

Organization for Security and Co-operation in Europe

**Talking Points of Ms. Eva Biaudet, OSCE Special Representative and Co-ordinator for
Combating Trafficking in Human Beings**

**Human Dimension Implementation Meeting – 2nd October 2007
Working Session 12 – Trafficking for Labour Exploitation**

Mr. Chairman,
Excellencies,
Dear Ladies and Gentlemen,

I am very pleased to address you all this morning and have the opportunity to give some introductory remarks as a start to this important working session which will focus on trafficking in human beings, this time, mainly on Trafficking for labour exploitation.

It is firstly perhaps useful to remind ourselves, that the UN Palermo Protocol from 2000 with its definition, and the OSCE Action Plan and its commitments and recommendations, address all forms of Trafficking in Human Beings. It is necessary to ensure that national criminal legislation has definitional clarity, including the concepts of forced labour, coercion, abuse of power and abuse of position of vulnerability. The adequate implementation of these instruments, as of course also of the most recent very important Council of Europe Convention, which will enter into force very soon, all not only require governments to legislate but also to build up their capacities in such a way that also labour trafficking is appropriately included in measures for prevention, protection and prosecution.

To assist Participating States with this, my office has arranged two High Level Alliance Conferences on the subject each having connected hundreds of experts from the capitals with NGOs and international organizations. These two Conferences produced a substantive number of recommendations for further commitments now on the table for governments to consider.

Also ODIHR has as you perhaps remember arranged several meetings on labour exploitation during Human Dimension meetings in the past two years.

By today, most countries in our region indeed also have identified cases of labour exploitation in different sectors of their economies, not only in classical low wage work such as agriculture, domestic work and construction, but exploitation exist even in the public sector. The increased use of subcontractors is bringing more anonymous employers and employees, and less transparency to de facto working conditions. It can be only rational to include the new organizing of work into normal labour regulation and legislate responsibility for labour conditions in the whole supply chain, including subcontractors.

We also need to understand why so few victims are identified by our authorities and why so few come forward. But the problem is not only that law enforcement, labour inspectors and other officials have to be trained and get more resources for identification work. With victims for labour exploitation we also face the issue of lack of self-identification. It seems that desperate situations and the sense of hopelessness give few alternatives but to accept so called contracts more or less with knowledge of their exploitative character.

We have therefore to create environments which do not foster or make it easy to abuse powers against people in vulnerable situations. It means not giving up on the idea that our region is a region for respecting human rights and human dignity. It means not giving up on our social conscience and it means an openness to search for solutions on migration and border control that are not abusive to these principals. It is clear to me that irregular migration cannot be stemmed by not protecting people from traffickers or by not providing victims assistance and rehabilitation. It is also clear to me that by not addressing the issues that pose migrants, legal or illegal, refugees or even foreign students at risk for trafficking labour exploitation, we open the field for criminal activities of cruelty against humans beyond our imagination. And it never stops only with adults.

However, I want to point out that it always also is a moral issue to cut the demand for exploitation. But this ethical code of non exploitation is created only in an environment where political decision makers pave the way, and show that everything possible is being done to prevent this crime.

What specific measures should be taken to prevent labour exploitation? Where can we identify a need for new commitments?

First, we need to recognize that labour exploitation is linked to employment issues in general. The new dynamics of international production, subcontractors and more mobile labour requires adjusting of labour protection regulations to these circumstances. Special attention has to be given to improve the general working conditions in sectors where we now exploitation occurs.

Many studies show that certain policy practices, such as linking visas or work permits to a single employer easily leads to a situation where the worker either stays with an abusive employer or is likely to face deportation. From the point of addressing trafficking, it cannot be unreasonable to look for new practises concerning visa, labour permits and residency regulations so as not to create situations where a migrant is so at risk and so alone with abuse.

Other labour practices which could reduce vulnerability include an obligation to provide written contracts when requested by the worker, legislation on working time protection and a right to basic health and education services regardless of immigration status.

When it comes to victim protection we have to provide him or her tools for empowerment, to get back in charge of his or her life, his or her freedom. Victims should be eligible for work permits during their rehabilitation. When exploitation has been grave, consideration should be given to issuing permanent residence and work permits to victims enabling long term integration.

For prosecutions to be successful it is necessary that law enforcement officials are trained to identify victims, and that prosecutors and also judges are trained to understand the practices of exploitation of different forms and changing patterns of trafficking in human beings.

For the criminal the kind of exploitation is secondary, the victim is a commodity sold for whatever purpose there is a market. Multiple exploitations are common. It is the economics of this crime that keeps traffickers going. Therefore, participating States have to put emphasis into getting the profits of trafficking and related crime support services confiscated.

From the international perspective it is evident that the level of international police and legal co-operation, and the capabilities to use mutual legal assistance tools, affect the effectiveness of law enforcement and prosecutorial responses.

And, lastly I want to point out one worrying factor of labour trafficking that one maybe does not immediately come to think of. Namely, that approximately half all human beings exploited for labour purposes are children. The awful truth is that there is a high demand for exploitation of children both for sex and labour also in Europe, primarily of course because children are cheap and obedient.

Reports tell about a substantial amount of missing children in our region. These children having many times arrived as unaccompanied asylum seekers, are often perceived as smuggled and therefore not provided adequate protection against what we believe are their traffickers. Research show that these children are likely to be on the way to be exploited in the destination in domestic servitude or the sextrade, Experience shows that, for example, unaccompanied children usually disappear within two days after having been brought into so called protection. Recent experiences in countries, where compulsory child protection measures have been taken in order to protect unaccompanied children, have shown positive results.

The challenges ahead of us are serious. But the risks of letting this international criminality explode is a threat that comes close to us all. Seeing the big picture and the future of our region, there is no doubt that the benefits we can achieve in terms of security for our peoples and prosperity for our countries and the whole OSCE region are great, if we address these challenges.

Thank you ladies and gentlemen for your attention!