



## **Supplementary Human Dimension Meeting**

### **on Protecting the Rights of Trafficked Persons**

**Vienna, 18-19 July 2022**

#### **ANNOTATED AGENDA**

### **BACKGROUND**

In the Charter for European Security (1999) OSCE participating States committed to *undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings* (Istanbul 1999). The 2003 OSCE Action Plan to Combat Trafficking in Human Beings (PC.DEC/557) addresses protection and assistance as part of the OSCE's multidimensional and comprehensive response to trafficking in human beings (THB) and proposes a number of actions that go beyond the assistance and protection of witnesses and victims in the criminal justice system, placing trafficking victims and their rights at the centre of anti-trafficking responses. Moreover, the Addendum to the OSCE Action Plan of 2013 (PC.DEC/1107/Corr.1) highlights a renewed commitment to placing attention to the needs of THB's victims. OSCE participating States have also taken a number of concrete commitments to protect the rights of trafficked children.

With the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol, 2000), most OSCE participating States have also pledged to ensure the protection of the rights of victims of THB, reflecting Palermo Protocol provisions in national legislation, as well as setting up systems and mechanisms to implement such legislation. Furthermore, international instruments and recommendations have impacted the work of OSCE participating States in combating human trafficking and in protecting the rights of trafficked persons. This includes the UN Convention on the Elimination of All Forms of Discrimination against Women (1979) and the General Recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Convention on the Rights of the Child (1989) and its Optional Protocols on the Involvement of Children in Armed Conflict (2000) and on the Sale of Children, Child Prostitution and Child Pornography (2001), the Council of Europe Convention on Action against Trafficking in Human Beings (2005), the EU Directive on preventing and combating THB and protecting its victims (2011), the EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012), UN Security Council resolution 2379 on trafficking in persons in armed conflict (2017), and the Global Compact for Safe, Orderly and Regular Migration (2018) reaffirming the centrality of the Palermo Protocol, as well as the global commitment for the 2030 Agenda for Sustainable Development through the Sustainable Development Goals 5, 8 and 16.

In line with the OSCE commitment to a victim-centred, human rights-based, trauma-informed, child-friendly and gender-sensitive approach, it is of vital importance that trafficked persons are regarded with full respect to their human rights and are provided with access to all rights

and protections guaranteed to them by international obligations. Although OSCE participating States have made significant strides towards ensuring the protection of the rights of trafficked persons through the development of national anti-trafficking legislation, policy and national referral mechanisms (NRMs), many victims and survivors still struggle to access their rights.

The particular vulnerability of women and girls should be addressed in all national frameworks for countering THB. UNODC's 2020 Global Report on Trafficking in Persons estimates that 65% of detected trafficked persons are women and girls and 92% of detected individuals trafficked for the purposes of sexual exploitation are women and girls. Women and children in situations of armed conflict and persons forcibly displaced by conflict are especially vulnerable to trafficking in persons. Situations of armed conflict may result in unaccompanied minors crossing borders to seek protection. UN SC Resolution 2388 (2017) has also underlined the need to ensure protection of all unaccompanied children who are victims of or those vulnerable to trafficking in persons through their prompt identification and immediate assistance taking into account their specific needs.

This Supplementary Human Dimension Meeting will offer a platform to a variety of actors, including OSCE participating States, OSCE institutions and executive structures, international organizations, civil society organizations and academic experts. It will take stock of OSCE human dimension commitments in the sphere of protecting the rights of trafficked persons, with a particular focus on child victims of trafficking, THB in the context of armed conflict and in cyberspace, against the backdrop of the humanitarian crisis caused by the Russian Federation's military attack in Ukraine. It will allow participants to exchange good practices, and recommendations on how to design and implement sustainable mechanisms to ensure a victim and survivor-centred, human rights-based, trauma-informed, child-friendly and gender-sensitive approach to protecting the rights of trafficked persons in peacetime and during armed conflict.

## **Day 1**

13.00 – 14.00

### **OPENING SESSION**

*Opening remarks*

*Introductory addresses*

*Technical information*

14.00 – 16.00

### **SESSION I: Protecting the Rights of Child Victims of Trafficking in Human Beings**

According to the 2020 UNODC Global Report on Trafficking in Persons, approximately 40% of all global human trafficking cases occur within the OSCE region. Twenty-seven per cent of the cases are children, with girls representing 16% and boys 11%. While trafficking for labour and sexual exploitation are the predominant forms of trafficking, in the OSCE region over 10% of children are trafficked for the purposes of organ removal, forced begging and forced criminality. The alarming rates of child trafficking have been recognized by the OSCE participating States in their commitments and initiatives to strengthen national and trans-border child protection systems.

Not all the children are exposed in the same way to the risk of becoming victims of trafficking and studies on intersectionality help identifying and addressing the multiple risk factors.

Children in institutions and alternative care, runaway youth, unaccompanied and separated children, children with disabilities, children belonging to national minorities, such as Roma and Sinti, stateless children, children in situations of armed conflict, children without birth registration, child asylum-seekers, refugees and internally displaced persons (IDPs), and children left behind by migrating parents have been identified as particularly vulnerable to trafficking and other forms of exploitation.

The protection needs of child trafficking victims, which are significantly different from those of adults, have been recognized in relevant OSCE commitments, for example the Sofia Ministerial Council Decision No. 13/04 on the special needs for child victims of trafficking for protection and assistance (2004), the recommendations of the OSCE Action Plan to Combat Trafficking in Human Beings (2003), its 2005 and 2013 Addenda, as well as in various international instruments such as the Convention on the Rights of Children. The OSCE Action Plan recommends the establishment of NRMs, defined as “co-operative frameworks within which OSCE participating States fulfil their obligations to protect and promote the human rights of the victims of trafficking” (MC.DEC/2/03, V. 3).

An NRM outlines the process of identifying and referring victims of trafficking for assistance, whilst ensuring respect for their human rights. ODIHR’s 2<sup>nd</sup> edition [Practical Handbook National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons](#) includes sections expressly addressing the specific needs of child victims of trafficking so they have access to child-friendly, human rights-based and gender-sensitive national protection frameworks, which are in the best interest of the child and take into consideration the voices of children in their decision making processes. Furthermore, OSCE participating States have agreed “to increase the capacity and broaden the scope of first line responders to identify child victims of trafficking” as well as to “provide them with protection, as well as appropriate assistance and referrals for legal assistance as well as effective remedies and other services as applicable” while recognizing that “specialized facilities, adequate security, training for and sufficient numbers of staff, as well as of female patrollers, can mitigate” the risks to fall victim of trafficking in persons, especially for vulnerable target, such as children (MC.DEC/7/17).

Significant progress in the protection of the rights of child victims of trafficking has been achieved in the past decade. Emerging and evolving trends in child trafficking and substantially increased numbers of unaccompanied and separated minors in the OSCE region require a robust response from OSCE participating States. This can be accomplished through improvements and strengthening of child protection systems, in line with the best interest of the child, and through development and implementation of NRMs for children. Additional efforts are needed within the four Pillars of the NRM for Children: Identification and Protection, Individual Support and Access to Services, Criminal Justice and Redress and Social Inclusion.

Session I will provide an overview of existing systems for the protection of the rights of child victims of trafficking and children at risk of trafficking. It will outline current challenges in the field of child protection, and identify concrete policies, strategies and promising practices on how to improve protection and support for child victims of trafficking and children vulnerable to trafficking, ensuring a victim and survivor-centred, human rights-based, trauma-informed, child-friendly and gender-sensitive approach.

### Questions for Discussion:

- Which institutional frameworks exist at the national and local level to effectively develop and implement child-friendly anti-trafficking protection strategies and measures? Are multi-disciplinary and multi-agency approaches integrated in those frameworks?
- How are victim-centred, trauma-informed and gender-sensitive approaches incorporated into protection strategies and efforts to combat trafficking in children?
- What challenges impede the development and implementation of effective child-tailored NRM and what measures should be taken to overcome these challenges?

[16.30 – 17.30 – side event]

### Day 2

[9.00 – 10.00 – side event]

10.30 – 12.30

### **SESSION II: Countering Trafficking in Human Beings in the Context of Armed Conflict**

Armed conflicts exacerbate the vulnerability to THB, especially of women and children, as has been acknowledged by UN Security Council resolution 2379 on trafficking in persons in armed conflict (2017). It stresses the need to prevent and identify instances of trafficking in persons among those forcibly displaced or otherwise affected by armed conflict and recognized that THB in armed conflict “*undermines the rule of law and contributes to other forms of transnational organized crime, which can exacerbate conflict and foster insecurity and instability and undermine development*”. According to the [Report of the Special Rapporteur on trafficking in persons, especially women and children to the United Nations Human Rights Council \(A/ HRC/32/41\)](#), when the rule of law is eroded, the functioning of government institutions affected and social and economic vulnerabilities increase traffickers can easily exploit such situations. They may deceptively present rescue or safety opportunities for victims, act as facilitators or agents to help them travel, find accommodation, educational opportunities or employment, with the intention of trafficking them for exploitation. Traffickers may recruit victims and take them from areas affected by armed conflict, refugee camps, reception centres, shelters and hospitals or target them online or at border crossings or transportation hubs.

THB related to armed conflict also occurs outside States directly experiencing armed conflict. Higher levels of vulnerability to THB are often experienced by people living on the margins of conflict, such as IDPs, refugees and others living in nearby areas affected by armed conflict. IDPs have limited access to education and financial and income resources and under the breakdown of social ties, people search for alternative livelihoods. According to [2018 UNODC report Trafficking in Persons in the Context of Armed Conflict](#), traffickers see this as an opportunity to target IDPs, those seeking temporary protection or asylum, as well as displaced children or those who are separated from their parents and lack networks of support. Consequently, children from any socio-economic background or demographic profile in areas affected by armed conflict who lack the consistent protection of appropriate adult carers are vulnerable to trafficking. THB related to armed conflict includes enforced recruitment of child soldiers, as well as all other forms of trafficking.

Session II will provide an overview of the current challenges in the prevention of trafficking of persons fleeing armed conflict and the protection of identified victims of trafficking across the OSCE region. It will examine effective approaches to reduce the vulnerability to trafficking of persons fleeing armed conflict including unaccompanied minors, and enable participants to share promising practices with regard to protection measures for victims of trafficking within this vulnerable population. It will consider the gender dimension and the necessity to include the voices of victims and survivors in the design and implementation of protection systems.

### **Questions for Discussion:**

- How can OSCE participating States improve prevention and identification measures for IDPs and benefiting persons fleeing from armed conflict across borders, especially women and children?
- How can reception facilities and other interim protection centres mitigate trafficking risks and ensure a victim-centred, trauma-informed and gender-sensitive approach in the provision of assistance and support to presumed and identified victims of trafficking fleeing armed conflict?
- How can child protection systems and NRMs be improved to provide tailored protection and assistance to children and youth, and be integrated in asylum and migration regimes?

[13.15 – 14.15 – side event]

14.30 – 16.30

### **SESSION III: Combating Trafficking in Human Beings in Cyberspace**

The digital era has changed the traditional realm and *modus operandi* of organized crime, including human trafficking. With the increasing access to and usage of the Internet, criminal activity has expanded to the online sphere. Cyber-trafficking enables traffickers to transcend national and international boundaries, presenting serious challenges for law enforcement. The Internet provides a vast, borderless ‘cyber-space’ which is increasingly used for human trafficking: it offers traffickers anonymity and immediate, global access to individuals and groups with specific profiles and interests; and it can be used at any point or throughout the trafficking cycle. Each element of the crime of human trafficking defined by the Palermo Protocol – Action, Means and Purpose – can now be committed in cyberspace much more easily. It can involve combinations of online and offline activity within a single trafficking crime and the involvement of multiple persons and businesses in different locations in the world. Victims can be lured into trafficking for any form of exploitation in the guise of ordinary interactions between people on the Internet, for example via social media and other websites. Victims can also be recruited into any form of exploitation via the Internet. In particular, trafficking for sexual exploitation, is among the most prevalent forms of trafficking online.

Remote working amid the COVID-19 pandemic provided traffickers with new ways to target people online to both generate demand and to groom vulnerable women and children. [OSCE/ODIHR and UN Women Guidance on Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic](#) report and survey results demonstrate that survivors have been targeted during COVID-19 pandemic by traffickers, mostly online. Concerning children, there are reports of increased grooming and exploitation of children online through gaming sites and social media platforms by sexual predators during the emergency measures of the COVID-19 pandemic, as children had to stay home during the

pandemic, while at the same time the demand for pornography has risen. There is likewise a growth of demand for child sexual abuse material (CSAM) and growth of CSAM and online exploitation, especially through the use of livestreams since the beginning of the COVID-19 pandemic.

While the Internet is being used for THB, new technologies have also been harnessed to monitor, disrupt and combat trafficking in cyberspace through innovative, targeted and large-scale interventions. Technology tools developed by NGOs and tech companies are often utilized by law enforcement to investigate trafficking crimes and by civil society to identify victims and for outreach activities. In addition, Internet can provide victims with an opportunity to find assistance and support and report a trafficking crime, as well as raise awareness and deter demand for THB overall. The OSCE Office of the Special Representative to Combat Trafficking in Human Beings has been leading the response on this issue through the [19<sup>th</sup> Alliance Conference on Using technology to combat trafficking in human beings](#) and a 2020 publication in partnership with Tech Against Trafficking of [Leveraging innovation to fight trafficking in human beings: a comprehensive analysis of technology tools](#). ODIHR has been engaged on the topic as well through legislative reviews, recommendations for national strategies and action plans, training on protection of children in the digital environment and events such as [Cross-Linkages between Human Trafficking and Pornography: Myth or Reality?](#) and the recent conference on [Addressing Human Trafficking and All Forms of Sexual Exploitation: Measures to Strengthen Responses of Destination Countries](#) with a focus on trafficking for the production of pornography and CSAM.

Session III will provide an overview of the current challenges in combatting THB in cyberspace and the technology practices which contribute to this issue. It will provide a forum for discussion to assess and examine the pervasive issue of trafficking for the purpose of sexual exploitation including for the purpose of production of pornographic material and CSAM and the long-term effects for the victims of trafficking. In order to develop meaningful solutions to counter trafficking in cyberspace, the session will also highlight promising practices from across the OSCE region including in demand reduction.

#### **Questions for Discussion:**

- How can international and national legal frameworks be strengthened to address trafficking in cyberspace, especially for the purpose of sexual exploitation, as well as to discourage demand?
- How does the use of new technology practices contribute to trafficking in cyberspace and what measures can be undertaken to encourage greater accountability from industry?
- How can we ensure stronger legal protection for victims and survivors of trafficking with regard to removal of unauthorized digital material produced and distributed during the process of trafficking for sexual exploitation from cyberspace?

16.30 – 17.30

#### **CLOSING SESSION**

*Rapports from the working sessions*

*Comments from the floor*

*Closing remarks*

17.30

*Closing of the meeting*

### *Annex of relevant OSCE commitments*

Relevant OSCE commitments and resolutions to protecting the rights of trafficked persons include: OSCE Parliamentary Assembly St. Petersburg Declaration – Resolution on Trafficking of Women and Children (1999), Vienna Ministerial Council Decision No.8/01 on enhancing the OSCE’s efforts to combat human trafficking (2000), Bucharest Ministerial Council Decision No. 9/06 (2001), OSCE Parliamentary Assembly Paris Declaration (2001), Porto Ministerial Council Decision No.10/02 on trafficking in human beings (2002), OSCE Parliamentary Assembly Berlin Declaration – Resolution on Combatting Trafficking in Human Beings, especially Women and Children (2002), Maastricht Ministerial Council Decision No.2/03 on Combating Trafficking in Human Beings (2003), OSCE Parliamentary Assembly Edinburgh Declaration (2004), OSCE Parliamentary Assembly Washington Declaration (2005), Ljubljana Ministerial Council Decision No. 12/05 on Combating Trafficking in Human Beings (2005), Brussels Ministerial Council Decision No. 14/06 on Enhancing Efforts to Combat Trafficking in Human Beings (2006), Madrid Ministerial Council Decision No. 8/07 on Combating Trafficking in Human Beings for Labour Exploitation (2007), Helsinki Ministerial Council Decision No. 5/08 on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach (2008), Vilnius Ministerial Declaration on Combating All Forms of Human Trafficking (2011), Vienna Ministerial Council Decision No. 6/17 on Strengthening Efforts to Prevent Human Trafficking (2017) and Milan Ministerial Council Decision No. 6/18 on Strengthening Efforts to Prevent and Combat Child Trafficking, Including of Unaccompanied Minors.

Relevant OSCE commitments and recommendations on trafficking in children include: Sofia Ministerial Council Decision No. 13/04 on the special needs for child victims of trafficking for protection and assistance (2004), the OSCE Action Plan to Combat Trafficking in Human Beings (2003), the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the special needs of child victims of trafficking for protection and assistance (2005) and the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later (2013), Brussels Ministerial Council Decision No. 15/06 on combating sexual exploitation of children (2006), Madrid Ministerial Council Decision No. 9/07 on combating sexual exploitation of children on the Internet (2007), Kyiv Ministerial Council Decision No. 7/13 on combating trafficking in human beings (2013), The Vienna Ministerial Council Decision No. 7/17 “Strengthening efforts to combat all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children”.