forward to an open and fruitful debate.

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