

Commission on Crime Prevention and Criminal Justice, 21st session
Agenda item 4: Thematic discussion on the theme “Violence against
migrants, migrant workers and their families.”

24 April 2012 (delivered 25 April 2012)

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

In every period of human history people have migrated in the hope of a better quality of life. Border controls do little to stop them. What they do is determine how migrants will cross them, what status they will have on arrival, the risks they will face in transit and at destination, and their access to remedies. Increased border controls and security push people to paying higher fees & taking more dangerous routes. They create a group of people that is at risk of exploitation in transit and in the workplace.

Border controls have gendered impact. Women migrants, especially those from the global South, always face the most legal barriers - including for equal access to formal education, for their freedom of movement, and for full legal status. Borders, with their official entrance criteria, often rely upon and replicate these issues of gender inequality and restricted access that women already face at home. Thus, migration policies reproduce women’s labour market inequality, reflecting the gendered and racialized international division of labour.

Preliminary results from current research by the Global Alliance Against Traffic in Women shows that violence against migrant women needs to be understood as often starting well before the migration journey. Violence, including gender-based and structural violence, often acts as a driver for migration decisions not just as a factor in transit, at borders and at destination. As such, violence against migrants needs to be understood as both a cause as well as a consequence of migration.

The Global Alliance Against Traffic in Women, its members and allies, have continued to witness many examples of laws or government policies that have negative consequences for the migrants and trafficked people they are intended to benefit.¹ These often harmful strategies take many forms, including making assistance and protection for trafficked persons conditional

1 GAATW, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World* (2007); GAATW, *Access to Justice for Trafficked Persons: Report of the Global Consultation*, 7-9 June 2006

on cooperation with law enforcement officials; using an out-of-date definition that conflates trafficking solely with sex work; the discriminatory and protectionist measures taken by some states to restrict women's freedom of movement; or the failure to identify male victims of trafficking thus impeding their access to necessary services.

Global Alliance Against Traffic in Women calls on States to undertake dialogues on migration that include countries of origin, transit and destination, *with civil society, including migrants*, to address the protection of migrants' human rights.²

In particular Global Alliance Against Traffic in Women urges governments to:

- Protect the right to migrate and lift any bans that are implemented in the name of protecting women's rights;
- Remove discriminatory restrictions on women's freedom of movement, such as the requirement that women who migrate need a signature from their father or husband;
- Ensure coherence in their policies on migration and trafficking and that they are gender-sensitive and human rights-based;
- Remove restrictions that tie migrant workers to their employers so that they cannot leave an abusive employer by changing jobs;
- Ensure their laws recognise domestic work as form of labour;
- Strengthen support systems for migrants who are victims of violence and ensure their access to them in accordance with human rights standards, irrespective of their immigration status.

² Adapted from UN Doc. A/C.3/66/L.52/Rev.1, 11 November 2011, *Protection of migrants*, para.9(a), emphasis added