SPECIAL PROCEDURES
UNITED NATIONS
HUMAN RIGHTS COUNCIL

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SPECIAL RAPPORTEUR ON TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN

International Migration Review Forum

Round Table 2, 5 May 2026

Excellencies, distinguished delegates, and colleagues,

Risks of trafficking increase in the context of migration and forced displacement. Despite our collective commitments, millions of women, men, and children remain trapped in systems of exploitation that strip them not only of their freedom, but of their fundamental human rights.

Trafficking is not an isolated crime or human rights violation. It thrives at the intersection of inequality, displacement, restrictive migration policies, and weak labour protections. Climate change, climate related displacement and conflict situations create heightened risks of trafficking in persons.

Let us be clear. Restrictions on migration pathways, limited protection of the rights of migrant workers and their families increases exploitation. Restrictions on access to international protection – as highlighted in our multistakeholder pledge on trafficking in persons presented at the Global Refugee Forum – push people seeking protection into dangerous, risky journeys. Those who benefit are traffickers, formal and informal networks, involving community and family members, often benefiting from weaknesses in the rule of law and corruption.

To effectively respond to human trafficking, we must move beyond narrow criminal justice responses and place human rights at the center of our actions, while recognizing the profound gender and racial dimensions of structural inequalities that shape patterns of migration, forced displacement, and exploitation.

We have ignored disability rights in anti-trafficking responses. I have highlighted the urgency of ensuring disability rights in all prevention, protection and accountability measures, in full compliance with the UN Convention on the Rights of Persons with Disabilities. Action must be now taken to correct this egregious failure.

Gender inequality and racial injustice continue to influence who migrates, under what conditions, and into which sectors. Women and girls are disproportionately represented in low-paid, informal, and undervalued sectors such as domestic work and care work, where protections are weakest and oversight is limited. Harmful gender norms, unequal access to education and employment, and discriminatory migration policies increase their exposure to exploitation. At the same time, men and boys are often trafficked into sectors such as construction, agriculture, and fishing, where they face hazardous conditions, debt bondage, and forced labour. A gender-responsive approach must therefore address the distinct risks faced by all, while challenging the structural inequalities that sustain them.

In my reports to the Human Rights Council on trafficking in the domestic work and agricultural sectors, and in a policy briefing on poorly regulated sectors, I highlighted continuing failures of migration law and policy, and a failure to ensure just and fair conditions of work. Despite legislative developments strengthening the normative frameworks in some states, enforcement is weak, labour inspectorates are not effective, and tied visas continue to undermine the rights of migrant workers.

I will now highlight three key points:

First, I draw your attention to a key labour migration concern, strengthening the rights of migrant domestic workers—an often invisible workforce that sustains households and economies across the globe. The majority are women, many of whom migrate in search of economic opportunity but instead encounter exploitation: withheld wages, confiscated passports, excessive working hours, and physical or psychological abuse. Their isolation behind closed doors, combined with gendered power imbalances, makes them particularly vulnerable. Protecting their rights requires enforceable labor standards, access

to justice, and the recognition that domestic work is work—entitled to the same dignity and protections as any other form of employment. No worker should have to choose between survival and freedom.

Second, we must confront the issue of trafficking for forced criminality in the context of migration. Victims of trafficking are frequently compelled to engage in illegal activities—drug transport, petty theft, fraud, online cyber scamming compounds, where hundreds of thousands of victims are held in de facto detention —not by choice, but through coercion, deception, or violence.

Yet too often, trafficked persons are treated as perpetrators rather than victims. This failure not only deepens injustice but strengthens the very criminal networks we seek to dismantle. States must ensure that all relevant justice sector actors are equipped to identify indicators of trafficking and respond with referrals to assistance and protection, not punishment.

This brings us to the principle of non-punishment—a cornerstone of a human rights-based approach. Victims of trafficking must not be penalized for unlawful acts committed as a direct consequence of their exploitation. This principle is not an abstract ideal; it is a practical necessity. Without it, victims remain hidden, fearful of authorities, and unable to seek help. Implementing non-punishment provisions requires training for law enforcement, prosecutors, and judges, as well as clear legal safeguards that prioritize victim protection over prosecution, and that are sensitive to the gender-specific barriers victims face in accessing justice.

The GCM committed to strengthening safe reporting mechanisms for trafficked persons. However, too often trafficked persons are arbitrarily detained and punished, subject to deportation proceedings or criminal sanction, rather than receiving protection, access to justice and accountability.

Effective implementation of the non-punishment principle is essential to the right to a fair trial, to the rights of victims to recovery and protection, and to effective investigations ensuring accountability.

Excellencies, distinguished participants, we must also recognise that trafficked persons are among the many migrants and refugees who die or disappear each year on land and at sea in tragic situations that could be avoided.

We must ensure that the obligations of search and rescue, safe disembarkation, and protection against refoulement are ensured, and that persons in situations of distress are protected rather than subjected to further risks of trafficking and serious human rights violations. I recall the Pledge presented at the Global Refugee Forum on Protection at Sea and our joint statements on places of safety and search and rescue.

Finally, we must not overlook the rights of migrant and refugee children, who face compounded discrimination shaped by age, race, migration status and gender. Displacement, family separation, and lack of legal status expose them to trafficking, exploitation, and abuse. Girls may face heightened risks of trafficking for sexual exploitation and domestic work, child marriage, while boys may be more vulnerable to forced labour, recruitment into criminal activities or recruitment and use by armed groups in conflict situations. Many are denied access to education, healthcare, and protection systems. In protracted situations of displacement and in transit, children are targeted by trafficking networks and at great risk where child protection systems are weak.

Children are not migrants first—they are children first. Their best interests must guide every decision affecting them. This means ensuring safe migration pathways, access to guardianship, and child-rights sensitive age assessment procedures that recognize their rights, without discrimination.

Excellencies, distinguished delegates,

Our response to trafficking must be comprehensive, coordinated, and courageous. It must include stronger labor protections, safe migration channels, access to remedies, and survivor-centered support systems that are gender-responsive and disability inclusive. But above all, it must reaffirm a simple truth: every person, regardless of status, origin, or circumstance, is entitled to dignity, freedom, and justice.

Let us commit not only to ending trafficking, but to building systems that prevent exploitation before it begins. Let us listen to survivors, amplify their voices, and ensure that our policies reflect their rights, needs and lived experience of what is required to eradicate trafficking.

Excellencies, we must recognise that safe, regular expanded migration pathways, access to international protection including asylum, rights based family reunification, resettlement and complementary pathways to protection, prevent trafficking in persons by avoiding dangerous risky journeys.

Restrictions on migration and asylum do not combat trafficking or challenge trafficking networks, they increase the risks of trafficking and benefit criminal networks who exploit people in very vulnerable situations.

A human rights based response will eradicate trafficking in persons.

The measure of our success will not be in the number of prosecutions alone, but in the lives restored, the rights protected, and the futures reclaimed.

I call on you to:

- Ensure just and fair conditions of work for migrant workers and their families, including domestic workers, ending discriminatory exceptions for domestic work, properly resourcing labour inspectorates and the role of trade unions and workers' associations, ensure accountability for recruitment agencies / intermediaries implicated in trafficking in persons, and strengthening the prevention and protection roles of embassies and consulates;

- Eliminate tied visas, and ensure that bilateral migration agreements guarantee effective enforcement and measures for prevention of trafficking in high risk sectors such as domestic work and agriculture, fishing and construction, and hospitality;

- Ensure unconditional assistance to victims of trafficking, rights to residence, including pathways to long term residence and

citizenship, and effective access to justice including compensation;

- End immigration related detention of children, and ensure the best interests of all children and strengthened child protection protection systems along migration and forced displacement routes;

- Ensure that obligations of search and rescue at sea and safe disembarkation and protection against refoulement are effectively implemented in full compliance with international human rights law and law of the sea and without discrimination on grounds of nationality, race, gender or migration status;

- Ensure disability inclusion and rights of persons with disabilities in all anti-trafficking measures;

- Ensure effective enforcement of the non-punishment principle, including in relation to immigration related offences;

- Ensure implementation of the principle of non-refoulement, without exception or discrimination, and end externalisation measures that undermine our shared responsibility to protect the rights of refugees and lead to serious human rights violations.