



Organization for Security and Co-operation in Europe

Opening Remarks

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**OSCE Human Dimension Implementation Meeting
Warsaw, 6 October 2011**

Check against delivery!

Excellencies,
Distinguished delegates, colleagues and friends,
Dear Madame Moderator,

I am delighted and honoured to be with you today to open with Ambassador Lenarcic this session of the Human Dimension Implementation Meeting dedicated to anti-trafficking action, and in particular to the implementation of commitments in relation to trafficked persons' access to justice and effective remedies, including compensation. I wish to thank the Lithuanian Chairmanship and the ODIHR for this opportunity.

In my brief remarks I would like firstly to highlight the significance of continued and sustained efforts by participating States to tackle human trafficking. Secondly, building on our work I will put forward some strategic indications to enhance the impact of anti-trafficking action and will conclude by underlining the particular importance of victims' access to remedies.

Let me start by underlining the crucial importance of continued and sustained efforts by participating States to prevent and combat all forms of THB. This phenomenon has reached such proportions that it is legitimate to talk about modern-day slavery on a massive scale. The laws, institutional machineries and programmes we have put in place at international, regional and national levels over the last 15 years are important, but have yet to yield meaningful results, in other words results commensurate with the magnitude of the problem. The limited numbers available on investigations, prosecutions and victims identified still only amount to a few thousand per year across the globe¹, and when one looks for data on residence permits for victims² or compensation awarded to victims or for seizure and confiscation of criminal assets, these data are even more scattered. We have to admit that these limited results neither comply with human rights standards, nor do they imply any significant deterrent effect. This is why we need both a renewed and reinvigorated commitment to address modern-day slavery, as well as innovative approaches to tackle the phenomenon and move towards a more coherent and effective implementation of the commitments undertaken.

Over the last few years my office has worked tirelessly together with the ODIHR, OSCE structures and field operations, with the partners in the *Alliance against Trafficking in Persons*, and of course with participating States to change the perception of trafficking, to clarify that it is not a marginal phenomenon, to shed light on the pervasive and massive nature of trafficking for labour exploitation, including for the purpose of domestic servitude.

¹ For example the 6,017 prosecutions and 3,619 convictions recorded globally by the 2011 U.S. *Trafficking in Persons Report*, is not at all commensurate with the ILO minimum estimate of 12.3 million victims in forced labour worldwide, which includes at least several millions of persons trafficked in the OSCE region.

² For example in the European Commission report on the application of the 2004 Residence Permits Directive whereby in most cases only between 1-20 residence permits per year were granted; See European Commission, *Report from the Commission to the European Parliament and the Council on the application of Directive 2004/81 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*, COM(2010) 493 final, Brussels, 15.10.2010, p. 10.

In June this year with the 11th *Alliance against Trafficking in Persons* Conference “Preventing Trafficking in Human Beings for Labour Exploitation: Decent Work and Social Justice”, we examined anti-trafficking action in a broader perspective. The outcome of the Conference confirmed the importance of integrating anti-trafficking policy into related policy areas such as labour market, migration and asylum policy, child protection and gender equality. Promoting policy coherence is necessary to secure a more effective implementation of commitments in this area and to enhance the impact of anti-trafficking action.

For example, we discussed how more efficient social protection and, specifically comprehensive child protection systems can contribute to enhance the prevention of trafficking and exploitation of children. We examined opportunities and ways to strengthen the criminal justice response and complement it by mobilizing further institutional and civil society resources. We discussed recommended measures such as stricter regulation and monitoring systems in economic sectors prone to exploitation, regulation of private employment agencies and labour suppliers; the UK experience with the Gangmasters Licensing Authority is for instance particularly interesting. We focused on innovative ways of enhancing prevention of labour trafficking for example through the promotion of workers’ self-organization and representation, and the establishment of complaint procedures to report abuses and suspected instances of labour exploitation. For example we learned about the pioneer work of the Confédération française démocratique du travail to protect the rights of domestic workers, and we learned about the advanced provisions taken by Switzerland to protect the rights of domestic workers employed in diplomatic households, including through out-of-court mediation tools. Together with businesses we explored how they can engage to ensure that trafficking does not occur at their workplaces or in their supply chains, and together we discussed the potential of the recently adopted *UN Guiding Principles on Business and Human Rights* and how governments can encourage businesses to comply with these principles and exercise due diligence.

In this light I very much welcome the focus of today’s session as I am convinced that we need to stand by our human rights obligations, break the widespread impunity of traffickers and exploiters. We need to make full use of all criminal, labour, administrative and civil tools to uphold the rights of trafficked persons. We need to scale up the scope and quality of legal assistance available to trafficked persons in order to support them in effectively claiming their rights, and especially the right to compensation for harm suffered including payment of unpaid wages. Let me underline that measures to empower and support trafficked persons and workers in general –especially migrant workers- should be available and accessible to all, regardless of their status. That being said, in no way should we diminish our attention and assistance to victims of other extremely cruel forms of exploitation, such as trafficking for sexual exploitation.

I wish to conclude by highlighting why access to justice, including for claiming compensation is a crucial component of anti-trafficking action. First, through compensation, trafficked persons are enabled to rebuild their lives, and start a process of social inclusion, either in their country of origin or destination; in the case of child victims, compensation is even more crucial for his/her life, yet it may be more challenging. Second: when enabled to claim compensation through appropriate measures such as early legal counselling and representation, trafficked persons become actual actors in criminal proceedings, and cannot be confined to the role of mere witnesses. In this sense, the right to claim compensation is a way towards a fair trial, in which the rights of all actors, both victims and defendants, are equally and effectively protected. Third: without an effective implementation of

compensation measures and tracing, seizing and ultimately confiscating the proceeds of crime, the right to compensation of the victim of crime remains on paper and there is no deterrent effect for the criminal networks involved in this multibillion business. Indeed, although state funds for victim compensation have been established in a few participating States, they are more the exception than the rule, and their capacity is limited. The *Alliance Expert Seminar on Leveraging Anti-Money Laundering Regimes to Combat Human Trafficking* which my office hosted in Vienna at the beginning of this week together with OCEEA, SPMU and UNODC- clearly showed the importance of the application of financial investigation techniques in THB cases for both purposes, crime deterrence and victim compensation.

This strategic approach calls for strong and broad partnership and engagement of NGOs, trade unions, migrant rights groups, and employers' organizations, our new partners in the *Alliance against Trafficking in Persons*. Furthermore, these efforts need to be combined with parallel initiatives aimed at raising the profile and quality of THB investigations and prosecutions and with a broad array of prevention and protection measures. These efforts should also build on the OSCE anti-trafficking work and on the pioneer initiatives taken to shed light on one of the most invisible forms of exploitation, trafficking for the purpose of domestic servitude. In this context I would also like to pay tribute to the ODIHR for its pioneer work and research on access to justice and compensation of trafficked persons, including through its support to the NGO-led COMP.ACT initiative.

I am hopeful that these innovative approaches to preventing trafficking, and these pioneer initiatives to tackle some particularly hidden forms of trafficking –such as trafficking for domestic servitude- will contribute to inspire and inform the deliberations of participating States, leading to a renewed commitment and enhanced action to prevent and eradicate trafficking as modern-day slavery, as one of the outcomes of the Vilnius Ministerial Council.