



Organization for Security and Co-operation in Europe

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

REPORT

**Conference “The Public-Private Partnership in the Fight
Against Human Trafficking”**

**Moscow,
20-21 July 2017**

Disclaimer

The recommendations, statements and positions set out in the following summary have been drafted by the OSCE based on the ideas and suggestions raised during the conference. They do not necessarily reflect the position of each individual panellist or the position of their respective organizations, including the OSCE. The recommendations listed below were presented in and informed by the panel discussions. They do not indicate that each organization represented on the panels specifically endorses or supports each recommendation.

Introduction

The conference “*The Public-Private Partnership in the Fight Against Human Trafficking*” was organized by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) in close co-operation with the Ministry of Foreign Affairs of the Russian Federation on 20 and 21 July 2017 at the Moscow State Institute of International Relations.

The purpose of the conference was to:

- increase awareness on the importance of partnership between governments and the private sector in preventing and fighting all forms of trafficking in human beings (THB);
- establish networks and communities of practice in the OSCE area comprised of government experts, private sector representatives and other relevant stakeholders on the issue of combating THB;
- take stock of promising practices on how to address the gaps and challenges in policy and implementation in the OSCE area;
- raise awareness and provide recommendations to state authorities in the OSCE area, including on providing a regulatory framework that supports businesses to better prevent and combat THB.

The Conference was structured in five panels focusing on:

- understanding human trafficking in the private economy - forms, industries and sectors involved, latest trends and responsibility of the private sector;
- international and national norms and practices. The role and responsibility of governments to prevent and combat THB;
- private sector initiatives and practices addressing THB;
- “the way forward”. How governments and businesses could address the prevention of THB in a collaborative way - regulations and voluntary initiatives”
- “policy recommendations”.

The Conference served as a good platform for experts and officials from OSCE participating States to discuss relevant international frameworks and instruments, the incidence and magnitude of human trafficking in the private economy, the role of governments and the private sector, relevant OSCE projects and activities, approaches to the prevention of human trafficking in the private sector, building on existing experience and lessons learned in other countries around the world and finally, promising methods and measures to minimize the profits and risks of human trafficking, especially labour exploitation.

The Conference brought together around two hundred participants from 40 OSCE participating States and Partners for Co-operation, countries outside of the OSCE area. Participants also included representatives of numerous international organizations, non-governmental entities, the private sector, trade unions, academia and the media.

Welcoming Remarks & Introductory addresses

The welcoming remarks were delivered by **Anatoly Viktorov**, Director of the Department for Humanitarian Co-operation and Human Rights, Ministry of Foreign Affairs of the Russian Federation, **Tamara Shashkhina**, Director of the European Studies Institute, Moscow State Institute for International Relations (MGIMO), **Madina Jarbussynova**, Special Representative and Co-ordinator for Combating Trafficking in Human Beings, **Afshan Khan**, Regional Director CEE/CIS, UNICEF, **Kamran Fannizadeh**, Deputy Director, Governance and Tripartism Department, ILO and **Albert Druzhinin**, Director of the Department for Co-operation in Security and Counteracting New Challenges and Threats, CIS Executive Committee.



In his opening remarks, Anatoly Viktorov delivered a statement from Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation. Mr. Lavrov's message stated that human trafficking is a permanent focus of the global community and that connecting efforts undertaken by governments, international organizations, the private sector and civil society under the lead of the UN plays an increasingly important role in the current conditions of volatility in the global economy and increasing social instability. Mr.

Lavrov stated that effective solutions to the problem cannot be found without eliminating its root causes. He also indicated that the OSCE's efforts to prevent and combat human trafficking are welcome and that measures at the national level should be guided by the OSCE Action Plan from 2003 and 2013 Ministerial Council Decision No. 1107 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later.

Mr. Viktorov stressed that human trafficking can be tackled by the international community by addressing specific root causes such as poverty, social insecurity and inequality. Special attention needs to be paid to vulnerable categories of people, such as children, women and low-income families. Furthermore, refugees, migrants and especially unaccompanied migrant children are at risk of being trafficked in the current migration flows. Mr. Viktorov underlined that the main role in the fight against THB is played by state institutions, especially law enforcement and social services. At the same time, however, the role of the private sector cannot be neglected, given that a responsible approach from the business community in respecting human rights can also assist in combating human trafficking. Anatoly Viktorov commended Ambassador Jarbussynova for her efforts and expressed the willingness of the Russian authorities to further co-operate in this field.

Ambassador Madina Jarbussynova expressed her appreciation to the Russian Ministry of Foreign Affairs for co-organizing the conference and to the Moscow State Institute of International Relations for hosting the event. In her opening speech, the Special Representative underscored the role of OSCE commitments and other international documents (United Nations Global Plan of Action to Combat Trafficking in Persons, UN Guiding Principles on Business and Human Rights, UN Sustainable Development Goals, the UN Global Compact, the CIS Program of Co-operation to Combat THB) in encouraging public and private sectors to co-operate in combating THB. She briefly described the OSCE's past and current work in the field, in particular, the on-going project "*Prevention of Trafficking in Human Beings in Supply Chains through Government Practices and Measures*". This norm setting project has the goal of creating a level playing field by harmonizing jurisdictions across the OSCE region, thereby lessening the burden on business to adapt to differing laws and policies in various countries.

Furthermore, Madina Jarbussynova spoke about recent policy developments and examples of public private partnerships (PPP) in the field of preventing trafficking, such as Germany's Partnership for Sustainable Textiles, the Netherlands' Sustainable Garment Production and Textile Supply Chain and the Child Labour Due Diligence Law, the Ethical Trading Initiative in the United Kingdom, the Leadership Group for Responsible Recruitment (IHRB and IOM), the Electronic Industry Citizenship Coalition (EICC) and the Alliance 8.7. At the regional level she shared the good practice of the *Alliance against Trafficking in Persons*, an advocacy platform among United Nations and international, regional and non-governmental organization partners which was established immediately after the first OSCE Special Representative took office in 2004.



Finally, the Special Representative stated that her Office sees its work on preventing human trafficking as strategic, stressing the great impact on combating human trafficking which public-private partnerships can have in preventing child trafficking and sexual exploitation, ensuring fair recruitment practices and promoting transparency by private sector companies if correctly incentivized and enforced.

Afshan Khan, Regional Director for CEE/CIS and Special Co-ordinator for the Refugee and Migrant Crisis in Europe delivered opening remarks on behalf of UNICEF. Ms. Khan began her intervention by declaring that among today's victims of trafficking, many continue to be children. Though the phenomenon remains highly invisible, available data shows that children are the second most commonly detected group of trafficking victims globally after women, accounting for 28 % of the total in 2014. Today, many children are still deprived of a supportive and protective family environment due to socio-economic reasons. This lack of a protective family environment leaves children particularly vulnerable to risk of abuse or exploitation, including trafficking.

Ms Khan informed the audience that since 2015, almost 1.5 million people have reached Europe through the Mediterranean, 25% of whom were children. Likewise, in 2015 migrant smuggling to or within the European Union generated profits of between 4.7 and 5.7 billion

Euro. While not all smugglers are traffickers, Ms. Khan emphasised that smuggling can turn into human trafficking, with as many as 20% of smugglers having links to human trafficking networks.

According to Ms Khan, the United Nations Guiding Principles on Business and Human Rights represented a milestone in discussions on business and human rights in 2011. Nonetheless, further recognizing the need for stronger visibility of children’s rights, Save the Children, the United Nations Global Compact and UNICEF joined forces to develop the Children’s Rights and Business Principles, released in 2012. This was developed to give the private sector a clear idea of where and how their businesses may impact upon children, including regarding child labour and trafficking.

UNICEF is part of the Alliance 8.7 Action Group on global supply chains, which seeks to address private sector impact through global supply chains on child labour, forced labour, modern slavery and trafficking. As part of this initiative, UNICEF will be working with ILO and the Alliance 8.7 to develop guidance for business on these issues.

Ms. Khan noted that UNICEF is currently piloting an initiative encouraging business to focus on the interplay between local, community and global supply chains. Activities include:

- taking action inside workplaces with champion business (workplace programme);
- working with business and government to strengthen communities to better support poor working and farming families and develop community based approaches to risks in the deeper supply chain;
- convening industry and government to address systemic challenges driving vulnerability and risk for children and families and working with global brands to strengthen sourcing and procurement practices related to child rights, and mitigate risks of forced labour, trafficking and exploitation.

Kamran Fannizadeh, Deputy Director, Governance and Tripartism Department, International Labour Organization, delivered his opening remarks by presenting a number of ILO initiatives. First, Mr. Fannizadeh spoke about the 2014 Protocol to the Forced Labour Convention, which offers specific guidance on measures to prevent forced labour, provide victims with protection and ensure their access to justice and remedies, and that was already ratified by 17 countries.



The ILO is actively promoting Alliance 8.7 which is a multi-stakeholder initiative that brings together the governments, workers’ and employers’ organizations, UN agencies, regional organizations, the private sector, academia and civil society to work towards Target 8.7 of the 2030 Sustainable Development Goals. It aims to eradicate forced labour, modern slavery, human trafficking and child labour.

The next initiative mentioned by Mr Fannizadeh was the Global Business Network on Forced Labour and Human Trafficking, established in response to a request by the private sector. It facilitates the development of tools, testing interventions and sharing of information on how companies can prevent and mitigate the risk of forced labour and human trafficking in their operations and supply chains.

Another multi-stakeholder arrangement, built on public-private premises, is the Fair Recruitment Initiative which aims at preventing human trafficking and protecting workers, including migrant workers, from fraudulent practices during their recruitment. Several success stories of collaboration between the ILO and private sector were mentioned, such as the International Cocoa Initiative in Cote d'Ivoire, and the hazelnut production in Turkey. In Uzbekistan, the ILO supported the government and social partners to end child labour in cotton picking. ILO is also an active partner of a multi-stakeholder initiative to promote human rights in mega-sporting events, including ahead of the 2018 World Cup in Russia.

In conclusion, Mr Fannizadeh mentioned that ILO is looking forward to sharing its experiences, particularly of the IV Global Conference to Eradicate Child Labour held by the government of Argentina in November 2017, which will, inter alia, address forced labour, human trafficking and youth employment.

Albert Druzhinin, Director of the Department for Cooperation in Security and Counteracting New Challenges and Threats, CIS Executive Committee, stated in his opening remarks that the experience of the last year has confirmed that modern slavery cannot be effectively addressed without joint efforts between state institutions and the private sector (as also noted in the Resolution of the UN Security Council from 20 December 2016 focusing on trafficking in human beings in military conflicts).

Based on UN fundamental documents and decisions taken, the Commonwealth of Independent States is constantly trying to improve its legal framework in the fight against trafficking in human beings. The CIS also has positive practical experience in building public-private partnerships, including facilitating interaction between state authorities and NGOs who are playing an important role in combating human trafficking.



Mr Druzhinin concluded his opening speech by expressing his belief that the Conference will contribute to this year's appraisal of the implementation of the Global Plan of Action against Human

Trafficking adopted by the UN General Assembly and that the conclusions and recommendations of the Conference will have a practical impact and increase the effectiveness of our common work.

Ambassador Tichy-Fisslberger from the Austrian Federal Ministry for Europe, Integration and Foreign Affairs, Director General for Legal and Consular Affairs and Austrian Co-ordinator on Combating Human Trafficking, delivered the introductory address on behalf of the OSCE Chair-in-Office. She discussed the nexus between the costs of recruitment and the risk of exploitation, THB and migration, the increasing use of bitcoins, money laundering related to persons trafficked to other countries, and corruption. Ambassador Tichy-Fisslberger further mentioned that the existence of many intermediaries, for example, recruiting agencies and subcontracting companies, poses an additional risk for THB. Complex global supply chains with sometimes blurred trails often encompass respectable - and less respectable companies, with the latter providing infrastructure for exploitation.

Arguably, according to Ms. Tichy-Fisslberger, this is the most lucrative yet least risky form of THB.

Austria's efforts on promoting public-private partnerships were also discussed, including how the Austrian Chairmanship supports various OSCE endeavours such as the OSCE Extra budgetary project on "Prevention of THB in Supply Chains through Government Practices and Measures", the results of which would be presented on December 13 in Vienna. Further initiatives included a Conference on domestic servitude in diplomatic households held in May 2017.

Ambassador Tichy-Fisslberger referred to tackling the demand side and root causes of exploitation. She believed that more consumer responsibility is needed and that it is essential to make supply chains and money trails transparent to consumers. In this regard, she underlined that the OSCE is the right platform for regional dialogue, capacity building measures, awareness-raising, assisting countries and bringing together relevant stakeholders.

The power of public procurement was also addressed. In Austria, government bodies have to apply the principle of the best offer rather than the cheapest offer. New legislation will also introduce criminal sentences, including for persons who should have known about cases of exploitation and abuse, but instead turned a blind eye.

Ambassador Tichy-Fisslberger ended by noting that some industries are willing to co-operate in the fight against THB, including hotel chains, airlines, apparel and famous designers, but that there is a need for a greater mobilization of business in order to have an efficient collective action and impact. The work of the OSCE in this context is crucial. She noted that the European Commission is currently trying to build up a Business Coalition in the Fight against THB.

The next introductory speaker, Francesco D'Ovidio, Head of Innovation and Solutions team, ILO, began his introductory address by explaining the mission of Alliance 8.7, which is to assist all UN member states to fulfil their commitments to take immediate and effective measures to eradicate forced labour and end modern slavery and human trafficking by 2030 and to take immediate and effective measures to secure the prohibition and elimination of all forms of child labour, including recruitment and use of child soldiers, by 2025.

In his intervention, Mr D'Ovidio spoke about international instruments on forced labour, modern slavery, human trafficking and child labour and provided statistics on the number of people in forced labour, children involved in child labour, regional trends, economic sectors where exploitation is happening, and the number of countries criminalizing THB.

Speaking about global supply chains, Mr D'Ovidio mentioned that the ILO has taken action to ensure that economic development and decent work in global supply chains, including respect for international labour standards, go hand in hand, and that it recently created the ILO Global Business Network on Forced Labour and Human Trafficking.

The speaker provided in-depth information on several successful public-private partnerships, such as in the packing and recycling sector in Pakistan, the hazelnut sector in Turkey, and the cocoa sector in Cote d'Ivoire. Looking ahead, to provide coherence and build partnerships, he stated that it is important to engage business as a major player in tackling issues covered by Target 8.7. The Alliance 8.7 aims to provide a platform to align initiatives as well as to provide technical support and guidance to business.

The last introductory speaker, Rob Lederer, Executive Director of the Electronic Industry Citizenship Coalition, stated that tackling forced labour had become a top priority for the global electronics industry. Mr. Lederer highlighted the importance of establishing trust in the workplace among workers and managers, as well as among governments and civil society, so that businesses are compliant with their human rights obligations.

The EICC is the world's largest electronics coalition and has been at the forefront of addressing forced labour through the application of advanced due diligence standards, tools and programs in the global supply chains of its members. It is a convening and solution providing platform using different mechanisms to address exploitation of workers in supply chains, such as the EICC Code of Conduct, risk assessment, monitoring and corrective action planning tools. In addition, the EICC is managing different innovative programs to combat forced labour, such as the EICC Workplace of Choice, the supplemental VAP Forced Labor Audits for factories, and the Employment Agency Audit and Certification. Mr. Lederer stated that in order to accelerate change, due diligence must be harmonized across multiple industries that share recruitment supply chains to drive labour market transformation through collective action. To catalyze this, he shared that the EICC is launching the Responsible Labor Initiative, a multi-industry, multi-stakeholder initiative focused on ensuring that the rights of workers vulnerable to forced labour in global supply chains are consistently respected and promoted.

The EICC End-to-End Framework for Responsible Labor Practices focuses on the entire worker journey: pre-recruitment phase, ethical recruitment and fair hiring and workplace of choice. The EICC recommendations on fighting THB in supply chains are focusing on three main pillars: partnership between the government, industry, NGOs and investors; involvement of all sectors of the industry and harmonization by building on existing best practices; and focusing on outcomes and not processes. He stated that their vision is that the rights and dignity of workers vulnerable to forced labour in global supply chains are consistently respected and promoted through responsible recruitment and employment practices.

Panel 1: Understanding human trafficking in the private economy - forms, industries and sectors involved, latest trends and responsibility of the private sector

This panel was moderated by **Ruth Freedom Pojman**, Senior Adviser, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, OSCE. Speakers included **Ilias Chatsis**, Chief, Human Trafficking and Migrant Smuggling Section, Organized Crime and Illicit Trafficking Branch, UNODC, **Petya Nestorova**, Executive Secretary, Secretariat of the Council of Europe Convention against Trafficking in Human Beings, Council of Europe, **Marina Manke**, Labour Mobility and Human Development Head, Moscow Office, International Organization for Migration, **Vineta Polatside**, Head of the Task Force against Trafficking in Human Beings Unit, Council of the Baltic Sea States, **Natalia Gonchar**, Head of Social Performance, Sakhalin Energy and **Igor Pavlov**, Chair, Confederation of Labour & Seafarers' Union, Russia. **Mark Heath**, Deputy Director of Business Change, Gangmasters and Labour Abuse Authority, U.K. was the rapporteur of Panel 1.

Panellists expressed their concern about the increase in the number of cases of trafficking for all forms of trafficking and discussed a range of measures to discourage demand for services of trafficked persons. They presented existing binding obligations already in place, and spoke of the need for governments to continue to step up the implementation of existing international and regional conventions, protocols and standards. For example, article 10 of the UNTOC establishes the liability of legal persons for their participation in serious crimes and whether they will be subject to criminal or non-criminal, including monetary, sanctions. Speakers agreed that the effectiveness of measures to combat THB requires public private partnerships, combined labour inspections and law enforcement powers, international data collection and information exchange, workers' awareness of their rights, and practical support by industry to ensure ethical standards, including by the companies they use as suppliers.



The experts stated that a multi-disciplinary approach was the only viable way to have a truly comprehensive response to modern slavery. In the case of human trafficking for the purpose of labour exploitation, they noted that it requires reaching out to other actors, beyond the “usual” stakeholders (law enforcement agencies and specialised NGOs) such as labour inspectors, trade unions, employers’ associations, and the private sector. The role of local actors/authorities was also discussed, especially in mapping instances of exploitation and detecting populations at risk at the local level, as well as raising general awareness.

Trafficking in human beings is usually committed by private individuals or legal entities. However, in the area of human rights protection, there is acceptance that even in cases where responsibility for the initial act does not fall on the state, a state can incur international responsibility for a private act when it fails to prevent, respond to, or remedy abuses committed by private persons or entities. The standard of “due diligence” is an accepted benchmark against which state action to prevent violations originating in the acts of third parties are to be judged, in accordance with the UN Guiding Principles on Business and Human Rights (UNGPs). Governments must work closely with the private sector, in line with the UNGPs, and require businesses to report publicly on measures to reduce human trafficking and forced labour in their supply chains, and conduct a comprehensive human rights-led revision of the their own public procurement practices.

Recent court cases sentencing employers for criminal activities, and taking States to task for failing to fulfil their duties to protect trafficked persons against human rights abuses by employers, have been assessed as a positive step in the fight against human trafficking. In particular, there are judgments of the European Court of Human Rights (ECHR), which concern the state’s accountability for failure to protect individuals from adverse human rights impacts resulting from the activities of companies. For example, in March 2017, the ECHR, ruled in a landmark judgment that not only was the case of Chowdury and Others v. Greece, one of human trafficking and forced labour by the employers, but that the state had “failed in its obligations” to prevent human trafficking, to protect its victims, and to investigate and punish those responsible for trafficking. The case was brought to the court by a group of 42 Bangladeshi men who had been shot at by armed guards when they demanded

payment for their work at a strawberry farm in Manolada, Southern Greece. The court awarded the trafficked workers €576,000.

The panel speakers generally agreed that many challenges exist in combating THB, including for labour exploitation, such as lack of clear legal definitions, victims' reluctance to report trafficking cases, absence of regulation, and limited capacities of states to tackle THB on their own. Social exclusion, debt bondage, recruitment abuses, linguistic and cultural barriers and lack of access to remedy are additional vulnerabilities, especially in the case of migrant workers, who are at risk of becoming victims of THB for labour exploitation. Due to the changes in the labour market, increased competition and restructuring of work, which is pressing down prices, private businesses rely more and more on low skilled and low paid workers and migrant workers, particularly in labour-intensive sectors, such as the cleaning and restaurant industries, where labour forms a large part of the overall costs.

Under these circumstances, engaging the private sector and civil society to ensure maximum efficiency in order to stamp out this scourge is of high importance. However, there has only been limited success in attracting the private sector to act. One risk with voluntary measures, such as codes of conduct, which have a part to play and are the usual approach, is that some participating businesses would be more interested in the positive publicity for their brand, avoiding reputational risk associated with human rights abuses, and less interested in the genuine improvement of labour rights and workers safety. Being ethical and doing the right thing is more than signing a paper. Curbing abusive practices within companies' supply chains presents a tougher task, especially when suppliers beyond the first tier, multiply into hundreds if not thousands of smaller firms.

Panel experts argued that the business case for ethical recruitment must be developed, in order to further attract the interest of the private sector in fighting THB for labour exploitation. Such a business case should put an accent on competency based hiring, increased employee retention, increased productivity, elimination of risks of unethical recruitment, compliance with national law, and leadership in corporate responsibility. At the same time, some speakers underlined that the private sector does not want to engage in the conversation only about the risks, but would like to explore opportunities as well. A specific language needs to be used when communicating with the private sector. Business incentives are key to strengthen the dialogue with the private sector.

Existing promising governmental practices, platforms, and practical tools were discussed during the panel. The UK's Modern Slavery Act and Gangmasters and Labour Abuse Authority, France's Due Diligence Law, and Denmark's guidance for companies and employers on managing the risk of hidden forced labour, were mentioned as forward looking policies with potential positive impact.

The Baltic Sea Labour Forum (BSLF) is a successful platform where public-private bodies work together to create sustainable and exploitation free regional labour markets within the Baltic Sea Region. The newly initiated Baltic Leadership Programme (BLP) is among the recent activities in the framework of the BSLF. This programme promotes and improves co-operation in the field of labour mobility - to handle problems that people face while moving for work in another country.

On the practical side, the IOM's International Recruitment Integrity System (IRIS) was described as a useful tool which promotes ethical recruitment based on international standards, provides due diligence tool for employers, recruiters and migrants, and brings transparency to the labour supply chain. Other positive practices include UNODC's



“Assessment Toolkit: Trafficking in Persons for the Purpose of Organ Removal”, the “Case Law Database”, framework on “Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings” (in co-operation with the OSCE) and work on “The Role of Recruitment Fees and Abusive and Fraudulent Recruitment Practices of Recruitment Agencies in Trafficking in Persons”.

The speakers discussed the crucial role played by the UN Guiding Principles on

Business and Human Rights (UNGPs), including in the Russian Federation. The UNGPs served as the basis for the development of other important documents, such as the “Oil and Gas Sector Guide on Implementing the UN Guiding Principles”. In Russia, Sakhalin Energy became Russia’s first company to adopt a corporate human rights policy based on the Guiding Principles as well as Russian national human rights legislation, and this policy was adopted at the top management level.

The speaker from Sakhalin Energy, a leading Russian company on issues related to business and human rights, mentioned the following elements which are important to be addressed by companies: human rights risk assessment and impact management, establishing effective grievance mechanisms, and implementing appropriate standards throughout the entire supply chain, including contractors, vendors and other business partners.

Human trafficking on sea vessels was another topic discussed during the panel. The risk of exploitation and workers’ abuse on sea vessels is considerably higher because vessels are bound to the legislation of the country where they were registered. Nowadays, the majority of sea vessels in the world are registered under the so-called “convenient flag”, that is to say under the flag of a country with convenient tax legislation. Some of the countries with convenient flags are: Vanuatu, Belize, the Bahamas, Bolivia, Cambodia, the Cayman Islands, Liberia, Mongolia, and Panama, where the anti-trafficking legislation and institutions are not considered the strongest. In addition, crew members on sea vessels are isolated most of the time and there is a high degree of dependency between crew members and vessel owners and captains. Statistics show that there is a higher probability of unpaid wages on a vessel using the “convenient flag” than on vessels using the flag of the Russian Federation for example, because the Russian Federation legislation provides better protection to workers and the regulations’ enforcement is considerably stronger.

The efficient co-operation between state authorities and the private sea transportation industry led to the considerable decrease of Somalian pirate attacks on sea vessels. This co-operation had a positive impact on decreasing the numbers of human trafficking victims as people held hostage on vessels were exploited and trafficked by criminals.

The role of unions in preventing exploitation and trafficking of the labour force was also discussed during the panel. Some speakers noted that conditions have to be created to allow workers to form trade unions, allow trade unions to have the right to collective bargaining, and reduce requirements for holding strikes. He stated that the development and

strengthening of trade unions, is a critical means to prevent slave labour, as trade unions are capable to protect and represent the interest of contracted workers.

Recommendations:

- ✓ Ratify and apply the conventions, instruments, and protocols which already exist, then apply them to a regional context where specific models can be applied and monitored;
- ✓ Acknowledge that human trafficking is an issue and promote research to have a better understanding of its magnitude and repercussions;
- ✓ Promote public knowledge of goods and services that are obtained and/or produced in an exploitative manner, to help people to understand the consequences of the demand for commercial sex and exploitative labour;
- ✓ Build political will to secure critical support for these measures at the highest levels for enacting, implementing and enforcing government measures;
- ✓ Undertake measures to promote business respect for human rights, through legislation, regulation, enforcement, procurement, requiring businesses to report on their due diligence procedures, and engaging with businesses to raise awareness of the problems and reward good practice;
- ✓ Ensure clarity within the legal definitions and consider regulations to support private sector initiatives;
- ✓ States should review their own procurement practices, to do due diligence to ensure ethical sourcing, and avoid using taxpayer funds for products or services which may have been produced by trafficked persons;
- ✓ Work with international organizations such as the OSCE, UNODC, Council of Europe, CBSS and their tools, such as IOM's the IRIS program;
- ✓ Co-ordinate different stages of the recruitment process of labour migrants between source, transit and destination countries, and protect the rights of migrant workers;
- ✓ Replace the worker pays model with the employer pays model, recognizing the link between abusive migrant labour recruitment leading to human trafficking, so that the movement of people does not provide unintended opportunities to exploiters;
- ✓ Develop a business case, promoting the benefits of compliance, with examples where private sector initiatives have worked to reduce the risk to and improve the treatment of workers;
- ✓ Involve the private sector in solutions, and complement self-regulation with public oversight, as self regulation cannot stand alone;
- ✓ Businesses should conduct risk assessments, develop risk management tools for their enterprises and subcontractors, and introduce effective measures for tackling complaints;
- ✓ There is no need to reinvent the wheel. Partnerships do work.

Panel 2: International and national norms and practices. The government role and responsibility to prevent and combat THB

This panel was moderated by *Gulnara Shahinian*, former UN Special Rapporteur on Contemporary Forms of Slavery. Speakers included *Corrine Dettmeijer-Vermeulen*, Dutch Rapporteur on Trafficking in Human Beings and Sexual Violence Against Children, the Netherlands, *Heracles Moskoff*, National Rapporteur on Trafficking in Human Beings, Ministry of Foreign Affairs, Greece, *Mark Heath*, Deputy Director of Business Change, Gangmasters and Labour Abuse Authority, U.K., *Dmitriy Tsayun*, Head of the Department for Combating Interstate Human Trafficking, Belarus, *Pauline Soubie-Ninet*, Charge de

Mission, Interdepartmental Unit on Combating Violence against Women and Fighting against Trafficking in Human Beings, State Secretariat on gender equality, Prime Minister, France and *Sergey Melikhov*, Chair of Criminalistics Department of the St. Petersburg Academy of the Investigative Committee of the Russian Federation, Candidate of Legal Sciences, Lieutenant Colonel of Justice. *Petya Nesterova*, Executive Secretary, from the Council of Europe was the rapporteur of Panel 2.

The key message of the panel was that the public and private sectors need to collaborate to ensure an effective approach to tackling human trafficking, as partnerships do work and enable barriers (perceived or otherwise) to be broken down.

The panel acknowledged that the private sector plays an increasing role globally, regionally and at the national level. Some corporations can be as powerful as countries, and the annual revenue of large corporations can be equal to the GDP of developed countries. At the same time, with any companies' powerful position comes great responsibility and as such they have to acknowledge their role in protecting and promoting human rights. The language used in describing companies' social role was also discussed. It was advised that we should not see Corporate Social Responsibility (CSR) as a side activity of companies but as a part of their daily business.



It was recognized that a tailor made approach is needed to successfully design and implement public-private partnerships to fight human trafficking, based on a common understanding of the problem, degree of trust, common expectations of each other's role, autonomy and goals. These principles can be regarded as predictors of successful co-operation between companies and governments.

Panel speakers discussed existing difficulties in the effective prevention of THB. Some speakers noted that the financial crisis compounded the already complex issue of human trafficking, and the need for new solutions. Another barrier in prevention of THB is the general perception that human trafficking can happen only in poor, developing countries and not in developed ones. Also, although THB is considered to be the third most lucrative criminal enterprise globally, there is not adequate recognition of human trafficking as a profitable economic activity. Some speakers mentioned that it is well known that human trafficking is a major issue but no one is brave enough to admit it and to have an honest conversation about addressing it.

Getting traction with the private sector is also very difficult because of the reluctance to associate human trafficking cases with companies' brands. According to the panel experts, the lack of sharing of information between auditing services and law enforcement prevents identification of human trafficking cases. Because of confidentiality clauses, auditing services, which inspect businesses supply chains, cannot report human trafficking cases to law enforcement, but have to submit this information to the companies which ordered the audits. These companies are reluctant to forward information to law enforcement in order to avoid bad publicity, thus valuable information on identity trafficking and exploitation is lost. Auditing experts also lack training on interviewing techniques and co-operation from management is required to allow auditors to better interact with workers. Another difficulty

faced by auditing experts is the lack of training on interviewing techniques as well as difficulties in working with management to allow auditors to better interact with workers.

Financial resources, capacities, organizational and legal challenges in sharing information are additional constraints to building PPPs. There is a need to have a sensible conversation on this issue, an honest engagement from all stakeholders is needed and companies should not hide behind a corporate responsibility veil and be frightened to have an open and honest engagement.

Existing challenges in the field of prevention of THB call for new approaches, such as “thinking outside the box” and innovative public-private partnerships. Similarly it is important to increase the “national ownership” of carrying out best practices. The example of the Dutch National Rapporteur was given as a blueprint for monitoring the effectiveness of anti-trafficking efforts.

The role of procurement was also discussed during the panel. Speakers acknowledged that rarely did procurement and CRS departments within companies talk to each other. There is a need for dialogue between procurement and social corporate responsibility experts to ensure that the cost side of the business does not override the treatment of workers.

Panellists concluded that it is extremely important to understand the economic aspects of human trafficking for labour exploitation. Unethical recruitment generates unfair competition, which prompts businesses that engage in anti-trafficking efforts to ensure that other companies in the same industry follow the same rules and standards in order to create a level playing field. It should also be asserted that criminal networks are infiltrating corporate supply chains more and more by supplying labour and countries need to address this increasing trend.

Speakers underlined that co-operation with the business community was key, highlighting that without the involvement of the private sector, governments fall short, especially as regards preventing human trafficking in the workplace and supply chains. Some panellists argued in favour of a paradigm shift in public-private partnerships, moving from the “separation paradigm” where public and private spheres are separated and public institutions are primarily responsible for solving societal problems towards a “coalition paradigm” in which the public and the private spheres work together to achieve mutually established goals with a view to making progress against human trafficking. The co-operation has to be two-way, government agencies, such as law enforcement, can guide, support and assist in understanding the issues and identifying where the risk can be in the supply chains, and the business sector can also contribute by flagging issues in their business processes.

Concrete examples of promising public-private partnerships were discussed during the panel. In Greece for example, the authorities engage with agricultural products retailers to raise awareness of forced labour and businesses are involved in the annual “Break the Chain” Festival which is a large-scale annual preventive event held on the occasion of the European Anti-Trafficking Day. In addition, Greek authorities are working with hospitals to engage them in anti-trafficking efforts.

In France, a partnership agreement was concluded between professional organizations, trade unions and consular chambers in order to sensitize the business community on the consequences of the use of forced labour or the employment of victims of THB. It mainly consists of implementing awareness-raising measures (posters, leaflets) with businesses,

producing materials to train employees and employers, and reaffirming the commitment of the state and the business community in the prevention and the fight against THB.

In the Netherlands, an efficient partnership has been established between the ABN AMRO Bank, the Dutch Prosecution Service, and the Labour Inspectorate to fight human trafficking. Based on this project, parties share information on relevant THB cases. Another two initiatives in the Netherlands are the agreement on “Sustainable Garment Production and Textile Sector” regulating the garment and textile supply chain, and the “Child Labour Due Diligence” Bill.

In the UK, the GLA mandate was extended and updated and the new institution, the Gangmasters Labour Abuse Authority (GLAA) will focus not only on licensing agencies providing labour force to the agriculture and horticulture industries but across all industries. The GLAA has recently engaged in a public-private partnership with the University of Nottingham and will train people involved in contract management, auditing, and supervision of workers to understand what the issues of labour exploitation are and, more importantly, to provide insights and guidance on effective interviewing techniques. Another promising partnership from the UK is the “Stronger Together” initiative.

The panel discussed new legal initiatives in this field, such as the French due diligence law adopted by the Parliament in February 2017. Its goal is to give greater responsibility to large firms in order to avoid human rights and environmental violations in France and abroad. It requires firms to assess and mitigate human rights infringements and environmental risks associated with their activities and those of the whole supply chain, through the establishment of a “vigilance plan”. It aims at promoting Decent Work, and, as a consequence, punishing all forms of trafficking for labour purposes and child labour. This law was introduced in reaction to the Rana Plaza disaster, in which a building containing several textile factories collapsed in Bangladesh. This accident resulted in the death of 1,138 people. It has been demonstrated that those factories were subcontractors of many western brands, notably French businesses.

In addition, in France the “National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights” was adopted in April 2017. This plan was drawn up by the inter-ministerial working group lead by the French Ambassador in charge of Social Corporate responsibility, based on the orientations of the CNCDH and the CSR platform. The Action Plan reflects several commitments of the state, such as monitoring the implementation of the law on the duty of vigilance of companies; strengthening vigilance, particularly in sectors and countries at risk in the field of human rights; raising awareness within French companies on their obligations in the exercise of the duty of care on mineral supply chains, on the basis of relevant regulatory initiatives (e.g., European Mining Conflict Regulation...), and strengthening the training of employees on human rights and business issues.

In addition to national practices, speakers discussed other policy initiative such as the Athens Ethical Principles, which subject companies to a higher standard of Corporate Social Responsibility, and the Luxor Protocol, which stresses the importance of guidelines that ease the implementation of the private-public partnerships. The European Business Coalition is exploring the possibility of launching a formal PPP that is closely aligned with the objectives of the EU Commission.

Discussions also focused on the shortage of organs for transplantation in the Russian



Federation and the related risks of human trafficking for organ removal. Speakers referred to the need for more information and education in the field of organ transplantation, stressing the role of the media, the importance of supporting organ donors, and the need to adopt legislation which prohibits paying for organ transplantations, as measures to prevent trafficking for the purpose of organ removal.

The importance of voluntary codes of conduct was discussed by some panellists. Although self-regulation without government oversight was not deemed to be enough to prevent trafficking, as company codes and other policies are not mandatory and enforceable, it was acknowledged that they are a positive step and that they can generate a debate on the role of business in respecting human rights.

Recommendations

- ✓ States should consider adopting dedicated anti-trafficking legislation covering different aspects of the fight against human trafficking (criminalisation, rights of victims, reporting requirements for companies...) as a good practice. Alternatively, states should mainstream anti-trafficking action into relevant legislation, including labour law and migration law;
- ✓ Enact legislation to hold companies liable for human trafficking. The possibility of criminal liability for a company is provided in many jurisdictions, including for crimes which constitute gross human rights violations, such as THB. The legal systems of most countries also provide for civil liability for businesses;
- ✓ Put in place effective policies and programmes to prevent trafficking in human beings and to adopt legislative, administrative, educational, social or other measures to discourage demand for the services of victims of trafficking, as one of the root causes of trafficking in human beings. Measures to discourage demand should target all forms of exploitation and not just the sex industry;
- ✓ Enact effective regulation of certain labour market segments (e.g. labour-intensive industries, such as agriculture, construction and low-skilled manufacturing) as absence of regulation is one of the factors that help to create an environment in which it is possible and profitable to use trafficked people. The GLAA (UK) is a good example of regulating businesses through licensing;
- ✓ Improve the enforcement of existing laws. The enforcement of corporate liability legislation in human trafficking cases is crucial for sending a signal that this crime will not be tolerated and can also have a preventive effect;
- ✓ States need to ensure that labour inspectorates are properly resourced and that regular and unannounced labour inspections take place, targeted at sectors which show a high potential for human trafficking;
- ✓ States need to conduct a comprehensive human rights-led revision of their own procurement practices and should require businesses which do business with the state (public procurement, state-owned enterprises, disbursement of overseas development assistance) to conduct human rights due diligence as part of their relationships with state bodies, e.g. by requiring government agencies to work with corporations to ensure their supply chains are free of materials produced with trafficked labour and that businesses (e.g. hospitality and entertainment industries) do not contribute to trafficking for the purpose of sexual exploitation;
- ✓ States need to take measures to ensure that due diligence extends throughout corporate groups, and prevent businesses from shunning responsibility through the outsourcing of potentially harmful activities to others;

- ✓ States must work closely with the private sector, in line with the Guiding Principles on Business and Human Rights, and require businesses to report publicly on measures to reduce human trafficking or forced labour in their supply chains. The new legislation adopted in the UK and France can serve as examples;
- ✓ States should adopt National Action Plans on Human Rights and Business;
- ✓ Governments, international organisations, NGOs and other civil society actors must work together to increase private sector awareness about human trafficking and promote increased dialogue between industries and government;
- ✓ Information about the effects of human trafficking, the potential weak links in supply chains, the risks associated with being involved in human trafficking, and the opportunities for the private sector to make a successful and sustainable impact, need to be communicated effectively through training and education programmes for employers and employees;
- ✓ Governments should provide incentives for corporations to participate in anti-trafficking efforts and to act with due diligence to prevent abuse and exploitation of workers, to recognize ethical business. Possible incentives include positive recognition and financial benefits, such as tax incentives;
- ✓ The private sector should be encouraged to self-regulate by developing codes of conduct with ethical standards and to enhance supply chain management and security.

Panel 3: Private sector initiatives and practices addressing THB

This panel was moderated by **John Morrison**, Chief Executive, Institute for Human Rights and Business. Speakers included **Dorothy Rozga**, Executive Director, ECPAT International, **Didier Bergeret**, Director, Social Sustainability and GSCP, Consumer Goods Forum, **Greg Asbed**, Co-founder, Fair Food Program, **Elaine McKay**, Social Programs Director, Japan Tobacco International, **Irina Zhukova**, Director on Sustainability and Corporate programs, Philip Morris Sales and Marketing, and **Chris Stott**, Senior Associate, Clifford Chance. **Bob Mitchell**, Vice-President of Social & Environmental Responsibility, EICC was the rapporteur of Panel 3.

Panel speakers agreed that private sector companies no longer view the fight against trafficking and exploitation only as moral and human rights issues but also are starting to consider it as a business issue. This is partly because they are first to be criticized when exploitation and trafficking are found in their supply chains, thus jeopardizing their reputation. Because of this reputational risk, companies are being more pro-active in working to prevent and eliminate human trafficking and exploitation from their supply chains rather than reactive.



It is important that the private sector sees the advantages in addressing THB throughout its operations. Predicting and pre-emptively addressing risks enables businesses to avoid some difficulties altogether and to address those which do arise with as little disruption as possible. Companies need strong human capital and investment in a stable and motivated workforce pays dividends. It is expensive and disruptive to have to

replace staff as a result of bad recruitment practices. Corporate and financial institutions should leverage their compliance with obligations to do the right thing, which is now increasingly understood to bring substantial commercial advantages for them, especially over time.

Taking action in preventing THB, and being seen to do so, can enhance brand value and company reputation amongst customers, investors, partners, suppliers and employees – reputations take decades to accumulate and hours to lose. Early preparation provides an opportunity to identify and deal with risks and to make a virtue of steps taken to achieve compliance, and to go beyond compliance.

Some experts spoke about the growing interests from shareholders in ethical issues. Shareholders are more active than ever and it is extremely important to be seen to be doing the right thing and protecting investments by taking a clear stance on ethical issues such as THB. In the UK for example, this interest was probably accelerated by the adoption of the UK Modern Slavery Act, which requires top-level commitment, as the mandatory transparency statements need to be signed by the CEO/company board.

A key point was that while there are many existing public-private partnerships, a veritable “thousand flowers blooming”, there needs to be an alignment on the impact and output of these partnerships to continue private involvement and public legitimacy. Furthermore, the issue of governance and accountability was acknowledged as unfinished business, until the differences between public and private interests are resolved.

The panel speakers discussed how the legal framework affecting private sector operations in the human rights context is growing and more and more countries are focusing on leveraging both public and private sector power to fight human trafficking and labour exploitation. In early 2016, the US Trade Facilitation and Trade Enforcement Act made it illegal to import goods made with forced labour into the USA. The UK Modern Slavery Act required companies with revenues greater than £36 million to begin publishing annual statements on the steps they are taking to tackle forced labour issues. Sweden calls on suppliers to respect human rights and introduced incentives/penalties for compliance. Denmark requires suppliers to conduct Human Rights due diligence. In France, certain companies must prepare and publish a plan to tackle serious environmental and human rights impacts in their operations and supply chains. The European Union (28 nations) requires companies with 500+ employees to disclose non-financial information.

Priority topics for the private sector should be, according to some panel speakers, how to ensure that the “employer pays” principle is in force, how to forbid passport and document retention, improve recruitment practices and ensuring that wages are being paid to workers. In the endeavouring to respect human rights we should look to answer questions such as “why is it so complex to prevent human rights abuses?”, “what is the industry already doing?”, “why should businesses focus on forced labour?”, and “why are companies still not talking about it?”. The principles on which social sustainability should work are: freedom of movement for workers, no worker should pay for a job, and no worker should be indebted or coerced to work.

Different private sector success stories and initiatives aimed at preventing and combating human trafficking for labour and sexual exploitation were discussed during the panel.

In the UK, the Stop the Traffic Initiative (STTI) was established in order to facilitate conversations and to break down silos between law enforcement and business to help each

other understand which areas they find challenging, where the red lines are on issues such as data sharing and addressing problems of data fragmentation. Some of Stop the Traffic initiatives are the partnerships with IBM (Intelligence Led Prevention Centre and Stop App), numerous banks (beginning to feel confident in coming to STT to compare and contribute data) and Facebook (use of geo-location technology to target messages about trafficking and to encourage provision of information).

In fact the private sector is fulfilling some of the traditional responsibility of the state. Such as detecting and correcting THB, as businesses are developing a better understanding of trafficking signals, and banks are getting better at policing money laundering. In the banking sector, a focus on trafficking in human beings has assisted in a number of banks with increasing consciousness amongst junior staff, who are the eyes and ears of the institution, about anti-money laundering obligations.

In considering how to mitigate risks related to THB, companies should leverage their existing anti-money laundering frameworks, because indicators of AML are in most cases equally indicators of a predicate offence to THB.

The ECPAT Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism was presented as a multi-stakeholder initiative with a mission to provide awareness, tools and support to the tourism industry to prevent human trafficking for the sexual exploitation of children. The Code provides companies practical guidance, based on six steps, to guide their efforts to protect children. More than 300 companies, many that are the giants in the travel and tourism sector, are members of the Code.

Some progress in victim identification has been witnessed in the air transportation industry. Flight attendants from Alaska Airline and Volaris Airline have successfully identified human trafficking victims on flights and reported cases to law enforcement, which led to the arrest of traffickers. The hotel industry has also stepped up its efforts to protect human trafficking victims, especially children. For example, Carlson's Hotel operations in 160 countries have been updated in order to prevent the sexual exploitation of children in the travel and tourism industry worldwide. Through its WATCH programme, AccorHotels has trained more than 100,000 staff to protect children in their facilities.

In the ICT industry there are also good examples of efforts to combat human trafficking. Among Microsoft's contributions towards combating trafficking are the Microsoft Digital Crimes Unit, the Child Exploitation Tracking System, the Computer Online Forensic Evidence Extractor that helps computer forensic investigators extract digital evidence, and the Guardian App.

Efforts undertaken by the tobacco industry were extensively discussed during the panel by representatives from some of the leading global companies in this field. One of the frameworks used for elimination of forced and child labour from tobacco farms is based on the following pillars - observe, record, understand and improve. It is important to leverage the role of agronomists who are present on tobacco fields to inspect leaf quality but who could also observe whether certain standards are followed, such as no child or forced labour. Speakers stressed the importance of not cancelling contracts with farms caught for using child and forced labour, but to help them solve identified problems, and provide remedy. Japan Tobacco International has implemented the ARISE project which seeks to end child labour in tobacco growing communities where JTI sources tobacco leaf by supporting and

encouraging education. With the support of this project, and in partnership with other organizations, 766 children were sent to school in Brazil, 6,414 in Malawi, 879 in Tanzania and 2,562 in Zambia.

Another good practice from the tobacco industry are the policies adopted by Philip Morris International, such as the Good Agricultural Practices Program and the Agricultural Labor Practices Code (based on the Standards of the International Labour Organization), which regulate PMI relationships with farmers and contribute to improving their working conditions and eradicating the use of child and forced labour. PMI also contributes to enabling higher availability and quality of education for children of tobacco-growing farmers that help eliminate child labour in tobacco growing. PMI conducts such programs in Kazakhstan, Mexico, the Philippines and Indonesia. Finally, PMI is implementing PMI Impact to address the convergence of various crimes and illicit trade, such as human trafficking, including the illegal production, trade and smuggling of cigarettes, which finance other illegal activities.

The Worker Driven Social Responsibility model, implemented by farmworker-based human rights organizations, such as the Coalition of Immokalee Workers, has been noted as one of the most successful models in promoting workers' rights. The experience of these organizations shows that when it comes to protecting workers' fundamental human rights, not all social responsibility programs are created equal. Programs created and driven by workers themselves are more comprehensive and more effectively monitored. When combined with effective enforcement power, worker-driven social responsibility programs are not only preferable to any alternative, but, where the option exists, are seen to be the only ethical choice.

Some speakers stated that despite the success of farmworker-based human rights organizations, including from human rights and economic points of view, many retail food corporations still refuse to participate in such arrangements. Rather than participate in a proven, recognized program to eliminate modern-day slavery and violence against women in the US, many corporations insist on sourcing from competing industries where labour abuse problems remain widespread and unchecked, and where the produce is a few pennies per kilo/pound cheaper. Corporations must begin by embracing a worker-driven, enforcement-focused approach to compliance with human rights standards, and by laying out a strategy for expanding that approach within their supply chains over time. Within that context, working with less effective programs to provide imperfect coverage to parts of the supply chain where worker-driven programs do not yet exist, would not be seen as settling for "something" over nothing, but rather as a reasonable interim measure whilst concretely working towards a clearly articulated, higher goal.

Other forward looking public-private partnership initiatives mentioned during the panels were the UN Global Compact, the Alliance 8.7, the Consumer Goods Forum (CGF) Regional Consultative Process on the Management of Overseas Employment and Contractual Labour for Countries of Origins in Asia, the CGF Resolution on Forced Labour, and CGF's Global Social Compliance Programme.

The Consumer Goods Forum intends to focus its activities on the Seafood and Palm Oil Sectors in Southeast Asia by identifying focus area where CGF could have the highest impact, establishing relationships with key actors, fostering collaborative action, and developing sector specific guidance material.

The panel discussed the social sustainability framework as a platform to be used by private companies to prevent and combat human trafficking. According to some speakers, social sustainability is the least defined and understood of the different ways of approaching sustainability and it has had considerably less attention in public dialogue than economic and environmental sustainability. It was argued that it is a business imperative to combat forced and child labour, since forced and child labour affects 42 manufactured commodities, out of which 40 are consumer goods.

Recommendations:

- ✓ The impact and output of public private partnerships need to be aligned to continue private involvement and public legitimacy;
- ✓ Enforcement of standards is key for business as it undermines the competitiveness of companies who cut corners, or close their eyes to THB, empowers those at risk, and rewards companies trying to do the right thing. Industry sees CTHB standards as public relations, if no enforcement, and no level playing field;
- ✓ Simplicity of action (3 principles) and top level commitment (CEO level) are needed to develop efficient strategies;
- ✓ Public Private Partnership is key to making progress and driving real impact;
- ✓ Success in solving these complex problems takes co-operation with and between state agencies;
- ✓ The private sector should regard legal and regulatory instruments as something to embrace for commercial advantage, not something to resist;
- ✓ Companies should leverage their existing anti-money laundering frameworks to prevent and combat THB;
- ✓ The private sector can and should take a more prominent role in combating trafficked and child labour (building on the examples shared of practices in tourism/travel that have already shown positive results), as engagement with the private sector is vital in this regard;
- ✓ Don't reinvent the wheel, look at models that work such as the Worker Driven Social Responsibility Model and food safety;
- ✓ Identify and build best practices for successful PPPs, including case studies that have had impact to encourage those models;
- ✓ Encourage business to build knowledge of the risks of human trafficking, to establish independent monitoring, verification and certification mechanisms to document compliance and implementation of codes of conduct or self-established ethical standards, including through the use of technologies and ICT tools;
- ✓ Important for companies to bring together their CSR and Procurement/Purchasing Departments to build a common strategy to ensuing ethical sourcing;
- ✓ Industry associations are encouraged to take collective action, as exemplified by the CGF work on palm oil and seafood, and the EICC's Responsible Labor Initiative, going beyond the electronics sector.
- ✓ It is one thing for companies to throw their hands up where there is no solution but it is intolerable to do this when there is a proven solution available. This behaviour must be influenced if worldwide change will ever be achieved;
- ✓ Expand the influence of OECD National Contact Points to promote partnership between the state duty to protect and business responsibility to respect.

Panel 4: “The way forward”. How governments and businesses could address the prevention of THB in a collaborative way - regulations and voluntary initiatives

This panel was moderated by *Laura Germino*, Anti-Slavery Program Director, Coalition of Immokalee Workers. Speakers included *John Morrison*, Chief Executive, IHRB, *Irena Konecna*, Member of the Board, La Strada International Association, *Mercia Silva*, Executive Director, the National Pact Institute for the Eradication of Forced Labor, Brazil, *Samir Goswami*, Senior Advisor, United Way Worldwide, Center on Human Trafficking & Slavery and *Alexis Delaroff*, Chief Operating Officer for Russia, AccorHotels. *Vineta Polatside*, Head of the Task Force against Human Trafficking, CBSS was the rapporteur of Panel 4.

The problem of recruitment fees was discussed during the panel as a critical indicator of the risk of human trafficking. Every year millions of workers have to buy their jobs by paying huge fees, often equivalent to several months’ salary, to recruitment agencies in order to secure a job. This frequently involves mortgaging land and taking loans, including from their own family members, and the burden of having to pay the debt back if the loan is from the employer. Arriving in a foreign country with such enormous debts, coupled with other practices such as passport and other document confiscation, a lack of representation and so on, helps set the stage for modern slavery.

Another challenge for concerned brands has been identifying exactly which of the thousands of farms or factories in their supply chains could be exploiting workers. The first-tier suppliers are well known. The many behind them generally are not known, which puts multi-national businesses and consumers at high risk of supporting exploitation.

Some panel speakers acknowledged that the effectiveness of currently existing tools to monitor supply chains is not guaranteed. Companies may rely on their suppliers to provide data, or auditors to conduct audits, but these approaches have their own shortcomings. Therefore, workers are the most reliable sources to provide feedback about how they are being treated in a factory, a farm, a fishing vessel or a mine. But, workers are all over the world, often in hard to reach areas. There are safety, cost and security challenges for researchers and workers participating in an in-person survey, and the so the question of how a representative sample of these millions of workers could be reached remains a difficulty.

One additional challenge in the prevention of human trafficking and exploitation is the lack of awareness in the private sector that child and forced labour and human trafficking can happen in their supply chains and on their premises (hotel industry), even if company’s operations are located in developed countries.

The panel discussed different forward looking initiatives and partnerships trying to tackle the human trafficking phenomenon, such as the Dhaka Principles for Migration launched in 2012, the Leadership Platform on Responsible Recruitment, La Strada International’s Used in



Europe initiative and “Engaging the Private Sector to End Human Trafficking - A Resource Guide for NGOs”.

Speakers stressed that the solutions in this area should focus primarily on the principle of collective action and working on both demand and supply: pushing due diligence in global supply chains through legislation and leadership commitments, but also increasing the global market for those recruitment agencies willing to make ethical commitments in the fight against human trafficking. Policies should be developed to be economically sustainable but not only by asking companies to do the right thing. Another proposal mentioned suggested that involved stakeholders should not fight the global recruitment industry, rather we they should work with it to help change industry practices. This means increasing the “supply” of responsible recruitment agencies to meet this new demand.

Training and capacity building, depending on the type of business, should be provided to the entire staff of the company, because potential victims, especially in the travel and tourism industry, can be seen by and interact with a wide range of staff.

Experts agreed that technology can play an important role in obtaining valuable information about suppliers. Large data sets are mined by experts to find patterns to identify dubious suppliers usually by compiling information from thousands of public sources such as news reports, legal filings or NGO reports that may implicate certain suppliers. Hotlines are being established so workers can report concerns. As mobile phone access has increased, SMS or apps are used to survey workers directly. When a company is conducting its due diligence on whether and how they should work with a supplier, they should also have information about that supplier’s labour practices, as told by the workers themselves.

The Burmese language App “Golden Dreams” was mentioned as a concrete IT tool. It was launched by Issara Institute with the support of the Walmart Foundation and the U.S. Agency for International Development. Through this app, workers can report abuses. Issara also runs a 24 hour multi-language hotline that workers can call into, and monitors other social media applications like Facebook and Vibre that workers already use.

Another company, GeoPoll partners with mobile network operators in 45 countries to access and survey people about a variety of issues, including how they are treated at work. These partnerships give GeoPoll access to 320 million mobile phone users around the world. In 2016 they surveyed hundreds of miners in the DRC and Tanzania. They sent an SMS to residents of specific regions where miners live. Those who qualified and opted in told GeoPoll about health and safety violations and lack of safety equipment, as well as the presence of the worst forms of child labour in the mines. Many said they needed improved health care and wages for parents so children would not have to work and identified which mines they work in. GeoPoll provides this data to businesses so that they can hold their suppliers accountable. The existing mobile network enables companies to conduct immediate research at a low cost to gauge the activities of their suppliers.



AccorHotels’ experience fighting child exploitation in its operations was presented. AccorHotels was the first hotel chain to sign the ECPAT Code in 2001. Accor Hotels reinforced its commitment to fight child exploitation by launching the Watch (We Act

Together for Children) programme in 2014. AccorHotels has included this commitment in its ethics charter. The company's goal is to train 100% of its staff on child exploitation issues. The training is done on site by ECPAT experts.

The panel discussed that forced labour and trafficking in human beings are happening not only in poor developing countries but also in developed ones, including in Europe where NGOs often encounter problems related to the protection of labour rights, inhumane treatment of workers, non-payment of wages, deception, coercion, or withholding of salary and identity documents.

Speakers also referred to the role of government in serving as an example for the private sector. Governments should be transparent themselves and critically assess their own supply chains and services to ensure these are free of forced and exploitative labour; and take additional care in monitoring and preventing human rights abuses by business enterprises owned, controlled, or subcontracted by the state. Moreover, governments should be coherent and consistent in internal and external policies and ensure that all government measures are based on human rights; to refrain from co-operation with countries that make systematic use of forced labour.

Governments have to also embrace technological progress and use the advantages of some very interesting and promising technologies being used in this space, at very affordable price points to act upon the stories that workers share with us.

Some experts stressed the need to increase awareness and provide information about the origins of products and services to enable customers to make informed decisions about their purchases; to promote products and services made without labour exploitation and human trafficking.

The panel also discussed promising practices from outside of the OSCE area, in particular the policies and measures adopted in Brazil to target forced labour and THB in supply chains, such as the National Pact for the Eradication of Slave Labour launched in 2005, the Special Mobile Inspection Groups to monitor and combat forced labour, and the National Employer Offender Registry fined for exploitation of slave labour, known as the "Dirty List" ("*Lista Suja*"). Measures taken in Brazil empowered the private sector to benefit by improving and holding effective instruments to keep their economic sectors far from exploitation of slave labour and, therefore, prevent sanctions that markets and governments might apply. Companies have cut relationships with others who refused to boycott those who use slave labour.

Recommendations:

- ✓ To identify instances of exploitation and to prevent it, businesses and governments need to acknowledge the existence of it. One needs to know what to look for in order to see it;
- ✓ An important aspect of prevention of human trafficking is to have clear roles and responsibilities for different actors. Simplicity and clarity is important to engage businesses;
- ✓ Collective action at all stages, from the concept to the implementation phase, is essential;
- ✓ Different groups and stakeholders should be engaged in the development of collective action and influencing public policy at both national and local level. Diversity,

recognition of different skills, clarity of purpose and motivations are the strengths of PPP. Unusual coalitions can be the most effective;

- ✓ An additional focus should be placed on recognizing exploitation of workers as an offence that needs to be appropriately sanctioned (financial and administrative sanctions). There should be real consequences for businesses;
- ✓ Governments should set an example and standards for businesses as governments have a great deal of knowledge. States need to provide incentives for businesses. Ethical businesses should be awarded for their efforts, not only punished;
- ✓ There is fatigue among businesses and there is a need to focus on impact and outcome, on tangible results. Initiatives should be judged by what they actually achieve;
- ✓ Businesses listen to businesses. The business community needs to be engaged to share best practices and set an example;
- ✓ Engage workers in the conversation – they are the primary source of information;
- ✓ Tap the potential of technology to play a positive role in the prevention of human trafficking and for reaching out to employees. Develop more tools to reach workers (smartphone apps, hotlines, confidential grievance mechanisms, etc.) to prevent and uncover labour exploitation and trafficking;
- ✓ Provide adequate remedy to victims of forced labour and human trafficking through judicial, administrative and legislative means, including greater access to compensation for exploited workers;
- ✓ Investors should increase their support of effective multi-stakeholder initiatives that bring brands, developers and the social sector together to uncover and act upon abuses;
- ✓ Ensure acting with due diligence in order to prevent abuse and exploitation of workers. Businesses should build knowledge about the risks of abuse, exploitation and trafficking, and establish independent monitoring, verification and certification mechanisms to document compliance and implementation of code of conduct or self-established ethical standards;
- ✓ Training and capacity building, depending on the type of business, should be provided to the entire staff of the company, because potential victims, especially in industries such as health care, the travel and tourism industry, can be seen by and interact with a wide range of staff.
- ✓ Commitment, dedication and involvement of senior management in the prevention of exploitation and human trafficking, and regular training is needed to make a difference.

Policy recommendations



The rapporteurs of the preceding panels and the co-moderators of the breakout sessions featured as speakers in the “*Challenges, lessons learned and ways forward*” panel, moderated by **Ruth Freedom Pojman**. The speakers summarized the discussions during the panels and breakout sessions and shared the conclusions and recommendations discussed by experts and participants, as outlined above under each session.

Concluding remarks

The concluding remarks were delivered by **Anatoly Viktorov**, Director of the Department for Humanitarian Co-operation and Human Rights, MFA, Russian Federation, **Ambassador Madina Jarbussynova**, Special Representative and Co-ordinator for Combating Trafficking in Human Beings and **Irina Gekht**, Deputy Chairperson of the Committee for Agrarian and Food Policy and Environmental Management, Council of Federation, and member of the Russian Delegation to the OSCE Parliamentary Assembly.

Anatoly Viktorov started his closing remarks by thanking Ambassador Madina Jarbussynova for the initiative to organize the Conference in Moscow and MGIMO for hosting the event. He noted that special attention needs to be paid to vulnerable categories of people such as children, women and migrants. The Russian Federation has always focused on protecting the best interest of the child in accordance with national legislation and international conventions. Russian authorities closely co-operate with trade unions and employers and have undertaken efforts to create jobs and provide social protection to workers and ensure that migrant workers are being paid for their work. A preliminary decision was taken to establish the minimum wage as not lower than the subsistence level. Measures are being taken to reduce the shadow economy, formalize labour relations, to better protect workers' rights, in particular migrant workers in accordance with the decisions of the Group of Twenty and the recommendations of the International Labour Organization.

In her closing remarks Ambassador Jarbussynova expressed her appreciation to the Russian Ministry of Foreign Affairs and MGIMO for their support in organizing the conference. The Special Representative thanked the audience for actively participating in the discussions. She noted that the OSCE started to map some of the initiatives which are planned to be included into a compendium of resources that the OSR/CTHB is developing,



and that others are encouraged to conduct mapping, so that businesses who are approached by different actors can understand which suit their needs best.

The Ambassador suggested one of the strongest conclusions of the conference was that the public sector and private companies have to complement each other. It is important that the primary responsibility to tackle trafficking in human beings lies with governments, as there is no international regulatory mechanism for multi-national businesses. While it is the obligation of the state to protect human rights and to prevent people from being trafficked and exploited, it is also true that the private sector has a responsibility and has to be held responsible, in particular unethical companies that benefit financially from the exploitation of people.

The Special Representative mentioned that in 2017 she had a special focus on child trafficking and was heartened to hear from some governments, agricultural and hotel

businesses, and NGOs, such as AccorHotels and ECPAT about their concrete efforts to work together to prevent and fight this especially abhorrent form of THB. It was also good to hear about public-private partnerships leveraging anti-money laundering regimes to fight trafficking in human beings, to follow the money to make this a low profit high-risk crime. She stressed how important it is to learn about the work of a few governments to address trafficking for organ removal, which operates between the illicit and licit economies, and may involve both public healthcare institutions and private medical companies.

She also stressed the importance of taking into account the voice of workers, the importance of encouraging businesses to report exploitation cases, to remediate them, to punish companies for systematic abuses, but not for reporting cases. It is necessary to speak the language of businesses when engaging the private sector and to take advantage of ICT to prevent and combat THB.

Ambassador Jarbussynova recommended that governments, international organizations and businesses put measures in place to ensure that they do not inadvertently procure tainted goods or services, that workers do not pay recruitment fees, and to encourage transparency

Irina Gekht, Deputy Chairperson of the Committee for Agrarian and Food Policy and Environmental Management, Council of Federation, mentioned in her concluding remarks that it is important to focus not only on combating trafficking in human beings for labour exploitation but also addressing its root causes, including its relationship to the current migration crisis and as stemming from conflict. She stated that the effective fight against human trafficking cannot be tackled fully until a solution is found for the conflicts in Africa and the Middle East.

The Russian Federation has adopted a large number of policies and measures to minimize the effects of factors leading to THB, such as poverty, lack of economic opportunities, and to ensure safe and orderly migration. Efforts have been undertaken to build the institutional framework, including with law enforcement, to ensure the effective fight against trafficking in human beings and to work to improve legislation.

Although co-operation exists among state institutions, NGOs, and the private sector, Ms Gekht mentioned that NGOs active in the THB area should be even better supported, including through presidential grants, in order to support them to be more active and to continue to be committed to raise this issue further. She also expressed her opinion that the Russian legislative branch should re-open the discussions on the model draft law to combat trafficking in human beings, which was developed but not yet adopted.

Ms Gekht welcomed the focus of the next OSCE Parliamentary Assembly, in Malta, where issues related to international law enforcement co-operation, the online exploitation of children, and the need for education would be discussed. These issues are very relevant to anti-trafficking efforts due to the growing use of the internet as a tool by international trafficking criminal networks, thus meaning that those with a lower education or lacking education entirely are likely to be more vulnerable to THB.