

***Regional Consultation on the Right to an  
Effective Remedy for Trafficked Persons  
Santiago, Chile 22 July 2013***



**The Right to an Effective Remedy  
for Trafficked Persons: Challenges  
Related to Cross-border Trafficking**

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# Migrant Assistance

**426** ACTIVE PROJECTS WORLD WIDE

Through the IOM's 8 regional offices

**187** Assistance to Vulnerable Migrants + Counter Trafficking active projects (CT)

**239** Voluntary Return & Reintegration (RT)

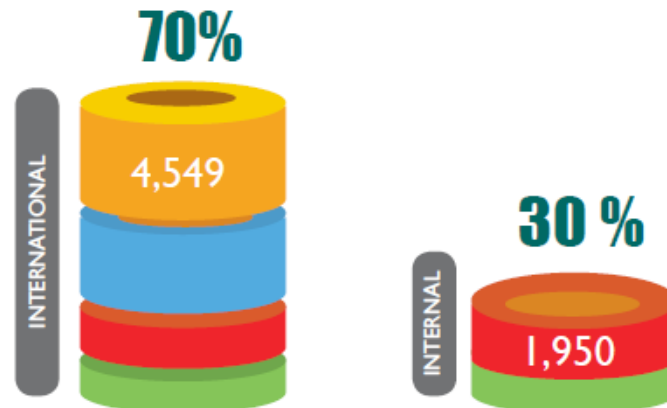
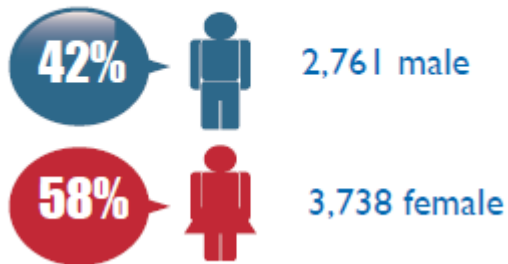
In 2012, the Organization provided protection through its direct assistance activities to approximately **6,499** trafficked persons from **85** countries of origin.

## Victims of Trafficking by Type of Exploitation



Type of trafficking

## Victims of Trafficking by sex





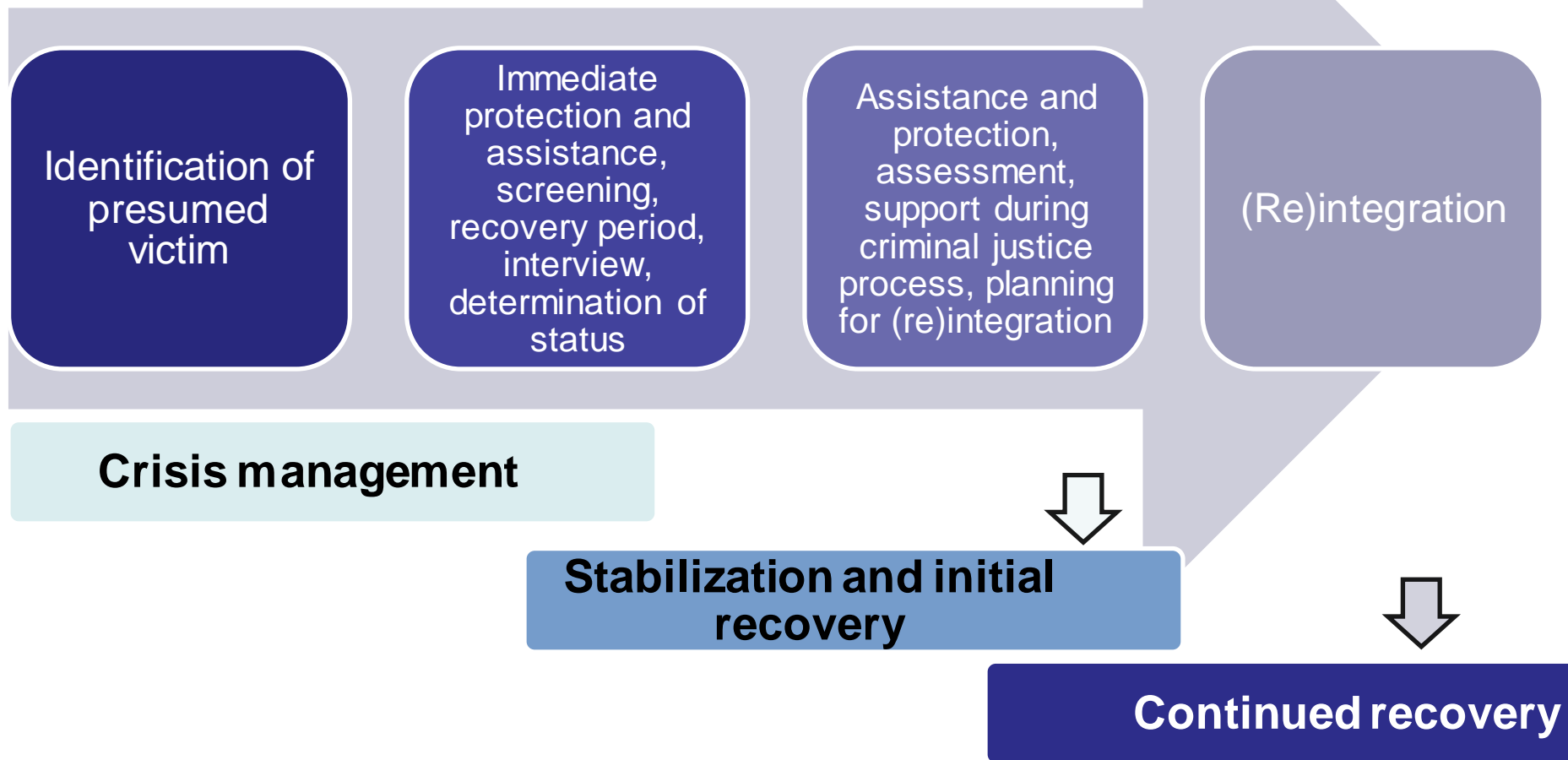
# Conditions for realizing the right to an effective remedy

1. A comprehensive, rights-based and victim-centered protection system is part of realizing the right to effective remedy for trafficked persons



# 1. Protection system

A comprehensive, rights-based and victim-centered protection system is part of realizing the right to effective remedy for trafficked persons





# Conditions for realizing the right to an effective remedy

2. States should prioritize the situation of *exploitation* rather than the migratory status of a trafficked person, and address the challenges faced by international migrants who are victims of trafficking to realize the right to an effective remedy



## 2. Challenges faced by international migrants

What makes a remedy effective?

*Realization* of the right

Challenges include:

- Ability to remain in the country of destination (visas, resources)
- Irregular / informal sectors and civil proceedings
- Lack of access to legal aid
- Language
- Lack of “portable justice” – inability to pursue claims after return to country of origin / third country





# Conditions for realizing the right to an effective remedy

3. To guarantee non-repetition, and to ensure trafficked persons are not returned to situations which create the risk of re-trafficking, States must prioritize recovery and (re)integration beyond the short term



### 3. Effective and sustainable recovery and reintegration

(Re)integration of trafficked persons requires a diverse package of services to address:

- Root causes of trafficking
- Physical, psychological and social impact of trafficking

Challenging in terms of cost, complexity and duration

- Possible need for family mediation
- Structural barriers (e.g. lack of employment opportunities)
- Possible need for community assistance to avoid stigma





### 3. Effective and sustainable recovery and reintegration

#### Survivors of violence / trauma

- Support for negative emotions (fear, shame)
- Importance of counseling and psychological support

#### Typical to have a period of progress and a crisis:

- Partners, interpersonal violence, contact with someone related to the trafficking experience
- Stigma, negative reactions of friends and family
- Economic problems

#### Need for flexibility in the programs

- Support network that continues after “graduation”
- Support during crises



### 3. Effective and sustainable recovery and reintegration

#### **Lessons learned in reintegration :**

- Importance of cooperation and networks between public, private and civil society organizations – role of the private sector in labor reinsertion
- Requires cooperation between countries of destination and countries of origin
- Possibility to link with local community development initiatives to address structural factors



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