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OSCE Human Dimension Implementation Meeting Warsaw, 11-22 September 2017

Working session 11: Humanitarian issues and other commitments: combating trafficking in human beings, refugees and displaced persons, persons at risk of displacement

Mr./Madam Chairperson, Excellencies, Ladies and Gentlemen,

I have the honour to speak in this working session on behalf of the European Union and its Member States.

Trafficking in human beings has been high on the OSCE agenda for the past several years and continues to affect the lives of countless women, men and children. This grave violation of their human rights continues to be a highly profitable business which erodes the administrative and legal order of the States concerned. It is the result of a serious form of organized crime explicitly prohibited by the EU Charter of Fundamental Rights as well as by the European Convention on Human Rights, as well as the United Nations Convention Against Transnational Organized Crime and the protocols hereto: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. Addressing this issue therefore means upholding fundamental rights. As Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, said: "It is morally and legally unacceptable and inexcusable that in the EU of the 21st century, there are human beings who are bought, sold and exploited like commodities. It is our personal, collective and legal duty to stop this."

The phenomenon of trafficking in human beings is regrettably a global one. The EU's legal framework in this regard is strong and forward-looking. This includes additional support for Western Balkan countries, Turkey and African countries and works towards the overall goal of the "EU Strategy towards the eradication of trafficking in human beings 2012-2016". A post-2016 policy framework is currently being developed.



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All EU Member States are party to the Council of Europe Convention on Action against Trafficking in Human Beings, which goes beyond the minimum standards in existing international instruments by strengthening the protection afforded to victims, notably by encompassing all forms of trafficking and numerous forms of exploitation linked to it, including sexual exploitation, forced labour, slavery or similar practices and the removal of organs. We welcome its entry into force in all EU Member States on 1 July 2017 and continue to fully support the work of the Convention's monitoring mechanism.

In December 2016 the European Commission adopted the Transposition Report of December 2016, which outlines the main areas where more progress is needed to implement the EU Anti-trafficking Directive 2011/36/EU. There remains significant room for improvement regarding specific child protection measures, presumption of childhood and child age assessment, the protection before and during criminal proceedings, access to unconditional assistance, compensation, non-punishment, assistance and support to the family member of a child victim as well as prevention. The EU will continue to work to address the findings of this assessment.

The "Comprehensive Policy Review of Anti-trafficking projects funded by the European Commission" published on 23 September 2016 outlined the results of 321 such projects, funded for a total of EUR 158.5 million during the period 2004-2015. These projects ran in over 100 countries worldwide and gave 221 different principal grant holders the opportunity to combat trafficking in human beings. It showed that over half of the projects funded (57%) were led by non-governmental organizations, meaning that civil society is critically empowered to take action against this practice.

The synergies created by the EU Civil Society Platform against trafficking in human beings should also be mentioned as a clear example of the EU's comprehensive approach towards this issue. The platform meets every two years and brings together over 100 civil society organizations working within the EU and its neighbouring priority countries. Their e-Platform also provides a collaborative space for future cooperation across borders. Similar



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initiatives could be rolled out across the OSCE region to empower civil society and to involve them as partners.

Mr. / Madam Chairperson,

The commitment of the OSCE and its participating States towards combatting trafficking in human beings is a solemn and cross-dimensional one. Today's challenges – conflicts, large movements of displacements, terrorism, mass atrocities, climate change – significantly increase the risk of human trafficking. It is positive that we work towards more analysis of this correlation between trafficking in human beings, migration and forced displacement.

We remain committed to a comprehensive approach to migration and to an effective control of external borders to stem and prevent illegal flows, whilst pursuing the reform of the Common European Asylum System and the full and non-discriminatory implementation of the EU-Turkey Statement in all its aspects and towards all Member States. We will continue to strengthen and make full use of the operational capacities of the European Border and Coast Guard and other agencies. The IOM and the UNHCR will remain important partners, including to facilitate voluntary returns and improve reception conditions. The disruption of the business models of human smugglers and traffickers also remains a key objective.

At the OSCE level we welcome the efforts undertaken for the implementation of the 2003 OSCE Action Plan and its 2013 Addendum. We also welcome the work undertaken by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ambassador Jarbussynova, whose innovative project “Combating Human Trafficking along Migration Routes” has been most appreciated. We fully support the further implementation of the 2016 Ministerial Council decision on the OSCE's role in the governance of large movements of migrants and refugees, more specifically on combatting crime. We also highly valued the meeting of the High-level Alliance against Trafficking in Persons Conference on 3-4 April, the CTHB/Chairmanship event “Preventing human trafficking for domestic servitude in diplomatic households” on 12 May and the thematic Joint Meeting of the Three Committees on 17 July on this issue.



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Still, we can and should do more. We therefore put forward the following recommendations:

- the focus of the OSCE should be directed towards addressing trafficking in human beings from a cross-dimensional perspective, with human-rights centred and gender-based approaches given the multifaceted nature of this crime and the diversity of profiles of the victims, with a special focus on child trafficking;
- The Office of the OSCE Special Representative on Combating Trafficking in Human Beings and participating States should enhance their focus on implementation of the 2003 Action Plan on Combating Trafficking in Human Beings and its 2013 addendum;
- the dialogue and cooperation with civil society should be promoted;
- the effectiveness of investigations and prosecutions of perpetrators should be improved, including a strengthening of police and judiciary cooperation against traffickers;
- we should furthermore work towards ensuring conceptual clarity, avoiding duplication of effort and promoting adherence to international standards, enshrined not least in the Palermo Protocols, which we encourage all participating States to sign, including its Protocol to prevent, suppress and punish trafficking in persons;
- the OSCE participating States should ensure gender-specific provision of specialized services to victims of trafficking that is proportionate to their needs, which are different according to the form of trafficking to which they have been subjected and, hence, gender specific;
- we should also create appropriate mechanisms for the early identification and protection of victims, including a child-centred approach for those victims which are not yet of age;
- as for internally displaced persons, we call upon the participating States to ensure the right of IDPs to a safe, dignified and voluntary return, as stipulated in the UN Guiding Principles on Internal Displacement.



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Regarding IDPs we remain committed to provide humanitarian aid and to tackle the root causes of their displacement. We regret the continuous increase of IDPs across the OSCE region, in particular during the crisis in and around Ukraine. It is unacceptable that serious violations of human rights and fundamental freedoms are committed in areas controlled by Russia-backed separatists in eastern Ukraine as well as on the Crimean Peninsula which was illegally annexed by the Russian Federation. We repeat our call for full, immediate and unfettered access for international human rights actors to the Crimean Peninsula.

The European Union is also concerned about the increased vulnerability of civilians living in – or affected by – protracted conflicts in the OSCE region. The circumstances generated by conflicts, such as in Ukraine that severely harms the exercise of fundamental rights, turn out to be a fertile soil for trafficking in human beings. This disproportionately affects women and girls, who make up 98% of victims of forced commercial sexual exploitation. As such, trafficking in human beings and sexual violence in conflict are intertwined, and should be addressed with consistency. Effective measures should be taken to discourage those from taking advantage of or using the services of the victims of human trafficking, as discussed in the 2016 European Commission study on the gender dimension of trafficking in human beings. Overall we call for more efficient awareness raising on the gender aspects of trafficking in human beings, involving civil society and other stakeholders.

Mr. / Madam Chairperson,

Let me conclude by repeating the EU's desire for the OSCE to act as a platform for elaborating a comprehensive OSCE response addressing the protection of the rights of internally displaced persons, as expressed in the 2016 Ministerial Council decision on the OSCE's role in the governance of large movements of migrants and refugees. We mustn't relinquish our efforts to keep trafficking against human beings high on our political agenda. Trafficking remains a serious challenge in the OSCE region, in spite of all efforts to combat it so far. We therefore need strong political will and commitment in order to tackle the different aspects of this issue. As we mentioned before, it is key to maintain a constant dialogue with civil society and partner countries alike to make sure that synergies are created. The European



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Union and its Member States will remain committed to pursue an effective response, involving close coordination and cooperation among all actors of society.

Thank you for your attention.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, as well as UKRAINE, the REPUBLIC OF MOLDOVA, GEORGIA and SAN MARINO align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.