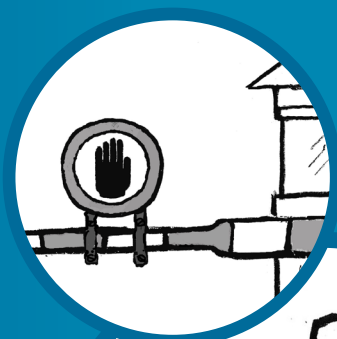


The RightT guide

A tool to assess the human rights impact
of anti-trafficking policies



Trafficking in persons and its forced labour and slavery-like outcomes are widely recognised as serious human rights violations. States have a duty to take action against trafficking. However, many anti-trafficking measures fail to respect or protect the rights of trafficked persons and other groups affected by these measures. The RighT guide helps NGOs to assess the human rights impact of anti-trafficking measures. This strengthens their advocacy for more effective, rights-based policies against trafficking.

Anti-trafficking efforts and human rights

Most states take action against trafficking in persons. While intentions might be good, in many cases effects have been less positive. States prioritise prosecution and punishment of traffickers, while often failing to effectively safeguard the rights of persons who have been trafficked. Moreover, anti-trafficking efforts often even negatively impact the rights of trafficked persons and other groups that might be affected by these efforts, such as migrant domestic workers or sex workers.

Rights-based approach to trafficking

The need for a human rights approach to trafficking in persons is increasingly being recognised. It means that States must not only prevent, investigate and prosecute trafficking, but also provide trafficked persons with assistance, protection and compensation. Moreover, anti-trafficking policies should promote, protect and respect the human rights of all persons, including trafficked persons, migrant workers and sex workers. At the minimum they should do no harm.

Finally, a human rights approach is based on fundamental principles such as participation, accountability and non-discrimination.

The RighT guide

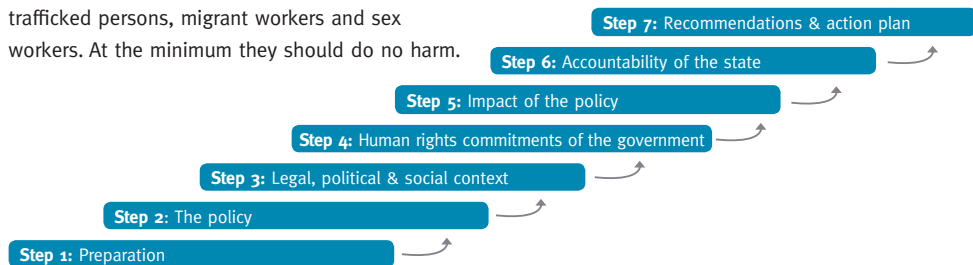
Until now there were no instruments to assess the human rights effects of anti-trafficking laws and policies. The RighT guide is developed to fill this gap. It presents a step-by-step method that helps NGOs and other civil society groups to assess the intended and unintended effects, both negative and positive, of anti-trafficking laws, policies and measures on the rights of affected groups.

Assessing the impact of policies

With the RighT guide NGOs can measure a policy and its impact against the human rights obligations of a State. They can then use the outcomes to advocate policy reforms that respect human rights of all persons. The outcomes can also serve to communicate concerns to a broad audience, enter into a dialogue with the government, or hold the State accountable for not fulfilling its human rights commitments.

“The UK anti-trafficking policy focuses almost exclusively on women in the sex industry. Our assessment shows that this has a dual effect of rendering men and transgender people invisible in anti-trafficking efforts, and of ignoring trafficking of people into non-sexual work.”

Ava Caradonna, X:talk, United Kingdom



Quick scan: Is conducting a human rights impact assessment a good means to achieve the change you want?

How does it work?

The assessment process is divided in seven steps. Each step contains questions, examples and checklists to guide the data collection and analysis. Fact sheets explain the human rights standards that states must meet in combating trafficking and exploitation. The analysis results in a concrete set of recommendations for more effective anti-trafficking policies that respect human rights. This is combined with an action plan to lobby for policy reform and raise awareness about the findings. The full assessment process takes between four and six months. It is also possible to do a quick scan of the problem in a three day workshop.

Benefits of the Right guide

Doing a human rights impact assessment of an anti-trafficking policy helps you to:

- Gain a better understanding of the situation;
- Make a direct link between a policy and relevant human rights issues;
- Assess the impact of the policy on the rights of all people affected;
- Build alliances with other stakeholders;
- Draw evidence-based conclusions about what the government can do to improve the policy and meet its human rights obligations;
- Make an advocacy action plan;
- Increase the capacity of your organisation to use a human rights framework.

“In Czech Republic formal measures to protect the rights of trafficked persons exist. In practice, only a very small percentage of the trafficked can use these services. Our assessment shows that the problem largely lies with lack of identification of trafficked persons, for instance by law enforcement officials. With rights-based recommendations we hope to improve these policies.” **Petra Kutáľková, La Strada Czech Republic**

Anti-trafficking efforts with negative human rights impacts – Some examples

- To prevent trafficking, some states prohibit all young women to travel abroad for certain types of work. This infringes on women's right to freedom of movement and is not proportionate to the aim it serves.
- Closed shelters or forced rehabilitation of trafficked persons – sometimes for years – deny them the right to an adequate remedy and violate their right to liberty and security.
- Forced repatriations without protection against reprisals or harassment from traffickers and/or authorities endanger people's life and security.
- “Rescue operations” in the form of police raids of brothels disrupt the lives and work of sex workers, often lead to massive deportations of migrant sex workers, expose sex workers to police abuse, and do not allow participation of sex workers in finding effective solutions to coercive practices within the sex industry.
- Measures tying work permits to one specific employer make migrant domestic workers completely dependent on their employer. This can lead to exploitation and abuse.
- Some countries oblige NGOs supporting trafficked persons to immediately report any trafficking incidents they encounter to the authorities. The absence of confidentiality makes victims, who often fear the police and/or reprisals from their traffickers, shy away from help.
- Sometimes a comprehensive anti-trafficking policy exists on paper, but is not implemented. For instance: trafficked persons are never identified as victims and therefore do not receive adequate protection and support.

Where to find the tool?

The RightT guide (published December 2010) can be downloaded free of charge at: www.humanrightsimpact.org/trafficking
The tool is available in English and French.

Support to users

The RightT guide can be used independently. However, to many NGOs using a human rights framework is rather new. An introduction workshop can help to get started. We can also provide support during the assessment. Please do not hesitate to contact us to discuss the possibilities.

Resource Centre

The Human Rights Impact Resource Centre provides access to tools, reports and publications on human rights impact assessment from across the world. Users of the RightT guide can share best practices and find more information on www.humanrightsimpact.org

Contact

For a printed copy of the tool and/or information about support to users, please do not hesitate to contact us: **Rights4Change**
E-mail: info@humanrightsimpact.org
www.humanrightsimpact.org/trafficking

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