



Organization for Security and Co-operation in Europe

**Presentation by Eva Biaudet, Special Representative and
Co-ordinator for Combating Trafficking in Human Beings**

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(Distinguished Minister, Dear Elisabeth),

Ladies and Gentlemen,

Dear Friends,

I am very grateful for the opportunity to speak at this Opening session of the OSCE Civil Society Forum. I am especially glad to be here, because I am convinced that one of the strongest foundations of the CSCE and OSCE process has been its inclusion of civil society organisations, and recognising the value of listening to the voices of people - and taking them into account - when advancing the respect for Human Rights and when developing dialogue and building security between countries.

My address to you will cover a few historic remarks, an analysis of the status-quo of today's challenges for the OSCE, reflections on one particular area of OSCE's Human Dimension work – the specific task I have within the Organisation – fighting human trafficking, and finally some comments on what the organisation needs to do to keep its relevance if it wants to remain at the forefront in the promotion of Human Rights.

If one looks at the OSCE process from a historical perspective, and especially when analysing the impact of its comprehensive Human Dimension commitments, I believe there are few in this room who dispute that these commitments - starting with the Helsinki Final Act from 1975 - have had an enormous impact for the development of democracy and the respect for human rights in the whole OSCE region. Ever since then, the universal significance of respect for human rights by governments, and its importance for maintaining peace between countries has been recognized.

I don't think we at this seminar should keep our eyes looking into the rear-mirror for a long time, but I simply cannot refuse to make one particular historic remark. 18 years ago, at the Paris Summit of the CSCE, the heads of our governments declared that “the era of confrontation and division of Europe has ended”. In that air of optimism and idealism, leaders across Europe really thought that conflicts, at least between OSCE states, had ended for good, that democracy soon would flourish all over, and that the whole OSCE region would be united.

Well, the reality of course looks quite different today. We have experienced war between two participating States this year, there are several more unresolved conflicts within the OSCE region, and the political atmosphere, at least in Vienna where my Office is situated, and where representatives of the 56 OSCE participating States are meeting on a weekly basis, has recently not always been very constructive, to put it diplomatically.

An unfortunate side effect of the tense atmosphere has been that in some ways, all dimensions of OSCE's work has been affected. Not only the politico-military dimension dealing with so called "traditional" or "hard security", such as arms control, conflict prevention and military reform, but also Human Dimension work - such as promoting democratisation, minority rights, tolerance and non-discrimination - has been hampered. Most notably perhaps, the Warsaw based OSCE Office for Democratic Institutions and Human Rights, has faced serious challenges in its promotion of democracy and in particular its election observation activities.

And, even in the area of my mandate, combating human trafficking - which in principle is a subject that politically is not particularly sensitive - except to the extent it is connected to migration of course - my experience is, that it has been very hard to get governments to make further commitments than the ones already existing. And from a political perspective this of course is contradictory to much of the rhetoric heard from OSCE politicians and diplomats - who constantly state their strong willingness to do their utmost to prevent this modern form of slavery, to protect and assist the victims, and to bring the traffickers to justice.

Although I am pleased that OSCE foreign ministers here in Helsinki are set to reach an agreement on a new anti-trafficking decision on enhancing the criminal justice responses to human trafficking, I cannot honestly say I would be entirely satisfied. The draft decision includes many positive things: Our participating States will recognize that providing victims with adequate protection and assistance is a prerequisite for an effective Criminal Justice Response to trafficking - governments will highlight the importance of providing anti-trafficking training to all law enforcement personnel - trafficking cases will without exceptions after this always have to be prosecuted ex officio - and very importantly, governments will commit themselves not to deport potential victims of human trafficking before a proper identification process has taken place.

All this is of course very positive. But at the same time, what worries me is that governments have been reluctant to continue recognising that human trafficking constitutes a violation of fundamental human rights. In my view this is not fully in line with the trademark of our Organisation - combating trafficking

through a Human Rights and Victim Centred Approach. I seriously believe, that if we successfully want to be able to address the underlying structural problems related to human trafficking, the OSCE should reaffirm its previous commitments in this regard. Another commitment I hope OSCE countries soon will make is a promise to provide victims with assistance also if they at first instance are reluctant to cooperate with law enforcement, since we know that victims often, because of fear of retaliation from traffickers and fear of corruption, are too afraid and traumatised to meet this requirement.

Ladies and gentlemen,

I will now make few remarks on anti-trafficking issues where significant progress has been made in recent years, and then comment on unfinished business and steps that should be taken as matter of priority.

When I compare the present situation with where we were ten years ago, it is clear that much has been accomplished. At that time, hardly any countries had any anti-trafficking structures in place. There were no National Coordinators - no National Action Plans had been adopted, - and no National Reporting Mechanisms had been established. Structures that we now know are the foundation for an effective and co-ordinated response to human trafficking. Today, most countries have implemented at least some of these structures. And in fairness we can say, that a big part of the credit for this progress goes to the OSCE, which truly has served as an engine of change in this regard.

Dear friends, since establishing a National Reporting mechanism on human trafficking is being debated right at this moment in the Finnish Parliament, I want to emphasize the importance of this particular function. National Rapporteurs are urgently needed in all OSCE countries, because State policies should be based on evidence - not mere assumptions. The effectiveness of State responses has to be assessed on the basis of research and analysis of the impact of efforts undertaken. National Rapporteurs or equivalent monitoring and reporting mechanisms have already proven their validity in many OSCE countries and I call on other States to follow this example.

Moving on to the challenges we still have ahead of us. I am afraid that despite all our efforts, there is still no clear indication of a decline of human trafficking in the OSCE region. We are still quite far from reaching the tipping point. In fact, several accounts point to the fact that this extremely profitable criminality is flourishing and taking on new sophisticated forms.

To illustrate how sophisticated the methods used by traffickers have become, I want to give you an example from a country I recently visited. To scare and discourage victims to report to the police,

traffickers use accomplices dressing up in fake police uniforms. These false policemen enter the clubs where sexual services are sold. They are friendly with the traffickers, buy sex and behave aggressively towards the victims. Imagine for a moment that you were the victim - would you after having been so severely humiliated and disoriented feel encouraged to report to the police?

Another alarming issue is child trafficking. Indeed, half of the victims that have been identified are children. There are numerous examples from the OSCE region of children that have been detained, punished, deported and returned to their home countries without proper risk assessments. Children are being treated as adults, they receive no assistance, and they are even being criminalised and expelled as illegal migrants – to an uncertain future with great risks of re-trafficking and violent reprisal from traffickers.

The most horrifying example I have encountered so far is the case of a minor girl exploited in prostitution. Instead of receiving protection and assistance she was prosecuted and sentenced to jail for infecting over hundred men with HIV. In my view this blatant human rights violation illustrates the lack of knowledge and understanding that still exists, I dare to say, in very many OSCE countries. It is an alarming account of detrimental attitudes from the side of law enforcement officials, prosecutors and judges – from the very people who should protect people from being exploited.

Because of these problems, my aim as OSCE Special Representative, has been to mobilise increased action, focusing on the positive obligation countries have to protect trafficking victims, especially vulnerable children, from exploitation - without prejudice, without discrimination, and regardless of their immigration status.

My final point on trafficking concerns reducing demand for sexual services and cheap labour that fosters this modern form of slavery. There is an urgent need to develop legislation that makes people accountable for this exploitation – there is an urgent need of changing attitudes among large parts of our populations - and there is an urgent need to give more political weight to reducing demand. Otherwise the ruthless abuse and exploitation of our fellow human beings - children, women and men - will continue.

Ladies and gentlemen,

In closing, I will comment briefly on how the OSCE and its Human Dimension could be strengthened. The central question, at the eve of OSCE's return to Helsinki, is how our Organisation will be able to overcome its current challenges – if it can play an active and constructive role in settling the unresolved

conflicts in Georgia, Nagorno-Karabakh, and Transnistria - if governments will allow the OSCE to provide advice and assistance when they fall short of adhering to their Human Rights commitments - and if States will allow OSCE to be flexible enough to successfully combat the so called “new security threats” of organized crime, human trafficking, and terrorism. Since, without paying due attention to these challenges, our basic democratic values and our collective social conscience will be weakened.

I don't want to sound too pessimistic. I really believe that the OSCE can continue playing a positive role in trying to guarantee the respect for Human Rights also in the 21st century. However, a prerequisite will be that we return to multilateralism and strengthen our Organisation. The OSCE has a huge potential to promote democracy, prevent conflict, and build confidence between countries and different groups in our societies. Our governments only have to be wise enough to collectively use the already available tools and mechanisms when they are needed.

Dear friends, when thinking about the challenges ahead of us from the Civil Society perspective, which is our focus here today, I realize there is a great potential for success. Because - despite the setbacks and the somewhat cold political atmosphere within our Organisation, when visiting OSCE countries I have clearly felt that people all over our region feel connected and share the same values. This is also why this forum and all of you present here today are so important. Since, we should not forget that the OSCE is a democratic process and our governments are politically accountable for all their decisions – also the ones made within the OSCE. So I encourage you to continue demanding more and better results from your governments and our Organisation.

Ladies and gentlemen,

At the end, what matters is if we together will succeed in making the basic values of OSCE – democracy, respect for human rights and the rule of law – a reality for all people living in our region.

I hope these reflections have served the purpose of an introduction to a lively discussion with you all about the relevance of the OSCE Human Dimension in the 21st century. Thank you for your attention.

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