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*Special Representative  
on Combating Trafficking in Human Beings*

Part 2

**ALLIANCE**

**AGAINST TRAFFICKING IN PERSONS**

**STATEMENTS AT THE FIRST MEETING**

**VIENNA, 23 JULY 2004**

## INDEX

<b>Welcoming Addresses .....</b>	<b>5</b>
Ambassador Ivo Petrov Chairman of the OSCE Permanent Council	5
Ambassador Ján Kubiš OSCE Secretary General	7
Helga Konrad OSCE Special Representative on Combating Trafficking in Human Beings	9
<b>A Council of Europe Convention for Victims of Trafficking – the Victim-centred Approach .....</b>	<b>11</b>
Maud de Boer Buquicchio Deputy Secretary General, Council of Europe	11
Gerda Theuermann Director Consultancy Services, International Centre for Migration Policy Development	17
<b>The Human Rights Components in the Fight Against Human Trafficking .....</b>	<b>21</b>
Zdislaw Kedzia Chief of Research and Right to Development, UNOHCHR	21
Ambassador Christian Strohal Director, ODIHR	25
<b>Trafficking in Children and Minors .....</b>	<b>29</b>
Helena Eversole UNICEF Representative for Bosnia and Herzegovina	29
Boris Scharlowski Coordinator International Campaign against Child Trafficking, Terre des Hommes	33
<b>The Institution of National Rapporteurs .....</b>	<b>37</b>
Anna Korvinus National Rapporteur on Trafficking in Human Beings, The Netherlands	37

<b>The Labour Dimensions of Human Trafficking .....</b>	<b>41</b>
Roger Plant Head of Special Action Programme to Combat Forced Labour, ILO	41
Mary Cunneen Director, Anti Slavery International	45
<b>Migration and Trafficking in Persons.....</b>	<b>47</b>
Marco A. Gramegna Director, Counter-Trafficking Service, IOM	47
Gottfried Köfner UNHCR Representative in Austria	51
<b>Trafficking in Persons and Organised Crime .....</b>	<b>55</b>
Jean-Paul Laborde Principle Officer, Division for Treaty Affairs, UNODC	55
Hamish McCulloch Assistant Director, INTERPOL	63
<b>Corruption and Human Trafficking .....</b>	<b>65</b>
Professor Ugo Draetta Chairman, Stability Pact Anti-Corruption Initiative (SPAI)	65
<b>The Role and Responsibility of Peacekeepers in the Fight Against Human Trafficking .....</b>	<b>69</b>
Jean-Christian Cady Deputy Special Representative of the Secretary General for Police and Justice, UNMIK	69
Susan Pond Head of Partnership for Peace and Cooperation Programmes, NATO	73

## THE LABOUR DIMENSIONS OF HUMAN TRAFFICKING

**Roger Plant**

**Head of Special Action Programme to Combat Forced Labour, ILO**

Your Excellencies

Distinguished participants, all

It is a real pleasure to attend the first meeting of this Alliance. I must begin of course by congratulating Helga Konrad on her challenging new assignment, and also by thanking her for consistent support for my own organization and programme over the past few years. Indeed the subject she has asked me to address today, the labour dimensions of trafficking, is one on which Helga Konrad herself has been a particularly articulate spokesperson. In the Stability Pact Task Force on trafficking, and also in the various OSCE fora where we have had animated debates over these issues.

Since beginning my present assignment some two and a half years ago, as the first time the ILO has had a promotional programme on global forced labour issues, I have been particularly concerned with two basic questions.

**First**, how can the ILO and its partner agencies best come to grips with, document and effectively tackle the strictly *labour* or *forced labour* dimensions of human trafficking, most particularly in the destination countries where these abuses are most likely to occur? How can we assist our Member States to develop the appropriate law and policies, enabling their law enforcement agencies to identify cases of trafficked forced labour, to prosecute those responsible for exacting it, and where appropriate to provide compensation to the victims? Also, of course, what are the most suitable measures of prevention in this same area?

**Second**, how can we involve labour market actors and institutions in action against *all forms of trafficking*, whether for labour or sexual exploitation? The questions are of course different, but I prefer to address them both today, as part of the labour dimensions of trafficking. The ILO may have a particularly strong mandate when it is dealing with labour exploitation concerns. But it also has a role to play in harnessing transport, hotel, tourism and other unions; in monitoring all forms of job recruitment and placement; in encouraging job placement agencies to regulate themselves, or in getting labour inspectors to cooperate with other law enforcement and criminal justice agencies.

Over the past few years the discourse on human trafficking, and the wealth of actors involved in anti-trafficking activities, has clearly been changing. Some two years ago, we encountered some reticence at meetings like this to encompass a broader approach. The concerns of governments and policy-makers, activists and the media was primarily with the sexual exploitation of women and children. Things have now moved on, thanks in large part to the drafters of the Palermo “Trafficking Protocol” to the United Nations Convention against Transnational Organized Crime, which entered into force just a few months ago. Its definitional article clearly identifies exploitation in the form of forced labour or services, and slavery or practices similar to slavery, and implicitly requires ratifying States to consider these broader dimensions of trafficking in their new legislation on the subject.

Since then, the labour dimensions of trafficking have received progressively greater recognition. We can see this in last year's OSCE Action Plan against Trafficking, or the latest US State Department *Trafficking in Persons Report*, released last month. This gives almost equal weight in its country analyses to forced labour and sexual exploitation, identifying various forms of forced labour in both industrialized and developing countries.

A further important change has been the growing willingness of governments to treat trafficking as a sub-set of migration concerns. In the ILO context, this has been apparent in the deliberations of the World Commission on the Social Dimensions of Globalization; and most recently, in our Conference discussions last month on migrant workers. The Commission called for a multi-lateral framework for the cross-border movement of people, as part of global efforts against trafficking. The ILO Conference called for strengthened measures to combat trafficking, including (in addition to the prosecution of offenders and protection of and assistance to victims), efforts to address the root causes of the problem in countries of origin, including access to regular labour migration channels.

The stage is set for intensified national and international action. Not surprisingly, many actors are now turning to the ILO for some guidance and leadership. We need conceptual clarity on issues of trafficking and smuggling, better understanding of the nature and extent of the problem, more attention to demand factors, better national laws, better procedures for implementing these laws, and perhaps above all a change in national attitudes and perceptions in many destination countries.

A few months ago, after careful preparation and discussions with several Government ministries, we released a report on the new forced labour in Russia. It focused on coercive conditions of recruitment and employment of irregular migrants from the CIS countries, Moldova, Tajikistan, Ukraine and elsewhere. There was tremendous press interest at the Moscow launch. What impressed me most was the number of journalists who commented that "this is the first time we have seen things this way". To portray irregular migrants as victims, rather than as undesirable competing with Russians for jobs, seemed to represent an entirely new perspective on things.

In most of Western Europe, it is not so very different. In general terms it is known that migrant workers from the poorer countries - from Africa, Latin America, Asia and Eastern Europe - do the dirtiest, most dangerous and poorly paid jobs in agriculture, construction, garment factories, contract cleaning, or as domestic workers. Yet there is very little systematic information, as to how many of these persons are trafficked, or as to the overall recruitment processes.

So I would like to share some information today, as to how we are trying to improve the data gathering, and how we are following this up with some practical activities of law and policy guidance, and training and capacity building for law enforcement agencies.

On data gathering, we began with surveys of returned migrants in four origin countries (Albania, Moldova, Romania and Ukraine), building up a data base covering just under 300 entries of forced labour cases. But not all those who described forced labour situations had actually been trafficked. Some 62% had actually been *trafficked* into forced labour situations. Among the trafficked victims, an estimated 64% were women but just over a quarter were adult males. We found that trafficked victims of forced labour mostly found a job abroad through an intermediary, though social networks were also important. Though trafficked and

non-trafficked victims of forced labour often work in the same sectors, our research to date has helped understand the proportions in each sector. The largest proportion of trafficked victims of forced labour, approximately one third, are subject to sexual exploitation. After that, they are most frequently found in construction, entertainment or bar-tendering, and agriculture.

We have also been able to identify the *forms of coercion*, ranging from open violence against the migrant worker or relatives; debts to the employer or intermediary, lack of freedom of movement, withholding of wages, threats of violence, or threats of denunciation to the authorities or deportation. The most serious coercion has been absolute restriction on freedom of movement, though retention of identity documents has also been perceived as an important constraint. Altogether we have found that trafficked victims of forced labour are subject to the worst forms of abuse, not least because of the range of actors with a vested interest in keeping them in a situation of vulnerability. And we are gradually developing a picture that points to a *forced labour continuum*, along the spectrum between the most flagrant and perhaps milder forms of forced labour abuse. This point is important, we shall see, when we consider remedial measures against forced labour and trafficking. Along this continuum, women are generally worse off than men in all trafficked situations.

Our research on origin countries was followed by detailed case studies in destination countries. This has covered, so far, France, Germany, Japan, Russia and the United Kingdom. There is no time today to go into detail, The results will be summarized in our next global report on forced labour in 2005. But together, the results so far are pointing to similar dilemmas in all destination countries. There are various forms of coercion against trafficked migrants, sometimes in ethnic enclaves (as with Chinese migrants in France), sometimes in the shadow or informal economy (as with small garment factories), but sometimes also involving mainstream industries in construction or the food supply chain. Forced labour is recognized generally in constitutions as a crime. But in the private sector it is a crime that is hardly ever detected, prosecuted and punished. And when there is a continuum, ranging from perhaps minor deception over work conditions to flagrant physical restraint and violence, it is of obvious importance for practical purposes to distinguish the serious and lesser offences.

Our initial research phase is now reaching its conclusion, and we are embarking on a more operational phase of activities. This includes, as I have said, law and policy guidance, training and capacity building, and some integrated programmes involving mainly labour actors in origin and destination countries.

On the first point, we have the guide to ILO Conventions and practical action. This covers, in addition to the ILO's forced labour Conventions themselves, a range of other pertinent ILO instruments on migrant workers, discrimination, freedom of association, the worst forms of child labour, employment agencies and labour inspection, among others. We would like this guide, which we shall shortly be posting on our website, to be a "moving instrument" of best practice. There is already some national good practice in identifying and prosecuting forced labour and slavery-like practices, in the United States for example. But we are still on the foothills of this problem, and there is an immense amount still to be done.

On training, I can share with you our new manual on *Trafficking for Forced Labour: How to monitor the recruitment of migrant workers?* This builds on experience particularly in Romania, bringing police officers and labour officials together. We are now following this up with a further manual aiming to encourage self-regulation by employment agencies.

The next real challenge will be to get governments of the destination and origin countries to work together on these problems, building their joint capacities to combat the forced labour outcomes of human trafficking. So I would like to thank the European Union and the governments of Germany and the United Kingdom for supporting our latest initiative, developed together with the International Centre for Migration Policy Development. This involves several countries of Central, Eastern and Western Europe, aiming to improve administrative controls, to involve labour market institutions, and to facilitate cooperation between countries of origin and destination. A similar programme is also under way between Tajikistan, Uzbekistan and Russia.

In conclusion, we welcome this alliance. We thank Helga Konrad once again for bringing us into it. We are always looking for new partners, to combine our efforts, to learn from each other, and where possible to add the value of the ILO's particular standard-setting mandate and technical expertise to the global fight against trafficking.

**Mary Cunneen**  
**Director, Anti Slavery International**

Firstly I would like to thank the ambassador, and Dr Konrad, for asking me to speak here today. This initiative of the OSCE, is a welcome step in looking at all forms of trafficking, and bringing together those with considerable experience and expertise on this issue.

As Roger Plant from the ILO Forced Labour programme has just highlighted, there is increasing awareness and understanding of the forced labour outcomes of trafficking in human beings. In this presentation, to follow on from the comments of Roger, and other presentations here today, I would like to focus on how, and why it is necessary to look at labour and migration policies, if we are to successfully combat trafficking.

This discussion is particularly timely in following the commitment in the OSCE action plan last year, of member States to review their labour and migration policies. So far the main focus of counter trafficking policies have been looking at law enforcement aspects, and in particular in relation to trafficking into commercial sexual exploitation .

Measures for victim protection, and prevention measures have lagged behind. It is only now that greater attention is being paid to these, and in particular in the context of trafficking for all forms of labour exploitation.

As Roger has outlined, we are now aware that significant numbers of those who are trafficked- men, women and children, are trafficked into forced labour – for example, in agriculture, industry such as construction, or domestic service.

With globalisation there is an increasing demand for cheap, unskilled labour. This has seen not only an increase of the so called invisible, service sector , such as domestic service, sex work or au pairs, for example, but also in the increasing informalisation of previously formal sectors, such as construction, or agriculture. The very nature of these sectors, as informal, unregulated and often hidden, makes them vulnerable to abusive and exploitative labour conditions.

At the same time, the demand for labour in these sectors, is largely being met by migrant workers. The majority of trafficked persons are migrant workers. Demand in countries of destination, coupled with push factors in countries of origin, has led to an abundant supply of migrant workers to meet these needs. However lack of migration policies that enable safe formalised migration to occur, has led to this demand being met through illegal forms of migration- be that trafficking, or smuggling.

What is clear from this, is that to tackle trafficking, States need to look beyond strategies that are primarily based on prosecution, and protection of victims rights, important though these are, to prevention strategies. In the realities of the current globalised economy, this requires consideration of both migration, and labour policies.

Firstly, in looking at migration, States need to look at ways to enable formal, safe migration to occur, which will enable the demand for labour in countries, to be met by migrant labourers. In practical terms we would recommend the following actions;



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At the same time, the demand for labour in these sectors, is largely being met by migrant workers. The majority of trafficked persons are migrant workers. Demand in countries of destination, coupled with push factors in countries of origin, has led to an abundant supply of migrant workers to meet these needs. However lack of migration policies that enable safe formalised migration to occur, has led to this demand being met through illegal forms of migration- be that trafficking, or smuggling.

What is clear from this, is that to tackle trafficking, States need to look beyond strategies that are primarily based on prosecution, and protection of victims rights, important though these are, to prevention strategies. In the realities of the current globalised economy, this requires consideration of both migration, and labour policies.

Firstly, in looking at migration, States need to look at ways to enable formal, safe migration to occur, which will enable the demand for labour in countries, to be met by migrant labourers. In practical terms we would recommend the following actions;

Firstly to promote a safe, rights based approach to migration, States should ratify the UN Convention on the Rights of Migrant Workers and their Families. This provides human rights protection standards for migrant workers.

Secondly States should develop transparent and accessible migration policies. These should include regulation of travel, employment and au pair agencies; provisions criminalising the retention or possession of passports, documents or permits by persons other than the document holder; the provision of work permits or visas, which are not linked to a specific employer or type of employment.

Thirdly, education about, and promotion of, safe migration possibilities and practices in countries of origin is needed.

However, in addition to enabling safe migration to occur, labour practices and conditions also need to be addressed to tackle the forced labour outcomes of trafficking.

We would urge states to ratify and implement the relevant ILO standards. Standards need to be applied in both the formal, and informal sectors.

To enable implementation of labour standards, a number of measures are required. These include raising awareness of trafficking for forced labour, and the need for labour standards amongst policy makers, employers, unions, labour inspectors, and law enforcement. Finally the involvement of workers, through awareness raising, and organisation, needs to be promoted, to enable workers to claim their own rights and standards.

Ultimately, trafficking for forced labour should not occur, if barriers between demand and supply of labour are removed, and if provisions are in place that ensure labour standards are met. It is by looking at ways in which labour markets can be regulated, and demand for labour met in a managed way, that States should be able to further develop effective counter trafficking strategies.

## MIGRATION AND TRAFFICKING IN PERSONS

**Marco A. Gramegna**

**Director, Counter-Trafficking Service, IOM**

**Vice-President of the Group of Experts on Trafficking of the European Commission<sup>1</sup>**

Trafficked persons are migrants who end up working being abused and exploited, particularly, in the informal sector. Inequalities of wealth between and within countries, and the increasing demand for migrant workers will keep raising migration trends in the future. Europe is faced today with growing immigration pressures together with the aging of its population.

Poverty, lack of opportunities, gender discrimination, among other factors in countries of origin and the growing inequality of wealth within and between countries is increasingly leading more people to make the decision to migrate in order to seek a better life abroad. According to IOM, the number of people residing outside their home country has increased from 105 million in 1985 to 175 million in 2000.

Many governments have responded by promoting more restrictive immigration policies. Such policies only reduce the opportunities for regular migration and, thus, provide greater opportunities for traffickers to operate.

Low fertility rates and longer life expectancy means that most developed countries have an ageing population. This will lead to labour shortages, skills shortages and an increased tax burden on the working population in order to support and provide social benefits to the wider population.

Even if European governments rigorously promote policies to put more people into the job market this will not change the fact that our economies will become increasingly dependent on migrant workers in the coming years. In order to stabilise the size of the working population in the EU member states, there needs to be a net inflow of some 68 million foreign workers and professionals between now and 2050.

Globalisation, and increasing de-regularisation of the work force, increases this vulnerability of the unskilled migrant worker. Labour is cheap, expendable and exploitable, and so vulnerable to trafficking.

Traditionally women have had less access to education and skilled labour markets. With the opening up of traditional societies women have become more aware of opportunities, and wanted to seek positive improvements to their situation, often through migration. The break down of traditional society roles has seen increasing numbers of women becoming responsible for the family income, and seeking to maintain this through remittances from migration. IOM estimates that 50% of world-wide migrants are female. Yet migration policies and opportunities are male oriented.

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<sup>1</sup> Several of the ideas in this paper reflect deliberations within the European Commission's Experts Group on Trafficking

Women are more likely to migrate into unskilled, unregulated sectors, in particular domestic service and sex work, two sectors that are often not seen as 'work', that have minimal protection or regulation, with workers often physically isolated and over exploited.

The demand for migrant workers will be filled by irregular migration unless policy makers recognise that it is in their national interest to facilitate and manage this process. Countries of destination benefit from the contribution migrants make to the economy through their work, their innovation and their tax contributions. If channels for regular migration were opened up, migrants would not have to put themselves in the hands of smugglers and traffickers and would also be in a better position to defend their labour rights in the receiving country. Governments in countries of origin could also better manage the migration process in order to make sure it contributes to their own country's economic and social development.

Uncontrolled migration can have a negative impact on developing countries, particularly those that already have significant problems in terms of education, adult literacy and child mortality. These countries cannot afford to lose their most skilled professionals to satisfy recruitment shortages in developed countries.

Jointly developed migration programmes between countries of origin and destination can maximise the positive impact of migration on development while limiting depletion of skilled labour in countries of origin. Such programmes would include the option of short-term migration and of return to the country of origin. They may also include training to enhance the migrants' skills while abroad and to facilitate the sharing of information, contacts and expertise with local staff when they return. They may also contain agreements on how to maximise the impact of remittances in order to promote long-term development in the country of origin.

States' policies in promoting immigration controls, and reducing opportunities for regular migration, have not been effective in preventing migration. Rather they have had the effect of creating a market for irregular migration, often through organised crime, through trafficking and smuggling of people. Fewer opportunities for legal migration, in combination with strong push- pull factors, have led people to use desperate means to migrate, and to being vulnerable to both smuggling and trafficking.

There is a greater vulnerability to trafficking where there is lack of access to regularized migration mechanisms, lack of experience of migration between countries, and lack of regulation of the labour market.

Legal migration schemes need to be open and accessible Agencies facilitating migration should be regulated. Visas should not tie an employee to a particular employer or type of employment. Fees for providing work permits or visas should be clear and reasonable. Travel, visa and work permit documents should remain the property of the employee.

Organized migration needs to be promoted in origin countries. Migration could be a survival strategy, an opportunity to improve one's life or part of tradition. Trafficking and exploitation are less likely to occur where established migration information and mechanisms exist. States should therefore promote information about organized migration, for example through education, exchange programmes, clear processes to facilitate migration and regulated employment.

Policy responses to trafficking have tended to concentrate on the illegal aspects of this type of migration. However, the true abuses that occur in trafficking are not the movement across borders, but the exploitative work conditions for the trafficked persons.

Policy responses to trafficking have tended to concentrate on identifying trafficking as a crime, to apprehend and punish traffickers. Hence, the Palermo Protocol provides for the mandatory criminalisation of trafficking and provision of penalties, with discretionary provisions for assistance and protection of witnesses. European response has reflected this, most recently the Directive for Short Term Residence Permits, within a migration framework, only applying to those who assist in criminal proceedings.

The EU has recognised this new patterns, with the commitments made at Tampere 1999 to create a common EU policy on asylum and migration. This comprehensive approach includes action to counter the root causes and to create more legal immigration possibilities with full integration of those legally admitted, while countering irregular migration, including the readmission of irregular migrants into their countries of origin.

The European Commission in its Communication on Tampere June 2004 has stated that there must be a realistic approach, taking account of economic and demographic needs, to facilitate the legal admission of immigrants to the Union, in accordance with a coherent policy respecting the principle of fair treatment of third-country nationals. The communication underlines the need for an integrated approach to combat trafficking in persons.

The Brussels Declaration established the basis for the EC action plan against trafficking. The creation of the EC Experts' Group on trafficking and our deliberations towards an improved European action against trafficking are, among others such as the OSCE, promissory signals of action at the European level to combat trafficking.

However, despite these commitments many governments have continued to respond with a restrictive approach to migration and immigration policies. The effect of these has not decreased migration, but rather has left migrants more vulnerable to irregular forms of migration, including smuggling, trafficking and labour exploitation.

The promotion of regular and managed migration and standards based working conditions has the potential to reduce trafficking by offering migrants and other workers a mechanism which is safer and guarantees their human and labour rights.

In summary, our recommendations would include the following:

1. States should promote regular and managed<sup>2</sup> migration, based on demand and need, which is gender sensitive and implies the establishment of clear and comprehensive policies, laws and administrative arrangements to ensure that migration movements occur to the mutual benefit of migrants and the economic and social development of both the countries of origin and destination. This should enable legal migration and integration of migrants and migrants' rights while addressing the root causes of migratory flows. The policy should to be open and should include: regulation of travel and employment agencies; provisions criminalising the retention or possession of passports, visa, work permits or other documents by persons other than the

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<sup>2</sup> Migration management is the establishment of clear and comprehensive policies, laws and administrative arrangements to ensure that migration movements occur to the mutual benefit of migrants, society and government.

document holder; work permits or visas not linked to a specific employer or type of employment, and education and promotion of organized and safe migration possibilities and practices.

2. States should provide a standard based approach to trafficking and migration. Elements of such an approach are the promotion of regular and managed migration, a gender sensitive migration policy and adherence to international standards of protection of the human rights of all migrants, both legal and illegal. Trafficked persons deserve special attention.

3. A gender sensitive migration policy: Women and children are more vulnerable to trafficking as the sectors in which they traditionally are employed - for example sexual services and domestic work - are less likely to be regulated, and more likely to be infiltrated by traffickers. Additionally women and children are less likely to have information about migration opportunities. Migration policies need to reflect and address these inequalities. Consideration needs to be given to the extent that largely unrecognised informal sector work or services (such as sex or services) should be regulated within migration or employment policies in order to protect trafficked persons.

3. Enforce international standards of protection for all migrants (both legal and illegal): Key to ensuring safe migration is the protection of migrant's rights. States should ratify and implement the appropriate conventions, in particular the United Nations Convention on the Protection of the Rights of All Migrant Workers and their Families 1990 as well as the Palermo Protocol against Trafficking.

Yet to effectively combat trafficking, as the Brussels Declaration recognises<sup>3</sup> the whole spectrum from prevention through prosecution and protection, needs to be addressed. Thus, the underlying factors including the undeniable increasing demand for migration, must be addressed. Strategies that only focus on law enforcement are unlikely to be effective without addressing the requirement for migrant labour, either through legitimate or illegal channels.

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<sup>3</sup> Brussels Declaration “The comprehensive European policy against human trafficking needs to address the entire trafficking chain, comprising countries of origin, transit and destination alike, targeting recruiters, people who transport the victims, exploiters, other intermediaries, clients, and beneficiaries. Also the development of a broader policy on migration management can offer a substantial contribution in reducing and preventing trafficking in human beings. Furthermore, root causes of trafficking, not least including unemployment, poverty, gender inequalities, including the status of girls, social and cultural attitudes, and the demand for sexual services, cheap labour and other forms of exploitation must continue to be at the forefront of the long-term efforts to fight human trafficking effectively. A global approach to trafficking must address all forms of exploitation, including sexual exploitation, labour exploitation, in particular child labour, and begging.”



**Gottfried Koefner**  
**UNHCR Representative in Austria**

The complex, multi-dimensional character of trafficking has led the international community to approach the problem from a number of perspectives – trafficking can be viewed primarily as an organised crime issue or as a human rights issue, or as a labour-related problem. These three different facets are however closely interlinked with other issues such as the international protection needs of trafficked women, men, girls and boys and UNHCR's role in that regard, equally deserving of attention. The linkages between trafficking and asylum have been the subject of some debate in the context of UNHCR's Global Consultations process, particularly in relation to the asylum-migration nexus and gender-related persecution.

With an increased government focus on policies of deterrence and tightening migration control it has become increasingly difficult for refugees and asylum-seekers to reach asylum countries or to achieve family reunion through legal means. This trend has been exacerbated in the post-September 11 environment, with security concerns becoming an international priority. With regular arrival routes closed, many refugees turn to smugglers as the only feasible means of trying to reach safety, in spite of the dangers inherent in the smuggling process itself and the financial costs involved. Others still may fall into the hands of human traffickers – women and children being particularly vulnerable.

Trafficking in human beings has been an increasing concern for UNHCR and two areas are of particular relevance to us: legislative developments and victim protection.

**Legislative Developments**

I would like to say a few words about the emerging legal framework for combating smuggling and trafficking of people, that is, essentially the two Protocols against smuggling of Migrants and Trafficking of Persons, which supplement the United Nations Convention against Transnational Organised Crime. UNHCR's participation, in close co-operation with other UN agencies, throughout the drafting process resulted in the inclusion of a saving clause in the Protocol against Trafficking<sup>1</sup>. The intention of this clause is to safeguard the rights of asylum-seekers and refugees under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees. It is UNHCR's understanding that this would imply, at the very least, adequate access to some form of identification and screening process so that persons in need of international protection are able to submit applications for refugee status.

UNHCR has been equally engaged in the work of the OSCE informal working group on Gender Equality and Anti-Trafficking, contributing to the development of the OSCE Action Plan To Combat Trafficking in Human Beings adopted last December in Maastricht and ensuring appropriate reference to international protection needs in the final version of that document.

**Victim Protection**

Trafficking is generally recognised as a serious human rights violation and the protection needs of victims are addressed side by side with criminal control measures in instruments such as the Palermo Protocol. In addition to the general protection needs of victims of

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<sup>1</sup> The Smuggling Protocol contains a similar clause.

trafficking, UNHCR is of the view that some such victims may merit recognition as refugees – trafficking in certain circumstances being tantamount to a form of persecution underpinning refugee recognition.

To avoid confusion on this point let me first clarify that UNHCR's position is not that being a victim of trafficking is in itself sufficient ground for a refugee claim but rather that the trafficking experience must be given full and adequate consideration in the broader refugee claim assessment. It may happen that the motivation for trafficking coupled with the inability or unwillingness of their country of origin to provide protection, some victims of trafficking may in fact be refugees under the 1951 Convention refugee definition. This may sound self-evident but in reality it is a relatively new phenomenon for the refugee status determination procedures for many States.

UNHCR is examining appropriate ways of protecting asylum-seekers who are potential victims or who have already fallen prey to traffickers. For example, in Albania, UNHCR co-operates with both state and non-state actors in an initial screening procedure to assess the profile and needs of irregular migrants. This system permits the early identification of those in need of protection whether asylum-seekers or victims of trafficking and ensures that they are channelled to the agencies and institutions best equipped to deal with their needs. Further analysis is still required in follow-up to this initial assessment to determine if a victim of trafficking is also a refugee in need of international protection.

Another example is a UNHCR project in Slovenia in co-operation with the asylum section of the Ministry of Interior and the national NGOs Association Kljuc and Slovene Philanthropy, which aims to produce and disseminate information geared towards asylum-seekers considered at risk of falling victim to trafficking activities. The possible involvement of UNODC and OHCHR in this project is currently under discussion.

### **Inter-Agency and Governments' Efforts**

We cannot overstate the importance of continued inter-agency and inter-governmental co-operation in relation to activities touching upon trafficking, either in an explicit manner or more indirectly as part of the broader migration debate. In this respect, the Global Commission on International Migration, established in December 2003 at the initiative of the UN Secretary General, is worth mentioning. At a more modest level, there is also the Geneva Migration Group which brings together the respective Heads of UNHCR, UNODC, ILO, OHCHR, UNCTAD and IOM. This grouping has met regularly for over a year now and has proved an effective channel for information sharing on matters of common concern in the migration and asylum arena.

Finally, I would mention just two recent developments which may prove to be of interest to the work of the OSCE Special Representative on Combating Trafficking in Human Beings:

- The entry into force on 1 July 2003 of the 1990 United Nations Convention on the Protection of the Rights of Migrant Workers and Members of their Families and the establishment of the corresponding treaty monitoring body which will act as the guardian of this convention;
- The decision by the United Nations Human Rights Commission, meeting in Geneva in April of this year to endorse the creation of a new mandate for a Special Rapporteur on Trafficking. The work of the Special Rapporteur once she assumes her responsibilities is likely to prove of direct relevance to our joint efforts.

UNHCR is currently working on guidelines, which will elaborate upon the issue of trafficking as a form of persecution. We very much count on your collaboration to focus due attention on this aspect of trafficking and to help us improve the plight of refugees entangled in trafficking scenarios.

## TRAFFICKING IN PERSONS AND ORGANISED CRIME

**Jean-Paul Laborde**

**Principle Officer, Division for Treaty Affairs, UNODC**

Madame Chair  
Your Excellencies,  
Ladies and Gentlemen,

First, I would like to congratulate you Madame Chair on your new position as the OSCE's Special Representative on Combating Trafficking in Human Beings. You have displayed a dynamic and proactive attitude toward combating this heinous crime in assembling this conference and formulating the "Alliance Against Trafficking in Persons."

I would also like to thank you and all those present today for allowing me the opportunity to elaborate on the role of organized crime in trafficking in persons.

Indeed, organized crime and trafficking in persons has taken on a direct and positive correlation around the world. Today, I would like to address four main issues related to this topic:

**First**, the extent of human trafficking at the global level and data illustrating the correlation between organized crime and trafficking.

**Second**, UNODC's special areas of expertise and how they will contribute to this Alliance,

**Third**, an update on the status of the Convention on Transnational Organized Crime and its Protocols,

**And finally**, if I may, offer suggestions on potential steps the Alliance could make toward an action-oriented agenda.

### *1. Global perspective*

Human Trafficking is truly a global phenomenon touching all corners of our planet. Organized criminal groups use all means possible to transfer human beings across borders. According to the UNODC's database on trends in human trafficking, some clear patterns emerge.

As you can see from **Figure 1**, there is a clear trend indicating a strong correlation between levels of per capita income and human trafficking. By and large, this confirms the commonly held belief that poorer countries are points of origin and richer countries are points of destination.

However, if you look at **Figure 2**, a few interesting observations can be made. For instance, Central and Eastern Europe are primarily transit zones while Asia is more a destination than an origin region. The explanation for the latter could lie in the regional disparities within Asia.



# Human Trafficking originates with poverty

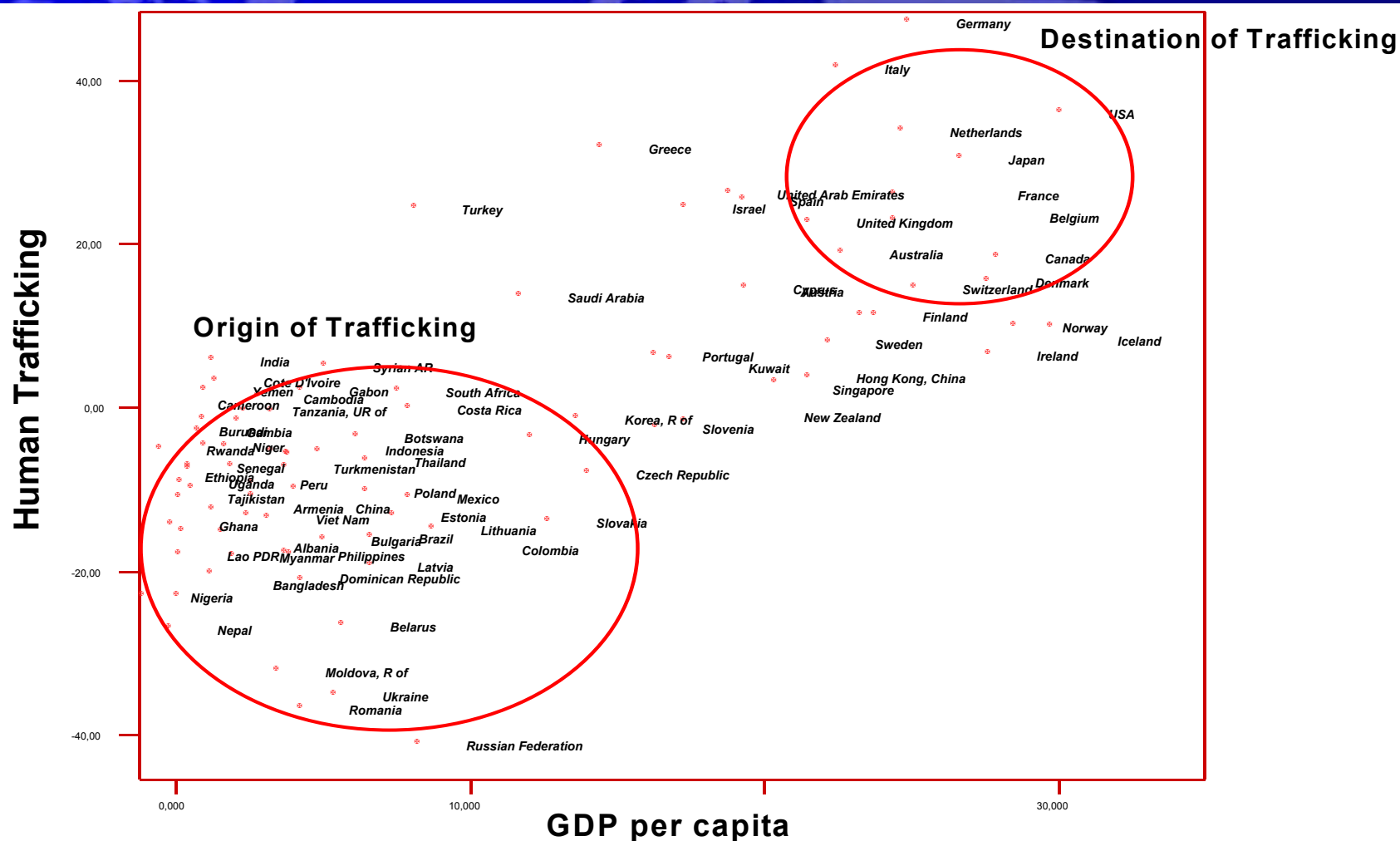


Figure 1



UNITED NATIONS  
Office on Drugs and Crime

## Trafficking in Human Beings

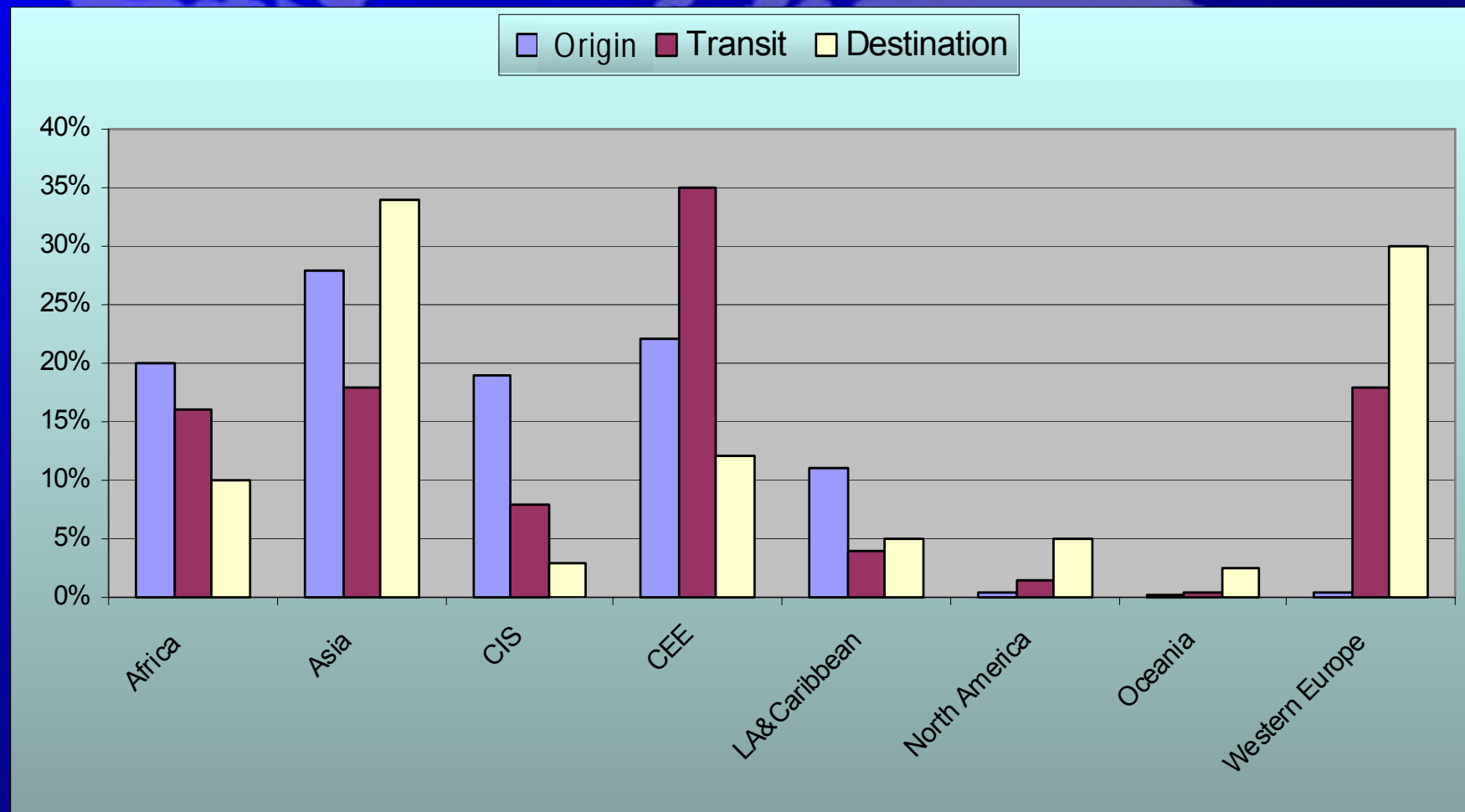


Figure 2

By correlating our Human Trafficking Index with a variation of Transparency International's Corruption Perception Index, it becomes clear that countries with low scores on the Integrity Perception index are also likely to be places where it is easy for traffickers to obtain their "Human Cargo." In other words, a country showing a high level of corruption is likely to see organized criminal groups commodifying its citizens (see **Figure 3**).

Finally, the link between organized crime and human trafficking becomes apparent as you look at **Figure 4**. It is found that countries scoring high on the UNODC organized crime index tend to be countries of origin while those with low levels of organized crime tend to be countries of destination. This correlation reflects a kind of structural imbalance in the "market" for trafficked human beings.

Because organized criminal groups are vital in securing a supply of the "human commodity", countries with a high level of corruption and a strong network of organized crime are likely to be fertile grounds for traffickers.

### ***2. UNODC expertise***

Keeping in mind the above links between organized crime and human trafficking, I would like to emphasize some of the core competencies that the UNODC can provide to the international community and more specifically to this Alliance. While human trafficking is indeed a multi-disciplinary phenomenon, UNODC focuses on providing an international criminal justice perspective that is an essential component in the fight against trafficking in persons. For example, UNODC focuses efforts on gathering information on offenders. Based on our experience in the field, we have collected information on those who were suspected of being involved in trafficking as well as on those who have been found guilty. As a result of focusing in this area, UNODC has had the opportunity to construct key observations regarding links between organized crime and trafficking in persons.

### **3. The Convention against Transnational Organized Crime and its protocols**

The UN Convention against Transnational Organized Crime and the Protocols were adopted by the General Assembly in November 2000. The Convention entered into force on 29 September last year. The Protocol to Prevent, Suppress and Punish Trafficking in Persons as well as the Protocol against the Smuggling of Migrants have also entered into force. The Convention and its Protocols provide a unique, worldwide legal framework through which the fight against organized crime and trafficking in persons can be effectively reinforced. Together, they set in place processes and structures to initiate and sustain cooperation among Member States. The Conference of Parties, which met for the first time last June, provides an effective tool for implementing and monitoring these legal instruments.



# Human Trafficking and Corruption

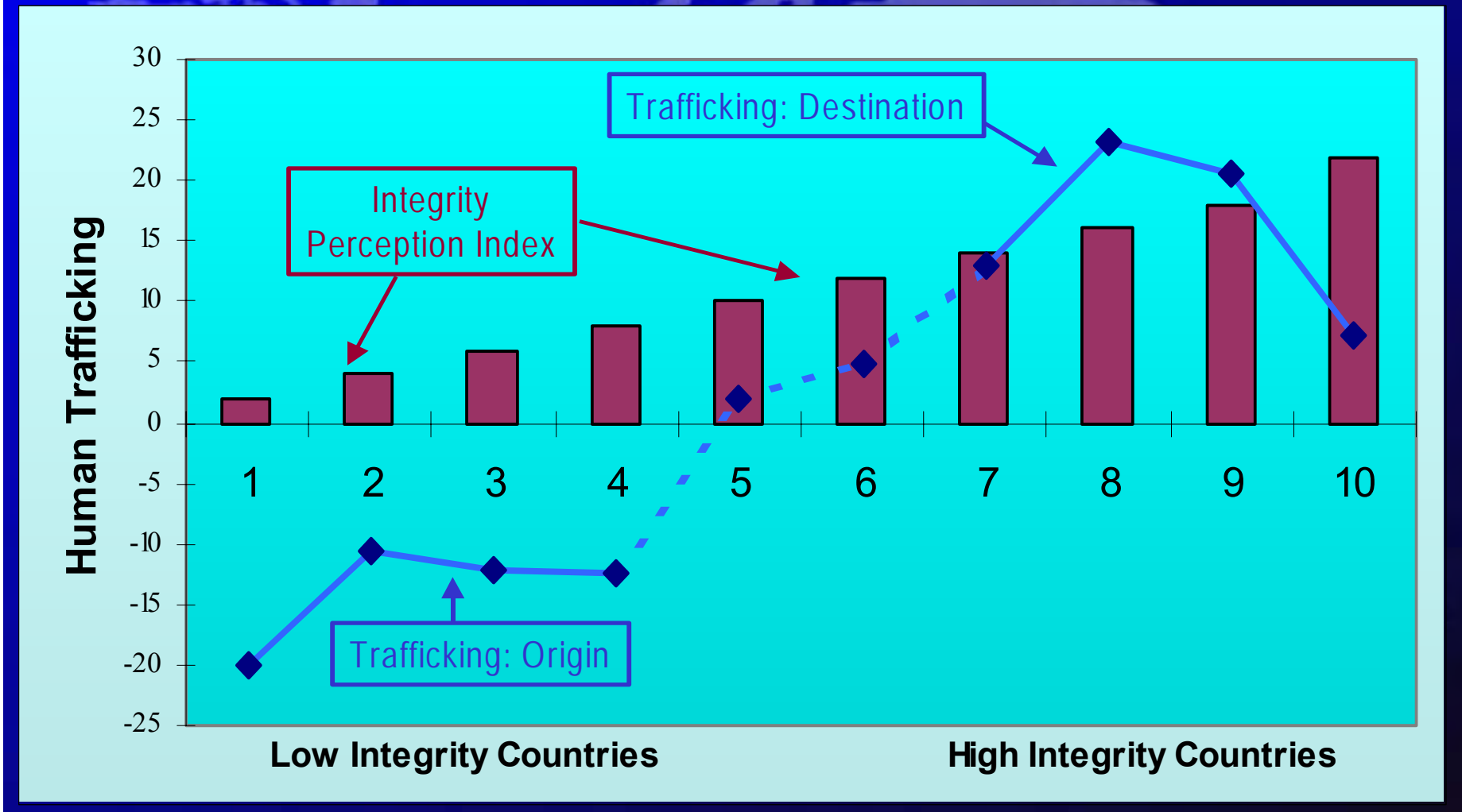


Figure 3





# Human Trafficking and Organized Crime: A correlation

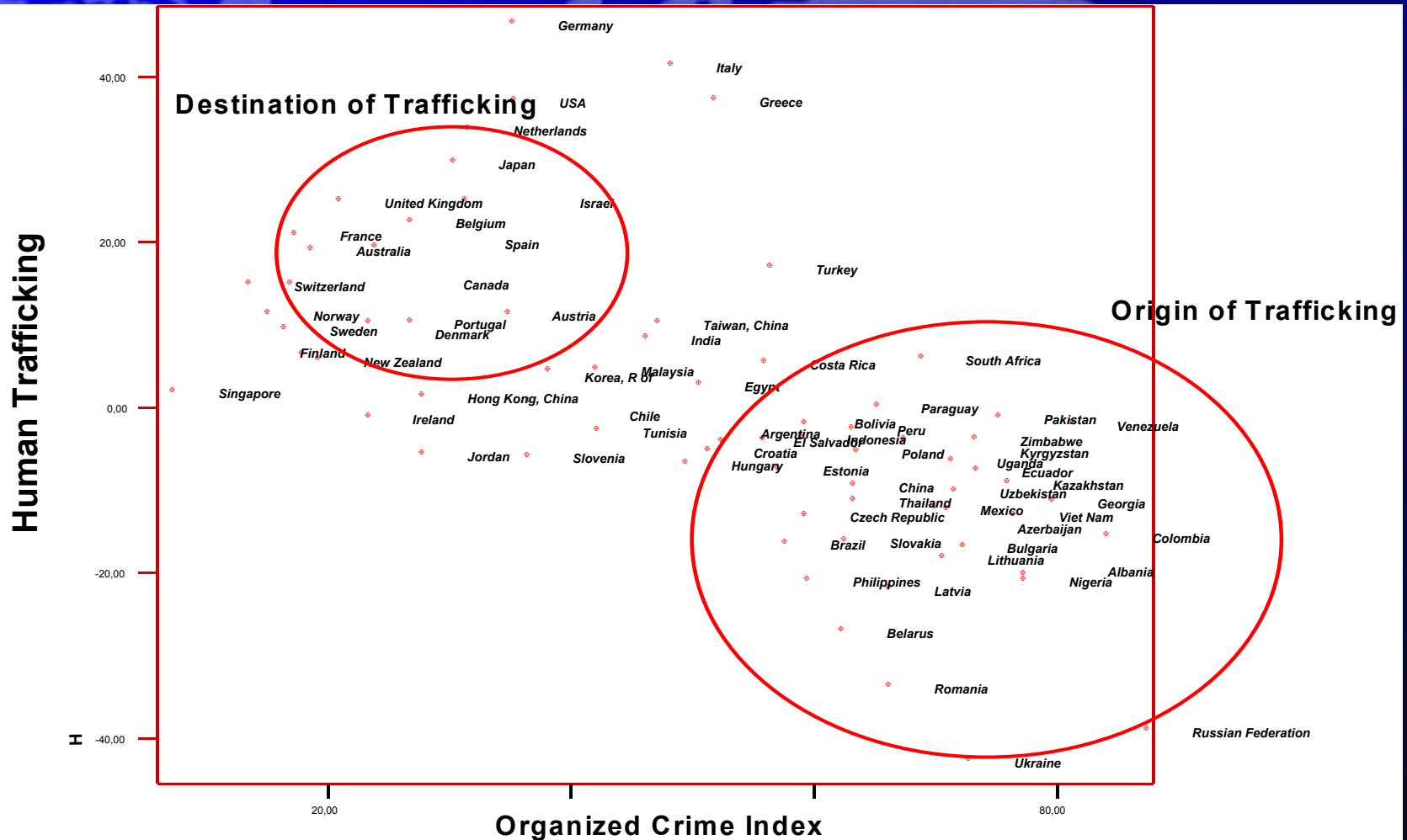


Figure 4

To date, the Convention has been signed by 147 Member States and ratified by 82 Member States. The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children has been signed by 117 Member States and ratified by 64 Member States while the Protocol against the Smuggling of Migrants by Land, Sea and Air has been signed by 112 Member States and ratified by 57 Member States.

	<b>Date Entered into Force</b>	<b>Parties</b>	<b>Signatories</b>
<b>TOC</b>	29 September 2003	85	147
<b>Trafficking Protocol</b>	25 December 2003	67	117
<b>Smuggling Protocol</b>	28 January 2004	59	112

*Figure 5*

The entry into force of the Convention and the two Protocols represent a major step in the fight against transnational organized crime and trafficking in persons. Not only was it the first time that Member States of the United Nations agreed on a definition for “trafficking in persons,” but Member States also compelled themselves to embody the definition in their national legislation and to make trafficking in persons punishable at the proper level and by relevant authorities.

#### ***4. An action-oriented agenda***

I would like to take a moment to outline, as I said, an action-oriented agenda. As stated before by many distinguished participants, trafficking in persons is a very complex organized criminal activity. Since it can and most often does involve many different jurisdictions, partnerships between various Member States are vital. Governments must increasingly cooperate in their counter-trafficking initiatives by sharing information and providing assistance. The same applies to inter-governmental and non-governmental organizations, including UNODC. We stand ready to co-operate with OSCE and its field office network as well as with other organizations in the Alliance in order to contribute to the combat of human trafficking. UNODC has acquired specialised experience in combating human trafficking as a crime. Our legal expertise has been especially useful to a number of IGOs and NGOs who focus on the victims’ perspective. Likewise the wide network of the OSCE’s field offices can be extremely useful for us in the implementation of field-level activities. I am sure that in working collaboratively, we can implement a mutually beneficial agreement on strategies, techniques and subsequent evaluations that will further our common agenda.

Ladies and Gentlemen, it is a fact that organized crime is involved in human trafficking. Problems of trafficking and organized crime can be countered only if there is a fundamental commitment to implement laws and anti-human trafficking policies as well as to international cooperation. Unless this commitment is made and we act in alliance, trafficking in persons and organized crime will undermine the ability of States to effectively protect the dignity of their citizens. We are confident that under your leadership we will make concrete progress in this effort.

Thank you.

**Hamish McCulloch**  
**Assistant Director, INTERPOL**

Over the last 10 years Interpol have identified a growing trend by international criminal networks to diversify from their traditional crime areas, such as drug trafficking, into new forms of crime involving trading in human beings. The term ‘modern day slavery’, which does not truly reflect the sexual and financial exploitation that victims of trafficking are subjected to, is often used to describe the activities surrounding the trafficking of persons and our findings confirm that there is no doubt that international organised crime is responsible for this human suffering.

The reasons for this diversification of activities by criminals are very simple: people indulge in criminal activity to make money, but the criminal has to balance the risks against the profits to be made, and the trafficking of persons is a high profit crime area - with a lower risk of detection and lesser risk of a long term of imprisonment, compared with other traditional crime areas.

The international nature of these crimes are apparent, not only because it involves victims, being moved across international boundaries, but also as a result of the need for criminals to network between source and destination countries.

Many of those involved first made their criminal association when involved in other criminal activities and, as the demand for women to work for pimps in prostitution and others for gang masters in agriculture and other service industries increased, the networks of recruiters and other criminals required to provide false documents, transport and many other services, including the laundering of the financial proceeds, have developed.

To combat this growing phenomena, Interpol has brought together officers from many of the Organization’s 181 member states who, with specialist officers from the General Secretariat have been working to provide law enforcement with the information they need to combat the trafficking of persons, many of whom end up in Europe working in the sex industry where they are sold, resold, and passed between different criminal groups as commodity.

Interpol also recognise the assistance that others can provide in the fight to combat the trafficking of people. Apart from the OSEC we also work with many other organizations such as the IOM (International Organization for Migration), SECI (South Eastern European Co-operation Initiative), EUPM (European Police Mission in Sarajevo), ICMPD (International Centre for Migration Policy Development), The Baltic Sea Task Force and Europol, to name but a few.

The brutal nature of these crimes demands that all stakeholders work together, not only to identify and prosecute the criminals involved and destroy their networks, but also to rescue those suffering at the hands of the exploiters.

The Trafficking in Human Beings sub directorate at the General Secretariat, which I am responsible for, has a specific working group, which focuses on the trafficking of women from Eastern Europe to anywhere else in the world. The initial analytical results were published this week and are in the process of being distributed.

Many of the findings confirm the ruthlessness of the criminals involved and their total disregard for human life.

- 15 cases involving many women from Belarus destined for Russia bought for 40 Euros each
- Over 43% of the victims were forced into prostitution
- Many women were raped by their captors
- 9% of the women were kept locked up like animals
- Women trafficked from Europe as far as Mexico and China

And of those who knew that they would be working as prostitutes, none believed that the conditions they were forced to work in would be as bad as they were and none received the money they were paid by clients. Many received nothing.

These are just examples of some of the disturbing findings but the report also highlights the enormous amount of money that the criminals make as the information received confirmed that during each stage of the trafficking process the different criminal groups increased the price of the victims until many were being sold for thousands of Euros. And each and every one of those Euros will have to be repaid through forced prostitution.

Interpol will continue to maintain this crime area as a major priority for the Organization. Our trafficking programme is expanding to other regions of the world to take into account the truly global nature of this form of criminality, but what we have to remember is that there is a lot more to do.

## CORRUPTION AND HUMAN TRAFFICKING

**Professor Ugo Draetta**  
**Chairman, Stability Pact Anti-Corruption Initiative (SPAI)**

Dear Dr. Konrad,  
Ladies and Gentlemen,

First of all, let me thank you for the opportunity to participate in such a distinguished meeting, with such a noble purpose: **to form an “Alliance” to fight trafficking in human beings.**

Before starting my short intervention, allow me, please, to convey to you **Dr. Busek’s best wishes for the success of this meeting.**

I will begin my speech with the latest developments in the **initiative to fight corruption in South East Europe**, SPAI, which has recently started to transfer to the region the responsibility of its management. In March 2004, the SPAI Regional Secretariat Liaison Office has become operational and has undertaken its first steps in implementing *SPAI Strategy for 2003 and Beyond*. It will serve as a concrete and visible commitment of the regional states to the continuing, concerted and coordinated fight against corruption in that part of Europe.

The Regional Office will concentrate on networking in the region, evaluating the actual status of Anticorruption National Strategies and preparing the agreed activities of the work-plan. **Together with me and the team in Brussels, the Sarajevo-based office will be part of the “package” we are offering for the “Alliance”.**

In my position I seek further support from international partners (countries and organizations, including the most important NGOs active in the field, like American Bar Association, Transparency International and Open Society Institute) in order to provide the Regional Office with a sustainable partnership for the future. The implementation of the “regional ownership” objective is the cornerstone of our strategy. **I am calling upon all the international partners present here to profit from the presence of the office in Sarajevo and its perspective to become a “Centre of Excellence” on anticorruption, where experts from the region could be trained and learn from regional and international experience in fighting corruption.** The Regional Office in Sarajevo could then be utilised by the other international organizations active in fighting corruption for supporting the implementation of their activities in the region.

As SPAI Chairman I have to underline the efforts made by all our regional partner countries to achieve results and progress in adopting and implementing National Strategies on Fighting Corruption.

Distinguished audience,

The damage caused by corruption is well known. In South East Europe, corruption has eroded the rule of law and the stability of democratic institutions, breaching fundamental

rights and freedoms and undermining the trust and confidence of citizens in the fairness and impartiality of public administration. It has undermined the business climate, discouraged domestic and foreign investment, wasted economic resources and hampered economic growth, thus threatening the very objectives of peace, democracy and prosperity.

In response, the Stability Pact for South Eastern Europe made the fight against corruption a top priority upon its founding in Cologne (Germany) in June 1999. This was formally endorsed in Sarajevo a month later. On 16th February 2000, again in Sarajevo, Stability Pact countries, including the EU member states, the countries of the region and the international donor community, adopted an Anti-Corruption Initiative – SPAI.

Why have countries of South Eastern Europe, along with the international community, mobilised to fight bribery and corruption in the region? The answer is simple: corruption respects no borders, knows no economic distinctions and tends to affect all government bodies. No country of South Eastern Europe can afford the social, political and economic costs that bribery and corruption entail. As such, the fight against bribery and corruption has moved to the top of the regional political agenda. Not so long ago, bribing public officials to obtain any deal was at least a tolerated practice in the wide parts of the region. Today, South East European countries, associated with the international community, will play by stricter rules. The legal and institutional frameworks are being reformed according to European and other international standards. This is not only needed in order to outlaw the practice of bribing public officials, but also to promote a whole arsenal of legal instruments and to improve ethical standards in the public sector, to establish the rule of law, to curtail money laundering and to clean up public procurement practices. The private sector and the civil society are playing a crucial role in turning these new rules into reality.

Of course, there is a lot to be done in this respect. Among the fields where corruption has its influence is trafficking in human beings. The phenomenon is complex, as the previous honourable speakers explained to us. That's why, it affects widely different categories of public officials, including those in charge with prevention and fighting trafficking. Also, temptation is high even for politicians.

And here we have our regional initiative. SPAI provides incentives for policy reform and sets out a number of commitments for policy reforms that SEE countries need to implement in order to eradicate corruption. There are five pillars:

1. Adhesion to and implementation of European and international anti-corruption instruments;
2. Promotion of good governance and reliable public administrations;
3. Strengthening of legislation and promotion of the rule of law;
4. Promotion of transparency and integrity in business operations and fight against bribery of public officials;
5. Promotion of an active civil society.

Since the initiation of SPAI in February 2000, the environment for cooperation against corruption in South-eastern Europe has changed considerably:

- Countries have made significant progress in the adoption of relevant international instruments.

- All countries of South-Eastern Europe are now members of the Group of States against Corruption (GRECO) under which their compliance with European anti-corruption instruments is monitored.<sup>1</sup> Some also participate in the OECD monitoring mechanism.
- In all countries comprehensive anti-corruption plans have been adopted and are under implementation.
- In some countries, institutional mechanisms to manage the implementation of these plans as well as specialised institutions to investigate and prosecute corruption have been created.
- The capacity of civil society organisations to support anti-corruption measures have been strengthened, as reflected in some countries in the formation of anti-corruption coalitions or the creation of national chapters of the NGO Transparency International.
- The readiness of donors and international organisations to support specific anti-corruption projects has increased and a – yet limited – number of projects have been implemented.
- In November 2002, countries of South Eastern Europe signed up to the London Statement in which they committed themselves, among other things, to develop and implement national anti-corruption plans and anti-corruption laws, to build public support against corruption, and to engage in judicial networking and other forms of regional cooperation.
- In June 2003, together with the European Union, the countries of the Western Balkans committed themselves to implement strong reforms in the Justice and Home Affairs' field, including fighting corruption.

SPAI will continue to promote the prevention and control of corruption as a means to strengthen democracy, the rule of law, human rights, and social and economic progress, and thus to contribute to further European integration.

Against this background, SPAI's added value in the future will have to be measured in terms of the support it can provide to:

- the elaboration, improvement and implementation of national anti-corruption plans
- the strengthening of specialised anti-corruption services
- networking and engaging regional dynamics and synergies

In all these activities, the newly established SPAI Regional Office based in Sarajevo will play an important role, also as a part of the increasing regional ownership.

Distinguished Audience,

Responding to an appeal by the Special Coordinator, the member states of the South East European Cooperation Process have started a campaign against organized crime and corruption in the region in order to boost the effectiveness of their actions at the national and the regional level. At their meeting in Bucharest on 18 May, the Justice and Home Affairs Ministers called for measures to strengthen implementation and to prepare for enhanced cooperation with the EU-related structures, like Eurojust and Europol, in the meantime using the already existing regional mechanisms – the initiative to fight corruption that I am chairing, for example.

The Ministers decided to monitor progress under this campaign on an annual basis and to report such progress at the annual EU-Western Balkans Summit meetings. The Romanian

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<sup>1</sup> Evaluation reports containing recommendations are available under [www.greco.coe.int](http://www.greco.coe.int).

Chairmanship in Office introduced proposals in this connection on the mechanism, the calendar, and concrete measures for implementation under the campaign, in order to have this year, on 3<sup>rd</sup> of December, the first “regional report” presented by the region itself.

The initiative I am chairing, SPAI, will assist the efforts done within the **campaign to fight organized crime and corruption in South East Europe** that we, future “members of the Alliance”, have to consider in our plans.

Among the priorities identified within the campaign, to which our Regional Office could contribute I can mention:

- To adopt a Regional Anticorruption Charter;
- To strengthen regional cooperation in fighting corruption by ratifying and implementing the UN Convention against corruption;

Regarding this last priority I can share with you that a workshop has been already planned with UNODC to be organized in September for South East Europe.

Ladies and Gentlemen,

Allow me to conclude that corruption is an evil that we should fight with all our efforts. Corruption is linked to the organized crime and particularly to trafficking in human beings. It is proved that human traffickers cannot succeed without the support they receive from the corrupted authorities. In some cases that you, Dr. Konrad, are aware about, from your experience in the field, corruption at the highest levels of judicial system and other public administration institutions affected seriously the decisions taken.

It is the time to unite ourselves in this battle. I wish us success!



## THE ROLE AND RESPONSIBILITY OF PEACEKEEPERS IN THE FIGHT AGAINST HUMAN TRAFFICKING

**Jean-Christian Cady**

**Deputy Special Representative of the Secretary General for Police & Justice, UNMIK**

Madame Chair

Let me start by congratulating you on behalf of UNMIK for your appointment as the OSCE Special Representative on Combating Trafficking in Human Beings.

A Peacekeeping Mission brings peacekeepers in their hundreds from different parts of the world into a society that is still in conflict within itself. It brings people with a lot of money into an economy and a society that are shattered from war. In many peacekeeping areas, the international presence had in the past an impact on prostitution and human trafficking. This is of course the last thing we want. We peacekeepers, or I should say we peace builders, are in an area to act as role models to establish the rule of law and democratic institutions, and not increase and fuel organised crime.

Kosovo has long been one of the roads of human trafficking from East to Western Europe. Conflict and lawlessness, in Kosovo as also in its surroundings and most of Eastern Europe, served as a catalyst for organised crime that is most visibly manifested in 'human trafficking'. Therefore, one of the early priorities of UNMIK was, and remains, combating the plague of human trafficking in Kosovo. I am happy to share with you how we progressed during the last five years in addressing this problem through a multi-dimensional and cooperative approach.

The fact that criminals undertake 'human trafficking' as a profiting enterprise implies that it is governed by the laws of economics, that is the interplay of demand and supply. The United Nations Interim Administration Mission in Kosovo has addressed trafficking in persons both on the demand and supply ends. There is a critical third dimension to the fight against human trafficking – the human dimension of protection and rehabilitation of the victims of trafficking. We have addressed this problem too.

### **Addressing demand**

How have we addressed the demand side of the problem in Kosovo? This has been done through a policy of 'zero tolerance' enforcement against traffickers and pimps, as also strict enforcement against violators among UNMIK staff, combined with measures to ensure sustainability of our efforts by developing local capacity to address the crime with the required sensitivity and effectiveness.

Bolstered by stringent laws and specialized investigative capability, the police and justice system has made significant progress in the fight against human trafficking over the last four years. The Trafficking and Prostitution Investigation Unit in Police conducts daily raids, operations and bar checks directed at premises where trafficking in persons or prostitution activities were suspected. Several establishments have been closed down and perpetrators have been brought to justice.

To ensure that the presence of international peacekeepers in Kosovo does not act as an incentive for prostitution, codes of conduct are strictly enforced against UNMIK staff. A list of ‘Off Limits Premises’, that is establishments suspected of involvement in prostitution but fronted as legitimate businesses, is produced at the end of each month and disseminated throughout UNMIK. Disciplinary action against any UNMIK staff found in the premises is strictly enforced irrespective of whether the concerned individual was actually indulging in sexual activities or otherwise.

To ensure comprehensiveness and sustainability, from the outset UNMIK has sought close working relationship with other international and non-governmental organisations working in the area of trafficking and prostitution. The Kosovo government has been encouraged to develop a comprehensive Kosovo Action Plan to address the problem of human trafficking. The Kosovo Police Service (KPS) is being sensitized and trained to effectively address this crime. The KPS are being increasingly associated in the investigations and operations relating to the crime.

### **Addressing supply**

The supply factor has to be addressed both locally and internationally, given the fact that the large majority of trafficked victims come from East European countries like Moldova, Romania, Ukraine and Bulgaria, and are routed through Serbia, Macedonia, Montenegro and Albania.

While internationally the problem is addressed through a regional approach within the framework of international cooperation, locally this involves coordination with institutions, both governmental and non-governmental, in addressing the inter-related causes ranging from organized crime, poverty, education level, gender issues and so on. This necessitates a multi-dimensional response spanning several government functions including social welfare, law-enforcement, justice, public services, culture, health and education, as well as non-governmental initiatives directed at addressing the social and economic causes for the crime.

UNMIK works closely with the Southeast European Cooperative Initiative (SECI) on trans-border and regional initiatives in the fight against trafficking. In collaboration with the Stability Pact Task Force on Trafficking in Human Beings, UNMIK has been involved in evolving a comprehensive strategy to combat trafficking in human beings and has been engaged in regional training, exchange and cooperation plans.

Besides, UNMIK has signed police cooperation agreements with all its neighbours including Serbia, Montenegro, FYROM and Albania. This reinforces cooperation in the fight against cross-border organized crime and in particular trafficking in human beings.

### **The human dimension**

The third aspect of UNMIK’s policy has been to create a strong human rights framework to protect and assist victims of trafficking. Prostitutes are seen and treated more as victims than as law infringers. In compliance with European and other international standards UNMIK has created a framework for providing protection and assistance to victims of trafficking including legal representation, counselling and temporary secure housing.

A special unit called the ‘Victims Advocacy and Assistance Unit’ (VAAU) has been formed within the Department of Justice. The VAAU works with the Police Trafficking and Prostitution Investigation Unit and other organizations like OSCE, IOM, the Inter-Ministerial

Working Group of the Kosovo government and several NGOs to address the human rights concerns of victims in the process of investigation, prosecution, shelter and rehabilitation.

In case of child victims, police works with the Centres for Social Work (CSW) of the Ministry of Labour and Social Welfare, that are based in each municipality. Immediately upon identification of a child victim, that is those under 18 years of age, the police notify the CSW to serve as the child's guardian. No interviews are conducted with the child in absence of a social worker.

**To conclude**, the fundamental principle underlying UNMIK's approach has been the recognition that problems of this nature cannot be effectively addressed solely as a law and order issue. The essentially socio-economic genesis of the problem and its multi-dimensional as well as trans-national nature necessitate a more comprehensive approach involving multi-disciplinary governmental and non-governmental bodies. Ultimately, it is only through the active involvement of civil society that the problem can be effectively and sustainably addressed.

This is why this meeting of the Alliance against Trafficking in Persons is so useful. We have made progress in combating human trafficking in Kosovo. Our fight is not over and it will never be. But Kosovo can be used as an example for other peacekeeping missions of a successful approach to combat human trafficking and prostitution.

**Susan Pond**

**Head of Partnership for Peace and Cooperation Programmes, NATO**

## **NATO POLICY ON COMBATING TRAFFICKING IN HUMAN BEINGS**

1. This NATO policy takes into account the universal condemnation of the crime of trafficking in human beings and reiterates that it constitutes a serious abuse of human rights, especially affecting women and children. It is a transnational problem, requiring concerted multilateral action if it is to be defeated. Trafficking in human beings, affects countries of origin, countries of transit and countries of destination. This modern day slave trade fuels corruption and organised crime. It has the potential to weaken and destabilise fragile governments and runs counter to the goals of NATO-led efforts especially in South Eastern Europe. A zero-tolerance policy regarding trafficking in human beings by NATO forces and staff, combined with education and training, is required.

2. Allies reaffirm their commitment to promoting peace and security in the Euro-Atlantic Area and to combating the trafficking in human beings and agree the following policy. NATO will support and sustain further development of practical cooperation between nations and between NATO and other international institutions such as the UN, OSCE and International Organisation for Migration. NATO will also consult with NGOs active in this field with a view to improving its existing mechanisms and measures for the implementation of the present policy. Close exchange of information and experience between NATO and the EU should also be developed in accordance with agreed procedures.

3. This policy on combating the trafficking in human beings aims to reinforce efforts by NATO and individual nations to prevent and combat trafficking and the commitments undertaken in the context of other international organisations including the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”. and the OSCE Action Plan to Combat Trafficking in Human Beings. NATO and non-NATO troop contributing nations will develop and implement various measures that discourage the demand by their military and civilian personnel that fosters all forms of exploitation of persons.

4. In the context of this policy trafficking means, the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

5. This policy is developed by NATO in consultation with its Partners and nations contributing forces to NATO-led operations. Allies re-affirm their commitment to ratification, acceptance or approval of the UN Convention and relevant Protocol and agree:

- (a) to review national legislation and report on national efforts to meet obligations associated with the UN Convention and its Protocol in accordance with the relevant decisions taken by the Parties to those treaties;

- (b) to encourage all nations contributing forces to NATO- led operations to ratify, accept or approve the UN Convention Against Organised Crime and relevant Protocol and adhere to the OSCE Code of Conduct;
  - (c) that this policy is aimed at securing standards of individual behaviour;
  - (d) that all personnel taking part in NATO led-operations should receive appropriate training to make them aware of the problem of trafficking and how this modern day slave trade impacts on human rights, stability and security, as well as being informed of their own responsibilities and duties and the respective responsibilities of International Organisations in this field;
  - (e) in the conduct of operations, to continue efforts, within their competence and respective mandates, to provide support to responsible authorities in the host country in their efforts to combat trafficking in human beings;
  - (f) to incorporate contractual provisions that prohibit contractors from engaging in trafficking in human beings or facilitating it and impose penalties on contractors who fail to fulfil their obligations in this regard; and
  - (g) to evaluate implementation of their efforts as part of the ongoing reviews carried out by the competent authorities.
6. In order to ensure maximum effectiveness of the present policy, NATO nations commit themselves to ensure full national implementation of this policy. Non-NATO Troop contributing nations are expected to take similar steps upon joining a NATO-led operation.
7. NATO personnel serving at NATO Headquarters and its Agencies as well as those taking part in NATO led operations should continue to conduct themselves with regard to the highest professional standards and with respect to national as well as international law.

## **NATO Guidelines on combating trafficking in human beings for military forces and civilian personnel deployed in NATO-led operations**

### **Introduction and Scope**

1. The present guidance is intended for the use of military and civil elements that, while not being NATO staff, participate in operations under NATO command and control. Its aim is twofold:
- (h) to define the basic standards of behaviour to which NATO-led forces must adhere in the course of their work; and
  - (i) to define the parameters within which NATO deployed forces can, within their competence and respective mandate, provide support to responsible authorities in the host country in their efforts to combat trafficking in human beings.
2. This guidance is aimed at highlighting the general principles and activities that participating nations are expected to request from their nationals. It is not exhaustive and will require, as appropriate, specific implementing actions by individual nations and forces to be fully effective. This includes, where necessary, ratifying/acceding to/approving the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” and implementing its requirements, as well as ensuring implementation of the present guidelines.

### **General Principles**

3. Forces conducting operations under NATO command and control are prohibited from engaging in trafficking in human beings or facilitating it. This prohibition also applies to any civilian element accompanying such forces, including contractors.
4. Forces conducting PSO under NATO command and control, will support, within their competence and mandate, the efforts of responsible authorities in the host country in combating trafficking in human beings.

### **Definitions**

5. With reference to the definition of trafficking in human beings, Allies reaffirm their adherence to and compliance with the provisions of Article 3 of the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”.
6. In particular, trafficking in human beings means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

### **Implementing Guidelines**

7. The implementation of the principles at Paragraphs 3 and 4, above, can only be successful if appropriate implementing measures are taken by NATO Authorities and Troop Contributing Nations.
8. For NATO Authorities this includes as a standing requirement:
  - (a) the development of specific policy provisions, within existing PSO doctrine, for the role of NATO-led forces in supporting, within their competence and mandate, the efforts of responsible authorities in the host country to combat trafficking in human beings;
  - (b) the establishment, at NATO educational institutions (NS, NDC), of specific training modules devoted to raising the awareness of the issues connected to the trafficking in human beings and of the means to combat it. These modules will be designed and implemented with the advice of anti-trafficking experts, including intergovernmental and non-governmental organisations with expertise in this area; and
  - (c) the development of an evaluation mechanism to analyse progress on combating trafficking, as well as of a confidential and transparent NATO internal reporting mechanism on violations of the present policy.
9. In the planning and conduct of PSO, NATO Authorities will:
  - (a) include in the relevant portions of the Operational Plan (OPLAN), specific measures, within their competence and mandate, to support the effort of responsible authorities in the host country in combating the trafficking in human beings;

- (b) include, in the pre-deployment phase, specific training on issues related to trafficking in human beings;
  - (c) assess the conformity of contributing forces to the principles defined in this document; and
  - (d) identify within the Area of Operations, local and international organisations with capacity for protecting and housing adult and child victims of trafficking and the establishment of appropriate liaison arrangements with such organisations.
10. As a standing requirement, troop contributing nations will organise specific training modules preparing their forces and accompanying civilian elements and contractors for PSO. Such modules may include training on the issue of trafficking in human beings and legal consequences stemming from the violation of anti-trafficking laws, as well as training on the means to support, within their competence and mandate, the efforts of responsible authorities in the host nation to combat trafficking in human beings. Similar modules may also be developed by PfP Training Centres and included, as appropriate, in their training curricula.
11. As a standing requirement, it is recommended that troop contributing nations:
- (a) review, if necessary their existing criminal legislation, including the enforcement of such legislation, to ensure that members of the forces – as well as civilian elements – who engage in trafficking in human beings, or facilitate it, are liable to appropriate prosecution and punishment;
  - (b) provide details of their national legislation and national efforts to combat trafficking;
12. In the planning and conduct of a NATO-led PSO, it is recommended that troop contributing nations:
- (a) conduct specific pre-deployment training on criminal issues including those related to trafficking in human beings and the means to combat it;
  - (b) conduct timely investigation and prosecution of cases of misconduct by members of their forces or civilian elements, including contractors;
  - (c) develop specific mechanisms for reporting crimes , including those related to trafficking in human beings;
  - (d) in accordance with national legislation, create and disseminate policies explicitly protecting whistleblowers who come forward with evidence of crimes, including trafficking in human beings, and
  - (e) in accordance with national legislation, retain records of misconduct by individuals, including, those related to trafficking in human beings, for use in recruitment, vetting and deployment.

**NATO Guidance for the development of training and educational programmes to support the policy on combating the trafficking in human beings**

1. Training and creating awareness are key elements to ensure the successful implementation of this policy. In particular, training will provide information required to identify trafficking and will put military and civilian personnel on notice of consequences for engaging in trafficking.
2. Two different kinds of training to be offered by NATO and national training institutions are envisaged for the implementation of the present policy:

- (a) a general module, aimed at the personnel (military or civilian) to be employed in a NATO operation, with a twofold focus:
    - outline the characteristics of trafficking in human beings; and
    - summarise the national and international legal provisions which punish those who engage in trafficking in human beings, or facilitate it;
  - (b) specific modules, aimed at all those categories of personnel who have specific responsibilities, either under national legislation or under the present policy, to police the behaviour of personnel or take specific actions to combat trafficking.
3. The general module will need to include, as a minimum, the following elements:
- (a) background information on the trafficking phenomenon, its origins, its victims, its perpetrators (organised crime) and an overview of the purposes for which human beings are trafficked including those links which exist between trafficking and the illegal sex industry;
  - (b) if the training is imparted in a pre-deployment context, an outline of the specific instances of trafficking to which personnel might be confronted in the deployment area from a security perspective. In this respect, training would address how trafficking in human beings supports other elements of organised crime that present a threat to the mission;
  - (c) guidelines to detect instances of trafficking or identify trafficked people, and how to deal with such events (reporting, actions to be taken, etc.); and
  - (d) a summary of the legal provisions affecting those who engage in trafficking or facilitate it.
4. The specific modules will contain, as a minimum, the following elements:
- (a) For commanders and supervisors: how to deal with reports concerning involvement of their subordinates in trafficking and what measures to take; and
  - (b) For military police units which are part of national contingents: how to investigate allegations of involvement in trafficking by members of their national contingent, with specific focus on the sensitive aspects of such an investigation, such as victim identification and protection.
5. To ensure the greatest effectiveness training modules should:
- (a) be provided to all levels of military and civilian personnel;
  - (b) include information tailored to the specific situation/requirement of the target audience;
  - (c) be developed with input from anti-trafficking experts of international and non-governmental organisations with experience in combating trafficking;
  - (d) where feasible focus on “train the trainers” events to ensure the dissemination of appropriate information at all levels;
  - (e) should include case studies, interactive methods of training; and
  - (f) make use of distance and computer based training.

## **Guidelines for NATO staff on preventing the promotion and facilitation of trafficking in human beings**

### **Introduction and Scope**

1. The present rules set out the standards expected of all NATO staff in furtherance of the mandate of the North Atlantic Council, as laid out in PO(2003)185(INV).



2. These rules apply to all NATO staff, whether on post or deployed on mission on behalf of the Organisation.

### General Principles

3. The basic principles for the behaviour of NATO Staff are laid down at Article 12.14, 13.1 and 13.2 of the NATO Civilian Personnel Regulations.

4. In conformity with established procedures and regulations with specific reference to trafficking in human beings, this means that:

- (a) NATO staff shall not engage in trafficking in human beings, including for the purpose of sexual exploitation, nor they will facilitate it; and
- (b) NATO staff shall have the duty to report to his/her supervisors any instance of human trafficking of which he/she may have become aware, as well as any concerns that he or she may have regarding the involvement of another NATO staff in trafficking in human beings including for the purpose of sexual exploitation.

### Definitions

5. With reference to the definition of trafficking in human beings, NATO reaffirms its adherence to and compliance with the provisions of Article 3 of the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”.

6. In particular, trafficking in human beings means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

7. “NATO staff” means international civilian personnel (seconded or freelance), i.e. personnel of a NATO body recruited from among the nationals of members of the Alliance and filling international posts appearing on the approved establishment of that NATO body. The present policy applies also to consultants and temporary personnel.

### Implementing Guidelines

8. In order to implement the principles spelled out at Paragraph 4, above, the following measures are required:

- NATO Secretary General will, drawing upon the expertise acquired by other regional, international, intergovernmental, and non-governmental organisations and in coordination with the Director of the International Military Staff and NATO Strategic Commanders, develop specific guidelines which will define, i.a.: the specific standards of behaviour to which NATO staff will abide; and the investigative and disciplinary procedures to be implemented.
- Member Nations will ensure that NATO staff who are under their jurisdiction and who have engaged in criminal activities related to trafficking in human beings, are prosecuted in accordance with their national legislation and procedures.



## Organization for Security and Co-operation in Europe

*Special Representative  
on Combating Trafficking in Human Beings*

### **ALLIANCE AGAINST TRAFFICKING IN PERSONS**

**Vienna, Hofburg, Neuer Saal**

**23 July 2004**

**9 am – 2 pm**

#### **AGENDA**

**9.00 – 9.15 hrs Welcoming Addresses**

Ambassador Ivo Petrov, Chairman of the OSCE Permanent Council  
Ambassador Jan Kubiš, OSCE Secretary General  
Ms Helga Konrad, OSCE Special Representative on Combating  
Trafficking in Human Beings

**9.15 – 11.00 hrs A European Convention for Victims of Trafficking – the Victim-Centred Approach**

Ms Maud de Boer-Buquicchio, Deputy Secretary General, COUNCIL OF EUROPE  
Ms Gerda Theuermann, Director Consultancy Services, ICMPD

**The Human Rights Components in the Fight Against Human Trafficking**

Mr Zdislaw Kedzia, Chief of Research and Right to Development, UNHCHR  
Mr Jürgen Merz, EUROPEAN COMMISSION  
Ambassador Christian Strohal, Director ODIHR

**Trafficking in Children and Minors**

Ms Helena Eversole, UNICEF Regional Representative  
Mr Boris Scharlowski, Coordinator International Campaign against Child Trafficking, TERRE DES HOMMES

**The Institution of National Rapporteurs**

Ms Anna Korvinus, National Rapporteur on Trafficking in Human Beings, The Netherlands

**11.00 – 11.30 hrs Coffee Break**

**11.30 – 14.00 hrs The Labour Dimensions of Human Trafficking**

Mr Roger Plant, Director, Forced Labour Special Action Programme, ILO  
Ms Mary Cunneen, Director, ANTI-SLAVERY INTERNATIONAL

**Migration and Trafficking in Persons**

Mr Marco A. Gramegna, Director, Counter Trafficking Service, IOM  
Mr Gottfried Köfner, UNHCR Representative in Austria

**Trafficking in Persons and Organised Crime**

Mr Jean-Paul Laborde, Principle Officer, UNODC  
Mr Hamish McCulloch, Assistant Director, INTERPOL

**Corruption and Human Trafficking**

Professor Ugo Draetta, Chairman SPAI

**Role and Responsibility of Peacekeepers in the Fight Against Human Trafficking**

Deputy SRSG Jean-Christian Cady, UNMIK  
Ms Susan Pond, Head of Partnership for Peace and Cooperation Programmes, NATO

**Discussion**

**Closing of the Conference**