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**MIGRANT WORKERS, TRAFFICKING IN PERSONS,  
XENOPHOBIA AND HUMAN RIGHTS**

**THIRD STANDING COMMITTEE ON  
DEMOCRACY AND HUMAN RIGHTS**

**DRAFT REPORTS**

Members will find attached the two reports presented by Mr. Andrew Dismore (United Kingdom), and Mr. Cesar Camacho (Mexico), co-Rapporteurs.

At this stage, the co-Rapporteurs have preferred to submit separate reports in order to provide the broadest possible view on the topic at hand, thereby placing at the disposal of Members extensive information for the panel discussion to be held during the 117<sup>th</sup> Assembly.



**MIGRANT WORKERS, TRAFFICKING IN PERSONS,  
XENOPHOBIA AND HUMAN RIGHTS**

***Draft report submitted by  
Mr. Andrew Dismore (United Kingdom), co-Rapporteur***

The phenomenon of human trafficking, which takes a variety of forms, is first and foremost a criminal activity perpetrated against its victims. Responses to human trafficking have been under detailed consideration by international organisations over the last decade resulting in the adoption of a number of international instruments.

While there has been an increase in the trafficking problem over the last two or three years, it remains difficult to make an accurate assessment of its scale. Due to the clandestine and secretive nature of trafficking, difficulties with data gathering will inevitably persist.

Trafficking should not be confused with "smuggling" of human beings. Although these two terms have been used interchangeably, there is a consensus now that they differ. First, trafficking is carried out with the use of coercion and/or deception, whereas smuggling is not, which can be a voluntary act on the part of those smuggled. Second, trafficking entails subsequent exploitation of people, while the services of smugglers end when people reach their destination. Third, trafficking can take place both within and across national frontiers, whereas international movement is required for smuggling. Finally, entry into a state can be legal or illegal in the case of trafficking, whereas smuggling is characterised by illegal entry.

The theme of indebtedness runs throughout the techniques used by traffickers. This debt often arises under the pretence of recouping the travel costs incurred in the trafficking. Acknowledging that many victims have entered their destination country legally is important, not only to ensure an appropriate response that accords with their entitlements, but also to prevent a misguided diversion into argument about illegal migration.

There is a strong relationship between people trafficking and organised crime. Knowledge of criminal networks is becoming increasingly integral to understanding human trafficking. Criminal gangs tend to be remarkably resilient. In addition, there are also some indications of more informal instances of trafficking – in sex trafficking, this often involves a boyfriend or partner figure. Trafficking in children for domestic service often involves a family member or community friend. The child may have been sold into debt bondage by their family, which raises serious problems with returning the child to the country of origin. In other cases, there may be cultural practices under which a child lives with a relative and performs domestic duties in return for their education, or food.

The methods of recruitment used by traffickers are also diverse, ranging from grooming and befriending, through deception about the nature or conditions of work in the country of destination, to outright coercion and violence. A combination of these techniques may be deployed to recruit and maintain control over victims. While in some cases, those who organised the victim's transportation continue to maintain direct control in the destination country, in other cases (usually where there is a more complex and organised network involved), victims will be 'sold on' to another, who will exploit them.

One way of analysing the problem of human trafficking is by examining the underlying purpose that the traffickers intend for a particular victim. The two themes of sexual and labour exploitation are particularly prominent but it would be a mistake to conceive of the two as mutually exclusive. Children who are trafficked, no matter for what purpose they are trafficked, become extremely vulnerable to sexual exploitation even though they may not have been trafficked with that as the original intent. Labour exploitation takes place across a range of sectors, specifically agriculture, construction, contract cleaning and domestic work.

ILO estimates confirm that trafficking into developed countries predominantly takes place for sexual exploitation, and that some 98 per cent of those involved in prostitution as a result are women. Victims of sexual exploitation often suffer the most horrific and brutal treatment. These women would not become involved in prostitution without coercion or duress. Nonetheless, there is also evidence that trafficking in males also occurs for sexual exploitation, less often. The United Kingdom TUC and the Centre for Migration Studies, having looked at forced labour across the construction, agricultural, contract cleaning and care sectors, found that, certainly as far as construction was concerned, the victims involved were exclusively male. In agriculture, there was a mixture of men and women involved. In the domestic sector victims are predominantly women.

Whilst there is no doubt that girl children are trafficked for sexual exploitation, NGOs and children's charities suggest that trafficking for the purposes of domestic servitude is more common. NGOs identify a particular problem with children coming from within African communities as well as Eastern Europe and East Asia.

Factors such as globalisation, poverty and humanitarian crises all impact on the causes of human trafficking. The vulnerability of victims stems from these much broader issues of poverty, lack of opportunity and gender inequality in countries of origin. Trafficked children may come from source countries where civil unrest has orphaned them, so the issue of consent in these cases can be problematic. Debt bondage ensures that poverty persists in the destination country.

Although source country awareness raising programmes can address the process of trafficking, many of them do not cover its causes, like extreme poverty. These programmes should aim to enhance people's opportunities, and encourage community action and education. Destination states should work with local authorities and community organisations in source states, as they are better suited to assess local needs. Awareness-raising should explain how to migrate legally, including the rights of migrant workers.

Three key obligations are imposed upon all states, regardless of their status as source, transit or destination states:

- 1) to prohibit and prevent trafficking and related acts;
- 2) to investigate, prosecute and punish traffickers; and
- 3) to protect victims of trafficking.

Destination states should provide greater technical assistance to law enforcement agencies in source and transit states so that they can detect and tackle trafficking and other organised crimes more effectively.

Restrictions on legal entry divert migration into illegal channels and therefore increase opportunities for traffickers. The development of lawful and managed migration channels, which recognise the essential role that migrant labour plays, is a vital part of a successful anti-trafficking strategy. This can prevent the involvement of traffickers and therefore violations of the human rights of victims.

The obligation of states to respect the principle of *non-refoulement* extends to cases where persecution is attributed to traffickers, if states are unwilling or unable to bring them to justice. The principle of *non-refoulement* also applies to cases where people are likely to face torture, or inhuman or degrading treatment perpetrated by non-state actors. Expulsion of a person to a state where he/she would be subjected to slavery or forced labour might raise issues under the obligation to prohibit torture.

Enforcement of the law against trafficking must always make the interests and the needs of the victims a primary consideration, and their protection should be at the heart of any law enforcement measures.

The protection of victims of trafficking should be incorporated into, and placed at the heart of, states' legislative frameworks. This requires governments to review immigration laws and policies from the context of impact on the victims of trafficking. The focus should be shifted from immigration control to the prevention of exploitation of migrants and workers, and care of victims. Promotion and protection of workers' rights through enforcement of laws on slavery, working hours and minimum wages, for instance, reduces incentives for employers to exploit migrants and thus reduces the demand for trafficked people.

Detailed measures of protection include, but are not limited to: secure accommodation, access to emergency medical assistance, translation and interpretation services, counselling and provision of information in victims' languages, assistance during judicial proceedings, and access to education for children. Victims lawfully residing in destination states can receive protection wider than those residing illegally. Such measures include additional medical assistance and access to employment, vocational training and education.

Effective investigation into trafficking cases can be regarded as a form of redress for some victims. The right to equal treatment before national courts is established under international human rights law, so states must take positive steps to secure an effective right of access.

An integral part of this remedy is the right of victims to participate in investigations and judicial processes against their traffickers.

It is clearly of vital importance, that strategies are developed to ensure that victims are properly identified. Identification is not only the first step towards generating better intelligence and securing the criminal prosecution of traffickers, it is also essential to ensuring that victims' human rights are protected. If there are reasonable grounds to believe that a person is a trafficking victim, states should refrain from deporting that person until the identification process is complete. If the age of the victim is uncertain and there are reasonable grounds to believe that he or she is a child, then the authorities must proceed on the basis that he or she is a child and afford the special protection of the CRC.

There are a number of reasons why victims may not wish to identify themselves as such to officials – clearly fear of reprisal from their trafficker or exploiter is significant. Victims who come from different cultural backgrounds may have a distrust of the authorities. Many victims do not want to go home to their source country, as this may involve their family and friends knowing what has happened; and a return to poverty with increased vulnerability, including to re-trafficking.

When identified, victims should be promptly informed of their rights. Such information should also be disseminated as widely as possible, in co-operation with human rights organisations and civil society, among those sectors of the population which may include trafficking victims, to encourage them to report cases with confidence.

If trafficking victims wish to return to their source states, as is their right, then voluntary repatriation must be facilitated. Where victims do return to their source states, destination states are limited in the measures they can take to support them, to reintegrate. They must work primarily through liaison with source states, and non-government organisations. The risk of re-trafficking once a victim is returned to a source state can be serious.

In too many countries, levels of support to victims are far from adequate. Either through legislation or other means, effective protection of trafficking victims must be put on a far more reliable basis in order to meet human rights obligations. The twin concepts of reflection periods and residence permits are attractive guarantors of such protection and of other support measures. A recovery and reflection period of at least 30 days is needed where there are reasonable grounds to believe that a person is a trafficking victim. This provides space to recover and decide whether to co-operate with a prosecution. The grant of a recovery and reflection period should not be conditional on a victim's co-operation with investigation or prosecution authorities. Renewable residence permits meet both victims' needs and also requirements for law enforcement.

## DRAFT REPORT

*submitted by Mr. Cesar Camacho (Mexico), co-Rapporteur*

### 1. Initial Statement

Humankind is faced with a colossal challenge. As the XXI<sup>st</sup> century begins, the world's population totals over 6 billion; more than half live in poverty. According to the FAO, 800 million are chronically undernourished. With the series of risks that plague global society, the number of people at risk of descending into poverty and hunger exceeds the number able to escape these conditions.

Entire societies, particularly in Asia, Africa and Latin America, are witnessing the obliteration of their current and future chances for development by pandemics such as HIV and, potentially, avian influenza. Added to these are the pernicious and devastating effects of global warming and climate change, particularly on less developed countries. The alteration of ecosystems through such phenomena as desertification and the depletion of water reserves have had a particularly adverse impact on less developed regions and countries.

Humanity is facing a global crisis produced by archaic structural conditions of inequality and poverty that should long ago have been eradicated. The expanding use and development of information and telecommunication technologies have widened the breach in social justice.

Our priority should be to place social progress at the top of the agenda for the millennium. To this end, the United Nations established the United Nations Millennium Development Goals, but the available data suggests that few of these goals will be met by 2015 as planned. Having examined these conditions, it is the co-Rapporteur's position that migrant workers, trafficking in persons, xenophobia, racism and related intolerance, should be the main items on the new social agenda.

The first key item is labour migration and the problems posed by restrictive policies as the demand for migrant workers increases worldwide. Never before has humanity witnessed such a dynamic migratory phenomenon, driven by poverty throughout the world — particularly in the South — and abetted by technological advances in telecommunications and transportation,

Humankind has throughout history moved from one place to another, exchanged goods and explored unknown territories and cultures. Much of today's migration stems from the fervent desire of millions of impoverished people for opportunities and a better life not available at home.

Forced migration around the world is impelled by inequality, poverty and marginalization. Available evidence suggests that the intensity of migration flows will increase. In this context, the adoption of increasingly restrictive migration policies will make millions vulnerable to exploitation or trafficking for various purposes.

Trafficking in persons, the second problem highlighted in this report, is the twenty-first century equivalent of slavery: a heinous crime against the dignity and human rights of its victims. The international community is charged with combating and eradicating it. Among other things, this means treating human trafficking as a phenomenon distinct from

smuggling: assimilating the two does not do justice to the suffering of trafficked victims. It is therefore paramount to focus on identifying and protecting victims as well as prosecuting and convicting traffickers in each country.

The third item discussed in this report concerns the impact of xenophobia, racism and related forms of intolerance, phenomena now on the rise along with the increase in migration flows. Xenophobia and racism are scourges that need to be banished from our world. Every State should recognize that racism is unfounded and that xenophobia is a pathology that may result in hate crimes. Furthermore, all States should recognize acts of genocide committed on their territories for what they are.

The purpose of this report is to provide evidence that the phenomena of trafficking in persons, xenophobia, racism and related intolerance violate human rights and individual liberty, welfare and dignity, and to show how migrant workers are vulnerable to these violations.

Poverty is a breeding ground for these phenomena and for human exploitation. Weak legislation and institutions that fail to protect human rights accentuate the problem.

The crimes of human trafficking subject women and children, as well as men, to various forms of humiliation. A person is most vulnerable to human trafficking when living in a fractured environment, where legislation allows for crimes to go unpunished and institutions and the where governments lack the will, capacity and resources to prevent them and punish the perpetrators.

Xenophobia, racism and related intolerance are present in all societies but are most often linked with rejection, abuse and ill-treatment of ethnic, religious or cultural minorities. Ignorance and fundamentalism have too often led to genocide and horrendous human tragedies.

It is the responsibility of parliaments and societies worldwide to build a world in this XXI<sup>st</sup> century in which social justice, peaceful coexistence, solidarity, goodwill and cooperation provide a foundation for reducing poverty.

Parliaments of the world must commit themselves to the enforcement of laws against violations of human rights treaties. Parliamentarians should take the position that one victim of labour exploitation, trafficking or xenophobia is too many, and that vulnerability and suffering require compensation.

For the reasons explained above, we, the Co-Rapporteurs and authors of this report, submit the following information for the Inter-Parliamentary Union's (IPU's) consideration, analysis and discussion, with the aim of placing these issues higher on the world agenda.

We call upon the IPU to state its opposition to all systematic violations of human rights — human trafficking, xenophobia, racism and related forms of intolerance. Policies that violate the rights of migrant workers represent a particular case in point.

## **2. Migrant Workers**

## 2.1 Migration as a Global Phenomenon

1. Migration is a demographic phenomenon that takes a variety of forms according to the circumstances in which it takes place. Although migration can be seen from multiple perspectives, it is generally understood as a process involving the movement of population within a country or from one country to another.
2. Migration is a product of social and economic change, past and present, in countries of both origin and destination. Migration in turn leads to broader ethnic and cultural diversity, changing identities and the alteration of traditional borders.
3. A complex, transnational phenomenon, migration poses political and organizational challenges, but also creates new development opportunities for societies and economies around the world.
4. An era of globalization, the XXI<sup>st</sup> century has seen the emergence of new incentives for migration.
5. Points of origin, transit and destination for migration flows now coexist, simultaneously, in all of the world's regions.
6. Migration policy represents a quintessential element of national sovereignty and decision-making.. The need to control migration flows has become an urgent priority in many countries, and as a result, migration policy issues are often addressed unilaterally, without taking a comprehensive, global perspective.
7. Discriminatory migration policies can contribute to xenophobia and expose migrants to severe risks. Such policies are often based on exaggerations about the negative aspects of migration.
8. Since migration is an irrevocable process, effective migration policy requires a detailed analysis of its causes and effects, both positive and negative.
9. Most of the international juridical instruments that deal with the public administration of migration affairs seem to be biased in favour of destination countries, as opposed to a more comprehensive approach.
10. The IPU recognizes the many UN conventions and instruments in this area, including the International Bill of Human Rights; the UN's conventions on the Rights of the Child, the Rights of Women, Diplomatic Relations, Refugees and Asylum, the Status of Stateless Persons, the Protection of Rights of All Migrant Workers and their Families; the Conventions Against Organized Crime and Against All Forms of Discrimination; and the Geneva Conventions related to Humanitarian Law.
11. In spite of the spirit, content, specificity, and precision of these dialogue mechanisms and legal instruments, the problems associated with migration are still not fully understood. The international community, and in this case the IPU, must work to develop an effective approach to addressing migration issues in all their complexity, through the creation of international cooperation mechanisms.

12. International legislation on migration issues needs to be updated with respect to the gender dimension, in recognition of the significant influence women have gained as migration processes have evolved.

13. The IPU should also recognize the progress made in terms of refugee protection through international legal frameworks. Improvements are still required, however, in terms of safe return and recovery, especially in the case of unaccompanied minors and victims of human trafficking.

14. According to statistics produced by the United Nations on population<sup>1</sup> and by the International Financial Institutions on remittances,<sup>2</sup> the dynamics of globalization and the search for better income opportunities have contributed to an increase in migration flows at the start of this century.

15. The IPU should be concerned about the growing complexity of integrating newly arrived immigrants, since countries often react with restrictions, and in some cases violations against the human rights and dignity of migrants.

### **2.1.1 Migration and Globalization: Labour Migration**

16. The alteration of borders as a result of globalization and larger free trade areas raises a social and economic paradox: on the one hand, the ease with which capital moves (international trade and investments), and on the other, the restrictions being placed on labour flows (migrant workers).

17. Analysis of the migration phenomenon tells us that nationals in a country enjoy legally protected civil liberties that migrants do not.

18. Many trade liberalization models are designed to expand economic integration processes but have notoriously excluded such topics as labour rights, legal migration, free movement of people and labour migration.

19. Politically, labour migration continues to be discussed as a State sovereignty issue, isolating it relative to the multilateral cooperation agendas.

20. Even though migrant workers contribute significantly to the economies of their countries of destination as well as origin, their rights are often violated and their labour exploited. IPU members should therefore seek to position migrant worker issues more prominently on multilateral social, political and economic agendas.

21. Disregarding the importance of labour migration in that context could have serious negative consequences, including a rise in xenophobia, exploitation, human trafficking and slavery among the migrant population.

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<sup>1</sup> According to UN figures, world population reached 6.5 billion in 2005. Some 81% of that total (5.2 billion) live in low-income countries; about 3% (191 million) live outside their countries of origin (i.e. are migrants). Of that 191 million, 49.6% (95 million) are women, and 13 million people are refugees. The ILO estimates the number of migrant workers at 80.9 million.

<sup>2</sup> According to World Bank estimates, global remittances totalled 209 billion USD in 2006. Remittances have trended upwards since 1994 (57.8 billion USD), reaching 96 billion in 2001, 144.8 billion USD in 2003 and 209 billion USD last year. These figures only report transactions made through formal institutions. Econometric analyses suggest that unregistered remittance flows sent through informal channels could increase the remittances estimated by some 50%. According to the World Bank, remittance flows, including the unrecorded, are twice the development aid resources received by low income countries.

22. The IPU should call attention to current challenges in upholding the human rights of migrants, such as discriminatory practices, discriminatory labour policies, slavery and forced servitude.

### 3. Trafficking in Persons

#### 3.1 Trafficking in Persons – A Global Perspective

23. The IPU should recall the efforts made together with UNICEF to publish the "Handbook for Parliamentarians: Combating Child Trafficking" (2005), and encourage all members, pursuant to the 116<sup>th</sup> Assembly, to continue working for the adoption of comprehensive legislation to eradicate human trafficking and effectively protect men, women and children from the threat of trafficking.

24. The IPU should acknowledge human trafficking as persistent, ever present violations of individual human rights. Victims of human trafficking are condemned to a life of involuntary servitude, sexual exploitation and slavery.

25. The IPU should be very concerned about human trafficking, or modern-day slavery (for purposes of sexual and labour exploitation), increasingly one of the world's most serious social problems.

26. The IPU, as well as the International Labour Organization, should treat trafficking in persons as one of the worst forms of labour exploitation, especially in the case of children. Measures to prevent, sanction and combat human trafficking worldwide are urgently required.

27. Parliamentarians of the world should approach human trafficking as a modern variant of human slavery and an increasingly global, systematic, sophisticated and covert form of organized crime.

28. IPU members firmly reject the sale and commercialization of human lives as an affront to individual dignity and the rights of all to free personal development. Countries around the world urgently need legislation to criminalize human trafficking as a violation of human dignity and human rights by means of force, abduction, fraud, deception, abuse of power for the purpose of sexual exploitation, labour, servitude, slavery or human organ trafficking.

29. IPU members should urge all States to recognize the role of gender inequality when it comes to human trafficking<sup>3</sup> in women and girls, who become victims precisely because of their sex.<sup>4</sup> It is incumbent on national States to ensure respect for the physical and psychological integrity of women and children, as pillars of modern society.

30. The prevention and eradication of human trafficking, IPU should stress, requires a multidimensional and international approach. Countries of origin, transit and destination must join efforts against trafficking in persons through bilateral, regional and international cooperation agreements.

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<sup>3</sup> UNICEF and Inter-Parliamentary Union "Handbook for Parliamentarians: Combating Child Trafficking" (2005)

<sup>4</sup> ECOSOC (2006) "Integration of Women's Human Rights and Gender Perspective, Report of Sigma Huda – Special Rapporteur on Trafficking in Persons, Especially Women and Children".

31. The IPU is seriously worried about the increasing linkage between human trafficking and drug use. In many cases trafficking victims are forced to take drugs, and as the evidence clearly shows, women and children are often used by traffickers for the purpose of drug trafficking and peddling.

32. Reprehensibly, some countries continue to maintain legal frameworks that criminalize the victims, rather than perpetrators, of human trafficking. The IPU should urge all States to work on human trafficking prevention policies that focus on eliminating demand. The individuals who make up this demand for the services of trafficking victims are by all rights punishable and represent a seriously dysfunctional aspect of life in modern societies.

33. The demand that motivates trafficking in persons is widely tolerated in many countries and often locally.

34. There is a close link between racism, xenophobia and human trafficking. Traffickers usually prey on women and children from different ethnic groups or nationalities, and justify the use of violence and abuse of power on the basis of absurd racist and xenophobic premises.

### **3.2 Facts and Figures on Human Trafficking**

35. The IPU is very concerned about the insufficient allocation of world resources to research on human trafficking and to the development of policies to prevent and punish this crime and protect its victims.

36. Current data on human trafficking show huge disparities, owing to the lack of an international human trafficking monitoring programme or system and of national legislation and public policies to effectively deal with this crime. Current studies estimate that these crimes are reported in the cases of only 5% of all victims,<sup>5</sup> a statistic revealing how little we still know about the subject.

37. Trafficking in persons is the world's third most profitable criminal business, just after arms and drug trafficking; it generates approximately 9,500 billion USD a year.<sup>6</sup>

38. The majority of human trafficking victims are women, followed by children. Of the latter, girls are more vulnerable to sexual exploitation and boys to labour exploitation. The ILO estimates that the majority of minor domestic servants are girls.<sup>7</sup>

39. It is important to note that States rarely recognize human trafficking for the purpose of labour exploitation. Legislation in several States only addresses trafficking for the purpose of sexual exploitation. While it is true that most victims are women and girls, more efforts must be made to identify men and boys who are victims of labour exploitation.

40. Worldwide, at least 12.3 million people are victims of forced labour,<sup>8</sup> and between 600,000 and 800,000 each year are victims of international human trafficking.<sup>9</sup>

<sup>5</sup> United Nations Office on Drugs and Crime (2006) "Trafficking in Persons: Global Patterns", p. 44; download the document at [http://www.unodc.org/unodc/trafficking\\_human\\_beings.html](http://www.unodc.org/unodc/trafficking_human_beings.html)

<sup>6</sup> Statistic from the Federal Bureau of Investigation of the United States, obtained from the US Department of State (2006) "Trafficking in Persons Report", p.13; download the document at <http://www.state.gov/g/tip/rls/rpt/83374.htm>

<sup>7</sup> International Labour Organization (2002), "A future without child labour", p. 29.

41. According to other estimates, around 1.8 million children are victims of sexual commerce<sup>10</sup> and 1.2 million are victims of human trafficking each year, an upward trend.<sup>11</sup>

42. Around 80% of these victims are women and girls, and 50% children.<sup>12</sup>

43. Given the difficulty of identifying domestic human trafficking, these figures only begin to convey the magnitude of the problem we are facing.

44. Based on the available evidence, most victims of human trafficking come from low-income countries, including an estimated 800,000 in West Africa — many of them child victims of labour exploitation.<sup>13</sup> Approximately one million children currently work in mines in more than 50 countries in Asia and South America.<sup>14</sup>

45. In Sub-Saharan Africa and Southern Asia it is a common cultural practice for girls to marry young, 15 and this often results in human trafficking.

#### **4. Xenophobia, Racism and Related Intolerance**

##### **4.1 Xenophobia in the World**

46. It should be the position of the IPU that xenophobia, racism and related intolerance are social pathologies that have severely damaged humanity. The results of intolerance and exclusion on the basis of race have ranged from forced migration and relocation to genocide.

47. It is therefore essential to gain universal recognition of the absence of any scientific, moral or ethical foundation for racially based exclusion.

48. Xenophobia has been with us throughout history, with varying degrees of intensity and a diversity of social dimensions. The creation and permanence of political parties and associations promoting racial discrimination and violence against minorities should be an issue of serious concern to the IPU.

49. The IPU should recognize that rejecting xenophobia forms part of the modern human rights tradition, in which all human beings are equal, irrespective of religion, belief, sexual preference, ideas, political opinion or ethnic origin.

50. IPU members should denounce xenophobia and racism as a threat to human rights and democracy and a cause of social exclusion and poverty. Political attitudes based on

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<sup>8</sup> Of these 12.3 million, 9.8 million are exploited by private agencies and recruiters; more than 2.4 million are victims of human trafficking for the purpose of labour exploitation; and 2.5 million are forced to work for the State or military rebel groups. Data obtained from the International Labour Organization (2005) "Alliance Against Forced Labour", pp. 11.

<sup>9</sup> US Department of State (2006), "Trafficking in Persons Report", p.6.

<sup>10</sup> UNICEF (2007) "The State of the World's Children", p. 5

<sup>11</sup> Save the Children (2006) "Romparamos las Cadenas de la Esclavitud Infantil", Chapter 1.

<sup>12</sup> US Department of State (2007) "Trafficking in Persons Report", Introduction.

<sup>13</sup> Save the Children (2006) "Romparamos las Cadenas de la Esclavitud Infantil", Chapter 1.

<sup>14</sup> Ibidem

<sup>15</sup> Statistic obtained from UNICEF [http://www.unicef.org/spanish/protection/index\\_earlymarriage.html](http://www.unicef.org/spanish/protection/index_earlymarriage.html) (visited on 30 July 2007).

xenophobia and racism help to perpetuate inequality within the social, political and economic structures of nations.<sup>16</sup>

51. History shows that xenophobia and racism spread rapidly when advocated by political parties and radical groups. There is also evidence that xenophobes and racists have been able to adapt and insert themselves in democratic institutions in positions of power and as legitimate public authorities.

52. The IPU should recognize that the global expansion of new communication technologies is providing a platform enabling traditionally less visible and vocal groups and communities to express their views. The IPU should be especially concerned over uses of these media to disseminate xenophobic, intolerant and racist ideologies and attitudes. Accordingly, the IPU considers it urgent to regulate and restrict their use so that violations of fundamental rights — against individuals, families, communities or cultures — can be prevented.<sup>17</sup>

53. The IPU should stress that xenophobia and racism have the effect of fracturing social cohesion and coexistence, are the antithesis of social solidarity and above all pose a threat to human rights. Victims of xenophobia and racism, because of their ethnic background, religious or ideological affiliations, are rejected, persecuted, expelled from their communities — and even physically assaulted by racist and xenophobic militants.

54. Based on the historical evidence, and the pernicious effects on society observed in this regard, the IPU should support a ban on all organizations, public or private, that promote racist, xenophobic or related forms of intolerance.

55. The IPU recognizes the freedom of expression, worship and thought of all human beings -- but also the threat that racist ideologies and attitudes pose to diversity, tolerance and plurality in societies.

## 4.2 New Trends in Xenophobia

56. IPU Members should recognize that xenophobia, racism and related forms of intolerance exist throughout the world. Even without a system of indicators to quantify the victims of xenophobia and racial discrimination, there is sufficient evidence in every region of the globe that the problem is severe and should be a priority on the IPU agenda.

57. According to UN reports,<sup>18</sup> cabinet studies and fieldwork on xenophobia, racism and other forms of intolerance, people throughout the world see their rights violated regularly — including their rights to dignified work, home and savings —and are deprived of basic social services.

58. The IPU should recognize that accelerated globalization and expanding information technology offer new mechanisms for the massive dissemination of xenophobic, racist and intolerant attitudes (mostly founded on religious beliefs<sup>19</sup>). Such

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<sup>16</sup> Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance. United Nations General Assembly, 11 July 2002.

<sup>17</sup> Racism, Racial Discrimination, Xenophobia and all forms of Discrimination: Special Rapporteur Report on all Contemporary Forms of Racism, Racial Discrimination and Xenophobia, Economic and Social Council, United Nations, 23 February 2004.

<sup>18</sup> Vid: Selection of Recommendation made by the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. Economic and Social Council, United Nations, 9 March 1999.

<sup>19</sup> Vid: Finkelkraut, Alain, *The Undoing of Thought*, Anagrama, Spain, 2000.

pathologies pose a threat to cultural diversity, individual identity and the human rights of individuals, families and communities.<sup>20</sup>

59. As a result of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa in 2001,<sup>21</sup> new threats to low-income countries and disadvantaged groups have been identified. One such threat is the phenomenon of environmental racism in the context of global climate change.

60. The World Conference Declaration noted that the objectives of the "Three Decades to Combat Racism and Racial Discrimination" had not been reached, even though the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as the United Nations Year of Dialogue Among Civilizations, both in 2001, had provided an opportunity to generate activity against these phenomena in 2001.

61. Quite the contrary. It is significant that subsequent to the World Conference, the Special Rapporteur on the matter reported increases in racism, xenophobia and related intolerance in virtually every region of the world.<sup>22</sup>

62. The UN reports show a resurgence of extreme right-wing parties in various countries, as well as racist movements staging acts of rejection and even hate crimes.

63. It is important for the IPU to call attention to the new forms of xenophobia, racial discrimination and related intolerance against migrant groups — especially those without papers or proper migratory status — that have emerged as poverty and inequality have fuelled increased migration around the world,.

64. In light of the growth in these phenomena, it is the duty of MPs throughout the world to undertake comprehensive legislation to address them and in particular to protect the dignity and human rights of victims.

65. It should be a priority for the IPU to reach an understanding on the factors that divide human beings, despite the regional processes of economic and cultural convergence and physical integration. These divisions are antithetical to the ideal of a world where cultural diversity and plurality of beliefs may coexist in peace and harmony, consistent with the principles of respect and solidarity.

## **5. IPU Recommendations on Migration, Trafficking in Persons, Xenophobia, Racism and Related Intolerance**

We, the Co-Rapporteurs and authors of this report, believe the IPU should propose a series of joint actions to protect migrant human rights, prevent trafficking in persons, punish traffickers, protect victims, and prevent and eradicate xenophobia, racism and related intolerance.

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<sup>20</sup> Vid: Racism, Racial Discrimination, Xenophobia and Related Intolerance, Special Rapporteur's Report on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Economic and Social Council, United Nations, 6 February 2001.

<sup>21</sup> Vid: Report on the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, 31 August to 8 September 2001, United Nations.

<sup>22</sup> Vid: Racism, Racial Discrimination, Xenophobia and all Forms of Discrimination, Special Rapporteur's Report on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, in accordance with Resolution 2001/5 of the Human Rights Committee, Economic and Social Council, United Nations, 13 February 2002.

To that end, we propose the following courses of action; they are grouped according to the topics in this report.

### 5.1 Course of Action on Migration

66. The members of the IPU should recognize that the first step toward a better understanding of international labour migration and a solution to the problems it entails is not to lose sight of migrants as human beings, with rights to be upheld. It is fundamental that parliamentarians throughout the world seek viable, immediate solutions to the problems of labour migration, especially those related to human rights.

67. The IPU has only recently approached the matter of migration; to make progress, further and more in-depth analysis is required.

68. Recalling the Panel on Migration and Development held in Manila, Philippines at the 112 Assembly of the IPU, it was established that the global debate on migration and development must include the three "d's": demography, development and democracy-, the main forces behind migration.

69. Also presented at the Assembly was the Report of the Global Commission on International Migration and the Panel on Nationals and the Stateless Persons, organized by the IPU and the United Nations High Commissioner for Refugees.

70. At this point it is essential to generate a deeper understanding of the problem, and new perspectives to meet the social demands it generates.

71. This challenge can be met in two ways:

A) The first pertains to the link between globalization, migration and economic development.

72. Expanding the economic and social rights of migrants means transforming globalization to ensure equal rights for otherwise marginalized social groups.

73. Our objective should be to remedy the adverse side effects of trade liberalization, to make globalization "*a positive force for all the world's people*", as expressed in the United Nations Millennium Declaration.

74. In this context, one of the priorities on the IPU agenda should be to urge a fresh perspective among the governments of economically developed countries, taking into account the economic importance of migration and the migrant labour force in the context of economic liberalization agreements with a view to improving the living conditions of migrants around the world.

75. It must be understood that globalization is more than an economic process—that it is the product of rapid evolution in our information and communication technologies. It is also crucial to understand the importance of cultural diversity and economic interaction among the world's peoples.

- B) The second way to meet this challenge is to forge a new, broader and more universally inclusive understanding of migration.

76. The global society should be understood as pluralistic and based on racial, ethnic and religious tolerance.

77. Progress must be made in developing a pluralistic, multiethnic, multicultural global society — a society fostering integration, rather than conflict and destruction, among cultures. Global society should recognize cultural diversity, freely expressed, as a source of human development and the only path to full and equitable development of our planet.

## **5.2 Course of Action on Trafficking in Persons and the Creation of Anti-TIP Legislation**

78. The IPU should call upon all national legislative bodies that work against trafficking in persons to aim at not only reducing, but eradicating trafficking in persons. These legislative bodies should criminalize and punish all practices of human exploitation referred to in the Palermo Protocol, including trafficking in persons for the purpose of labour exploitation. The main priority should be to identify and protect victims (women, children and men).

79. The IPU should call upon all legislators to ensure that a person's consent is not a factor in identifying him/her as a victim of trafficking. Consent is irrelevant, because trafficking victims are always rendered submissive by exploitation. A person's dignity and human rights should be considered inalienable, and therefore never subject to surrender or transfer to third parties.

80. The IPU should call upon Parliamentarians to commit to allocating sufficient budget resources to programmes for the prevention of trafficking in persons and protection of victims.

81. It is fundamental for the IPU that all Parliamentarians promote comprehensive legislation in each State and commit to systematically reviewing their legislation on trafficking in persons, exploitation of children, economic development, education and migration in order to ensure that the legal framework in force is effective.

We think it is important that the IPU's recommendations for the eradication of trafficking in persons focus on the following three areas:

### **I. Prevention**

82. All measures to prevent trafficking in persons should be based on the strengthening of gender equality and the fulfilment of women's and children's human rights.

83. It is essential that all States design awareness and prevention campaigns addressing demand for the services of trafficking victims.

84. States should be prepared to design early warning programmes to prevent trafficking in persons in situations of humanitarian crisis, such as those issued by UNICEF in 2004 in response to the Tsunami.

85. Parliamentary members should promote legislation requiring official registration of newborns and providing it free of charge.

86. Legislators around the world should align their national legislation with the Convention on the Rights of the Child, to help keep all children free from abuse, ill treatment, and violence, and to eradicate the worst forms of child exploitation.

87. Parliamentarians should commit to promoting legal migration and recognizing the importance of migrant workers as economic pillars in their countries of destination; this in turn would leave traffickers and smugglers fewer opportunities for their criminal trade in human beings.

88. The IPU should urge all States to allocate resources and responsibilities to the tourism sector in order to effectively combat trafficking in persons.

89. The IPU should recognize the role of the media as key agents in combating trafficking in persons. The media has played a role in inciting demand for the services of trafficking victims by positioning women as sexual objects. It is essential to engage the media and information agencies in an awareness campaign on the risks of human trafficking. Continuous training and public information, through the publication of in-depth reports, should also receive priority.

## **II. Victim Protection**

90. Bilateral and international programmes are key to the eradication of transnational human trafficking. It is important to design and execute effective safe return and recovery programmes that involve governments and civil society organizations at national and international level.

91. IPU members should work to ensure that all national legislation against trafficking in persons includes components to improve government institutional capacity to comprehensively assist victims of trafficking in persons.

92. The IPU should call upon parliamentarians to focus all anti-trafficking legislation on victim assistance (legal, psychological, medical), the development of employable skills and lost-income insurance. Immediate assistance programmes should be provided to improve victim identification and diagnosis.

93. IPU members should commit to the promotion of specialized protection and recovery programmes for children and adolescents (based on human rights) at migrant affairs offices, police stations and jails. These programmes should consider:

- a) the assignment of special areas for children and adolescents;<sup>23</sup>
- b) the assignment of an agent specialized in children's rights to assist children in detention centres throughout the process;
- c) this agent should inform the child or adolescent at all times of his/her rights and status at the detention centre;

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<sup>23</sup> Areas should be assigned by group: boys, girls and adolescents; there are reports of sexual abuse of girls by boys and adolescent victims of trafficking in persons.

- d) the agent should ensure that the child or adolescent receives any legal, psychological and medical assistance he or she may need.

### **III. Prosecution**

The IPU calls for the following in terms of prosecuting and punishing human traffickers:

94. All anti-trafficking in person's legislation should include permanent training for judges and officials from the Attorney General's Office to ensure effective enforcement of the law.
95. All anti-trafficking legislation should include more stringent sanctions for corrupt public officials linked to criminal trafficking in persons.
96. Regional information systems should be created to develop effective strategies in the fight against trafficking in persons. All countries should develop more effective investigative and analytical techniques in respect of information on trafficking in persons.
97. Institutional capacity should be developed to combat trafficking in persons; the State should develop policies and a National Action Plan for the prosecution and prevention of trafficking in persons.

### **5.3 Course of Action: Xenophobia, Racism and Related Intolerance**

Considering that racism and xenophobia threaten human rights and violate international instruments, conventions and treaties for the protection of human rights, we consider it vital that IPU commit to the following:

98. Promote the strengthening of legislation by criminalizing and punishing discrimination and related forms of intolerance based on racism or xenophobia.
99. Call upon the international community to restrict the existence of political parties and organizations that openly express or promote xenophobic or racist ideologies, attitudes or acts.
100. Promote legislation to protect children and women in all countries against all forms of violence, abuse or ill treatment, in particular those inspired by racism or xenophobia.
101. Promote in each country the strengthening of educational systems designed for the protection of cultural diversity, plurality of worldviews, and in particular, the beliefs, values, languages and culture of indigenous peoples.
102. Call upon States to build comprehensive migration policies, particularly in countries of transit and destination. It is important that they give attention to poverty, marginalization, political persecution and forced relocation in the wake of environmental disasters.
103. Call upon the media to halt the dissemination of racist or xenophobic ideologies, proposals or messages, and to communicate messages with content conducive to peace, respect, diversity and solidarity amongst all human beings.

104. Call upon all UN member States that have not yet done so to ratify and align their State legislations with the International Convention on the Elimination of all Forms of Discrimination.

105. As an issue of paramount importance, pursue moral redress for the peoples of Latin America, Asia and Africa now living in poverty, and who have been marginalized and technologically disadvantaged owing in part to colonization, as stated at the World Conference Against Racial Discrimination, Xenophobia and Related Intolerance.

106. Pay tribute to twentieth-century victims of the holocaust and other instances of genocide, as well as violence, discrimination and crimes motivated by racism, xenophobia and related intolerance, in the hope that history will not repeat itself.

107. Call upon States that have not yet done so to ratify the conventions for the protection of indigenous people's rights, particularly those proposed by the International Labour Organization and UNESCO; and to adapt their national legislation to avoid discrimination, racism and related intolerance against indigenous peoples.

108. Demand the strengthening of alliances between national parliaments and civil society for the promotion of study programmes and activities conducive to peace, dialogue among civilizations and the eradication of racism, xenophobia and related intolerance.

109. Call upon all national governments, through their ministers of education, to build programmes and develop materials promoting the acceptance of differences, respect for diversity, and the eradication of racism, xenophobia and related intolerance.

110. Summon all States to link their programmes for the prevention of racism, xenophobia and related intolerance with their migration policies, removing any racist or xenophobic criteria that might apply to migrants entering and staying in their territories.

111. Call upon States with restrictive migration policies to abstain from the construction of walls, be they physical or cultural, to avoid injuring the dignity of other peoples, cultures or persons.

112. Urge all States to build programmes and policies to halt sexual violence against women and children, who as involuntary migrants, or migrants with irregular migratory status, have a high risk of suffering sexual violence motivated by racial discrimination or xenophobia.

113. Call for the creation of legal frameworks that promote the development of projects that inspire dialogue, coexistence, mutual respect, acceptance and respect for diversity.