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2012 HUMAN DIMENSION SEMINAR

**Rule of Law Framework for Combating Trafficking in
Human Beings**

Warsaw, Novotel Centrum
14-16 May 2012



**Closing Remarks by Douglas Wake,
Deputy Director of the OSCE Office for Democratic
Institutions and Human Rights (ODIHR)**

Warsaw, 16 May 2012

Excellencies,

Ladies and Gentlemen,

As we have now heard from our rapporteurs and those delegations wishing to offer final remarks, allow me also to offer a few closing reflections. I would first like to thank the rapporteurs for so comprehensively and accurately capturing our discussions over the last three days. I would also like to express my overall satisfaction with the intensity of the discussion and the high value of the contributions during this Seminar.

We have been able to discuss, in this Seminar, complex human rights issues in the context of combating trafficking in human beings. We have also been able to explore the rule of law framework and emphasize its vital role in preventing trafficking in human beings, prosecuting the perpetrators and protecting the victims. We also heard about the fundamental importance of the fourth 'P' – PARTNERSHIP - among the various state authorities, between state and civil society organizations in a country and between countries of origin and destination.

Over the last three days, participants raised and discussed a number of key questions, in an atmosphere of sincerity and openness. I will mention a few:

- What are the key elements of a rule of law and human rights framework necessary to effectively combat trafficking in human beings?

- How do States establish a robust legislative framework on combating human trafficking in compliance with human rights and internationally agreed standards?
- How can we make investigation and prosecution of human trafficking more effective, while fostering specialization of the investigatory and prosecutorial functions?
- What is the role of victims in the criminal justice process and how can it be strengthened to ensure victims do not face prosecution and punishment and can testify safely and effectively? How can other proceedings, such as civil or administrative, be used to protect victims' rights and as a source of justice and redress for the victims?
- How can States address the obstacles that victims face in claiming and receiving compensation?
- How is corruption related to human trafficking cases being addressed and how can States ensure the accountability of their officials in this context?
- How can effective rule of law contribute to the prevention of trafficking in human beings? And what more can be done to prevent trafficking through strengthening accountability and labour protection, improving migration policies, and addressing the causes of trafficking?

Ladies and Gentlemen,

As was confirmed during the seminar, strategies and policies to combat human trafficking will only be successful if they are governed by the principles of rule of law and centered on the protection of the rights of the victims. We have heard many examples of how States attempt to enhance their legislative framework and base it on human rights and a victim-centered approach. At the same time, many gaps have been identified by participants both in law and practice.

It was emphasized by the Seminar participants that the obligation to protect the rights of the victims, to investigate and prosecute with due diligence and to prevent human trafficking lies with the State. It is the States who need to develop and implement strategies and action plans to ensure that international standards are implemented. It was, however, emphasized how important the role of civil society organizations is in identifying and assisting victims to claim their rights. In this context our Office will continue to assist participating States in establishing National Referral Mechanisms (NRMs) where they do not already exist, which are inclusive and allow for effective co-operation between State authorities and civil society.

I would like to emphasize, as was mentioned by many speakers, that the rule of law and justice go beyond criminal justice. The current lack of victims' effective access to rights and justice, including legal assistance, representation, access to compensation and effective remedies, and immigration relief in many OSCE participating States does not reflect the human rights-based and victim-centered approach that the OSCE participating States have committed themselves to implement. Victim assistance and rights protection is not a favour, but an obligation of the State. Existing shortcomings

in law and practice related to victim protection need to be addressed without further delay. We also need to monitor the impact of anti-trafficking measures to ensure that they do not adversely affect established rights.

I would like to re-emphasize on behalf of our Office that we remain committed to assisting participating States and civil society actors in making the fight against human trafficking more effective. This includes our efforts to facilitate the establishment of an OSCE-wide network of lawyers assisting victims of trafficking to access justice and effective remedies, to support National Referral Mechanisms, and to make trafficked persons' return safe.

In closing, let me thank each and every participant for your contribution, which made this Seminar a vibrant and vigorous discussion. I emphasize the quality of discussions, which seemed to me particularly high, but I also need to say a word about statistics as well: this year's Human Dimension Seminar was attended by 142 participants, including 90 representatives of 41 participating States along with representatives of 5 OSCE Partners for Co-operation, civil society, other OSCE structures, and other international organizations. In comparison with the overall total of 142 participants this year, the corresponding totals for the Human Dimension Seminars in 2010 and 2011 were 166 and 235.

In this context I wish to extend special thanks to all the experts from capitals who contributed to this Seminar and to those delegations and OSCE field operations which made it possible for experts to take part. The participation of civil society representatives and victim support institutions in the Seminar enriched the discussion

and brought important perspectives to the issues at hand and we thank them for that. At the same time I must note with considerable regret that the overall number of participants traveling from capitals to participate in official delegations was also considerably lower at this year's Seminar than at Human Dimension Seminars in 2010 and 2011 (38 in 2012, as contrasted with 50 in 2010 and 62 in 2011), and that such experts attended from fewer than one-third of the participating States.

We are also grateful for the support of our colleagues from within the OSCE, including the Office of the Special Representative and Co-ordinator on Combating Trafficking in Human Beings and OSCE field operations, as well as our partners from the United Nations, the Council of Europe, the European Union, and the International Organization for Migration. I would like to thank in particular the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), the United Nations Interregional Crime and Justice Research Institute (UNICRI), the European Agency for the Management of Operational Cooperation at the External Borders of the Member States (FRONTEX), and the Office of the UN High Commissioner for Human Rights (OHCHR) for their co-operation with ODIHR and for their support.

I cannot conclude my remarks without expressing my great appreciation to all the colleagues who made this event possible despite rather challenging circumstances. I have in mind the fact that participating States only began to discuss the rule of law framework for combating trafficking in persons as a possible topic of this Seminar at a rather late date, and approved the agenda only on 19 April – leaving a mere 14 working days between the adoption of the agenda and the opening of the Seminar.

While this very short timeline may have contributed to the rather disappointing overall statistics that I have already cited for participation in the Seminar, I am particularly proud of the work done so efficiently and quickly by my colleagues from the Anti-Trafficking Unit of ODIHR's Human Rights Department as well as the Rule of Law Unit of our Democratization Department on the substantive preparation of the meeting. Similarly, I wish to pay tribute to the work done by all those ODIHR and other colleagues whose logistical support was essential for the smooth functioning of our seminar. Special thanks are due of course to our interpreters for ensuring that language barriers did not hinder the lively and informal dialogue among Seminar participants.

With these words I wish you a pleasant journey back home, and I declare that this 2012 OSCE Human Dimension Seminar is now closed.

Thank you!