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Special Representative and Co-ordinator for Combating Trafficking in Human Beings

**Speech of Dr. Maria Grazia Giammarinaro
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to

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Check Against Delivery!

Dear Chairperson of the Permanent Council,
Dear Ambassadors,
Ladies and Gentlemen,

I am honoured to address the Permanent Council for the first time in my capacity as OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings. I started my official duties earlier this year on 1 March. I am therefore now able to share and discuss with you some ideas which will be the drivers in implementing my mandate in the near future. I will build on the legacy of my predecessors Helga Konrad and Eva Biaudet, with a view to achieving further results.

But as a starting point, let me say that the evolving features of trafficking oblige us to re-consider from time to time evidence coming from intelligence, from investigation and from civil society organizations. This helps to refine our knowledge of the phenomenon and is fundamental to know what we are dealing with.

My assessment of the current situation leads to several important new perspectives. Today I will share with you two of the most pertinent, namely the need to change our perception of trafficking and the consequent challenges we face in terms of response. The latter I will examine in terms of policy implications in our three areas of action: protection of victims' rights, prosecution and prevention. I will also share with you some of the principal thematic priorities in which my Office is currently engaged.

Changing our perception of Trafficking in Human Beings

The obvious starting point to assessing the current situation and changing our perspective is to ask what is Trafficking in Human Beings nowadays. The response is simple: trafficking is modern-day slavery. But how do we perceive slavery? What is our perspective of slavery? Perhaps we are used to thinking that slavery is something belonging to the past. Since the idea of slavery is so contrary to our basic values, perhaps we tend to think that slavery is something exceptional, or something marginal, to be found only on the fringes of our societies. However, this idea does not reflect the reality.

Unfortunately slavery is a massive phenomenon and one which is increasing. The minimum ILO estimate indicates that approximately 500,000 people in both industrialized and so called transition countries have fallen victim to forced labour as a result of trafficking.¹ We should add to this number further cases of debt bondage in which victims are subjugated and exploited through subtle means, usually a combination of threats and economic constraints. Therefore one can make an informed guess that hundreds of thousands of additional cases should be counted as trafficking cases. Moreover, investigative information shows a growing trend of Trafficking in Human Beings. For example, in 2009 Europol reported that trafficking for labour exploitation is increasing, principally in the sectors of construction, drug production and organized begging. They further added that trafficking of children for both labour and sexual exploitation is growing.²

Consequently, Trafficking in Human Beings is not to be perceived as something marginal, limited to sexual exploitation or to profiles of certain victims only. On the contrary, it is a huge criminal phenomenon involving all types of victims and many forms of exploitation. And yes, it

¹ ILO estimates that globally 2,450,000 people are in forced labour as a result of trafficking.. ILO also indicates that this is the bare minimum owing to the restriction to credible sources and validated data items. as well as to a strict application of the forced labour definition. See ILO, *A global alliance against forced labour* (Geneva, 2005).

² Europol, *OCTA 2009 EU Organised Crime Threat Assessment* (2009), p. 21.

disproportionally affects children. Our goal is therefore, first and foremost, to eradicate slavery and the incredible human suffering which is attached to it.

A second important point in the assessment of the current situation is that trafficking is almost entirely a business of organized crime. Investigations carried out at national level have confirmed that Trafficking in Human Beings may involve different types of organized crime, ranging from highly structured international trafficking networks to loosely connected clusters of people. Together they form an extremely flexible and specialized trafficking network.³ We should not underestimate the criminal power of these loose networks, as these criminal clusters display a stronger capacity to adapt the modus operandi of each specialized cell to both the market and the institutional anti-trafficking response. Trafficking in Human Beings proves an extremely profitable business generating globally approximately 32 billion USD per year.⁴ These new features require more sophisticated and effective investigation techniques, aimed at identifying and dismantling all the nodes of the international network.

With such scales of profit, there is no doubt that traffickers have an enormous capacity not only to infiltrate the legal economy but also to bribe public officials and acquire political influence. Therefore, OSCE voice and policy should even more vigorously affirm that today Trafficking in Human Beings represents one of the most worrying transnational threats for security, stability and development of our countries, and we should use the opportunity provided by the Corfu Process to find new ways to advance our common efforts to combat this threat.

As we continue to assess the current situation, I would like to stress the importance of differentiating Trafficking in Human Beings from smuggling of migrants and other forms of irregular migration. How do we draw the distinction? Migrants often pay a fee to a facilitator in order to enter the destination country. The fee may be very high, but the relationship between the migrant and the facilitator ends after crossing the border. This is smuggling. However, if the migrant is sold or forced to work in degrading or inhuman conditions to pay back an insurmountable debt, this is trafficking.

Of course not all migrants are irregular, nor are all irregular migrants trafficked; but a significant number of them are trafficked. A recent example of this occurred in Italy just a few weeks ago. In the area of Rosarno (southern Italy) where a high number of North-African migrant workers were employed in agriculture, a successful investigation based on the report of nine workers who were granted assistance and residence permits led to the arrest of 31 people of different nationalities. The workers were found to be obliged to live and work in inhuman conditions. They lived in isolated and abandoned farms without water or electricity; they worked between 10 and 14 hours a day, and earned 22 Euro a day. However, the recruiters took from them 13 Euro a day, allegedly to pay for their accommodation. Therefore, each worker's salary did not go beyond survival. If they tried to react or escape, they were threatened with death or severely beaten. As a consequence of financial investigation, 20 factories and 200 fields were seized by law enforcement for a total amount of 10 million Euro.

Before outlining some of the new challenges that we face in terms of response, I would briefly like to reiterate that trafficking is modern-day slavery and a gross violation of human rights. It is a widespread criminal phenomenon and therefore a serious threat for security. The challenge for OSCE and the entire international community is to tackle all these aspects effectively and co-operatively.

³ OSCE-UN.GIFT, *Analyzing the Business Model of Trafficking in Human Beings to Better Prevent the Crime*, upcoming publication.

⁴ This estimate was made by ILO in 2005 and refers to the total of illegal profits produced in one year by trafficked people.

New challenges: larger scale anti-trafficking actions

In order to counteract such a crime, we must now consider the point at which we have arrived. It is undeniable that Trafficking in Human Beings is today recognized as an important issue by governments and Parliaments: national co-ordination mechanisms have been established, and legislation and action plans have been adopted in the majority of OSCE countries.

However, despite this recognition, the number of prosecutions remain modest. According to the US Trafficking in Persons Report, in 2008 a total global number of 5,212 trafficking prosecutions was recorded. We can assume that a large number of criminal proceedings are often carried out on the basis of an indictment for less serious or related crimes. Therefore the real number of investigations and prosecutions is probably higher. Nevertheless, the criminal justice response is clearly not comparable with the scale of the crime.

In my view, we are now at a turning point: the anti-trafficking legislation and machinery established over the last years should work effectively on a much larger scale.

What are the policy implications of this approach in protection of victims' rights, prosecution and prevention?

Protection of victims' rights

Before examining three issues for policy implication in the field of protection of victims' rights, I would like to underline that the OSCE is well known and respected internationally for its human rights approach. My mandate is rooted in this approach and this will continue shaping the efforts of my office.

Identification of trafficked persons is the first issue I wish to address. Given that trafficking occurs on a massive scale, we need to identify many more trafficked persons and strengthen the protection of their rights. In doing so our first duty is to empower them, to help them to recover and become self-sufficient and socially included, and to give them access to justice and remedies. This requires that systems and procedures for identification of trafficked persons and immediate referral to support services should be systematically established. These should be founded on close co-operation with civil society groups. Outreach work and capacity building is therefore necessary, not only for police, immigration authorities and personnel in detention centres for irregular migrants but also for labour inspectors, health professionals, social workers, child protection authorities, and pro bono lawyers, to name but a few.

A second issue concerns the social inclusion and empowerment of the trafficked persons, the ultimate goal of assistance programmes. This means providing the trafficked person with the necessary support and the opportunity to take back control of his or her life, and find viable and sustainable means of working and living. The story of Henriette is illustrative of this point. A fifteen year old Togolese girl, Henriette was brought to France with the promise of education. She was however deceived; her passport was taken away, and she was not allowed to go to school and forced instead to work without payment as a housemaid. She worked seven days a week and fifteen hours a day; she slept on a mattress on the floor; and she was only occasionally allowed to leave the house to attend church on Sundays. One day she managed to escape with the help of an NGO who assisted her to file a complaint against the family and enabled her to gain access to remedies for her

injustice. After several years of court proceedings, including the European Court of Human Rights, she received compensation. Henriette is now a French citizen. She has a family, works as an infant nurse in a hospital and pays taxes, and has written a book about her story.⁵

I call on participating States to prioritize the protection of children's rights. This is the third issue I wish to underline. We need the strong commitment of participating States to fulfil their child protection obligations and to secure a protective environment for every child on the territory of their State. When I say every child I am thinking also of unaccompanied, separated and asylum seeking children who escape from conflicts or from abusive environments and who are vulnerable to exploitation and trafficking. Dedicated policies and resources should be immediately allocated to guarantee the rights of these children to special protection measures and to prevent their abuse and exploitation. Child protection authorities should focus on securing the best interest of the child and a durable solution for his or her future. Therefore, no automatic procedure should be allowed concerning the decision of returning the child home. On the contrary, a risk assessment should be carried out on an individual basis, with the child's participation, and with the provision of independent legal advice to the child. This is essential to secure a best interest determination for the child.

Taking these three issues into account, we need to ensure that legislation and its implementation are fully in line with victims' protection best practice. In this regard, there have been notable efforts. The OSCE and in particular the ODIHR have been at the forefront in developing the concept of National Referral Mechanisms and promoting the protection of the rights of trafficked persons. We welcome the efforts of the CIS to implement the CIS Programme of Co-operation on Combating Trafficking in Human Beings including the adoption of the CIS Model Legislation, and await the elaboration of a new programme for 2011-2014. We also welcome the EU Directive proposal recently adopted by the European Commission, which includes not only penal provisions, but also provisions aimed at ensuring unconditional assistance to victims, protecting their rights in criminal proceedings and promoting prevention measures. We are hopeful that the EC Directive on residence permits for victims of trafficking will be revised with a human rights centred approach. This implies that residence permits should be granted not only on grounds of victims' co-operation with law enforcement authorities, but also on grounds relating to victims' personal conditions; such an approach also requires appropriate procedures aimed at ensuring social inclusion of trafficked persons. We continue to welcome the generosity of donors to improve NGO funding for victim assistance throughout the OSCE area.

Prosecution

A second policy implication relates to the area of prosecution. The issue here is raising the profile of investigation and prosecution, with a view to identifying and disrupting the entirety of networks that ultimately constitute a trafficking chain. According to the current investigation practice, in most cases the only indicted are the final exploiters, and the case is not acknowledged as a trafficking case but as a case of irregular migration. The consequence is that trafficked persons are treated as criminals and immediately deported. Very often victims of trafficking are those who bear negative consequences of immigration checks or police operations.

It is therefore imperative to employ on a regular basis more sophisticated investigative techniques. This requires a more trained and specialized police force at operational level, the use on a regular basis of financial investigation, the full involvement of law enforcement units and prosecutorial

⁵ H. Akofa, *Une esclave moderne* (Michel Lafon, 2000).

units specialized in organized crime cases, and the enhancement of international law enforcement and judicial co-operation, including the use of joint investigation teams. This also requires more effective victims-witness protection and legal support to victims in claiming their rights, especially the right to compensation.

I would like to point out that recently the use of a joint investigation team has led to successful investigation of a case of child trafficking from Romania to the UK, in which more than 150 children have been rescued from a criminal network that exploited these children mostly in begging and in criminal activities such as pick-pocketing. National authorities in both countries are now committed to identifying and implementing a durable solution for all the children concerned. We welcome and will follow closely these efforts, and hope they will represent a benchmark on the protection of child victims.

Prevention

The third policy implication relates to the field of prevention. Let me mention just two issues in this complex and challenging policy area: addressing root causes and raising awareness.

In terms of addressing root causes, we should better research and examine what is practical and achievable to tackle vulnerability factors such as discrimination and gender inequality and promote the rights of vulnerable groups, as well as to minimize the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking.

Awareness raising should aim to build something similar to the anti-slavery abolitionist movement. Intellectuals, opinion leaders, arts practitioners and cultural innovators, teachers and students, members of the general public; everyone should feel committed to the abolition of slavery. Many are already on board, and we are determined to work closely with them. But we note the challenge that lies ahead: this implies that we have to find out how to address targeted audience. In other words, we have to find the right language for everybody. I would like to underline the importance of this task. For example, the OSCE is well placed to address and bring together intellectuals from various countries, and once more I would like to call for your generous contribution to our efforts. We will develop various approaches to “real story telling” which is clearly needed; despite lengthy discussion and high rhetoric, the reality is that few people know what trafficking really is. But once you tell a story – a real story; once you hold the attention of an audience and share with them in their language the story of a real person in a real situation, then you engage and enable that audience to understand. Trafficking is about ordinary people, who look for a better life, but have fallen into a nightmare which destroys their hope, and very often affects their lives for ever.

Principal thematic priorities

Before closing, let me share with you some of the principal thematic priorities in which we are currently engaged. I can assure you that this work continues to capitalize on the legacy of my predecessors and on the excellent expertise of OSCE institutions, structures and field operations in the anti-trafficking field. Building on such OSCE’s expertise and on our comparative advantages, I am determined as ever to strengthen our effective internal co-ordination. Our collaboration with the OSCE executive structures and institutions is an ongoing process. You will be aware that we collaborate with the Office of the Secretary General and the structures within the Secretariat, including the Strategic Police Matters Unit (SPMU), the Office of the Coordinator for Economic and Environmental Activities (OCEEA), the Gender unit, the Action against Terrorism Unit (ATU), the Conflict Prevention Centre (CPC) and its Borders Unit. We also continue to strengthen working re-

lations with the ODIHR and the OSCE field operations. The goal is to further consolidate our cross-dimensional and cross-institutional responses to Trafficking in Human Beings as a transnational threat to security and stability in line with the Athens Ministerial Decision on Transnational Threats.⁶

Building on the series of *Alliance* conferences on trafficking for labour exploitation and the recent technical seminar on trafficking in agriculture, we are organizing a high level conference on domestic servitude to explore, also from a gender perspective, the actual functioning of an invisible but aggressive form of exploitation which takes place in households. The next step could be to examine more closely the construction sector, since there are clear indications from investigations and research that in this sector migrant workers – often young men or even children and teenagers – are employed in huge numbers and are often severely exploited.

Furthermore, as trafficking for sexual exploitation is one of the most violent forms of trafficking, this remains a widespread reality of deep concern to us. It implies violation of the body and the dignity of people forced into prostitution, and particularly affects women and girls. In some cases it is comparable, legally speaking, to torture and degrading treatment.

Child trafficking should be our pilot project, a priority and a laboratory to design and implement massive scale policy against trafficking as modern-day slavery, covering all the policy areas – protection of victims' rights, prosecution and prevention – and realized through committed and sustained partnership.

Strengthening international co-operation

It is time to reaffirm and strengthen the political commitment which has made the OSCE a respected actor worldwide, in the anti-trafficking struggle. We consider partnership with other international organizations crucial and in this sense the *Alliance against Trafficking in Persons* is a key strategic initiative promoted by the Special Representative. The *Alliance against Trafficking in Persons* is an informal and unique mechanism for permanent consultation between the major international actors; it has made it possible to co-ordinate action and join efforts, and has ultimately made our initiative more effective. We also welcome and contribute to all other forums for co-operation and partnerships, such as the UN Global Initiative to Fight Human Trafficking (UN.GIFT), and the Annual Anti-Trafficking meetings of the CIS structures.

While re-affirming the need to strengthen international co-operation, we are determined to develop our holistic and cross-dimensional approach, which shows clear added value in the international arena. The struggle against Trafficking in Human Beings cannot be reduced to one aspect alone, be it organized crime or migration. It also involves prevention. Above all, it implies a human rights dimension and requires that the point of view of the victim of such an horrendous crime be considered the first and most important concern.

This integrated approach, which is reflected in the OSCE Action Plan to Combat Trafficking in Human Beings, is our added value. In 2003, at the time of endorsing the Action Plan, the OSCE had a clear and early understanding and vision regarding the fact that the struggle against trafficking required the establishment of a high level and dedicated mechanism: the Special Representative. I am strongly convinced that Trafficking in Human Beings should become even more strategic within OSCE commitments, being an area in which security, human rights and democracy clearly enhance each other. I am confident that the Permanent Council will give a decisive contribution in this respect.

⁶ OSCE MC Decision No. 2/09 Further OSCE Efforts to Address Transnational Threats and Challenges to Security and Stability (Athens, 2 December 2009).

OSCE political commitment against Trafficking in Human Beings as a modern slavery and a threat for security

In conclusion, to address the new challenges of the fight against Trafficking in Human Beings a stronger political commitment is needed. I am grateful to the Kazakh Chairmanship for placing Trafficking in Human Beings high on the political agenda this year. In particular, child trafficking is a high priority of the Kazakh Chairmanship. We welcome this approach, and are ready to contribute to all the planned events aimed at raising the profile of the fight against this particularly heinous form of trafficking.

Starting with child trafficking, we are determined to embrace every opportunity to encourage and favour mobilization of civil society, institutions, the private sector, and schools and universities to eradicate Trafficking in Human Beings as modern-day slavery and a threat for security.

In line with the spirit of the Corfu Process, I believe it is the right time to advance the OSCE commitment at the highest political level.