



Organization for Security and Co-operation in Europe

Report to the Permanent Council

**Mr. Valiant Richey, OSCE Special Representative and Coordinator
for Combating Trafficking in Human beings (CTHB)**

15 October 2020

Mr. Chairperson,
Excellences,
Ladies and Gentlemen,

• I am delighted to be here to deliver my second annual report to the Permanent Council. The year 2020 was particularly challenging for those committed to the fight against human trafficking, but my Office continuously strived to enhance the support that we provide every day to your anti-trafficking efforts in areas where we can make a difference.

Like last year, I plan to use this report to not only give you insight into our activities this year, but also to indicate areas where I see opportunities for participating States in the coming year.

The mandate and the 4Ps framework

• To frame this discussion and provide context to our work, let me start by briefly recalling **the mandate of the Special Representative and Coordinator position**. It derives from Ministerial Council Decisions 2/03 and 3/06, which established the functions of my position and the Office. At its core, our mission is to help all 57 participating States to combat, prevent and ultimately end trafficking in human beings. We do so by **raising the public and political profile** of the OSCE anti-trafficking agenda in relevant international and national fora. We **ensure co-ordination of all OSCE work** in combating trafficking in human beings across the three dimensions as well as with external partners. We **assist participating States in the implementation** of OSCE commitments through tailored technical assistance and capacity-building. And finally, we **conduct research and help develop policies** on current topics in the field of human trafficking.

- Within the OSCE's framework of "**Prosecution, Protection, Prevention and Partnerships**," our approach is based on a cycle starting with the examination of persistent and emerging challenges, leading to the development of comprehensive policy responses, and culminating with support for practical implementation on the ground. This is **our "policy to practice" approach** that we are implementing across a number of areas you have identified and prioritized in your Ministerial Decisions and where we believe we can deliver the greatest impact. Today, I would like to report on the main activities of my Office in 2020 with regard to each of these four "baskets", if you allow me to use Helsinki language on this anniversary year.

Prosecution

- First, effective prosecution. There are different estimates on the number of victims of trafficking in the OSCE region, but they all account for several million people. Yet, only very few see their traffickers prosecuted by the criminal justice systems of our countries. In fact, in recent years, we have registered a sharp decline in already low numbers of prosecutions. What are we saying about justice when 99% of victims never see it? Exploitation violates the dignity of those who suffer it, it creates trauma that can last a lifetime, and it frays the fabric of our communities. This is not only a **human rights** issue but also a **security issue**. Indeed, the **impunity** traffickers largely enjoy is a grave concern for the rule of law in our region, the security of our societies, and the safety of all our citizens.

- Against this backdrop, my Office this year launched a **comprehensive** and ambitious **strategy on prosecution**, aimed at identifying the main gaps and opportunities in this field, and at supporting participating States, particularly through policy recommendations and capacity building.

- This emphasis launched in July, when we held our landmark annual **Alliance Conference**, which this year gathered - both online and in this room - more than 800 participants and viewers from nearly all OSCE participating States and Partners for Cooperation and over 300 international and civil society organizations from all across the OSCE region. The Conference highlighted a number of effective ways to ensure that perpetrators of human trafficking are prosecuted and convicted for the offences they have committed, and that their victims receive the justice they deserve. My Office will be presenting to you a **comprehensive account of**

these findings in the coming weeks, but allow me to take this opportunity to mention just a few of them.

- First and foremost, the conference emphasized the need for **specialized prosecutors** and specialized police units, as well as the importance of **multi-agency cooperation** and **joint investigation teams**, which allow authorities to tackle complex cross-border cases. I have advocated for such policies with all the political and anti-trafficking national authorities I have met with this year.

- The Alliance Conference highlighted the importance of financial investigations, an issue where my Office has been actively involved, particularly since the publication -last year- of the first-ever compendium of resources and step-by-step guide for financial investigation frameworks. The basic idea is that greater cooperation between law enforcement agencies and **financial investigators** and banks can lead to strong evidence to identify traffickers and victims, support prosecutions and assist courts in confiscating illicit funds and compensating victims, not to mention prevent the misuse of the financial services industry. This year, very much in line with our ‘policy to practice’ approach, we are bringing our research into practice with an exciting **pilot project** developed together with Cyprus, which we look forward to replicating in other interested participating States as well.

- The Alliance Conference also emphasized the need to offer regular, specialized and sustainable **training programmes** for relevant law enforcement units across sectors (including financial, cyber, labour, migration, and border police) as well as training of judges and prosecutors, in order to ensure protection of victim rights, as well as consistent application of law and appropriate sentences based on the seriousness of the crime. In this spirit, with support and co-sponsorship from the International Association of Prosecutors, International Justice Mission and Aequitas, my Office is launching a webinar series aiming to equip criminal justice professionals—primarily investigators and prosecutors—with tools to better understand and apply a victim-centered, trauma-informed, and human rights-focused approach to prosecution of human trafficking cases. There are plenty of good policies and practices in the OSCE region and beyond. If replicated and implemented to their full potential, and if backed by substantive investment and political will, they can bring about positive impact and make human trafficking a higher-risk crime for those committing it.

- Our capacity building initiatives are also now expanding at a strategic level. In June, we held a capacity-building expert meeting to identify shortcomings and training gaps in the area of investigating and prosecuting THB-related crimes. We analyzed the landscape of past, ongoing and future capacity building initiatives within the OSCE region, and we came out of the meeting with a more harmonized and coordinated approach for CTHB training initiatives. The series of webinars I outlined just a minute ago is one of the products of this conversation.
- This year, because of the pandemic, we had to postpone to early 2021 the traditional appointment with our international simulation-based exercise in Vicenza, Italy. However, I am delighted that the expansion of this ground-breaking framework continues, and many of your countries have embraced our methodology and are organizing **national simulations** for their own authorities with our technical support and with the ground support of OSCE Field Operations wherever they are present. In the coming year national simulation exercises will be held in Albania, Greece, Kazakhstan, Kyrgyzstan, Tajikistan and Ukraine. We welcome the scaling impact of our project and aim to support you in setting up these national exercises.
- Let me conclude this section on prosecution by saying that ultimately, the successful prosecution of traffickers really starts from our **political will** and from governments granting the necessary resources for law enforcement, prosecution and judiciary bodies in order to carry out their anti-trafficking tasks. Prosecuting traffickers alone is not going to end trafficking in human beings, but it is surely a step closer to it. Until we make this a higher-risk crime, we are not going to turn the tide and we are not going to deliver justice to those who deserve it. At the Alliance Conference, I encouraged all participating States to set the **concrete goal of tripling the number of prosecutions** within the next three years. My office remains ready to support you and your anti-trafficking authorities in designing and implementing effective strategies to this end. As I just reported, we have already started working with a number of you on specific issues, and I have seen efforts scaling up and new promising policies being developed in a number of participating States. I look forward to hearing more of your success stories and progress in this area, and I will continue to closely watch the prosecution trends across the OSCE area.

Protection

- Parallel to the efforts in prosecuting those who commit the crime of human trafficking, a number of our activities focus on the protection of and support to victims. As highlighted once

again by this year's Alliance Conference, there are no shortcuts to the **protection and promotion of the rights of victims**, which should always be a primary consideration in the State response. The use of a victim-centred and gender-sensitive approach by the criminal justice system is not only crucial in ensuring victim's rights throughout the recovery and reintegration process, but also in implementing effective prosecutorial responses. In this regard, the full application of the **principle of non-punishment** of victims for their involvement in unlawful activities where they have been compelled to do so plays a key role. Earlier this year we published together with our partners in the UN's Inter-Agency Coordination Group Against Trafficking a policy brief on the non-punishment principle. This paper established for the first time the common position of 25 international organizations on the matter, and it represented another step forward in the global debate around this issue.

- It is also important to note that protection and prosecution go hand in hand. Protection is not only an obligation related to the rights of victims, but also an effective law enforcement strategy. Likewise, prosecution is not only about enforcing the law but also an important piece for the protection of victims' rights. Strong national referral mechanisms for the identification and protection of victims, for example, have the potential to lead to better engagement and cooperation, and eventually contribute not only to better outcomes for victims but to greater accountability for traffickers. Supported victims lead to stronger cases. Moreover, when they are supported, listened to and empowered, **victims of trafficking can offer unique guidance** not only in policy discussions, but in law-enforcement operations on the ground as well. And in this regard, let me recall the incredible survivor testimonies we heard at the opening of each panel of the Alliance which put human faces on our everyday work to protect victims.

- Based on the policy guidance you gave us in a number of Ministerial texts adopted in recent years, my Office has worked to combat **child trafficking** and protect child victims of trafficking. Thousands of children are being trafficked every year across borders, which creates particular complications with regard to communication between countries of origin, transit and destination. These difficulties in communication often have far-reaching consequences, especially when it comes to decisions that will have a serious impact on the course of children's lives. Following specifically MC Decision 6/18, last year my Office published policy recommendations aimed at ensuring that child protection mechanisms protect the rights and meet the needs of child victims of human trafficking. This year, in close cooperation with the OSCE Chair and its anti-trafficking authorities, we moved one more step towards implementation of the 2018 Ministerial recommendation for the **establishment of national**

child trafficking focal points. We gathered experts to discuss what the national focal points should do and how they should be organized in order to be effective and operational. Based on these consultations, we will soon release a guidance to assist you in the establishment of such mechanisms. And we will then begin to pilot the implementation of this guidance with those participating States who are ready and willing. The long-term objective is to develop a network with uniform standards and to have effective and well-established bi-lateral and multi-lateral cooperation arrangements.

- This work clearly showcases how the Ministerial texts that you negotiate on paper, when backed up with political will and leadership, have the potential to bring a long-lasting impact on the region and the people living in it.
- Our thematic areas of engagement also include ongoing research into **gender-sensitive** approaches to trafficking, with a paper being now finalized and that should be published in just a couple of months. This publication will aim to provide a better overview of “gender-sensitive approaches” so as to assist participating States in addressing victims’ specific protection needs, including from the male perspective. It will also seek to inform better prevention and prosecution strategies, looking at pull and push factors for victims, traffickers and users.
- Last but not least among the activities I would like to mention under the chapeau of ‘protection’, it is our work on **trafficking in human beings for the removal of organs.** Despite its high profits and catastrophic harm to victims, this form of trafficking remains one of the least understood and addressed forms of human trafficking globally and it needs urgent attention from the international community. This year, my Office organized an expert meeting on the matter, in partnership with the UN High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO). We gathered legal, criminal justice, medical and victim-protection experts from over 20 OSCE participating States, Partners for Co-operation and international organizations. A list of insightful and concrete recommendations will soon be circulated and shared with you all.

This is only a glimpse into the rich programmatic activities that the Office has implemented over the last year in the field of protection. Let me now turn to prevention.

Prevention

- While prosecution and protection are fundamental and necessary components of our efforts to combat trafficking in human beings, if we are going to end human trafficking it will ultimately be because we have devoted **the right attention and resources to prevention**. Preventing trafficking in human beings is really one of those areas where ambition is the only frontier, as there is virtually no limit to the impact one can achieve by investing in this arena.

- First, we need to confront the extent to which trafficking in human beings and forced labor is entwined with our economies. And the best way to do this is by eradicating it from our supply chains, to ensure that purchased goods or services were not produced through exploitation. We must stop paying for trafficking. In MC Decision 6/17 you called for action on supply chains in the private sector, and in OSCE structures. We are implementing your guidance with a number of activities aimed at **preventing trafficking for labour exploitation** through government measures. My Office produced Model Guidelines as well as a Compendium of relevant resources on preventing trafficking for labour exploitation in supply chains. We translated these Guidelines into all OSCE official languages, and we have completed a number of workshops with procurement and anti-trafficking practitioners from most participating States to help foster implementation of the recommended measures. Again, this is really the essence of the “policy to practice” approach.

- But the **OSCE leads by example** in this field: in collaboration with the Secretariat’s procurement and contracting unit, my Office has undertaken numerous activities to develop internal measures and capacities to prevent trafficking in human beings in the OSCE’s procurement. We completed a pilot project mapping risks in the OSCE supply chains and we organized an OSCE-wide workshop on managing and mitigating trafficking risks that was attended by procurement experts from all OSCE executive structures. The recommendations from this event served as the basis for the development of OSCE procurement guidelines and a training curriculum on how to manage and mitigate human trafficking risks in our internal procurement.

- And our work has quickly become a leading model for the international community: in the framework of our co-chairing of ICAT, UN interagency mechanism I mentioned earlier, we introduced the topic of public procurement measures in international organizations to the UN’s High Level Procurement Network. Subsequently, a task force was created within the Network

—and in partnership with the OSCE— to advance implementation of such measures across UN entities. Later this year, under our leadership, ICAT will publish a **policy paper** on combatting trafficking in persons through sustainable procurement, which will be the first such publication from the UN system and which -we are sure- will cement our recognized leadership in this field among International Organizations.

- Parallel to this work on preventing trafficking for labour exploitation, and as enshrined in the Palermo Protocol and OSCE Ministerial Council Decisions, efforts to curb **the demand that fosters trafficking for the purpose of sexual exploitation** are also a fundamental component of a holistic and effective prevention strategy. Sexual exploitation remains the predominant form of human trafficking globally as well as in the OSCE area, and a conversation about ending trafficking will be disingenuous without a focus on this aspect. To fill the knowledge gap in this field and to encourage robust action on this issue, my Office has initiated a **comprehensive research on the demand** that fuels trafficking for sexual exploitation, and we look forward to publishing it in the coming months.

Technology. A cross-cutting policy area

- Beyond the orderly framework of the three Ps, there are a number of priority policy areas for us, which are cross-cutting. The perfect example is technology. The intersection of technology and trafficking in human beings is one of the defining topics of the current, global conversation on efforts to end human trafficking. Indeed, the future success of countries in eradicating human trafficking will very much depend on how they are prepared for and equipped to harness technology to fight this crime. As part of a wider effort to identify ways to keep our anti-trafficking response adequate and effective to the times we live in, this year my Office and Tech Against Trafficking (a coalition of technology companies) published a ground-breaking research on how technology is being used to prevent and combat trafficking in human beings. This publication takes stock of and compiles technology tools and initiatives developed to combat trafficking in human beings in its different forms. It is the first publication to conduct a global analysis of how different stakeholders, including law enforcement, civil society, businesses and academia, can take advantage of technology to advance the fight against human trafficking. The paper identifies and analyses more than 300 technology initiatives, while also addressing ethical considerations, data protection issues and the need to respect human rights in the use of technology. As a next step, and again, fully in line with our ‘policy to practice’

approach, we will be developing policy guidance for governments to curb the surging misuse of technology.

How we work -Partnerships and co-operation

- The dual role of OSCE Special Representative and Co-ordinator you granted me also carries the responsibility of advancing partnerships, co-ordination and co-operation, both inward (looking at leveraging the great expertise and capacity across OSCE executive structures) and outward (with other International Organizations, NGOs, Academia and the private sector when useful to advance the goals you set). I see partnerships as a "**force multiplier**" to advance our goals and trigger interventions adapted to the scale of the issue.
- In this regard, in 2020, our leadership and our role as a regional organization that can link global initiatives with action on the ground was recognized when we were exceptionally and consensually confirmed for a second year as co-chair of **ICAT**, the UN's Inter-Agency Coordination Group Against Trafficking. The OSCE is the first non-UN entity to chair this forum which was established with the objective to enhance inter-agency coordination in anti-trafficking efforts. Thanks to our persistent efforts to make strategic use of this mechanism, OSCE anti-trafficking initiatives (most notably on public procurement and technology) were elevated on a global stage. Another instance of effective partnership was our collaboration with UNODC and the Office of the UN High Commissioner for Human Rights, to facilitate a regional consultation together with the UN Committee on the Elimination of Discrimination against Women. Once again, we made sure that the voice and needs of our region were represented in these global discussions.
- Likewise, our co-operation with the **Council of Europe** remained instrumental to develop complementary lines of action and coordinate our efforts toward ending trafficking in human beings. This year, the annual meeting of National Anti-Trafficking Co-ordinators and Rapporteurs or equivalent mechanisms that we annually co-organize with the Council of Europe will be held on 3 and 4 November and will represent a unique opportunity for the high-level officials directly responsible for combating trafficking in human beings in your countries to exchange views on the ongoing trends and best practices on how best to tackle them, including on the challenges posed by the COVID-19 pandemic on anti-trafficking responses.

- I have maintained and enhanced our engagement with other regional entities as well. Our cooperation with the European Union has strengthened through a number of concrete initiatives in the past months, including the contribution to their developing new anti-trafficking strategy we provided upon their request. I look forward to deepening these contacts in the months to come in areas of common concern. In the same spirit of cooperation, and building up on last year's engagement, in two weeks I will be speaking at the Heads of Supreme Courts meeting of the Shanghai Cooperation Organization, where I was invited to present my thoughts on the role of the judiciary in combating human trafficking. These examples demonstrate the attractiveness of the OSCE approaches and expertise in this field.

- This year, particularly at the onset of lockdown measures throughout the OSCE region, we have intensified our exchanges with the **OSCE Field Operations** and especially with the CTHB focal points. These virtual contacts have been instrumental both in our respective strategic planning and budget preparations for 2021, as well as to inform the development of recommendations we offered to you in the context of the COVID-19 pandemic. Field Operations have continued providing invaluable assistance and expertise to participating States in organizing a number of CTHB activities this year, both with regard to national simulations in some of the countries I mentioned earlier, but also in organizing awareness-campaigns, trainings, workshops or full-fledged conferences.

- Likewise, over the past year, our cooperation with the **ODIHR, the TNTD, the OSG/Programme for Gender Issues and other Secretariat teams** has deepened and resulted in shared planning and a number of coordinated activities. Some of you had a chance to glimpse at this cooperation in action during the thematic briefing we organized together with the Chair in June, when we presented to you some of the most innovative CTHB activities launched and implemented across executive structures with a cooperative and impact-aiming approach.

How we work - Country Visits

- One of the most effective tools my Office has to support you in implementing your commitments in the area of human trafficking are my country visits. Despite the pandemic and subsequent travel restrictions, I was able to visit Ireland in February and Turkey only last week. These were both follow-up visit to previous Country Visits. The purpose was to assess the implementation of our previous recommendations and to offer our support on the way forward, as always in a spirit a partnership and cooperation.

- In order to respond to the obvious challenges related to travel, my Office has also developed new ways to engage with national authorities when travel was not possible. For example, a few weeks ago I engaged virtually with relevant Ministers and other high-level officials from Finland, discussing their ambitious and promising reforms, and I agreed to visit in person and complete the visit as soon as travel restrictions are lifted. I believe virtual visits cannot and will not replace in-person, but they can provide a good opportunity to supplement engagement. Additionally, this year we issues written reports to Tajikistan, Georgia and Croatia (referring to visits conducted in 2019). Let me take this opportunity to thank the authorities of all the mentioned countries for their openness and positive engagement.

- These visits offer a unique opportunity to **provide advice and expertise**, exchange good practices and consult relevant legislative, judicial, and executive authorities in a spirit of co-operation, as well as to **raise the political profile** of anti-trafficking efforts in any given country. As you know from previous years, official visits targeted to specific issues can also be organized upon your request, and provide for targeted thematic discussions and support to national counterparts.

COVID-19

- Finally, allow me a few words on the issue that perhaps more than any other has defined 2020, COVID. In response to the outbreak of the pandemic, I issued **a statement** in close cooperation with the Chair, in which I urged your authorities to prioritize anti-trafficking efforts, as it is precisely when our global community is convulsed by a crisis of this magnitude that our obligation to combat the exploitation of vulnerable people becomes most acute. Building on the statement, I then issued a series of practical **recommendations on short-term responses** to COVID-19. They focused on preventive measures and on ways to keep protection services running, as well as on how to keep the criminal justice system functioning during these challenging months. These recommendations remain valid today and I thank those governments and agencies who received and included them in their policies. Without targeted action, the health and economic crisis we see today risks becoming a human trafficking crisis tomorrow, as vulnerabilities have compounded and will compound further in the months to come. Let me stress it once more: this is not the time to turn away from combating trafficking in human beings, but to invest in its prevention.

Ladies and gentlemen,

- In conclusion, I would like to extend my thanks to **our donors** for extra-budgetary project contributions in 2020, in particular the governments of Andorra, Austria, Cyprus, Germany, Iceland, Ireland, Italy and Monaco. A special thanks also to Italy, Germany and the United States of America for **seconding staff** to my Office: your support is very much appreciated and crucial for the success of the Office.

- I would also like to express my deep and sincere appreciation to the **Chair in Office**, and to Amb. Hasani in particular for his devotion and consistent support and interest in our work. None of the achievements mentioned today would have been possible without your attention to this topic. I would also like to commend the incoming **Swedish Chair** for participating so actively in the global debate on combatting trafficking in human beings and for devoting the first meeting of the OSCE Mediterranean Partners for Cooperation Group this year to an insightful discussion on technology-facilitated trafficking and on how to leverage the newest tools to win this fight.

- Ending trafficking in human beings is a current and **common challenge**, which, in the OSCE can be met with a particularly innovative set of commitments, expertise and tools. Exploitation of human beings remains an open wound in all of our societies, and it is time to prioritize the necessary political, human and financial resources to meet the challenge. Over the last years, the OSCE has demonstrated a steadfast commitment to talk about human trafficking and identify common solutions to persistent and emerging challenges. The magnitude of the problem forces us to tackle it **together**, and the experience of recent years confirms that this is exactly the approach to take.

- I thank you for your kind attention, commitment and support.