

Office of the Special Representative and Co-ordinator  
for Combating Trafficking in Human Beings

# COMBATING TRAFFICKING AS MODERN-DAY SLAVERY: A MATTER OF RIGHTS, FREEDOMS AND SECURITY

**2010 Annual Report** of the  
Special Representative and Co-ordinator  
for Combating Trafficking in Human Beings

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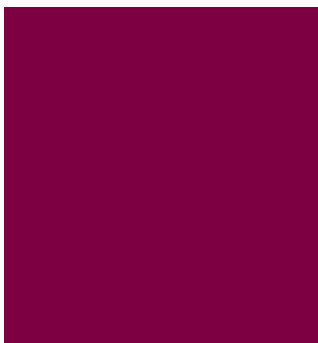
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**presented to the Permanent Council, 9 December 2010**





# FOREWORD

When I first started to deal with trafficking in human beings in 1996, as Head of the legislative office of the Minister for Equal Opportunities in Italy, nobody really even knew the expression “trafficking in human beings”. At that time civil society organizations alerted us that prostitution on the street was changing dramatically: women were being coerced, often through means of extreme violence, and were terrorized by the possible retaliation of their exploiters. This is still the prevalent image people have in mind when talking about trafficking in human beings. However, since then the situation has changed enormously. Trafficking is no longer a crime implying the victimization of only women and girls, but rather a crime that also heavily involves boys and young men, and even elderly people. It is acknowledged today that trafficking has many forms in addition to trafficking for the purpose of sexual exploitation, namely also for labour exploitation, for forced begging, for forced criminality, and for the removal of organs. Trafficking in human beings is not a form of exploitation mostly managed by predatory individuals, be they husbands or false lovers, but rather mostly a business of organized crime. Nor is it a marginal phenomenon, but rather it is a massive scale economic and criminal problem which requires holistic responses.

Still, something has not changed: the degree of human suffering, the violation of human rights and human dignity, and the loss of freedom and self-determination of people falling prey to traffickers. During my time at the Ministry for Equal Opportunities, when I drafted the Italian legislation on residence permits for victims of trafficking, on several occasions I joined the street units of NGOs providing aid, support and information to women and girls in prostitution. I did not speak of course. If they had known who I was, they would have been terrified of being deported, and I would have spoiled the work of confidence building in which social workers had been engaged for many months. I was only listening and offering some tea. Since then, the struggle against trafficking has become a personal commitment.

Returning to the Criminal Court of Rome in 2001, I had the opportunity as a judge to deal with a number of trafficking cases. My determination to combat this crime – probably the most heinous I have ever encountered – became even stronger. It was of course my duty to ensure and balance the rights of the victim and those of the defendant in any individual case, and I realized that victims’ rights were mostly not codified and in practice often undermined. I saw a young woman who had bravely reported her traffickers, suddenly become silent upon seeing her exploiter in the courtroom, even though he was in jail. I therefore became aware that criminal groups running trafficking, although so different and apparently less organized than the traditional mafia, are actually no less cruel and dangerous.

As the OSCE Special Representative and Co-ordinator, I have a unique opportunity to step up efforts to prevent and combat human trafficking, by promoting consistent implementation of the Organization’s advanced political commitments, making full use of the cross-dimensional nature of my mandate, and further developing the OSCE’s leading role, especially concerning a human rights-centred approach to anti-trafficking policy. This Annual Report gives me the opportunity to present an overview of the phenomenon today, the activity of my Office, and some ideas for future work. On this important occasion, I would like to reiterate, as my predecessors did, that a decent society cannot live with trafficking, be it a girl compelled to prostitute herself to pay off her debt, be it a young man working 14 hours a day in a tomato or strawberry field only to find that he will not be paid, or be it a little girl confined in a household, starved and overworked, and bearing abuse from all the members of the household where she is enslaved. After all, defending human rights and fundamental freedoms is about standing by someone who has been subjected to a manifest injustice.

Maria Grazia Giammarinaro  
*OSCE Special Representative and Co-ordinator for  
Combating Trafficking in Human Beings*

## ACKNOWLEDGEMENTS

This is my first Annual Report in my capacity as the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

I wish to express my gratitude to the Kazakh OSCE Chairmanship and to the previous Chairmanship of Greece in 2009, as well as to all participating States and Partners for Co-operation for their support and co-operation during 2010. My sincere thanks also go to the Secretary General Marc Perrin de Brichambaut, the OSCE Secretariat structures, the ODIHR and the OSCE field operations, for their continued support and contributions to my work and to this Report. I also wish to thank the international organizations and NGOs who partnered with us especially in the *Alliance against Trafficking in Persons*. I look forward to continuing working closely with governments, parliaments, judiciary, civil society and international organizations in the OSCE region to prevent and combat trafficking in human beings.

My warmest thanks go to each and every colleague in my talented and dedicated Office, who have worked tirelessly and diligently to support my work throughout my first year in Office and to prepare this first Annual Report: Alberto Andreani, Joanna Benfield, Vera Gracheva, Claire Jessel, Caraigh Mc Gregor, Szilvia Okolicsanyi, Ruth Pojman, Liliana Sorrentino and Georgina Vaz Cabral, as well as our interns and JPO: Luisa Balbi, Joachim Delventhal, Sara Mannio, Jennet Orayeva, Viktoriya Orazova, Krisztina Pusok and Raphael Ténau. More particularly, I wish to thank my Executive Adviser, Liliana Sorrentino, who provided critical guidance and important expertise, also contributing valuable ideas throughout the preparation and final review of the Report. Moreover, I wish to extend my particular thanks to Isabella Orfano, the main drafter of this report, who has joined us temporarily to prepare this report in close collaboration with my team.

And last but not least, I wish to extend my thanks to the following donors that have supported the work of my Office with their generous extrabudgetary contributions: Andorra, Finland, France, Germany, Iceland, Kazakhstan, Liechtenstein, Monaco, San Marino, and UN.GIFT.

***Maria Grazia Giammarinaro***

*OSCE Special Representative and Co-ordinator  
for Combating Trafficking in Human Beings*

# TABLE OF CONTENTS

EXECUTIVE SUMMARY	7
<b>1. TRAFFICKING IN HUMAN BEINGS AS MODERN-DAY SLAVERY</b>	<b>9</b>
<b>1.1 The Multiple Forms of Trafficking</b>	<b>9</b>
1.1.1 Trafficking for Labour Exploitation	9
1.1.2 Trafficking for Sexual Exploitation	14
1.1.3 Trafficking for Forced Begging and Illicit Activities	16
1.1.4 Trafficking for the Purpose of Organ Removal and Trafficking in Organs, Tissues and Cells	17
1.1.5 Child Trafficking	18
<b>1.2 Trafficking as a Multi-faceted Issue</b>	<b>20</b>
1.2.1 Trafficking as a Severe Human Rights Violation	20
- <i>Victim Identification</i>	21
- <i>Victim Support</i>	21
- <i>Victims' Access to Justice</i>	22
1.2.2 Trafficking as a Transnational Organized Crime and a Threat for Security	23
- <i>Trafficking and Corruption</i>	24
- <i>Trafficking and Money laundering</i>	26
- <i>Trafficking and Individual and State Security</i>	26
1.2.3 Trafficking and Migration Policies	27
<b>2. JOINING EFFORTS TO TACKLE TRAFFICKING IN HUMAN BEINGS</b>	<b>30</b>
<b>2.1 Internal Co-ordination and Co-operation</b>	<b>30</b>
<b>2.2 Highlights of OSCE Anti-trafficking Activities</b>	<b>31</b>
2.2.1 Office for Democratic Institutions and Human Rights (ODIHR)	31
2.2.2 Gender Section, Secretariat	32
2.2.3 Strategic Police Matters Unit (SPMU), Secretariat	32
2.2.4 Office of the Co-ordinator for Economic and Environmental Activities (OCEEA), Secretariat	33
2.2.5 Field Operations	33
- <i>South-Eastern Europe</i>	33
- <i>Eastern Europe</i>	36
- <i>South Caucasus</i>	37
- <i>Central Asia</i>	38
<b>2.3 Office of the Special Representative and Co-ordinator for Combating     Trafficking in Human Beings</b>	<b>41</b>
2.3.1 Ongoing Dialogue and Action with Participating States	41
2.3.2 Working with Parliamentarians	41
2.3.3 Working with Government Authorities	43
2.3.4 Supporting the Work of the Kazakh OSCE Chairmanship and of the Delegations of Participating States	45
2.3.5 Promoting the Implementation of the OSCE Commitments	46
- <i>Alliance against Trafficking in Persons</i>	47
- <i>Regional Meeting of National Anti-Trafficking Co-ordinators</i>	47
- <i>Capacity Building</i>	47
2.3.6 Raising Awareness: Towards an Anti-slavery Abolitionist Movement	48
2.3.7 Improving Knowledge on Human Trafficking	49
2.3.8 Strengthening Co-operation with External Partners	50
- <i>Alliance against Trafficking in Persons</i>	50
- <i>Co-operation with International Organizations</i>	51
- <i>Co-operation with Civil Society Organizations</i>	55

### 3. STEPPING FORWARD: CHALLENGES AND FUTURE PERSPECTIVES 56

<b>3.1 Prosecution and Criminal Justice Response</b>	56
<b>3.2 Protection of Victims' Rights</b>	57
<b>3.3 Prevention</b>	58
<b>3.4 Partnerships</b>	59

### ANNEX 1: REFERENCES 60

### ANNEX 2: LIST OF KEYNOTE ADDRESSES AND INTERVENTIONS IN CONFERENCES, SEMINARS AND OTHERS EVENTS BY THE SPECIAL REPRESENTATIVE AND HER OFFICE 63

## ACRONYMS

<b>AECT</b>	<i>Alliance</i> Expert Co-ordination Team	<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>ATU</b>	Action against Terrorism Unit	<b>OSG</b>	Office of the Secretary General
<b>BBGM</b>	Berlin Alliance against Trafficking in Human Beings for Labour Exploitation	<b>OSR</b>	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
<b>BMSC</b>	Border Management Staff College	<b>OTC</b>	Organs, Tissues and Cells
<b>CCEM</b>	Comité Contre l'Esclavage Moderne	<b>POLIS</b>	Policing OnLine Information System
<b>CIS</b>	Commonwealth of Independent States	<b>SPMU</b>	Strategic Police Matters Unit
<b>CoE</b>	Council of Europe	<b>SR</b>	OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
<b>COMP.ACT</b>	European Action for Compensation for Trafficked Persons	<b>THB</b>	Trafficking in Human Beings
<b>CPC</b>	Confliction Prevention Centre	<b>UN OHCHR</b>	United Nations Office of the High Commissioner for Human Rights
<b>ECPAT</b>	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes	<b>UN.GIFT</b>	United Nations Global Initiative to Fight Human Trafficking
<b>FATF</b>	Financial Action Task Force	<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>GRETA</b>	Group of Experts on Action against Trafficking in Human Beings	<b>UNDP</b>	United Nations Development Programme
<b>IACA</b>	International Anti-Corruption Academy	<b>UNIFEM</b>	United Nations Development Fund for Women
<b>ICMPD</b>	International Centre for Migration Policy Development	<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>ILO</b>	International Labour Organization	<b>USAID</b>	United States Agency for International Development
<b>ILO-IPEC</b>	International Labour Organization, International Programme on the Elimination of Child Labour	<b>WB</b>	World Bank
<b>IOM</b>	International Organization for Migration	<b>WTO</b>	World Tourism Organization
<b>NATO</b>	North Atlantic Treaty Organization		
<b>NRM</b>	National Referral Mechanism		
<b>OAS</b>	Organization of American States		
<b>OCEEA</b>	Office of the Co-ordinator of Economic and Environmental Activities		
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights		





## EXECUTIVE SUMMARY

The fight against human trafficking is at the heart of the OSCE's founding principle that security begins with the inherent dignity of the human being. In 2010, the OSCE celebrated the tenth anniversary of the first OSCE Ministerial Council Decision dedicated to combating trafficking in human beings.<sup>1</sup> This coincided also with the celebration of the tenth anniversary of the Palermo Protocol and the fifth anniversary of the Council of Europe Convention on Action against Trafficking in Human Beings.

Over this important decade, many efforts have been made by governments of the participating States throughout the OSCE region. These efforts have benefited from the fundamental contribution of NGOs, as well as from the support of international organizations including the OSCE. They have all helped to promote a comprehensive, human rights-based approach to combating trafficking in human beings and to fully support trafficked persons.

Since 2000, the OSCE has adopted important political commitments on an almost yearly basis to continually strengthen its efforts to prevent and combat trafficking in human beings. In 2003, the position of Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SR) was established as a high-level mechanism to promote the implementation of the OSCE commitments in the participating States.

The mandate of the SR is to work with the governments, representatives of the Parliaments, and the judiciary of the participating States to support them in the implementation of the commitments and in the full usage of recommendations set forth in the OSCE Action Plan to Combat Trafficking in Human Beings, and to provide advice and technical assistance when

requested, especially in the field of legislation and policy development.<sup>2</sup>

In accordance with the mandate, the SR and her Office (OSR) aim to raise the public and political profile of the fight against human trafficking and to strengthen co-operation among the relevant authorities and anti-trafficking agencies of the participating States and between the OSCE and other relevant organizations of the international community and civil society. The OSR also closely co-operates and co-ordinates with ODIHR and other OSCE Institutions, the Secretary General, relevant structures of the Secretariat including the Office of the Co-ordinator for Economic and Environmental Activities (OCEEA), the Strategic Police Matters Unit (SPMU), the Conflict Prevention Centre's Border Unit, the Gender Section, the Anti-Terrorism Unit and the OSCE field operations.<sup>3</sup>

The SR is tasked by the 2005 Ministerial Council Decision to report annually to the Permanent Council on the progress achieved over the preceding year's anti-trafficking work carried out throughout the OSCE region.<sup>4</sup> This report covers the period from January to November 2010, which corresponds to the first year of the term of Maria Grazia Giammarinaro, the third OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

This Annual Report is divided in four parts and deals with different aspects of the phenomenon, policies, actions, and challenges deriving from trafficking in women, men, and children for many different exploitative purposes.

<sup>1</sup> OSCE Ministerial Council, *Decision No. 1 Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings*, MC(8).DEC/1 (Vienna, 28 November 2000).

<sup>2</sup> OSCE Ministerial Council, *Decision No. 3/06 Combating Trafficking in Human Beings*, MC.DEC/3/06 (21 June 2006).

<sup>3</sup> *Ibid.*

<sup>4</sup> OSCE Ministerial Council, *Decision No. 13/05 Combating Trafficking in Human Beings*, MC.DEC/13/05 (Ljubljana, 6 December 2005).

Part I “*Trafficking in Human Beings as Modern-Day Slavery*” explores the multiple forms of trafficking and addresses them as severe human rights violations, serious transnational organized crime, and threats to the individual and State security. Recent research and case studies from a variety of OSCE participating States help illustrate the phenomenon. Nowadays, trafficking in human beings is a serious crime that is widespread and ever-increasing throughout the OSCE region and beyond. Every day, thousands of people – among them a significant proportion of children – are deceived, abused, threatened and coerced into situations of exploitation that amount to slavery. The variety of forms of exploitation is endless and includes trafficking for sexual and labour exploitation, for domestic servitude, forced begging, petty crime, pickpocketing, and trafficking for the purpose of organ removal.

Part II “*Joining Efforts to Tackle Trafficking in Human Beings*” provides an overview of the work and internal co-ordination and co-operation further developed in 2010 by the OSCE institutions, structures and field operations. It presents the work carried out by the SR and her Office in strengthening the ongoing dialogue and action with the 2010 Kazakh OSCE Chairmanship and the participating States and, more specifically, with a wide range of Parliamentarians, government authorities, and judiciary representatives met during conferences, seminars, workshops, bilateral meetings held in different OSCE countries. Furthermore, this part of the report describes the external partnerships reinforced or newly established with many international, intergovernmental and civil society organizations to jointly combat human trafficking and fully promote comprehensive measures aimed at the protection of the rights of all trafficked persons.

Part III “*Stepping Forward: Challenges and Future Perspectives*” concludes the report as a stand alone chapter by addressing four crucial areas that the OSR decided to focus on to advance the anti-trafficking action: prosecution and criminal justice response; protection of victims’ rights; prevention; and strengthening partnership. Furthermore, in line with the priorities of the Kazakh OSCE Chairmanship, the SR dedicated special attention to trafficking in children.

Part IV of the report lists the references and an Annex recording the conferences and events attended by the SR and her Office in 2010.

# 1. TRAFFICKING IN HUMAN BEINGS AS MODERN-DAY SLAVERY

## 1.1 The Multiple Forms of Trafficking

Trafficking in human beings is a serious crime that is widespread and ever-increasing throughout the OSCE region and beyond. It involves numerous legal, social and economic aspects of today's world, and engages numerous different actors, including trafficked persons and their families, traffickers and their accomplices, and countries of origin, transit and destination and their national institutions, law enforcement agencies and anti-trafficking organizations.

Trafficking in human beings includes many forms of exploitation. Even though sexual exploitation is the most well-known, trafficking for labour exploitation, which takes place in several formal and informal labour sectors, is becoming one of the most widespread forms of trafficking.

Reliable data and empirical evidence are still lacking, few countries have established a National Rapporteur or equivalent mechanism which can monitor and report on the phenomenon and the impact of legislation, policies and initiatives. The dearth of systematic data gathering and evidence-based research can have a profound impact at the national level, undermining the effectiveness of measures and the investment of funds and human resources which are provided to tackle trafficking in human beings and support trafficked persons.

Furthermore, trafficking in human beings is still too often confused with human smuggling. It is important to understand, however, that these are two distinct crimes. While smuggling always involves crossing a border in an irregular manner and is a crime against the State, trafficking in human beings occurs both within a country and across borders and is an offence against an individual. Moreover, the fundamental element of trafficking is exploitation. Trafficked persons are held in unfamiliar and isolated environments where they are forced to work or provide services under violence, threat or subtle means of coercion, often to pay back an insurmountable debt. These people often do not speak the local language, are unaware of their rights, are deprived of their documents, and depend heavily

on their exploiter for food and lodging, as well as for making contact with the outside world. They are not free to leave as they have “no real and acceptable alternative but to submit to the abuse involved”.<sup>5</sup>

### 1.1.1 Trafficking for Labour Exploitation

Every day, millions of people – among them a significant proportion of children<sup>6</sup> – are deceived, abused, threatened and coerced to work in different labour sectors such as, *inter alia*, domestic services, construction, agriculture, mining, sweat-shops, fishing, food processing, the textile industry, and the hospitality sector. The variety of forms of labour exploitation is endless, and also includes forms of exploitation such as forced begging, petty crime, pickpocketing, and the receiving, transporting and selling of stolen goods and drugs.<sup>7</sup>

According to the International Labour Organization (ILO), there are a minimum of 2.45 million victims of trafficking globally, of which at least half a million are in the OSCE area.<sup>8</sup> It is necessary to add to this number further cases of debt bondage in which victims are subjugated and exploited through subtle means, usually a combination of threats and economic constraints. Therefore, an informed hypothesis points towards hundreds of thousands of additional cases that should be counted as trafficking cases.

The total illicit profits produced in one year by trafficked persons are estimated to be approximately USD 32 billion. Trafficking in human beings is a profitable criminal business based on the exploitation of millions of people across the globe who have become mere commodities.<sup>9</sup>

Vulnerable migrants remain easy prey for labour

<sup>5</sup> United Nations, *Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the work of its first to eleventh sessions, Addendum, Interpretative notes for the official records (travaux préparatoires) of the negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, A/55/383/Add.1* (3 November 2000), para. 63.

<sup>6</sup> ILO estimates that for the period 2004 to 2008, 215 million children were caught in child labour across the world, see: ILO, *Accelerating Action against Child Labour* (Geneva, 2010).

<sup>7</sup> EUROPOL, *OCTA 2009. EU Organised Crime Threat Assessment* (The Hague, 2009).

<sup>8</sup> ILO, *A Global Alliance against Forced Labour* (Geneva, 2005).

<sup>9</sup> *Ibid.*

exploitation, while both migrants and nationals are subject to all forms of exploitation, debt bondage and violence. In many countries, including OSCE participating States, some labour sectors do not yet have minimum international labour standards and this is reflected in poor regulation at the national level. This leads to the unequal protection of workers in terms of minimum wage, working hours, leave, overtime, or social security. In other words, the more precarious the legal status of the migrant worker, the greater the dependence on the employer, and the more vulnerable they are to exploitation.

Of course, not all migrant workers are victims of trafficking. But a significant number of them are trafficked, and more than it has been recognized to date.

Labour sectors have different structural features that cause or exacerbate workers' vulnerability. Trafficked persons' documents are typically confiscated, and they are forced to work during long hours, and are poorly paid or receive no wages at all. They often have to pay back an insurmountable debt in conditions that amount to slavery. They are socially isolated and often unable to speak or understand the local language. They are often exposed to ill and degrading treatment, including rape, psychological and sexual abuse, confinement, and physical punishment. They may also be held captive with subtle psychological coercion so that the person may not reasonably believe that she or he has the possibility to leave.

This is the reality of trafficking in human beings today. It is a massive phenomenon of modern-day slavery. It is also one of the worst forms of violence against women and girls, who are particularly targeted not only for sexual exploitation but for specific purposes such as domestic servitude, owing to social vulnerability factors such as feminization of poverty, and to a persistent imbalance of power between the sexes.

Trafficking shows no sign of abating worldwide. It is therefore crucial to change the perception of trafficking that has often been treated as a marginal phenomenon, involving the profiles of certain victims only, or limited to sexual exploitation. On the contrary, trafficking for labour exploitation appears to be increasingly linked to worrying trends related to globalization, especially in light of the global economic downturn.

The interdependencies in a globalized world, the push for profits and the economic competition that leads to the need to cut production costs, and the current practices of consumption and production driving the world economy have led to an increased demand for cheap labour, making some economic sectors more prone to the use

of trafficking for labour exploitation. The risk is that trafficking becomes a structural component of sectors such as agriculture or construction, as organized criminal groups take advantage of the social vulnerabilities of workers, especially of migrant labourers, and of the multiple opportunities of a globalized economy.

### Athens Ethical Principles

Over 12,000 businesses have committed themselves – either directly or through their industry associations – to combating trafficking in human beings by signing up to the so-called Athens Ethical Principles, which declares a zero tolerance policy towards any business or organization that benefits from human trafficking.

[Source: <[http://www.ungift.org/docs/ungift/pdf/Athens\\_principles.pdf](http://www.ungift.org/docs/ungift/pdf/Athens_principles.pdf)>, accessed 17 November 2010]

In this scenario, companies can and should play a greater role in eradicating trafficking from their supply chains, training personnel, raising awareness of the issue, and creating job opportunities for vulnerable groups. The contribution of the private sector is indeed potentially crucial in three areas. First, the private sector may respond to trafficking as part of corporate social responsibility initiatives or to mitigate risks to businesses, posed by trafficking. These risks include reduced demand for products or loss of share price if a company is linked with trafficking, for example, in its supply chain, especially for large companies who care about their brand. Secondly, the private sector can play a pivotal role in the reintegration of victims upon their return to their country of origin or social inclusion in their host country, consequently contributing to minimizing risks of re-trafficking. Finally, the private sector – if coupled with appropriate political economic policies – could play an important role in addressing socio-economic inequalities which create an environment conducive to human trafficking.

### Social Accountability (SA8000)

The latest (2008) SA8000 created a global social accountability certification standard for decent working conditions. The standard was developed and is overseen by Social Accountability International on the basis of compliance with international human rights and labour standards. It expressly commits companies and labour suppliers to not engage in or support human trafficking.

[Source: <[http://www.sa-intl.org/\\_data/n\\_0001/resources/live/2008StdEnglishFinal.pdf](http://www.sa-intl.org/_data/n_0001/resources/live/2008StdEnglishFinal.pdf)>, accessed 17 November 2010]

Significant progress to combat trafficking for labour exploitation has been made during the last ten years, thanks to the efforts and partnerships of governments, international organizations, NGOs, and trade unions. In

2006 and 2007, the OSCE participating States adopted two Ministerial Council Decisions on trafficking for labour exploitation which, *inter alia*, call for an increase in multi-agency co-operation and interaction on labour trafficking issues among labour and immigration officials, law enforcement, judicial officials and social services providers, to prevent trafficking and to protect the rights of trafficked persons and grant them assistance.<sup>10</sup>

In this context, partnerships between NGOs and trade unions are also important. NGOs' and trade unions' roles are not similar; rather they are complementary. Trade unions have the fundamental task to protect and enhance labour standards of all workers, national and migrants, and can consequently play a crucial role in anti-trafficking efforts. Such a role can range from promoting and monitoring the implementation of minimum wages and other labour standards, pressuring governments to ensure decent working conditions and access to justice, as well as empowering workers to claim their rights and support them in seeking redress. It is also essential that trade unions strengthen their capacity to reach out to workers in the informal sector and in sectors more prone to exploitation. Trade unions could also explore avenues to put their experience and expertise at the disposal of associations of migrant workers, both regular and irregular.

However, much important work remains to be done to protect the rights of trafficked persons exploited in the labour market. Anti-trafficking agencies and institutions should promptly implement comprehensive support measures for persons trafficked for labour exploitation by starting to take into account the existing practices and working methodologies employed with persons trafficked for sexual exploitation. The transfer of know-how and its adaptation are in fact crucial tools that could greatly support the development of ad hoc assistance services also for persons trafficked for other purposes.

In order to improve the identification and protection of victims exploited in economic sectors, it is necessary to broaden the multidisciplinary approach and create partnerships to secure, in addition to NGOs, the proactive involvement of labour inspectors, trade unions and migrants' rights organizations in the identification of, and provision of assistance to persons trafficked for labour exploitation.<sup>11</sup>

<sup>10</sup> OSCE Ministerial Council, *Decision No. 8/07 Combating Trafficking in Human Beings for Labour Exploitation*, MC.DEC/8/07 (Madrid, 30 November 2007); OSCE Ministerial Council, *Decision No. 14/06 Enhancing Efforts to Combat Trafficking in Human Beings, Including for Labour Exploitation, through a Comprehensive and Proactive Approach*, MC.DEC/14/06 (Brussels, 5 December 2006).

<sup>11</sup> *Ibid.*

Furthermore, the identification of invisible forms of labour exploitation, such as domestic servitude, is a real challenge. Isolated trafficked workers, be they children or adults, do not have access to information and assistance, while the appropriate social service providers equally have no access to workers without the help of an alert public. Therefore, it is necessary to build capacity in a systematic way and raise awareness to educate relevant actors and potential reporters of cases, including the general public, about to whom and how to report abuse and potential instances of trafficking. Moreover, the OSCE Action Plan recommends that the participating States implement "measures to reduce the 'invisibility of exploitation'" and suggests the implementation of "[a] multi-agency programme of monitoring, administrative controls and intelligence gathering on the labour markets".<sup>12</sup> This will not only contribute to enhance victim identification and improve the detection of hidden trafficking crimes, but also lead to a more effective criminal justice response and result in bringing more perpetrators to justice.

### **Domestic Servitude**

Domestic servitude is one of the most invisible forms of exploitation,<sup>13</sup> and little is known about it. Moreover, it is hard to make generalizations about domestic servitude as so much of this form of trafficking depends on the individual relationship between the exploiter and his or her victim, which is shaped by social, gender, racial and ethnic factors, as well as an intrinsic power imbalance.

On 18-19 June 2010, in the framework of the tenth *Alliance against Trafficking in Persons Conference*, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, presented the ***Background Paper on Trafficking in Human Beings for the Purpose of Domestic Servitude***.

Millions of women and girls, and to a much lesser extent men and boys, migrate from poor to rich countries or from rural to urban areas to work as domestics, nannies and maids, leaving their children in the care of their grandmothers or other relatives. These people represent an enormously valuable and essential supply of labour and energy that enables the economy outside the household to function, and they therefore make a fundamental contribution to the social and economic development of our societies.

<sup>12</sup> OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005), chapter IV para 3.2.

<sup>13</sup> OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Occasional Paper Series no. 4 on trafficking in human beings for the purpose of domestic servitude* (Vienna, forthcoming).

However, domestic work remains undervalued, underpaid, not fully recognized as real employment in many countries, or poorly regulated. Domestic workers enjoy fewer rights and unequal protection, and, as the majority of them are women and girls, discrimination against them is even greater. Therefore, they are particularly vulnerable to exploitation.<sup>14</sup>

The majority of domestic worker migrants do find a job that gives them the chance to improve their lives and the lives of their children and families, and they are also able to send important remittances back to their home country. Others are however less fortunate, given that they end up working in slavery-like conditions.

Trafficked domestic workers have been found working in the homes not only of the upper middle class, but also of impoverished families. They are also found in the households of diplomats. Typically their documents are confiscated as soon as they arrive, they are forced to work, and they are constantly at the disposal of the exploiter night and day, every day of the week. They are told that they cannot speak to anyone, nor use the phone or leave the house unaccompanied or without authorization. They often have no room for themselves and sleep on the floor or in the kitchen.

### Working for diplomats

Several countries, including Austria, Belgium, Switzerland and the United States of America, have set up specific procedures to guarantee that domestic workers who work for diplomats are fully informed about their rights and available support, and remain in possession of their travel and identity documents.

[Source: OSCE OSR, *Occasional Paper Series no. 4 on trafficking in human beings for the purpose of domestic servitude* (Vienna, forthcoming)]

They are often exposed to ill and degrading treatment including psychological and sexual abuse, and suffer practical starvation, confinement and physical punishment. They may also be held captive with subtle psychological coercion; the exploiter may generate such fear that the person may not reasonably believe that she or he could leave. They often bear the consequences of such mistreatment for years, in terms of both physical and psychological health. Many endure these circumstances for years, isolated and unaware of their rights and the local language. They have no idea where to seek help, or are too afraid to consider escaping and remain entrapped in a web of coercion and of social, cultural, administrative

and economic dependencies.<sup>15</sup>

There are three main criteria identified to detect the threshold beyond which a specific situation of exploitation in a household can be considered domestic servitude, and falls within the legal requirements of trafficking or slavery or forced labour.<sup>16</sup> They are:

- **Poor living and working conditions:** Victims of domestic servitude are subject to extremely long working hours, usually going beyond 12 hours and even amounting to 18 hours per day. They often systematically lack sufficient sleeping hours, or are obliged to wake up and perform one part of the job during the night without adequate rest compensation during the day. Victims of domestic servitude usually live with their employer and have no private living space. They are often given scarce and poor food and, in many cases, they suffer real starvation;
- **Low or no wages:** The existence of domestic servitude is not necessarily dependent on the complete absence of remuneration. Even if the worker receives a certain amount of money, the insufficient wages can still be considered an important component of domestic servitude when such an amount, in addition to being not commensurate with the working hours, does not go beyond the mere subsistence of the worker, or does not make it possible for them to achieve – not even partially – the objectives related to their migration project, typically to send home what is sufficient for the survival of the family;
- **Violation of human dignity and autonomy:** Human dignity is violated when people are psychologically or sexually abused; when they are subjected to violent forms of punishment; when they bear racist or discriminatory behaviour because of their racial or ethnic origin; when they are obliged to live in an unhealthy environment; when they cannot enjoy a minimum standard of privacy, typically when they sleep on the kitchen floor; and when they are constantly abused even if only verbally, and subject to continuous humiliation. Human autonomy is denied when they are constantly under the control of the employer and cannot autonomously enjoy any free time and are not allowed to leave the household alone or to make friends outside the family; and when they are not allowed to go to school or to enjoy education or training.

In order to effectively fight against trafficking for the purpose of domestic servitude, it is crucial to comprehensively address employment regulations,

<sup>14</sup> ILO, *Report IV(1): Decent Work for Domestic Workers* (2010).

<sup>15</sup> OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Occasional Paper Series no. 4 on trafficking in human beings for the purpose of domestic servitude* (Vienna, forthcoming).

<sup>16</sup> Ibid.

migration policy and diplomatic privileges. It is also important to address investigation and prosecution.

International labour standards do not clearly address domestic work. Even if many ILO Conventions are relevant for domestic workers, no minimum international labour standards for domestic work are currently in place and this is reflected in poor regulation at the national level, including in many OSCE participating States.<sup>17</sup> This not only leads to unequal protection of workers in terms of minimum wage, working hours, leave, overtime, or social security, but also reduces their chances to obtain redress in cases of abuse.

Some labour migration policies may have unintended consequences and impacts on trafficking and exploitation. For example, domestic migrant workers are often afforded visas which are linked to a single employer: the fewer options available to the migrant to change employer, the more vulnerable they are to being exploited. A regular assessment of the un/intentional outcomes of the migration policies implemented, as well as legal, safe and gender-sensitive channels of migration should be developed.

Domestic work certainly constitutes an important channel of legal migration in many countries, and a source of earning for hundreds of thousands of women who ensure the survival and well-being of their families. In this respect, the ILO efforts to ensure better protection of the rights of all domestic workers, who are entitled to the respect of all the criteria of decent work, should be supported. Broad protection should also be ensured to prevent exploitation

in slavery-like conditions. This extreme exploitation which amounts to domestic servitude takes place in a minority of cases.

These cases of trafficking for domestic servitude should be detected and adequately punished. Depending on the actual situation, various provisions can be used to prosecute and adequately punish these cases of domestic servitude, including enslavement or forced labour where the latter is autonomously criminalized. However, the provision incriminating trafficking in human beings should preferably be used, given that in the majority of the cases consulted all the legal requirements of trafficking in human beings were actually met. Furthermore, governments should ensure comprehensive legal protection of domestic workers by adopting the binding international convention on domestic workers recently proposed by the ILO.<sup>18</sup>

In some OSCE countries, NGOs, grass-roots community organizations and trade unions have already become quite active, creative and innovative in raising public awareness of the situation of trafficked domestic workers, as well as providing victims with access to counselling and support services. Awareness raising of both (potential) trafficked persons and the general public, and training for the professionals likely to come into contact with victims, especially child victims, are certainly essential components of the struggle against domestic servitude.

### Domestic servitude

V. replied to an announcement for a job in Austria and was brought from her south-eastern European country to Vienna by her employer. T. promised her a residence permit, health insurance and accommodation. However, her passport was confiscated immediately after her arrival. She had to clean a mansion where eight people lived. She worked 18 hours a day, seven days a week, and she did not receive any salary. Since she started to ask for her passport, her employer threatened her, telling her that she would have to pay for her stay, and that she would even go to prison. V. fled the house and asked a woman on the street for help. The latter brought her to the hospital. V. was taken care of by the NGO LEFOE, and was subsequently allowed to stay in Austria on humanitarian grounds. After two years of procedure she obtained compensation amounting to EUR 14,000.

[Source: OSCE OSR, *Occasional Paper Series no. 4* on trafficking in human beings for the purpose of domestic servitude (Vienna, forthcoming)]

### Ban Ying NGO awareness raising campaign (Germany)

A vehicle displaying information posters in different languages is parked in playgrounds, outside shops and in other places in Berlin, where it could be read by domestic workers and most likely not by employers. The posters, which advertise a soap, contain several questions: *Has your passport being taken away? Are you constantly monitored? Are you paid? You can call any time this number and receive counselling.* Small soaps are also distributed instead of leaflets to inform domestic and other workers about the available counselling services. The messages are hidden and provided in different languages.

[presented during the tenth OSCE *Alliance* Conference "Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude" (Vienna, 18-19 June 2010)]



<sup>17</sup> ILO, *Report IV(1): Decent Work for Domestic Workers* (Geneva, 2010).

<sup>18</sup> Ibid.

## 1.1.2 Trafficking for Sexual Exploitation

Trafficking for sexual exploitation is the most well-known form of trafficking in the OSCE region. During the last decade, many studies and, more significantly, reports by anti-trafficking NGOs registered the patterns and trends of this offence. Trafficking for sexual exploitation has become a widespread criminal business involving different victims and criminal groups, which in most cases prove highly structured, but in some instances loosely organized.

A greater variety of nationalities have been identified among victims as a result of an ever-increasing involvement of new countries of origin. Internal trafficking, which seems often to involve children, also occurs in several OSCE participating States; this is not, however, adequately addressed and reflected in the official statistics of most participating States.<sup>19</sup>

Women and girls are still the main groups targeted by traffickers; nevertheless, a small percentage of male children, young men<sup>20</sup> and transgender individuals<sup>21</sup> in vulnerable conditions also fall prey to different trafficking

### Forced transsexual prostitution

Since childhood, B. felt trapped in the wrong body: (s)he was a girl in a boy shape. After a difficult adolescence, B. decided to adjust his bodily features to her gender identity by taking hormones and dressing accordingly. Her life and working conditions were miserable when she met an acquaintance who offered her work as a waitress in Europe. B. was 23 when she left Brazil, with a small amount of money and high hopes to start a new life on the old continent. Once arrived at her destination, B. was soon informed that she had to work as a street prostitute for 12 hours a day for 7 days a week, pay back a debt bondage of EUR 15,000 to her *cafetina* [exploiter] along with the expensive costs of daily living (rent, food, clothes, etc.) and the fines charged whenever she contravened the *cafetina*'s rules. After a year of severe exploitation and retaliations, B. decided to escape with the help of the outreach workers of an NGO assisting trafficked persons. B. joined the social protection scheme and was granted a residence permit on humanitarian grounds. She currently lives in a shelter for transsexuals and works as a secretary.

[Source: interview gathered in the course of the research: ICMPD, *Transatlantic Journeys. An exploratory research on human trafficking from Brazil to Italy and Portugal* (forthcoming)]

and exploitation systems. Recruitment, transportation and exploitation methods vary according to a series of factors, *inter alia*, the countries and places of origin of the victims, the level of awareness about the final aim of the journey, the type of criminal organization involved, the rivalry between criminal groups, and the type of relationship existing between the exploited person and the recruiter/trafficker/exploiter.<sup>22</sup>

The modus operandi of criminal organizations or individuals managing human trafficking has changed through time. Even though physical violence is still regularly used against some groups of trafficked persons, traffickers and exploiters currently tend to use more subtle methods of coercion, including forms of "negotiation" of the exploitative terms and partial earnings sharing. In some countries, such methods, along with the fact that many victims were aware of ending up in prostitution, can significantly challenge their position when identified and required to describe the coercion suffered.

In line with the tenets of the international anti-trafficking standards, national policies should always consider that trafficked persons end up in exploitative situations through deception, coercion or violence, and that their eventual initial consent is irrelevant. Therefore, anti-trafficking legislation and policies should take into account the abuse of a position of vulnerability suffered by potential and actual trafficked persons who have no real and acceptable alternative but submit to the abuse involved.<sup>23</sup>

Sexual exploitation of trafficked persons can take place both outdoors and indoors, in apartments, brothels, massage parlours, bars, restaurants, night clubs, and 'clubs privés'. In recent years, outdoor prostitution has progressively moved to more concealed indoor premises (e.g., private apartments), also as an outcome of the widespread use of communication technology to contact (potential) clients, including via Internet websites and chat lines.<sup>24</sup>

This new scenario greatly affects the work of both law enforcement agencies and NGOs, as it makes it

19 ICMPD, *Legislation and the Situation Concerning Trafficking in Human Beings for the Purpose of Sexual Exploitation in EU Member States* (2010), p. 127.

20 USAID, *Trafficking of Adult Men in the Europe and Eurasia Region. Final Report* (2010); IOM, NEXUS Institute, R. Surtees, *Trafficking of Men – A Trend Less Considered: The Case of Belarus and Ukraine* (2008); F. Carchedi, I. Orfano (eds.), *La tratta di persone in Italia. Vol. I. Evoluzioni del fenomeno e ambiti di sfruttamento* (Franco Angeli: Milan, 2007).

21 ICMPD, *Transatlantic Journeys. An exploratory research on human trafficking from Brazil to Italy and Portugal* (forthcoming).

22 Headway - Improving Social Intervention Systems for Victims of Trafficking, *Headway. Improving Social Intervention Systems for Victims of Trafficking* (Noktus: Warsaw, 2007).

23 United Nations, *Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the work of its first to eleventh sessions, Addendum, Interpretative notes for the official records (travaux préparatoires) of the negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, A/55/383/Add.1* (3 November 2000).

24 United Nations Initiative to Fight Human Trafficking (UN.GIFT), *Workshop Technology and Human Trafficking Technology. Background Paper* (Vienna, 2008); Council of Europe, Directorate General of Human Rights and Legal Affairs, *Trafficking in Human Beings: Internet Recruitment. Misuse of the Internet for the recruitment of victims of trafficking in human beings* (2007); Council of Europe, Directorate General of Human Rights and Legal Affairs, *Trafficking in Human Beings: Internet Recruitment. Seminar proceedings* (Strasbourg, 7-8 June 2007).



difficult to detect, identify and support victims who are consequently more likely to suffer from a higher degree of exploitation and violence. Moreover, in several OSCE participating States, anti-trafficking NGOs have recommended examining the impact of criminal and administrative regulations in the field of public order in relation to prostitution, as these measures appear to have deteriorating effects on the life of trafficked persons.<sup>25</sup>

The demand for sexual services and its link with trafficking in human beings is an important issue that has led to many discussions and disparate viewpoints.<sup>26</sup> Thorough and conclusive empirical studies and corroborated analyses on the implications resulting from the connections between trafficking in human beings and prostitution have not yet been carried out. Existing research on the correlations between the prostitution legislative frameworks and the extent and forms of trafficking for sexual exploitation highlights that it is not currently possible to state whether a given prostitution model (i.e., criminalization of customers, legalization or various abolitionist models) is more apt to counteract trafficking in human beings.<sup>27</sup> It is important to underline, however, that the anti-trafficking action should be prioritized under any prostitution regulation. Moreover, further research and empirical analysis is needed to identify effective ways to significantly reduce the demand for sexual services.

Over the last 15 years, institutions and civil society organizations in many OSCE participating States have developed comprehensive and functioning social protection schemes and services for victims of trafficking for sexual exploitation. Yet, much still needs to be done to prevent and fight this form of trafficking in human beings, and fully protect the rights of trafficked persons who have been sexually exploited.

Outreach work is fundamental to contact potential, presumed and actual trafficked persons. Proper skills and tools are key to identify places of exploitation and

to approach victims, including presumed victims, to inform them about their available social, health and legal options, and provide assistance and support. In many OSCE participating States, NGOs and international organizations have developed qualified outreach profiles and practices that are constantly updated to respond to the changes of the phenomenon. For instance, in some countries, after many years of streetwork, outreach teams had to develop new methodologies to reach out to trafficked persons who were sexually exploited indoors. However, outreach work still needs to be adopted as a routine activity in many areas or States, as in some cases, even when outreach work is carried out, it fails to reach the most isolated places. The exchange and adaptation of good practices among anti-trafficking service providers on the different outreach models would then be very useful throughout the OSCE region to effectively contact and support vulnerable groups of potential, presumed and actual victims.

Identification procedures, which are a core element of establishing National Referral Mechanisms for the protection of the rights of trafficked persons, are still not standardized or multiagency-based, and often fail to detect potential, presumed and actual victims of trafficking who are exploited in all segments of the sex market. Social protection programmes should be available in all countries, but this is not the case in many OSCE participating States. In some countries, assistance measures are offered only in the capital city and/or in a few other towns, and therefore disregard peripheral areas where traffickers recruit their victims. Furthermore, in too many instances, protection programmes are short-term, and therefore impede the achievement of the social inclusion of assisted persons.

Codes of conducts for service providers and customized support are still lacking in several countries, including those more experienced in granting a wide range of assistance measures. Moreover, proper access to healthcare and social services, as well as access to justice need to be significantly improved in the OSCE region.

Persons trafficked for sexual exploitation often face multiple forms of discrimination before leaving their place of origin, during the journey, where they are exploited, and back home if deported or voluntarily returned. Too often victims are blamed or even treated as criminals, and experience a severe degree of stigmatization as (irregular) migrants and prostitutes. This should be counteracted through the implementation of empowering policies addressing potential, presumed and actual victims, but also through ad hoc strategies targeting policymakers, stakeholders and the public at large.

<sup>25</sup> See for example *Ordinanze Anti-prostituzione. Rapporto di Monitoraggio a cura delle Unita di Strada* (2009), p. 28 [unofficial translation]: Written by the major Italian NGOs engaged in the anti-trafficking field, this is a monitoring report that analyses the effects of the administrative regulations against street prostitution enacted by 46 Italian Municipalities. The study suggests that “the only outcome resulting from the administrative regulations is the temporary postponement of the ‘problem’, failing to meet the citizens’ safety need and worsening the safety and exploitative conditions of prostitutes”. Similar findings are also indicated in many NGO reports throughout Europe and in the findings of the ICMPD study carried out in many EU Member States: see ICMPD, *Legislation and the Situation Concerning Trafficking in Human Beings for the Purpose of Sexual Exploitation in EU Member States* (2010).

<sup>26</sup> J. O’Connell Davidson, *The Demand Side of ‘Trafficking’? Prostitution and Beyond*, in OSCE Human Dimension Implementation Meeting, HDIM.NGO/67/06 (3 October 2006), p. 2.

<sup>27</sup> A. Di Nicola, A. Cauduro, M. Lombardi, P. Ruspini (Eds.), *Prostitution and Human Trafficking: Focus on Clients* (Springer: New York, 2009); International Labour Office, P. Belsler, G. Danailova-Trainor, *Globalization and the Illicit Market for Human Trafficking: An Empirical Analysis of Supply and Demand*, Declaration Working Paper 53 SAP-FL (Geneva, 2006).

### 1.1.3 Trafficking for Forced Begging and Illicit Activities

No systematic and comparable information is available on these forms of trafficking occurring in the OSCE region. The available data are limited and, especially in the case of trafficking for forced begging,<sup>28</sup> they mainly concern child victims.<sup>29</sup> However, these forms of trafficking also involve adults.

In some OSCE participating States, Roma children are the most vulnerable group<sup>30</sup> trafficked to forcibly act as beggars, pickpockets and burglars in the main cities and towns of the richer countries of destination.<sup>31</sup> They are forced to work long hours, are beaten and psychologically coerced by their traffickers to perform the required activities. Children can be forced to beg by parents or guardians, family acquaintances, relatives, or criminal networks. In some instances, victims are maimed to be more pitiful beggars in order to collect more money.<sup>32</sup>

Beggars are often treated as a problem by the authorities<sup>33</sup> rather than persons who need help and protection. Conversely, States should enforce effective legal frameworks

#### “Operation Golf” (United Kingdom-Romania)

“Operation Golf” is a UK-Romanian Joint Investigation Team established within the framework of an EU special mechanism that allows law enforcement agencies from different Member States to rapidly co-operate without the need for numerous requests for mutual assistance and other related bureaucracy. Through “Operation Golf”, the UK Metropolitan Police and the Romanian National Police jointly ran anti-trafficking investigations and operations aiming at dismantling child trafficking rings for forced begging and stealing in the UK involving children from very poor Roma and Romanian communities. Many children are currently in the care of child protection services, and more than a hundred persons have been arrested and charged for trafficking in human beings, child neglect, money laundering, benefit fraud, theft and handling stolen goods, and perverting the course of justice.

[Source: Metropolitan Police, in <<http://cms.met.police.uk>>, accessed on 10 November 2010]

to protect children and adults forced to beg and should develop comprehensive strategies and programmes to prevent forced begging and fully support its victims. In this view, raising awareness among law enforcement agencies, NGOs and social services practitioners on these forms of trafficking and victims’ needs is necessary to identify and support people who face extreme violence, exploitation and violation of their rights.

When addressing trafficking for forced begging, which needs to be effectively prosecuted, it is necessary to consider the different problem of begging as a strategy of survival for many families who live in poor social and economic conditions. In this context, children are seen as contributors to their family survival and are not necessarily coerced, even though their rights are severely affected. Poverty, discrimination, lack of alternatives, and weak social protection systems are the main root causes that should be addressed by States to offer holistic viable options to vulnerable groups in order to minimize begging as a means of survival, while protecting the rights of the children concerned.

Forced drug dealing, burglary, pickpocketing and counterfeited products selling are also associated with human trafficking. Data for these forms of trafficking are also scarce<sup>34</sup>; however, a few police investigations and exploratory studies<sup>35</sup> carried out in a few countries of the OSCE region provide some important information. Most identified victims are children, adolescents and young adults generally from South-Eastern Europe and North Africa. They are forced to perform these illicit activities by family members, acquaintances or criminal organizations. Interrelations between different forms of trafficking have also been detected: for instance, trafficked persons exploited as drug dealers or burglars may also be coerced in prostitution. Awareness raising targeting law enforcement agencies, social services and NGO personnel need to be developed to ensure proper identification and support also for victims of these forms of trafficking. Too often these victims are charged for the criminal acts committed rather than being treated as presumed victims of a crime.

Extensive research on trafficking for forced begging and illicit activities therefore needs to be carried out in the OSCE region in order to identify trends, patterns and, above all, (potential) vulnerable groups that should be addressed through adequate legislation and tailored prevention and support programmes.

28 According to the ILO definition, forced begging is a form of forced labour since it is “work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”: International Labour Organization, *Forced Labour Convention*, C29 (28 June 1930).

29 Anti-Slavery International, E. Delap, *Begging for Change. Research Findings and Recommendations on Forced Child Begging in Albania/Greece, India and Senegal* (2009).

30 OSCE Office for Democratic Institutions and Human Rights, *Awareness Raising for Roma Activists on the Issue of Trafficking in Human Beings in South-Eastern Europe. Position Paper* (Warsaw, April 2006), p. 11.

31 United States Department of State, *Trafficking in Persons Report, 8<sup>th</sup> Edition* (2008); IOM, *Changing Patterns and Trends of Trafficking in Persons in the Balkan Regions* (2004).

32 L. Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press: New York, 2010), p. 74.

33 Anti-Slavery International, *Op. Cit.*, p. 2.

34 ILO, *Accelerating Action against Child Labour* (2010), p. 59.

35 V. Ferraris, “Dalla tratta al traffico, allo sfruttamento: i minori stranieri coinvolti nell’acconttonaggio, nelle economie illegali e nella prostituzione”, in F. Carcedi, I. Orfano (eds.), *La tratta di persone in Italia. Vol.I Evoluzioni del fenomeno e ambiti di sfruttamento* (Franco Angeli: Milan, 2007).

### 1.1.4 Trafficking for the Purpose of Organ Removal and Trafficking in Organs, Tissues and Cells

Trafficking for the purpose of organ removal is included in the definition of trafficking in human beings in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000). According to the Protocol definition, trafficking for the purpose of organ removal, likewise any other form of exploitation linked to trafficking, requires a combination of three components, namely action, means and purpose. This should not be confused with trafficking in organs, tissues and cells (OTC), which does not necessarily require those three components to be in place.<sup>36</sup> It should also be noted that no agreed definition of trafficking in OTC exists at the international level.<sup>37</sup> This leads to widespread confusion – both in the legal and scientific communities and in the wider general public – between trafficking for the purpose of organ removal and trafficking in organs. Most of all, such confusion hampers the fight against such crimes and the possibility to provide full protection and assistance to the victims involved.<sup>38</sup>

#### Trafficking for the purpose of organ removal (Kosovo)

In 2008, the Kosovo police initiated an investigation on “organ trafficking” once a fatigued Turkish man was stopped at Pristina airport while trying to board his flight to go back home. He had just given his kidney to an Israeli recipient in a private clinic. The investigation identified about 20 persons from Moldova, Kazakhstan, Russia and Turkey, who were living in very poor conditions or experiencing severe financial trouble, when recruited and trafficked to Kosovo with the false promise of payments up to EUR 14,500 in exchange of one of their kidneys. The organ recipients had to pay between EUR 80,000 and 100,000. The defendants comprised five Kosovar nationals (including a former senior health ministry official), a Turkish doctor and the Israeli recipient who were charged with offences of trafficking for the purpose of removing “human organs for transplant to other persons”, organized crime, abusing official authority, abuse of power, and unlawful exercise of medical activities.

[Source: <<http://www.bbc.co.uk>>, accessed 12 November 2010]

Trafficking in OTC differs from trafficking in human beings for the purpose of organ removal in the criminal offence’s object. While in the first form of trafficking, the object of the crime is the organs, tissues and cells, in the second it is the person who is trafficked specifically to have his or her organs removed.<sup>39</sup>

In addition, these forms of trafficking are poorly investigated and, consequently, empirical information on victims, numbers and trends are scarce. According to the most up-to-date scientific report on these phenomena<sup>40</sup>, “transplant tourism”<sup>41</sup> is the most common practice detected. This term “usually involves travel from rich to poor countries, with wealthy recipients desperate to find a quick solution to their need for an organ travelling to the most developing countries, where impoverished and vulnerable people sell organs to solve their desperate economic needs”.<sup>42</sup> In some instances, donors are transferred internally or to another country, where the organ extraction and transplantation take place.

Moreover, human trafficking and trafficking in OTC are managed by criminal individuals or networks that may involve recruiters, travel agencies, hospitals, healthcare professionals. Similar to victims of other forms of trafficking, persons trafficked to be living donors are deceived, coerced, abused and, if paid, very poorly.<sup>43</sup> Trafficking in OTC itself does not imply exploitation, but it entails serious public health threats, as the tissues do not undergo any medical check.<sup>44</sup>

Against this background, several countries have enforced new legislation frameworks on organ transplantation and prosecution of the abovementioned crimes.<sup>45</sup> However, research on human trafficking for organ removal needs to be extensively carried out to gather data to improve the knowledge on such a scarcely known crime that seems to have a more serious impact on girls and women.<sup>46</sup> The collection and analysis of reliable data would then enable the implementation of targeted prevention and support measures to fully protect (potential) victims, as well as the enactment of strategies to counteract the criminals managing a highly profitable, hideous business.

36 Council of Europe, United Nations, *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs* (2009), p. 11.

37 In order to facilitate the reading of the Council of Europe and United Nations report, the authors describe trafficking in organs, tissues and cells (OTC) as follows: “(...) trafficking in OTC occurs when there is (a) the illicit removal, preparation, preservation, storage, offering, distribution, brokerage, transport or implantation of organs, tissues or cells (cells for the purpose of therapeutic transplantation); and (b) the possession or purchase of organs, tissues or cells with a view to conducting one of the activities listed in (a); solely for financial or other economic gain (for this or a third person’s benefit)”, pp. 7-8.

38 Ibid.

39 Ibid, p. 11.

40 Y. Shimazono, “The State of the International Organ Trade: A Provisional Picture Based on Integration of Available Information”, in *Bulletin of the World Health Organization* (2007), 85: 955-962.

41 UN.GIFT, *Human Trafficking for the Removal of Organs and Body Parts. Background Paper* (Vienna, 2008).

42 Council of Europe, United Nations, Op. Cit., p. 58.

43 L. Shelley, Op. Cit., p. 98.

44 Council of Europe, United Nations, Op. Cit., p. 59.

45 Dutch National Rapporteur on Trafficking in Human Beings, *Seventh Report from the Dutch National Rapporteur* (2010), p. 548.

46 Council of Europe, United Nations, Op. Cit., p. 12.

### 1.1.5 Child Trafficking

Child trafficking affects many vulnerable groups of children throughout the OSCE region. Migrant children, undocumented children, separated and unaccompanied children,<sup>47</sup> asylum seeking and refugee children, children deprived of parental care or abandoned, street children, children left behind by migrating parents, and children of trafficked parents are all easy targets for unscrupulous traffickers and exploiters.

Evidence shows that children are trafficked into and within the OSCE region for a variety of exploitative purposes, including sexual and labour exploitation, and forced begging and criminal activities, and that responses at the national and local level fail to effectively prevent all forms of child trafficking, and identify and protect child victims.

#### Child trafficking for the purpose of sexual exploitation

According to a recent study, in Moldova, girls who want to marry a foreign citizen surf the Internet and often meet foreign men. After a period of virtual exchanges, the men travel to the girls' places of origin to meet them, rent apartments and start their sexual exploitation as "future husbands". Once the girls are granted a passport, they are taken to a foreign country, where they become the sexual slaves of "husbands" whom they do not actually marry. The girls are locked up and exploited for several years and, once the abusive fake husbands get bored with them, they are thrown out in the streets or sold to another man.

[Source: International Centre "La Strada", *Overview of the Child Trafficking Phenomenon in the Republic of Moldova* (Chisinau, 2010), p. 59.]

Children are recruited for trafficking, both internally and transnationally, by acquaintances, strangers, friends, relatives and, sometimes, immediate family members, or even orphanage or boarding school professionals. They are subject to different forms of physical and psychological violence, manipulation, freedom limitation, and retaliations, and they are deprived of their right to a childhood. Recruiters often forge documents and bribe officials to allow the transportation of children. The bribes are often less visible as a result of the higher punishments traffickers may face if found by the police. Furthermore, to avoid police control, children are very often moved around the country or across borders, especially if they are exploited in prostitution.

However, comprehensive, comparable and reliable data on child trafficking are still lacking.<sup>48</sup> Only figures on

47 PICUM, *Undocumented Children in Europe: Invisible Victims of Immigration Restrictions* (2009).

48 European Union Agency for Fundamental Rights (FRA), *Child Trafficking in the European Union. Challenges, Perspectives and Good Practices* (2009), p. 150.

assisted trafficked children are given by some state or local authorities and NGOs or estimates are provided by different international or intergovernmental organizations that often include child trafficking in broader statistics.<sup>49</sup>

Research from international organizations and NGOs confirm that the level of vulnerability to trafficking is extremely high among unaccompanied and separated children, and among child workers, or children who live in institutions. Research also indicates that in many OSCE participating States, comprehensive child protection systems granting a child protective environment are often weak and not effective owing to an overall lack of specialized care/services for children corresponding to their age, gender, ethnicity and maturity.<sup>50</sup> As a matter of fact, several countries need to reform their child protection systems which are still often based on correctional or educational measures mainly provided in inadequate residential settings.<sup>51</sup>

#### UNICEF Report: Risks and Realities of Child Trafficking in Central Asia (2009)

UNICEF carried out a regional study based on children's and professionals' views in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The study highlighted that child trafficking needs to be better understood and addressed by the competent authorities at sub-regional, national and local levels. The poor socio-economic conditions, the removal and institutionalization of children have been found to expose children to risks of mainly labour and sexual exploitation and may lead them to take part in unsafe migration and labour practices. Furthermore, the report underlines the structural hindrances and systemic hurdles in acknowledging and efficiently responding to child trafficking. It, then, calls for the implementation of comprehensive anti-child trafficking legislation and policy to successfully fight the root causes and enhance the protection framework and prevention measures to fully address child trafficking in Central Asia.

[Source: <[www.unicef.org/ceecis/Child\\_trafficking\\_in\\_central\\_asia\\_FINAL\\_23\\_03.pdf](http://www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf)>, accessed 17 November 2010]

International law and humanitarian law strongly acknowledge and address the particular vulnerability of all children and their specific needs through a comprehensive set of principles and guidelines aiming at granting the full protection and assistance to children regardless of their status and without discrimination of any kind. Moreover, over the last decade, OSCE participating States have

49 For instance, ILO estimates that for the period 2004 to 2008, 215 million children were caught in child labour across the world, see: ILO, *Accelerating Action against Child Labour* (2010).

50 Alliance against Trafficking in Persons Expert Co-ordination Team (AECT), *Taking a Stand: Effective Assistance and Protection to Victims of Trafficking. Position Paper* (2005).

51 United Nations Children's Fund, *Risks and Realities of Child Trafficking and Exploitation in Central Asia* (UNICEF Regional Office for CEE/CIS: Geneva, 2009), p. 6.

adopted a number of commitments to prevent and combat child trafficking.<sup>52</sup> In 2010, the Kazakh OSCE Chairmanship set child trafficking as one of its priorities. This focus of the agenda is in line with the political will of the international community to reaffirm its commitment to fight against human trafficking.

However, much still needs to be done to further intensify and consolidate efforts to eradicate child trafficking and prevent all forms of violence against children by ensuring full and effective respect for their rights.<sup>53</sup> First of all, anti-trafficking measures and legislation addressing children should be part of broader policy frameworks and co-ordination strategies at the local, national and international levels.<sup>54</sup> The prioritization of the care and protection of migrant, undocumented, unaccompanied, separated and asylum seeking children's rights is crucial to better prevent child trafficking and ensure a protective environment for every child in the OSCE region. Dedicating both human and financial resources is fundamental to build a protective environment for every child in compliance with the human rights standards and, in particular, the principles of protection and respect for children's rights as set out in the United Nations Convention on the Rights of the Child (CRC) and in its Optional Protocol on the sale of children, child prostitution and child pornography.

Gender-sensitive and child-friendly social protection systems at the national and local levels are still often lacking; their establishment would greatly contribute to the prevention of vulnerable children becoming victims of trafficking, as well as ensure that the rights of child victims are guaranteed in the pursuit for a durable and safe solution. Moreover, special protection and assistance schemes need to be designed to provide tailored support and care, and be developed in a coherent and integrated way across the various laws and policies, including asylum, migration and anti-trafficking policies.

The proper and swift identification of potential, presumed or actual child victims is still a problematic issue in many countries, where professionals are not appropriately trained to identify and take care of all children, including migrant, undocumented, unaccompanied, separated,

asylum seeking and refugee children, and refer them to appropriate services, ensuring immediate assistance unconditionally, regardless of their administrative status and the activities in which they are involved as a direct consequence of their situation as trafficked children.

Child protection authorities should focus on securing the best interest of each child and a durable solution for his or her future, potentially involving return to a country of origin, transfer to another country (for example, for family reunification purposes) or integration in the host country. Such an individual best interest determination process should consider, among other factors, the child's family situation, the situation in their country of origin, their safety and the risks to which they are exposed, the level of integration in the host country, their mental and physical health, the possibilities for the development of the child, and the adequacy of concrete care arrangements to ensure a safe and secure environment.<sup>55</sup>

On 8 October 2010, in the framework of the Human Dimension Sessions of the 2010 Review Conference, the *Alliance* Expert Co-ordination Team, co-ordinated by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, launched the **Joint Statement on Child Protection, Especially among Migrant, Undocumented, Unaccompanied, Separated and Asylum Seeking Children, to enhance Prevention of Child Trafficking**.

Available at <[www.osce.org/cthb](http://www.osce.org/cthb)>

Finally, it is necessary to conduct more targeted qualitative and quantitative research on child migration, including on measures to promote safe child-friendly migration policies and to prevent migratory conditions that may render children vulnerable to abuse, violence and trafficking. Studies should also investigate the impact of migration and border control policies on the protection of the rights of migrant children.<sup>56</sup> Moreover, more attentive research should be focused on examining the implications of conflict situations on the vulnerability of children to trafficking.

<sup>52</sup> These include OSCE MC Decisions: MC(8).DEC/1, MC.DEC/2/03, MC.DEC/13/04, MC.DEC/13/05, MC.DEC/14/06, MC.DEC/15/06, MC.DEC/8/07, MC.DEC/9/07; PC.DEC/685/05, PC.DEC/557/Rev.1/05.

<sup>53</sup> See: UNICEF, *Guidelines on the Protection of Child Victims of Trafficking* (September 2006); United Nations General Assembly, *Resolution Global Plan of Action, A/RES/64/293* (2010); *Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, Outcome Document of The Hague Global Child Labour Conference* (The Hague, 2010); ILO and Understanding Children's Work, *Joining Forces against Child Labour. Inter-agency Report for the Hague Global Child Labour Conference of 2010* (Geneva, May 2010); EU, *Action Plan on Unaccompanied Minors (2010-2014)*, COM (2010) 213/3 (6 May 2010); Council of the European Union, *Council conclusions on unaccompanied minors, 3018<sup>th</sup> Justice and Home Affairs Council Meeting* (3 June 2010).

<sup>54</sup> *Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, Outcome Document of The Hague Global Child Labour Conference (2010)*, p. 2.

<sup>55</sup> UN OHCHR, *General Comment No. 6 (2005) Treatment of Unaccompanied and Separated Children Outside Their Country of Origin*, <[www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument)>, accessed 13 April 2010.

<sup>56</sup> *Alliance against Trafficking in Persons Expert Co-ordination Team (AECT), Joint Statement on Child Protection, Especially among Migrant, Undocumented, Unaccompanied, Separated and Asylum Seeking Children, to enhance Prevention of Child Trafficking* (Warsaw, 8 October 2010).

## 1.2 Trafficking as a Multi-faceted Issue

Trafficking in human beings violates human rights, endangers economic growth, thrives on corruption, and poses a real threat to the well-being and human development of men, women and children, be it committed across or within national borders. It is a cross-dimensional issue both in terms of its root causes and the responses needed to address it. Trafficking is rooted in systematic violations of fundamental rights, discrimination and inequities, widespread and transnational criminal activities, weak rule of law, especially poorly enacted legislation, ineffective or detrimental policies, occasional or structural corruption, and unintended side effects of globalization, including unprotected labour markets, a vast informal economy with a demand for cheap, docile and exploitable workers.

Through the numerous OSCE Ministerial Decisions, it is evident that all participating States agree that trafficking in human beings is a terrible scourge and that the fight against trafficking in human beings should continue to be a priority for the OSCE. Over the past ten years, 52 out of the 56 OSCE participating States have integrated anti-trafficking legislation into their national legal framework and only four countries remain without specific legal provisions on combating trafficking in human beings.

An important indicator of the political will is the establishment of anti-trafficking machineries such as National Co-ordination Mechanisms, National Action Plans, and National Monitoring and Reporting Mechanisms.<sup>57</sup> Many achievements have been reported by the OSCE participating States. At the regional level there are also examples of increasing co-operation which leads to the adoption of regional action plans, such as the 2005 *EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings*, or the *CIS Program of Co-operation to Combat Trafficking in Human Beings* (2007-2010). Another regional good practice is the development of Transnational Referral Mechanisms for the protection of trafficked persons, an effort which builds on the OSCE/ODIHR work on National Referral Mechanisms.<sup>58</sup>

57 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms* (Vienna, 13 November 2008).

58 OSCE ODIHR, *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons A Practical Handbook* (Warsaw, 2004). The International Centre for Migration Policy Development, with funding from USAID and the European Commission, has been supporting Transnational Referral Mechanisms in South-Eastern Europe and in the European Union to develop cross-border referral, assistance and support mechanisms, including all concerned state and non-state actors, to ensure comprehensive and effective assistance and protection for trafficked persons, in line with a human rights-based approach. See ICMPD, *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU* (Vienna, 2010).

It is necessary to take significant steps forward and ensure that trafficking in all of its forms is acknowledged for what it is: modern-day slavery, on a massive scale, mostly a business of organized crime, and a serious threat for national and international security. Therefore, the positive instruments built over the past ten years – such as legislation, anti-trafficking policies and national machineries – should now work on a much larger scale to effectively fight human trafficking, a crime that gravely violates individual human rights and poses a serious threat to the individual and State security.

### 1.2.1 Trafficking as a Severe Human Rights Violation

Violations of human rights are both a cause and a consequence of human trafficking.<sup>59</sup> Trafficking is a serious crime against an individual that entails gross violations of human rights and fundamental freedoms, such as the right to life, to equality and non-discrimination, to dignity, to liberty and security; the right of freedom from violence, abuse and torture, the right of free movement; and the right to health, education, adequate living standards and housing, just and favourable conditions of work, and to participation.<sup>60</sup>

Trafficked persons should be recognized as subjects and holders of rights before the law. Under a set of international human rights standards,<sup>61</sup> States are obliged to respect and protect the human rights of all individuals, including presumed trafficked persons and trafficked persons as such, within their jurisdiction. They are required to fulfil the obligations to adopt all necessary measures to guarantee the full enjoyment of all human rights on the part of all individuals. States have the duty

59 UN Office of the High Commissioner for Human Rights (UN OHCHR), *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (Geneva, 2002).

60 UN, *International Covenant on Civil and Political Rights* (1966); UN, *International Covenant on Economic, Social, and Cultural Rights* (1966).

61 See OSCE Human Dimension Commitments, and in particular OSCE MC(10), JOUR/2, PC.DEC/557/Rev.1; see also UN, *Universal Declaration of Human Rights* (1948); UN, *International Covenant on Civil and Political Rights* (1966); UN, *International Covenant on Economic, Social, and Cultural Rights* (1966); UN, *International Convention on the Elimination of all Forms of Racial Discrimination* (1965); UN, *Convention on the Elimination of All Forms of Discrimination against Women* (1979); UN, *Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment* (1984); UN, *Convention on the Rights of the Child* (1989); UN, *International Convention on the Protection of the Rights of Migrant Workers and Their Families* (1990), and others. For Member States of the European Union and the Council of Europe these binding obligations are also foreseen by other legal frameworks: Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms* (1950), Council of Europe, *Convention on Action against Trafficking in Human Beings* (2005); European Union, *Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or have been subject of an action to facilitate illegal immigration, who cooperate with the competent authorities* (2004); EU, *Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings* (2002); EU, *Council Framework Decision of 15 March 2001 on the Standing of Victims in Criminal Proceedings* (2001).

to prevent, investigate and prosecute trafficking, as well as to provide effective protection and remedies to trafficked persons.<sup>62</sup>

Owing to its concept of common and comprehensive security, addressing the “human, economic, political and military dimensions of security as an integral whole”,<sup>63</sup> the OSCE is the only international organization to combine human rights and security as intrinsically linked issues in the fight against trafficking in human beings. At the same time, the human rights-based approach remains the OSCE’s core principle in any action tackling trafficking in human beings across all the three OSCE security dimensions.

The OSCE has adopted a human rights-centred approach to all actions aimed at protecting the rights of trafficked persons, and preventing and prosecuting the crime. This is reflected in Ministerial Council Decisions recommending “to render assistance and protection to the victims of trafficking, especially women and children [...], ensuring that victims of trafficking do not face prosecution solely because they have been trafficked. The dignity and human rights of victims must be respected at all times.”<sup>64</sup> Moreover, participating States undertook “ensuring that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including their freedom of movement”.<sup>65</sup>

A number of challenges lie ahead in the implementation of these ambitious commitments, including the need to ensure effective implementation of existing legislation, protection of the human rights of trafficked persons, accurate identification, assistance, access to justice, and social inclusion.

## Victim Identification

The rate of victim identification is extremely low compared to the estimated massive scale of trafficking, especially with regard to trafficking for labour exploitation.<sup>66</sup> Trafficked persons frequently encounter a widespread

culture of disbelief,<sup>67</sup> are too often treated as suspects, and are therefore detained and deported as irregular migrants, even in situations potentially deserving international protection.<sup>68</sup> On the contrary, any child or adult claiming to be a victim of trafficking, or presenting signs of severe exploitation potentially related to trafficking, should be given the benefit of the doubt and be promptly treated as a presumed trafficked person.<sup>69</sup>

Currently, many States fail to identify victims, often because the competent authorities do not have the necessary capacity and training to detect indications of human trafficking. In the last few years, many international organizations and NGOs have developed comprehensive lists of indicators to help anti-trafficking agencies to identify the different forms of trafficking and their victims.<sup>70</sup> Such lists can be very useful, provided that they are used in combination with other tools and a mix of proactive and reactive investigation is employed. Ad hoc training and refresher courses should then be part of the curricula and regularly supplied to all officials of any level that may come into contact with potential or presumed trafficked persons and/or are responsible for their identification and referral.

## Victim Support

In most OSCE participating States, victims of trafficking are required to co-operate with the competent authorities during criminal proceedings in order to access the protection scheme and have a residence permit granted. In order to fully respect the human rights of trafficked persons and enable them to take up and rebuild their own life, States should fully and correctly implement, where appropriate, the provisions on the granting of the reflection period, which is not conditional to co-operation

62 UN Office of the High Commissioner for Human Rights (UN OHCHR), Op. Cit.

63 OSCE, *Charter for European Security* (Istanbul, November 1999).

64 OSCE Ministerial Council, *Declaration on Trafficking in Human Beings*, MC(10).JOUR/2 (Porto, 7 December 2002); OSCE Ministerial Council, *Decision No.1 Enhancing the OSCE’s Efforts to Combat Trafficking in Human Beings* (Vienna, 28 November 2000).

65 OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings*, PC.DEC/557/Rev.1 (Vienna, 7 July 2005), chapter IV para.5.2.

66 The 2010 U.S. Trafficking in Persons Report estimates that the ratio of victims identified compared to the estimated victims is only 0.4 per cent.

67 This alarming situation appears to be confirmed by the recent efforts of the International Labour Organization to capture trafficking through national household surveys in three pilot countries. The study reveals that “around five per cent of the surveyed population of returned migrant workers has been trafficked for forced labour while working abroad” and returned without being identified as victims. The national household surveys were conducted in three countries (Moldova, Georgia and Armenia) in co-operation with the national bureaux of statistics, and were based on the DELPHI methodology. The outcomes of the survey will be published by the International Labour Organization. See B. Andrees, *Speaking notes at the European Parliament*, Seminar on Combating and Preventing Trafficking in Human Beings: The Way Forward (Brussels, 10 June 2010).

68 NSPCC, J. Pearce et al., *Breaking the Wall of Silence: Practitioners’ Responses to Trafficked Children and Young People* (2009).

69 This approach is also confirmed in the recent ECHR Judgement in the Case of Rantsev v. Cyprus and Russia (Application no. 25965/04). The Court affirms that State authorities may be required to take immediate practical measures of protection of victims or potential victims of THB where “the State authorities were aware, or ought to have been aware, of circumstances giving rise to a credible suspicion that an identified victim had been, or was at real and immediate risk of being, trafficked or exploited within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the Anti-Trafficking Convention. In the case of an answer in the affirmative, there will be a violation of Article 4 of the Convention where the authorities fail to take appropriate measures within the scope of their powers to remove the individual from that situation or risk.” (para. 286).

70 See, *inter alia*, ICMPD, *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU* (2010); ILO, *Operational Indicators for Trafficking in Human Beings* (Geneva, 2009).

under international instruments<sup>71</sup>. Moreover, participating States should consider introducing provisions for issuing a residence permit to victims of trafficking on grounds of personal conditions. Experience in some countries, statistics and recent evaluation<sup>72</sup> clearly underline that granting residence permits to victims, who for various reasons are not ready or willing to co-operate with the competent authorities – most commonly for the fear of retaliation against their families – significantly increases not only the number of victims, but also the likelihood of effective prosecution of trafficking cases. In addition, participating States should include in their legislation a non-punishment clause that allows for non-prosecution of victims of trafficking for their involvement in criminal activities as a direct consequence of being trafficked.<sup>73</sup>

Furthermore, in order to encourage victims to come forward, report the abuse and co-operate with the authorities in the prosecution, the option of granting a permanent or long-term residence permit, and a work permit for victims of trafficking should be considered.<sup>74</sup> The possibility of a long-term social inclusion is one of the most important components of victims' empowerment, together with access to justice and remedies including compensation.

Victim support programmes have been established in many OSCE participating States thanks to the tremendous work of NGOs. Yet, these programmes usually reach out to limited numbers of victims; they are predominantly geared towards adult female victims of trafficking for sexual exploitation, and are of short-term duration. As a result, many trafficked persons or potential trafficked persons do not have the possibility to access support measures and have their fundamental rights recognized.

In many cases, States delegate local authorities, NGOs, intergovernmental and international organizations to run the (often limited) assistance measures aimed at trafficked persons without allocating adequate resources and monitoring the programmes' performance. Standards ensuring the quality of the services provided

and the full respect of the fundamental rights are not frequently in place or, when existing, they are inadequate. This can lead to different forms of abuse of power and to the re-victimization of the persons assisted. Poor or unprofessional care, rules or models of interventions (e.g., residential vs. non-residential facilities, closed vs. open facilities, and general heavy security restrictions vs. assessed individual security needs) can in fact negatively influence the willingness of the trafficked person to be assisted and to co-operate with the authorities.

The right to health is another fundamental entitlement that trafficked persons are denied during their trafficking experience and, sometimes, also when they are identified and assisted. The consequences of the abuses trafficked persons endure have a long-term impact on their physical and psychological health, as well as on their social and economic well-being. Research on the health consequences of human trafficking shows that trafficked persons often share a very similar profile to victims of torture: the lack of control over their situation and the unpredictability of the events – often over a long period of time – progressively disable the individual's instinctive ability to respond appropriately to situations.<sup>75</sup> To properly meet the medical needs and fully grant the right to physical and mental health to national and migrant victims, participating States should ensure their access to health services.

## **Victims' Access to Justice**

Access to justice and effective remedy is hindered by numerous factors, including limited or no information given to victims, untrained officials, unenforced court judgements, cases accumulation, corruption, lack of victim/witness protection schemes, and lack of victim advocates. Access to justice is also hampered by a lack of professional legal counselling and representation available to trafficked persons to claim their rights and access remedies, both through civil and criminal proceedings. Both State facilities and NGOs do not generally provide for these services or insufficiently supply them. The right to compensation is a crucial element of an empowerment strategy; only a small minority of victims, however, actually receive any compensation for the damage suffered.<sup>76</sup> Very often, in fact, the perpetrators are not arrested or are prosecuted for other (generally minor) crimes or are brought to court in another country. Furthermore, in

<sup>71</sup> The granting of the reflection period is not conditional under the Council of Europe, *Convention on Action against Trafficking in Human Beings* (2005), and under the European Union, *Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities* (2004).

<sup>72</sup> European Commission, *Report from the Commission to the European Parliament and the Council on the application of Directive 2004/81 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or have been subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*, COM(2010) 493 final (2010).

<sup>73</sup> OSCE Ministerial Council, *Decision No.1 Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings* (Vienna, 28 November 2000); OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005), Chapter III para. 1.8.

<sup>74</sup> See OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005), Chapter V para. 8.2 and para. 8.3; OSCE Ministerial Council, *Decision No. 8/07 Combating Trafficking in Human Beings for Labour Exploitation* (Madrid, 30 November 2007).

<sup>75</sup> C. Zimmermann, M. Hossain et. al., *Stolen Smiles. The Physical and Psychological Health Consequences of Trafficking in Women* (The London School of Hygiene & Tropical Medicine: London, 2006), <<http://www.lshtm.ac.uk/gender-violence/>>, accessed 1 July 2010.

<sup>76</sup> OSCE ODIHR, *Compensation for Trafficked and Exploited Persons in the OSCE Region* (Warsaw, 2008).



several instances, they do not bear confiscation because they are officially jobless and do not own properties.

To ensure access to justice and redress for trafficked persons, States may consider undertaking systemic reform in the areas of civil, criminal and labour legislation.<sup>77</sup> They should also consider prioritizing the fight against human trafficking and carry out a larger number of judicial and financial investigations, including tracing and forfeiting criminal proceeds deriving from trafficking, and prosecuting traffickers for all crimes committed, including trafficking. States should also consider establishing compensation mechanisms to redress victims when victims cannot be redressed by the perpetrators, including through the establishment of a State compensation fund.<sup>78</sup> In addition, non-litigious systems of negotiating compensation payment as mediation might also be explored.<sup>79</sup>

The limited scope of assistance frameworks, combined with the conditionality of such assistance on co-operation with the authorities or testimony in criminal proceedings, as well as the prevailing interests of immigration control, can lead many victims to lose hope and to believe that they have no viable option but to continue to submit to their exploiters. As a result, thousands of persons continue to have their human rights severely violated, and criminals go unpunished.

In conclusion, all States and anti-trafficking agencies should strengthen their efforts to fully comply with their obligations and political commitments and place the human rights of the trafficked persons at the centre of any legislation, policies and interventions which they implement.<sup>80</sup>

To this end, it is also crucial to develop methods and mechanisms to measure the impact of anti-trafficking policies,<sup>81</sup> laws and practices implemented by States, NGOs and any other anti-trafficking agencies to avoid any “collateral damage”<sup>82</sup> on the human rights of trafficked persons. In many instances, States are found

to produce unintended collateral damage putting at risk the well-being of trafficked persons, including poor implementation of anti-trafficking legislation that leads to the low rate of victims identified, and return programmes without appropriate risk assessment procedures that may endanger the life of trafficked persons.<sup>83</sup> Furthermore, States may also violate the human rights of trafficked persons when the competent authorities do not safely conduct the identification interviews<sup>84</sup> and do not collect, process and protect the personal data, ensuring the victim’s right to privacy<sup>85</sup>. Support agencies may also cause collateral damage while supposedly providing assistance to trafficked persons. For instance, restriction of freedom of movement in a closed shelter violates the rights of trafficked persons.

## 1.2.2 Trafficking as a Transnational Organized Crime and a Transnational Threat to Security

Despite the tremendous efforts undertaken by the international community, trafficking in human beings remains a serious transnational threat to the security of States and individuals, challenging our societies, fuelling other forms of organized crime, and undermining development, the economy, and the rule of law. Trafficking in human beings has reached a massive scale and has become mostly a business of organized crime that may involve different types of organized crime ranging from highly structured international trafficking networks to loosely connected clusters of people, together forming a very flexible and specialized trafficking network operating along the line of business relations,<sup>86</sup> which is difficult to

77 Ibid.

78 OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005), Section III para. 1.5; OSCE Ministerial Council, *Decision No. 5/08 Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach* (Helsinki, 5 December 2008), para. 10.

79 OSCE ODIHR, *Compensation for Trafficked and Exploited Persons in the OSCE Region* (Warsaw, 2008).

80 OSCE Ministerial Council, *Declaration on Trafficking in Human Beings* (Porto, 7 December 2002), MC(10).JOUR/27: “The dignity and human rights of victims must be respected at all times”.

81 Aim for Human Rights, a Dutch organization, in collaboration with various organizations, including anti-trafficking and migrants’ rights organizations from different parts of the world, developed a step-by-step guide to assess the impact of anti-trafficking laws, policies and practices on the human rights of trafficked persons, <[www.aimforhumanrights.org](http://www.aimforhumanrights.org)>, accessed 17 November 2010.

82 GAATW, *Collateral Damage. The Impact of Anti-Trafficking Measures on Human Rights around the World* (GAATW: Bangkok, 2007).

83 When conducting risk assessments, the question is not simply whether there are organizations in the country of origin that could help the trafficked person, but whether there is a real risk of harm on return, including a risk of reprisal by traffickers; whether local authorities can protect the person from intimidation and violence; whether the person may be prosecuted for act(s) stemming directly from the trafficking process; and last but not least, whether local services have adequate capacity to support and sustain the social inclusion of the trafficked person, given also the serious and frequent stigmatization; see United Nations Office on Drugs and Crime, *Model Law against Trafficking in Persons* (Vienna, 2009), pp. 78–79.

84 On how to properly carry out interviews with trafficked persons, see: World Health Organization, London School of Hygiene and Tropical Medicine and Daphne Programme of the European Commission, *Ethical and Safety Recommendations for Interviewing Trafficked Women* (2003), p. 4; Anti-Slavery International at al., *Protocol for Identification and Assistance to Trafficked Persons and Training Kit* (ASI: London, 2005), pp. 30–31.

85 See OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings*, PC.DEC/557/Rev.1 (Vienna, 7 July 2005), Chapter III para. 4.3 on the victim’s right to privacy, and chapter V para. 4.3; Council of Europe, *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data*, ETS 108 (28 January 1981), Art. 5; EU, *Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)* (2002); EU, *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data* (1995).

86 UNODC, *Issue Paper. Organised Crime Involvement in Trafficking in Persons and Smuggling of Migrants* (2010), p. 38.



In April 2010, the **OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings** (and UN.GIFT) published *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime* (2010). The report identifies the theoretical base that may explain the business and socio-economic factors contributing to human trafficking in a wide context.

This approach may facilitate the implementation of a holistic preventive strategy and help identify knowledge gaps that need to be addressed. The report also provides recommendations, next steps and guidelines for decision makers, civil society and other concerned actors on the effective prevention of human trafficking.

[Source: <[http://www.osce.org/cthb/item\\_11\\_45167.html](http://www.osce.org/cthb/item_11_45167.html)>, accessed 17 November 2010]

disrupt.<sup>87</sup> However, what sets a trafficking business apart “is that violence and corruption are innate to its business operations”.<sup>88</sup>

The “social network model” is also used to explain the actual functioning of a certain form of organized crime dealing with trafficking in human beings. One or more agents can fulfil each of the roles in the model. Individuals can serve as recruiters, transporters, protectors or any number of other roles. Small groups of two or three individuals can also specialize in one role. The larger the trafficking scheme, the more likely one is to find associated criminal activities such as document fraud, money laundering, cyber-crime and corruption.<sup>89</sup> Transactional linkages between individuals and groups are constantly being made, and then abandoned; co-operation is short term, and trust is limited.<sup>90</sup>

EUROPOL recently coined the term “criminal hubs” to describe the organized crime networks running the trafficking process. The criminal hubs are the result of a combination of factors such as proximity to major destination markets, geographic location, infrastructure, types of organized crime groups, and migration

87 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and United Nations Global Initiative to Fight Human Trafficking, *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime* (Vienna, May 2010).

88 L. Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press: New York, 2010), p. 112.

89 J. Picarelli, “Human Trafficking and Organized Crime in the US and Western Europe”, in National Defence Academy and Austrian Ministry of Defence and Sports and Geneva Centre for the Democratic Control of Armed Forces, *Strategies against Human Trafficking: the Role of the Security Sector* (Schutz und Hilfe: Vienna, 2009).

90 P. Williams, “Combating Human Trafficking: Improving Governance Institutions, Mechanism and Strategies”, in National Defence Academy and Austrian Ministry of Defence and Sports and Geneva Centre for the Democratic Control of Armed Forces, Op. Cit.

processes. They are complex configurations that shape criminal markets in large parts of the EU.<sup>91</sup>

Whatever conceptual framework is adopted to analyse organized crime with respect to trafficking in human beings, there is a general agreement that trafficking is predominantly run by extremely flexible and sometimes specialized networks, which simultaneously carry out different types of crime. These loose networks are no less dangerous than the traditional hierarchical criminal groups. These new criminal clusters display a stronger capacity to adapt the *modus operandi* of each specialized cell to both the market and the institutional anti-trafficking response, and therefore their increasing criminal power should not be underestimated.

Linkages between trafficking in human beings and other types of crimes are increasingly reported. UNODC estimates that some 20 other serious crimes are usually related to trafficking in human beings at various stages of the trafficking process, including drug trafficking, document forgery, fraud, immigration law abuse, kidnapping, sexual assault, rape, murder, forced abortion, torture, money laundering, tax evasion, corruption of officials, and the intimidation or subversion of officials.<sup>92</sup> Two such notable crimes are corruption and money laundering.

## Trafficking and Corruption

Corruption<sup>93</sup> has been underestimated as an essential underlying factor of trafficking in human beings, as both a causal factor and a consequence of trafficking in human beings. Conversely, the current features of trafficking in human beings are sadly but clearly linked to the systemic involvement of corrupt officials. This assertion derives from the direct experience of any practitioner, social worker or scholar professionally dealing with trafficking, as well as from statements of actual victims of trafficking.<sup>94</sup>

Some scholars assert that “the growth of this grand corruption in recent decades appear to correlate very highly with trafficking. Many countries that are rated among the most corrupt in Transparency International’s Corruption Perception Index are major suppliers of

91 EUROPOL, *OCTA 2009. EU Organised Crime Threat Assessment* (2009).

92 UNODC, *Toolkit to Combat Trafficking in Persons* (Vienna, 2008).

93 The World Bank defines corruption as “the abuse of public power for private benefit or profit” (1996), while Transparency International defines it as “the abuse of entrusted power for private gain”, <[www.transparency.org](http://www.transparency.org)>, accessed 17 November 2010.

94 In 2002, OSCE participating States recognized the need to fight corruption, which facilitates the operation of trafficking networks, see OSCE Ministerial Council, *Declaration on Trafficking in Human Beings*, MC(10).JOUR/27 (Porto, 7 December 2002).

trafficked people”<sup>95</sup> and among those who have the weakest responses to combating trafficking in human beings.<sup>96</sup>

The opportunities for corruption can take place at many junctures in the trafficking in human beings process. Usually, when we think about corruption associated with trafficking, we think about the granting of visas, or the lack of control of false documents during border crossing.<sup>97</sup> However, corruption can occur not only throughout the trafficking chain, but also during the criminal justice process, and even in the course of victim support activities aimed at the very protection of trafficked persons.<sup>98</sup>

Concerning the criminal justice process, for example, the most important aspect is the obstruction of investigation or criminal proceedings, and the revealing and/or selling of investigative information in order to help the traffickers to escape prosecution. Concerning victim support activities, it is possible that information involving the safety of the victim is given to traffickers, also in order to enable them to achieve again control of the victim and re-traffick her or him. In the worst scenario, the organization providing services to the victim could be infiltrated by traffickers.<sup>99</sup>

Taking into account the variety of activities and behaviours which can constitute an opportunity for bribery and corruption, it is possible to affirm that different kinds of officials or private individuals can be involved in a corruption scheme, from police, customs, visa offices/embassies, border control immigration services, travel and recruitment agencies, transportation sector, financial institutions, and investigative law enforcement agencies, as well as government officials, notaries, lawyers, prosecutors and judges, and persons involved in civil society organizations.

The risks for corrupt officials are still nearly non-existent. There have been relatively few reports or investigations into corruption offences relating to trafficking, with virtually

95 A. Aronowitz, *Human Trafficking, Human Misery: the Global Trade in Human Beings* (Praeger: Westport & London, 2009), p. 48.

96 See also: Council of Europe, Programme against Corruption and Organized Crime in South-eastern Europe, Project PACO Networking, *Trafficking in Human Beings and Corruption, Report on the regional seminar - Portoroz, Slovenia (19-22 June 2002)* (30 September 2002); Commission of the European Communities, Communication from the Commission to the European Parliament and the Council, *Fighting Trafficking in Human Beings – an Integrated Approach and Proposals for an Action Plan*, COM(2005) 514 final (Brussels, 18 October 2005).

97 L. Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press: New York, 2010), p. 48.

98 Anti-Slavery International, Transparency International, UNODC, *The Role of Corruption in Trafficking in Persons, Background Paper for the Side Event “The Role of Corruption in Trafficking in Persons” at the Third Session of the Conference of State Parties to the UN Convention against Corruption* (Doha, 2009), p. 7.

99 Council of Europe, Programme against Corruption and Organized Crime in South-eastern Europe, Project PACO Networking, *Trafficking in Human Beings and Corruption, Report on the regional seminar - Portoroz, Slovenia (19-22 June 2002)* (30 September 2002), pp. 7-8.

## Corruption cases

“A woman trafficked from Southeast Asia to Western Europe mentioned that she was instructed by the trafficker to stand in a particular queue at her home country’s main airport. When she moved to a shorter one, she was moved back to the original queue and it was pointed out to her that the particular immigration official serving this queue was “one of them” and he will not ask any questions about her documents.” (p. 12)

“Several months ago the deputy director of the very Centre to Combat Trafficking in Persons [a local national institution], Mr. XYZ, was dismissed after a corruption-related scandal. He facilitated trafficking for a large scale trafficker, in part by selectively prosecuting only cases against his competitors. His case remains under investigation, and no criminal charges have so far been filed. An assessment conducted last year revealed lower level police involvement in trafficking as well. It also found several reports of sexual crimes committed against victims by police officers.” (p. 16)

“There was a time in a Western European country where we paid the guards [400 - 500 euros]; there were 20 or 30 people to get through...” (Trafficker from an Eastern European country, p. 14)

[Excerpts from Anti-Slavery International, Transparency International, UNODC, *The Role of Corruption in Trafficking in Persons* (2009)]

no cases leading to convictions.<sup>100</sup> Victims commonly reveal only to service providers and support agencies the instances of corrupt officials or former public officials being involved in the process of their trafficking.<sup>101</sup> They are intimidated and fully aware of the unchallenged power of traffickers and the impunity of corrupt officials.

The connection between trafficking in human beings and corruption shows that corruption is not a “victimless crime”. One expert argues that “trafficking-related corruption can subject those trafficked to a double or even triple victimization and abuse of human rights. All too often they are victims not only of criminal gangs, but also of officials who cannot be trusted to help them counter the first form of victimization. If States turn a blind eye to their own officers’ corrupt practices and involvement in trafficking and/or treat trafficked persons as criminals rather than victims, there is a third form of victimization.”<sup>102</sup>

Since 2003, when the OSCE Action Plan to Combat Trafficking in Human Beings was adopted, particular attention was paid to the relationship between trafficking

100 Anti-Slavery International, Transparency International, UNODC, Op. Cit., p. 6.

101 Ibid., p. 11.

102 L. Holmes, “Human Rights and Corruption: Triple Victimization?”, in National Defence Academy and Austrian Ministry of Defence and Sports and Geneva Centre for the Democratic Control of Armed Forces, Op. Cit., pp. 84-85.

and corruption. The Action Plan specifically calls on the OSCE to combat corruption by passing legislation criminalizing acts of passive or active corruption of public officials, building the capacity to fight corruption and promote the rule of law, and addressing all economic aspects of trafficking in human beings.<sup>103</sup> The Action Plan also recommends targeting corruption of law enforcement, ensuring that appropriate disciplinary and criminal proceedings are undertaken against law enforcement authorities who are found to be engaged in corrupt practices related to trafficking in human beings.<sup>104</sup>

### **Trafficking and Money Laundering**

Money laundering is generally considered one of the common denominators of organized crime and the necessary interface between licit and illicit markets. Through money laundering, the proceeds of any illegal activities including trafficking in human beings are conveyed to the legitimate economic sector for business investments, such as, for instance, supermarkets, bars, restaurants, travel agencies, fast foods, video rentals, car parks, IT and telephone outlets, and real estates.<sup>105</sup> An analysis carried out on traditional organized crime shows that companies dominated by criminal groups constitute an illegal parallel economic channel. In time, however, such companies tend to infiltrate or disrupt legitimate businesses which are their competitors in order to achieve a monopoly position in certain areas such as public procurement. They therefore need to bribe public officials and sometimes use their economic power to acquire political influence. As a consequence of the significant amount of illicit proceeds originating from drug trafficking, trafficking in human beings and other criminal activities, illegal markets play a major role in the globalized economy.

In this framework, trafficking in human beings is becoming an inexhaustible source of profits which are constantly reinvested in all kinds of other criminal activities, including drug trafficking and trafficking in weapons. Whereas drugs can be bought and sold, people, in addition to being bought and sold, can be and indeed are exploited for years without any wages, or with wages which do not go beyond subsistence. This is the new renewable and lucrative business for criminal networks.

Since trafficking in human beings is a profit driven crime, it is therefore imperative to find, freeze and forfeit the proceeds of crime. This requires the use of financial

<sup>103</sup> OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005).

<sup>104</sup> *Ibid.*

<sup>105</sup> EUROPOL, *Op. Cit.*, p. 49.

### **“Migrantes operation” (Italy)**

In the area of Rosarno (southern Italy) where a high number of North African migrant workers were employed in agriculture, a successful investigation based on the report of nine workers who were granted assistance and residence permits led to the arrest of 31 people of different nationalities. The workers were found to be obliged to live and work in inhuman conditions. They lived in isolated and abandoned farms without water or electricity; they worked between 10 and 14 hours a day, and earned EUR 22 a day. However, the recruiters took from them EUR 13 a day, allegedly to pay for their accommodation. Therefore, each worker's salary did not go beyond survival. If they tried to react or escape, they were threatened with death or severely beaten. As a consequence of financial investigation, 20 factories and 200 fields were seized by law enforcement for a total amount of EUR 10 million.

[Source: <www.repubblica.it> accessed on 14 November 2010]

investigation on a routine basis, as well as on a large scale. This is a difficult challenge. Not all countries have information on the laundering techniques used by the international criminal organizations and, therefore, raising awareness of the importance of financial investigation as part of the investigation of the crime remains crucial.<sup>106</sup> As opposed to what happens in cases related to drug trafficking, so far this investigative tool is underutilized and almost unknown in trafficking cases. The use of financial investigation is in fact particularly important to trace the proceeds of crime in the country in which such proceeds are usually generated, as well as where they are reinvested and laundered, often in countries of origin. This requires decisive improvements in co-operation between financial institutions and law enforcement agencies, as well as in terms of law enforcement and judicial co-operation, especially between the country in which exploitation takes place, and the country of origin where profits are sometimes reinvested.<sup>107</sup>

### **Trafficking and Individual and State Security**

The massive scale of trafficking and its nature as an organized crime endanger democracy, stability and economic development, undermining the rule of law, including through criminal networks' intrusion into the state legislative and executive structures. Bearing this in mind, it is easier to understand why human trafficking should be considered as one of the most serious

<sup>106</sup> Council of Europe, European Committee on Crime Problems (CDPC) and Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL), *Proceeds from Trafficking in Human Beings and Illegal Migration/ Human Smuggling* (2005).

<sup>107</sup> L. Shelley, *Op. Cit.*, p. 129.

transnational threats for security of both States and individuals. Trafficking interferes with various dimensions of security. The first step in tackling the problem is to acknowledge that similar situations are not an exception in many local or regional areas of the OSCE participating States.<sup>108</sup>

First of all, trafficking in human beings violates the human rights and dignity of people who fall victim to such a crime, and therefore it is a threat for an individual's security. The existence of criminal networks recruiting people to go abroad with the false promise of gainful employment, deceiving and then exploiting these migrants, allegedly to achieve the repayment of a debt, or selling them to other exploiters, is a major reason of insecurity for millions of migrant workers seeking better opportunities for their lives. Security is, after all, fundamentally about people and their well-being.

Both individual and public health security is also at stake.<sup>109</sup> Many women and girls trafficked for sexual exploitation are affected by HIV/AIDS and suffer the consequences of post-traumatic stress disorder or other trauma, in some instances comparable to that observed in victims of torture.<sup>110</sup> Health security is also threatened in the majority of cases of labour exploitation, in which inhuman and degrading conditions lead to infection or other serious disease, and even death.<sup>111</sup> The health implications as consequences of child trafficking are often incurable and have a lifetime effect. Furthermore, health security is affected in the cruellest way in cases of trafficking for the purpose of organ removal.

Trafficking in human beings can also thrive in conflict areas as governments are destabilized and the rule of law is weakened. As the world's largest regional security organization – an organization mandated to address conflict prevention, management and post-conflict rehabilitation – OSCE acknowledges this reality and promotes further efforts to address transnational threats and challenges to security and stability.<sup>112</sup>

There is increasing recognition of how trafficking for sexual and labour exploitation undermines security and international peacekeeping efforts. While the vast majority of military personnel conduct themselves honourably, a number of cases of trafficking in human beings have occurred in connection with international military organizations. NATO and a number of OSCE participating States have developed policies and/or have enforced laws that address the abuse of a position of power of some international forces and workers, and to promote respect for human dignity.

Trafficking in human beings is a threat for security also from the point of view of its impact on the economy. Trafficking is a constant danger to stability and development. Huge numbers of migrant workers are trafficked for the purpose of labour exploitation; not only are the rights of these workers violated, but the employers gain huge profits from their illegal business and tax evasion as they benefit from unpaid work on a large scale. The normal rules of market competition are deviated or even disrupted.

Given this scenario, it is paramount that OSCE participating States always take into account all these crucial aspects when designing security policy concerning trafficking in human beings.<sup>113</sup>

### 1.2.3 Trafficking and Migration Policies

For thousands of persons, migration is a mid- or long-term – often unavoidable – survival strategy to improve their difficult living conditions and that of their family. In their search for a better life and decent work, migrants can fall prey to traffickers that lure them with false promises of well-paid jobs and improved living situations. This is more so if the migration and labour policies in place are restrictive and there is a lack of knowledge about safe and legal channels to migrate and work abroad.

Women form a large part of the migration flows: half of the world's 200 million migrants are women.<sup>114</sup> Nevertheless, migration policies and opportunities are still largely oriented towards men.<sup>115</sup> Migrant women, often in spite of their high level of education and skills, are generally employed in unskilled and unregulated sectors of the labour market, which puts them at a greater risk of abuse and trafficking. In order to avoid discrimination

108 Serious Organised Crime Agency (SOCA), *The United Kingdom Threat Assessment of Organised Crime* (2009/10), Annex 1: Harm Framework for Organised Crime (2009), p. 69.

109 E. Nykaza, "Human Trafficking and its Public Health Implications", in A. Paul Gaist (Ed.), *Igniting the Power of Community. The Role of CBOs and NGOs in Global Public Health* (Springer: New York, 2010); B.D. Gushulak, D.W. MacPherson, "The basic principles of migration health: Population mobility and gaps in disease prevalence", in *Emerging Themes in Epidemiology*, 3:3 (2006); B.D. Gushulak, D.W. MacPherson, "Health Issues with the Smuggling and Trafficking of Migrants", in *Journal of Immigrant Health*, Vol. 2, No. 2 (April 2000).

110 C. Zimmermann, *The Health Risks and Consequences of Trafficking in Women and Adolescents* (2003), available at <<http://www.lshtm.ac.uk/hpu/docs/traffickingfinal.pdf>>, accessed 17 November 2010.

111 Medici Senza Frontiere (Doctors Without Borders), *A Season in Hell. MSF Report on the Conditions of Migrants Employed in the Agriculture Sector in Southern Italy* (2008).

112 OSCE Ministerial Council, *Decision No. 02/09 Further OSCE Efforts to Address Transnational Threats and Challenges to Security and Stability*, MC.DEC/2/09 (Athens, 2 December 2009).

113 E. Guild, *Security and Migration in the 21st Century* (John Wiley & Sons: Hoboken, 2009).

114 OSCE, *Guide on Gender-Sensitive Labour Migration Policies* (Vienna, 2009), p. 14.

115 European Commission, *Report of the Experts Group on Trafficking in Human Beings* (2004), p. 147.

and unequal treatment of female migrants<sup>116</sup> at any stage of their migration project, gender-sensitive labour migration policies<sup>117</sup> and practices, promoting legal, safe and gender-sensitive channels of migration, should be implemented and mainstreamed. In this regard, it is important to recall the OSCE MC.DEC/5/09 which “encourages the participating States to incorporate gender aspects in their migration policies, noting the recommendations of the OSCE-produced *Guide on Gender-Sensitive Labour Migration Policies*”.<sup>118</sup>

Uncontrolled migration can have a negative impact both on countries of origin and destination of migrants. Developing countries, already confronted with serious challenges, face a brain drain and a depleted workforce, while the developed countries have to deal with often inadequate migration and social inclusion policies, racism, xenophobia and security issues. Managed migration should then be valued as a contribution to the economic and social development of both countries of origin and destination of migrants.<sup>119</sup> In fact, the economy of destination countries benefits from the work of migrants, their innovation, productivity, and tax contributions. At the same time, governments in countries of origin could improve migration governance to ensure it contributes to their own country’s socio-economic development.<sup>120</sup>

It is fundamental to regularly assess the impact of migration and labour legislation and policies on the protection of the rights of trafficked persons and on the prevention of human trafficking. As a matter of fact, the unintended consequences of such policies may negatively affect the enjoyment of migrant’s rights<sup>121</sup>, both adults and children.<sup>122</sup> As the United Nations Special Rapporteur on the Human Rights of Migrants recently underlined, several studies have demonstrated that many policies and mechanisms to prevent irregular or unauthorized migration “may have the side effect of

### Safe migration programme

The Canadian Orientation Abroad Program is funded by the Government of Canada in the Philippines, which is the main country of origin of caregivers working in Canada. The programme offers pre-departure counselling to potential migrants going to Canada. Along with the work permit, each caregiver is provided with written information about their rights and procedures to follow in case of abusive employment conditions along with contact details of advocacy groups. In addition, also employers are sensitized about their obligations through an ad hoc awareness strategy.

[Source: OSCE, *Guide on Gender-Sensitive Labour Migration Policies* (2009), p. 66]

encouraging the expansion of smuggling and trafficking networks”.<sup>123</sup>

A thorough assessment of labour policies would contribute to better identify and address unreasonable restrictions and vulnerability risks for migrants. For instance, in many countries, migrant labourers are often afforded visas that are linked to a single employer and/or type of employment. The experience has shown that the fewer options available to the migrants to change job or employer, the more vulnerable they are to being exploited.<sup>124</sup>

Migration policies mainly based on the criminalization of irregular migration hinder the identification and protection of victims of trafficking in human beings. Most of all, such policies obstruct the victims’ access to justice not only because they are not properly identified, but also as a result of the victims’ fear to report the abuse suffered to the competent authorities.

Migration policies and governance are certainly highly sensitive and controversial issues; nevertheless, both origin and destination countries should actively share the responsibility for developing and implementing human rights-based migration management policies to protect migrants, be they nationals or foreigners.

Acknowledging “[t]he increasing importance of and the benefits stemming from effective migration management for socio-economic development, social cohesion,

116 For a comprehensive guide and tools on the implementation and monitoring of gender-sensitive labour migration policies, see OSCE, *Guide on Gender-Sensitive Labour Migration Policies* (Vienna, 2009).

117 In several resolutions and recommendations, UN bodies addressed issues related to the improvement of laws and policies on violence against women migrant workers and the protection of their human rights (*inter alia*, A/RES/63/184 (17 March 2009); A/63/152 (16 July 2009); A/HRC/11/7 (14 May 2009)). In particular, through the adoption of resolution 9/5 on the human rights of migrants at its ninth session, the UN Human Rights Council encouraged all States to apply a gender perspective in developing international migration policies to ensure women and girls a better protection from risks and abuse during the migration process. See UN, *Report of the Secretary General, Violence against Women Migrant Workers*, A/64/152 (16 July 2009).

118 OSCE Ministerial Council, *Decision No. 5/09 Migration Management*, MC.DEC/5/09 (Athens, 2 December 2009), para. 2.

119 OSCE Ministerial Council, *Decision No. 2/05 Migration* (Ljubljana, 6 December 2005).

120 European Commission (2004), *Op. Cit.*, p. 148; OSCE Permanent Council, *Decision No. 557/Rev.1 Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005), Chapter IV paras. 3.1, 3.2.

121 Council of Europe, Commissioner for Human Rights, *Criminalisation of Migration in Europe: Human Rights Implications* (2010).

122 PICUM, *Undocumented Children in Europe: Invisible Victims of Immigration Restrictions* (2009).

123 UN, *Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante, Human Rights of Migrants*, A/65/222 (2010), para. 15.

124 Anti-Slavery International for the Anti-Trafficking Monitoring Group, *Wrong kind of victim? One year on: an Analysis of UK Measures to Protect Trafficked Persons* (June 2010); ILO and E. Tyuryukanova, *Forced Labour in the Russian Federation Today: Irregular Migration and Trafficking in Human Beings* (Geneva, 2005); OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region*, Occasional Paper Series no. 3 (Vienna, April 2009); OSCE OSR, *Human Trafficking for Labour Exploitation/Forced and Bonded Labour: Prosecution of Offenders, Justice for Victims*, Occasional Paper Series no. 2 (Vienna, November 2008).

security and stability of all countries, including those of origin, transit and destination, and fully recognizing the human rights of migrants and their family members”,<sup>125</sup> the OSCE encourages the participating States to continue working on effective migration management, to incorporate gender aspects in their migration policies, and to foster co-operation between countries by facilitating effective legal migration schemes, such as circular migration and other forms of voluntary labour mobility programmes, for the benefit of the development of countries of origin and destination.<sup>126</sup>

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<sup>125</sup> OSCE Ministerial Council, *Decision No. 5/09 Migration Management* (Athens, 2 December 2009) .

<sup>126</sup> *Ibid.*

## 2. JOINING EFFORTS TO TACKLE TRAFFICKING IN HUMAN BEINGS

### 2.1 Internal Co-ordination and Co-operation

With its comprehensive and cross-dimensional approach to combating trafficking in human beings (THB), the OSCE has a solid track record of building upon the substantial work carried out by its various bodies on this issue. In 2010, the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SR), the ODIHR, the Office of the Co-ordinator of Economic and Environmental Activities (OCEEA), the Strategic Police Matters Unit (SPMU), the Gender Section, the field operations, as well as other structures of the OSCE Secretariat specifically tasked by the OSCE Action Plan, continued to join forces to support participating States in their anti-trafficking actions and efforts. All the relevant OSCE actors dealing with trafficking in human beings are committed to operating in a coherent and complementary manner on the basis of their respective institutional mandates with the common purpose of promoting the implementation of OSCE commitments at the national level.

Co-ordination and co-operation are therefore ongoing processes that take various forms, including: co-ordination meetings of structures in the Secretariat, annual meetings of all relevant OSCE bodies (for example, bi-annual Internal Co-ordination Meetings of OSCE Anti-Trafficking Focal Points, annual Heads of Mission meetings), meetings between heads of units and among staff to ensure continuous regular exchange of information and sharing of experiences and lessons learned, as well as joint planning of activities, where appropriate.

Here are some examples of internal co-ordination in 2010:

The Secretary General hosted a series of cluster meetings on Transnational Threats and Challenges (TNT) with the participation of all relevant structures in the Secretariat (OSG, OSR, SPMU, ATU, OCEEA, Gender Section, CPC-PSP, CPC, and the CPC/Border Unit). The purpose of the meetings was to compile a report on the implementation of MC.DEC/2/09 on *Further OSCE Efforts to Address Transnational Threats and Challenges to Security and*

*Stability* in order to demonstrate ongoing efforts, and identify gaps and areas of possible programmatic co-operation in order to strengthen the OSCE's response to transnational threats. The SR participated actively in the cluster meetings and work, and contributed to the SG's report on the implementation of MC.DEC/2/09 by providing inputs on the organized crime nature of trafficking as a serious threat to security, and the linkages of trafficking to other transnational threats.

The SR hosted the annual Internal Co-ordination Meeting of OSCE Anti-Trafficking Focal Points (Vienna, 28 October 2010). The meeting brought together colleagues from various Offices within the Secretariat (OSR, OCEEA, SPMU and the Gender and Border Units), from ODIHR, as well as from 15 field operations, and provided the opportunity to exchange information regarding the current state of anti-trafficking action in field operations, including programmatic activities, plans, priorities, and challenges. Additional sessions focused on good practices and lessons learned in the area of prevention, approaches to address trafficking for labour exploitation, especially with governments who are inexperienced in dealing with this form of trafficking, and opportunities for enhanced external co-operation.

The SR, together with the ODIHR, SPMU and other relevant structures, also co-operates with field operations on capacity building, and technical assistance, including in project development, providing - when requested - advice and an exchange of information on good practices and regional initiatives, support in fundraising with delegations of participating States. Furthermore, field operations provide strong support for the work of the SR, contributing their knowledge and expertise on the THB situation and efforts in the countries where they operate.

The OSR also engaged in joint training with ODIHR, SPMU and relevant field operations, as illustrated later.

The OSR is also working closely with OCEEA on the follow up of the *OSCE Guide on Gender-Sensitive Labour Migration Policies* in terms of future joint trainings and activities, as well as on a working-level expert meeting in 2011 as a follow-up to the 2008 Meeting on Combating THB and Money Laundering.



## 2.2 Highlights of OSCE Anti-trafficking Activities

### 2.2.1 Office for Democratic Institutions and Human Rights (ODIHR)

The mandate of the Office for Democratic Institutions and Human Rights (ODIHR) on combating human trafficking stems from its general mandate to monitor and provide technical assistance to participating States in the implementation of their human dimension commitments and specific tasks under OSCE commitments. Throughout 2010, ODIHR's Anti-Trafficking Programme continued its focus on strengthening respect for trafficked persons' rights and preventing human trafficking through human rights protection. The Programme implemented a variety of activities at the policy and working levels with both state and civil society actors across the OSCE region.

Many key challenges continue to exist across the OSCE region and some have become even more evident in the course of 2010: non-inclusion or inadequate and ineffective inclusion of civil society actors in victim identification and National Referral Mechanisms, lack of access to justice for trafficked persons, including compensation, and inadequate victim identification and assistance, in particular with regard to labour trafficking. Human rights protection for victims and vulnerable groups is still not at the centre of any country's response to trafficking in the OSCE area. Many participating States within the OSCE region encounter significant challenges in translating their commitments on human trafficking for labour exploitation into practice. The result is reminiscent of action against sex trafficking over a decade ago with victims not being identified and assisted, but punished, criminalized and stigmatized as "irregulars" or even "illegals", and no justice delivered. In some countries, adequate protection of the rights of trafficked persons is being hindered by the absence of a general victim rights culture and a lack of victim-sensitive support mechanisms, as well as victim-sensitive skills among state authorities.

ODIHR continued supporting state authorities and civil society actors to prevent human trafficking and enhance trafficked persons' access to justice and rights. Activities included legal assistance to trafficked persons, as well as outreach work to vulnerable groups, in a number of countries of destination and origin throughout the OSCE region. ODIHR conducted and supported training seminars and expert meetings for criminal justice actors (police, prosecutors, judges and lawyers) and civil society organizations on international standards

and good practices on effective access to justice and compensation for victims of crime and for trafficked persons in particular. ODIHR also continued its support to the European Action for Compensation for Trafficked Persons (COMP.ACT), both as member of its Advisory Board and by funding activities of some of its national members.

ODIHR also strengthened ties and co-operation between countries of origin and destination through the exchange of expertise, information and contacts to enhance the human rights protection of trafficked persons in cross-border cases. Among others, it carried out activities to support and enhance cross-border co-operation between civil society organizations, such as information, outreach and assistance to migrant workers. Study trips for state authorities and civil society organizations were also organized to allow for an exchange of expertise, as well as sharing of both challenging experiences and good practices. In October 2010, ODIHR co-organized a regional meeting of National Co-ordinators in Vienna with the SR to explore good practices and challenges in combating trafficking for labour exploitation.

ODIHR continued to highlight the need for better human rights protection in the return of trafficked persons. Research and practice show that participating States do not systematically assess the risk of harm faced by returning victims of trafficking, or ensure that the return will not violate their obligations of "non-refoulement" and, in the case of children, that it is in their best interests. An expert meeting for government and civil society actors from countries of destination and origin, supported by the SR, was organized in Warsaw to identify key challenges and good practice in the area of return of trafficked persons.

With a view to assisting the Kazakh OSCE Chairmanship in the realization of one of its priorities for the year 2010 and preparing the ground for the 2010 OSCE Summit, ODIHR in co-operation with the SR conducted the working sessions on combating trafficking in human beings focusing on child trafficking at the Review Conference (Warsaw and Astana parts). These sessions provided a good forum for participating States to take stock of the implementation of commitments in relation to child trafficking, and highlighted issues that are in need of more attention within the OSCE region. The session in Warsaw shed light on child trafficking for labour exploitation, while the Astana session focused on child protection systems to protect some of the most vulnerable groups of children in the context of child trafficking: migrant children, undocumented children, and separated, unaccompanied children, as well as asylum seeking children.

### 2.2.2 Gender Section, Secretariat

The Gender Section in the Secretariat has been supporting the OSCE's work in combating trafficking of human beings in several different ways.

Since 2008, the Section has conducted a multi-part programme to compile good practices and innovative approaches to addressing various forms of violence, including trafficking, against women. The compilation *Bringing Security Home: Combating Violence Against Women in the OSCE Region. A Compilation of Good Practices*<sup>127</sup> has been extensively distributed to OSCE delegations, field operations and Institutions, as well as international organizations and NGOs active in the OSCE region. The reference comprises more than 95 examples of tested practices implemented by various organizations, including the OSCE. The compilation includes good practices to prevent, combat and prosecute different forms of violence, including the trafficking of women. This publication is facilitating the work of a number of field operations and has been extensively used in their own anti-violence activities implemented together with government and non-governmental partners. The publication is currently available in English, French, Montenegrin, Russian and Serbian and is included as a reference guide in UNIFEM's *Virtual Knowledge Centre to end violence against women and girls*.

Throughout 2010, the Gender Section has given particular support to women's entrepreneurship development and women's economic empowerment initiatives, with the objective to provide increased opportunities to women, and to decrease irregular migration, as well as trafficking. The Section is currently finalizing the compilation of good practices on promoting women's entrepreneurship in the OSCE. A conference to discuss good practices in the promotion of women's entrepreneurship will be organized in the first quarter of 2011.

The OSCE Gender Section also participated in the development of the Training Manual to the OSCE *Guide on Gender-Sensitive Labour Migration Policies*, which has been used in a series of workshops organized by the Office of the Co-ordinator for Economic and Environmental Activities.

### 2.2.3 Strategic Police Matters Unit (SPMU), Secretariat

In 2010, the Strategic Police Matters Unit (SPMU) contributed to several anti-trafficking training activities organized by various OSCE field operations. This contribution included assistance to field operations in identification of international trainers and active participation in the delivery of training (Azerbaijan and Belarus). In response to frequent requests by the field operations to support participating States in organizing and delivering training activities related to human trafficking and targeting both regular and specialized police, and in close co-operation with the OSR and ODIHR, the SPMU is building a roster of international trainers for capacity building activities, and in the future will make an effort to develop a unified training course that would incorporate the most recent topics related to preventing and combating human trafficking.

The SPMU assisted the Project Co-ordinator in Ukraine to organize a study visit of representatives of the Ukrainian Ministry of Interior and Police to Germany (16-19 November 2010). The purpose of this study visit was to become familiar with the existing practices in an OSCE participating State on police tactics related to prevention and fight against human trafficking before and during large international events. The study visit was part of Ukraine's preparation to co-host (with Poland) the football championship EURO 2012. The Ukraine delegation was received by counterparts at the Ministry of the Interior in Berlin and at the Federal Police in Frankfurt.

The SPMU continues developing the concept of community policing, and in this regard the Unit will strive for a broader involvement of different stakeholders in the identification of trafficked persons and their referral to services, as well as awareness raising activities addressing vulnerable groups of population through the possibilities provided by community policing structures (partnerships between the police- and public structures) in the participating States. These structures should also be used for collecting and sharing appropriately information that can assist the police in investigation of the human trafficking crime.

Moreover, in 2010, the SPMU launched a new initiative aimed at developing a Guidebook on victim identification for community policing practitioners. A group of national experts and experts from the OSCE field operations will contribute to the contents through sharing best practices from their respective countries. The activity is organized in close co-operation with the OSR and relevant international and non-governmental organizations.

<sup>127</sup> Available at <[http://www.osce.org/gender/item\\_11\\_38013.html](http://www.osce.org/gender/item_11_38013.html)>, accessed 18 November 2010.

Throughout 2010, the SPMU continued enhancing the portal on countering sexual exploitation of children on the Internet, including new links and events. It will further develop and enhance this thematic portal on the POLIS (Policing OnLine Information System) through the organization of online discussion forums and conferences on the topic.

Taking into consideration that trafficking continues to be a security problem for all participating States owing to its link to financing terrorism, the SPMU will pay attention to enhancing the participating States' law enforcement capacities in the area of financial investigation, seizure of proceeds of crime and activities targeting corruption and money laundering through developing, organizing and participating in joint events together with the OSR and the Office of the Co-ordinator of Economic and Environmental Activities.

### 2.2.4 Office of the Co-ordinator for Economic and Environmental Activities (OCEEA), Secretariat

In 2010, the Office of the Co-ordinator for Economic and Environmental Activities (OCEEA) continued working on prevention aspects of anti-trafficking action by building on the recent publication *Guide on Gender-Sensitive Labour Migration Policies*, which was developed jointly with the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and the Gender Section of the Secretariat. The Guide aims at raising awareness among policymakers in the OSCE region of the increasing socio-economic contributions made by female migrant workers to development, as well as the constraints and problems they face in all stages of the migration process, and at presenting possible solutions to improve these conditions. The Guide promotes the message that by introducing more gender-sensitive labour migration policies, both migrants and countries would gain more from migration and such policies would also serve as good prevention against trafficking in human beings.

In 2010, to facilitate capacity building and training of policymakers, experts, social partners and civil society representatives, the OCEEA and the Office for Democratic Institutions and Human Rights jointly produced a *Gender and Labour Migration Trainer's Manual* to complement the Guide. This Manual has already been used in two regional training seminars (Helsinki, 15-16 April and Astana, 14-15 September). In addition, the OCEEA recently produced, together with the IOM, the *Training Modules on Labour*

*Migration Management – Trainer's Manual*, a generic training manual on labour migration which will be officially launched in December 2010. Provided sufficient funding is secured, further national and regional training seminars on comprehensive migration management are planned in the OSCE region. The OCEEA will carry out these activities in co-operation with other OSCE institutions and structures, field operations, and partner organizations such as IOM, ILO, the Council of Europe and UNIFEM. Both the Guide and the Manuals are available in English and Russian.

### 2.2.5 Field Operations

#### **South-Eastern Europe**

##### **OSCE Presence in Albania**

In 2010, the OSCE Presence in Albania continued to provide support to the Government and civil society in enhancing their anti-trafficking efforts. The promotion of trafficked persons' rights, the strengthening of dialogue between Government and civil society, and the increased involvement of local authorities in the fight against human trafficking remained key in-country activities of the Presence in Albania.

Support was provided to the Office of the National Anti-Trafficking Co-ordinator to fulfil its duties in co-ordinating activities, as well as advancing legislative and operational measures. More specifically, the Presence provided expertise in analysing domestic legislation and drafting legal recommendations to ensure compliance with the Council of Europe Convention on Action against Trafficking in Human Beings.

To promote the involvement of local authorities in the prevention of human trafficking and in the management of trafficking cases, the Presence provided training to the Regional Anti-Trafficking Committees in co-operation with the Office of the National Anti-Trafficking Co-ordinator. Furthermore, the Presence in partnership with the NGO Terre des Hommes supported the establishment of a Child Protection Unit in Vlora that, in addition to providing assistance to children and families vulnerable to human trafficking, plays a role in orienting local government policy towards the welfare of children.

The Presence in Albania closely follows developments related to Government co-operation with NGO shelters for victims of trafficking, following a Government decision to revoke the licenses of three shelters (August 2010) owing to problems in the application of the National

Referral Mechanism Agreement. Following expressions of concern from a number of international organizations, including the OSCE Presence, the Ministry revoked its decision. The Presence advocates for recognizing the role of NGOs in assistance to trafficked persons and in the protection of their rights.

Through the support provided to the NGO Centre for Legal and Civic Initiatives, ODIHR, in co-operation with the Presence in Albania, supported the access of trafficked persons and/or potential trafficked persons to justice by providing free legal assistance, counselling, and representation in legal and administrative proceedings. Training sessions were organized in co-operation with the School of Magistrates for local practitioners on the rights of victims of crime, with a focus on victims of trafficking and their right to compensation.

Under the prevention and vulnerable groups' rights protection initiative, and in co-operation with the Presence in Albania, ODIHR supported representatives from Roma and Egyptian communities, local institutions and NGOs in their efforts to engage in peer education and cultural mediation to enhance the social integration of the Roma community, in particular Roma children and young people. Activities included awareness raising on rights, training of Roma peer educators, and support to street children at risk of trafficking.

The Presence in Albania will continue to support the country's efforts in analysing the trends and forms of labour exploitation, especially child labour, by contributing to the strengthening of the role of labour inspectors and NGOs in identification and protection of people trafficked for labour exploitation.

### **OSCE Mission to Bosnia and Herzegovina**

In 2010, the OSCE Mission to Bosnia and Herzegovina advocated for amendments to the legislative framework governing trafficking. This resulted in the adoption of amendments to the Criminal Code of Bosnia and Herzegovina (BiH) that comply with the requirements of the Council of Europe Convention on Action against Trafficking in Human Beings.

With the financial assistance of the Permanent Delegation of France to the OSCE, the Mission launched an extrabudgetary project in north-east BiH to strengthen the commitment and capacity of the relevant local actors to effectively address the rapid increase in internal trafficking in human beings, particularly among children, and to raise public awareness of this problem.

The Mission also supported NGO efforts to raise awareness among the Roma community regarding the risks of human trafficking. As part of its ongoing trial monitoring programme, the Mission monitored cases against suspected human traffickers, as well as the provision of victim assistance by governmental and non-governmental actors as part of the BiH National Referral Mechanism. In this regard, the Mission continued to monitor the authorities' response to the alleged incident of human trafficking of BiH construction workers in Azerbaijan.

Finally, the Mission launched a documentary on the phenomenon of internal human trafficking based on an actual, high profile case prosecuted before the Court of BiH involving local underage victims of sexual exploitation – a case monitored through the Mission's trial monitoring project. The documentary will be shown on television and used to raise awareness about the risks of internal trafficking in various forums.

### **OSCE Mission to Montenegro**

The OSCE Mission to Montenegro supported local stakeholders in establishing an effective National Referral Mechanism. The Mission is represented within the Working Group for the Implementation of the National Strategy for the Fight against Trafficking in Human Beings. In this regard, the Mission assisted the National Coordinator's Office in organizing co-ordination meetings with potential donors interested in anti-trafficking projects.

Furthermore the Mission supported the National Co-ordinator in organizing the Regional Meeting of National Co-ordinators for Fight Against Trafficking in Human Beings which was held in Budva on 25-26 February 2010, and to which the OSR Deputy Co-ordinator also contributed.

Finally, the Mission organized a five-day course on human trafficking and smuggling of migrants for criminal investigation police officers held from 24 May to 28 May 2010.

### **OSCE Mission to Serbia**

In 2010, the OSCE Mission to Serbia continued supporting national authorities and NGOs in policy-making and implementation in the field of combating human trafficking.

The Mission co-operated closely with the Serbian National

Co-ordinator for Combating Trafficking in Human Beings, supporting its efforts to enhance the implementation of the National Action Plan for Combating Trafficking in Human Beings (2009-2011) and the interagency co-ordination. A main challenge is posed by the very limited state budgetary contribution to implementing the Plan. In this regard it is worth noting the efforts of both the Co-ordinator and the Ministry of Labour and Social Policy to support the work of shelters for trafficked persons.

The Mission continued working closely with the judiciary to enhance professional capacity aimed at effective investigation and prosecution of cases of trafficking in human beings. The Mission followed the developments of the project entitled "UN.GIFT Serbia", launched by IOM, UNHCR and UNODC with the Government of Serbia. The project aims to support the implementation of the National Action Plan. The Mission co-operated with the UN agencies in co-ordinating activities.

Observing that relevant NGOs still rely solely on international donor funding, the Mission advocates for continuous and institutionalized support by State agencies for emergency and long-term services for victims of trafficking, as well as the strengthening of child protection services. Moreover, the Mission advocates for the protection of victims' rights, and in particular the right to compensation.

### OSCE Mission in Kosovo

In 2010 the OSCE Mission in Kosovo continued co-operating with local stakeholders, including the Kosovo inter-ministerial working group on anti-trafficking, the Anti-trafficking Co-ordinator and NGOs, with a view to support the implementation of OSCE commitments and the Kosovo Strategy and Action Plan to Combat Trafficking in Human Beings (2008-2011). Throughout the year, the Mission engaged in numerous capacity building and awareness raising activities.

In order to increase the ability of local institutions to identify and assist victims of trafficking, the OSCE Mission organized eleven multi-ethnic training sessions for 330 police officers operating at crossing points and 33 customs officers Kosovo-wide. In addition the Mission trained 30 labour, trade and health inspectors and 90 representatives from municipal institutions and human rights NGOs in the Gjilan/Gnjilane region.

Moreover, with IOM, the Mission is jointly implementing the project "Use of standard operating procedures and minimum standards of care for victims of trafficking" in the

Prishtinë/Priština region. The project aims at improving the knowledge of Kosovo anti-trafficking stakeholders on victim identification, referral and assistance, as well as providing training on Standard Operating Procedures for victims of trafficking. Similar training sessions are planned to continue in 2011 with Kosovo-wide coverage.

In order to prevent trafficking in rural communities, the OSCE Mission, in co-operation with the Ministry of Education, Science and Technology (MEST), organized a training seminar for 135 teachers from rural elementary schools to enhance their capacity to teach human trafficking-related topics. According to the MEST, trained teachers subsequently incorporated anti-trafficking topics in various subjects.

In 2010, the Kosovo Anti-Trafficking Co-ordinator launched a media campaign during the Anti-Trafficking Month 2010 (15 September-15 October). The campaign was well organized, timely and co-ordinated with relevant ministries and partners, including NGOs and international organizations. It involved a press conference, numerous public debates, radio shows, text messages and a TV spot that, *inter alia*, drew attention to child trafficking for forced begging. The Mission contributed to these efforts with two awareness raising campaigns. The campaign in northern Mitrovica/Mitrovicë targeted school pupils, teachers, police, social workers, victim advocates, human rights NGOs and the general public through a number of activities including roundtable discussions, screening of documentaries, television and radio shows, and the distribution of leaflets and posters in public areas. The "Anti-Trafficking Awareness Campaign in Prizren, Gjakovë/Đakovica and the Pejë/Peć Region" simultaneously aimed at increasing public knowledge and understanding of human trafficking, and improving co-operation among the relevant anti-trafficking stakeholders.

Furthermore the Mission carried out the project "Informative radio shows on anti-trafficking, gender and human rights issues" in co-operation with the Ministry of Culture, Youth and Sports (MCYS). The radio shows entitled "Our Obligation" are broadcast by the public Radio Kosova on a weekly basis and posted on the radio website to enable audience debate through a discussion forum. The radio shows are expected to reach approximately one fifth of Kosovo's population and 20,000 website visitors with information about human rights issues, in particular human trafficking and gender-related topics.

In the future the OSCE Mission in Kosovo will continue capacity building and awareness raising activities to support Kosovo institutions in meeting the challenges

of ensuring victim identification, support and protection of rights, and prevention especially among the rural and economically disadvantaged population, as well as data collection and analysis.

### **OSCE Spillover Monitor Mission to Skopje**

In 2010, the OSCE Spillover Monitor Mission to Skopje continued to co-operate with national authorities to support their anti-trafficking efforts on revising primary and secondary legislation to improve the protection of rights of trafficked persons, provision of victim support services and on enhancing national capacities to identify human trafficking for labour exploitation.

In July 2010, in co-operation with ICMPD, the Mission initiated and facilitated the process of revising the Standard Operating Procedures for dealing with victims of trafficking. These Procedures are a set of guidelines which govern the assistance process from initial identification to prosecution. They are for all actors who may come into contact with potential, presumed and/or actual trafficked persons, and in particular police officers, social workers and NGO service providers.

Throughout the year, the Mission closely followed the progress towards the establishment of a state-managed shelter for victims of trafficking that will be operated by the Ministry of Labour and Social Policies (MLSP), as foreseen by the National Action Plan and Strategy on combating human trafficking (2009-2012). The planned state-managed shelter will most probably replace the existing NGO-managed state shelter for victims. The Mission advocates that the Ministry of Labour and Social Policies ensures NGO participation and co-operation in providing assistance to trafficked persons in the work of the state shelter. Having concerns regarding the human rights protection of victims in the shelter, the Mission supported the process of adoption of secondary legislation related to the work and functioning of the shelter. A working body representing governmental institutions and NGOs drafted these rules, regulations and protocols. The final versions were adopted by the Ministry of Labour and Social Policies and are currently fundamental documents for the management of the shelter.

In 2010, the Mission continued co-operation with the Government's National Rapporteur, which in January 2010 presented its first annual report on human trafficking. The Mission advocates for strengthening the work of the National Rapporteur to produce analytical reports on the THB situation and to provide recommendations on how to improve the anti-trafficking efforts in the country.

## **Eastern Europe**

### **OSCE Mission to Moldova**

The OSCE Mission to Moldova's anti-trafficking programme prioritizes co-ordination, capacity building, and victims' rights protection. The Mission addresses domestic violence both as a root cause of trafficking and as a serious problem in itself. The Mission also co-operates closely with the government and NGOs. The main challenges faced by the Mission's anti-trafficking efforts are insufficient state funding for assistance services, inadequate capacity of law enforcement agencies and the judiciary, gaps in international co-operation on investigating trafficking cases, and poverty.

In 2010, the Mission continued organizing monthly co-ordination meetings in Chisinau and the regions in co-operation with the Ministry of Labour, Social Protection and Family, as well as local public authorities and NGOs. The meetings gathered 800 representatives of state bodies at the national and local level, as well as NGOs and international organizations, and helped to take stock of the present work on anti-trafficking and gender issues, to exchange good practices and better strategize on the way ahead. The Mission supported 12 monthly Social Partnership Roundtables in Transdnistria at which Transdnistrian authorities and NGOs from both sides of the Dniester/Nistru river engaged in dialogue and exchanged good practices and lessons learned on social issues, including human trafficking and domestic violence.

The Mission provided capacity building training to over 200 judges, prosecutors, lawyers and police officers on investigating and handling cases of trafficking and domestic violence in court and on protecting victims' and witnesses' rights. To carry out this training and mainstream it into future curricula, the Mission has partnered with the National Institute of Justice, the Centre for Combating Trafficking in Persons under the Ministry of Internal Affairs, and the Police Academy. This partnership will help ensure ownership and sustainability.

The Mission organized interactive theatre performances for more than 7,000 people in Chisinau and the regions to raise public awareness of the dangers of trafficking and domestic violence. The main target groups were the most vulnerable: women and youth in rural areas. The Mission provided support to counselling services and hotlines for children, women and men who are victims and potential victims of violence and trafficking. The Mission supported the annual 16-day Campaign on Combating Gender-Based Violence, which highlighted the causal link between domestic violence and human trafficking. The

Campaign featured TV programmes, press conferences, mobile exhibitions, workshops, roundtables, university lectures, and competitions for children and youth at the national and local levels on both sides of the Dniester/Nistru river.

In the course of 2010, the Mission co-operated with and assisted the OSR in developing an extrabudgetary project, "Preventing human trafficking in children", specifically targeting children without parental care in the Republic of Moldova.

### **OSCE Project Co-ordinator in Ukraine**

In 2010, the OSCE Project Co-ordinator in Ukraine supported the Ministry of Ukraine for Family, Youth and Sports in creating an Interagency Working Group responsible for drafting a new state anti-trafficking programme for 2011-2015. The Project Co-ordinator also continued providing support to Ukrainian authorities and civil society in the establishment of a state-led National Referral Mechanism (NRM), by piloting two NRM models in Chernivtsi and Donetsk regions of Ukraine.

Following the revision of respective legislation, operational modalities and training curricula of the stakeholders involved, the Project Co-ordinator with the assistance of local anti-trafficking NGOs conducted 12 training seminars for approximately 220 representatives of social services, educational and health care institutions and law enforcement bodies to help them to identify and support victims of trafficking in human beings.

The Project Co-ordinator also trained about 1,000 police officers and medical practitioners in combating human trafficking, emphasizing their potential role in the identification and referral of trafficking survivors. The Project Co-ordinator facilitated the translation of criminal files obtained within the mutual legal assistance procedure and facilitated English language courses for key anti-trafficking staff of the Ministry of Interior.

To broaden the ways of identifying the crime of trafficking in human beings, the Project Co-ordinator at the request of the Ukrainian Ministry of Interior supported the publication of 100 billboards in the Dnipropetrovsk region and 15,000 cards (placed in foreign passports) in the Zhytomyr region publicizing the phone numbers of local anti-trafficking police units.

In July 2010, the Project Co-ordinator assisted the SR in the organization of bilateral consultations with the Ukrainian officials and with local NGOs.

In November 2010, the Project Co-ordinator in co-operation with the OSCE Strategic Police Matters Unit organized a study visit for Ukrainian law enforcement authorities to Germany to share experience and best practices in preventing and prosecuting human trafficking in the context of the upcoming football championship EURO 2012, co-hosted by Ukraine and Poland.

## **South Caucasus**

### **OSCE Office in Baku**

During 2010, the OSCE Office in Baku and its international partners assisted the Government of Azerbaijan to implement both its second National Action Plan to Fight against Trafficking in Human Beings and newly established National Referral Mechanisms.

At the beginning of the year, with the purpose of co-ordinating the efforts of all international actors working on anti-trafficking, the Office hosted the first co-ordination meeting with ILO, IOM and the Embassy of the United States in Azerbaijan. As an initial activity of joint efforts, the Office and the ILO conducted sensitization seminars for tourist agencies to prevent human trafficking. The organizers followed up the activity with awareness raising campaigns during the Anti-Trafficking week in June 2010. The Anti-Trafficking Department of the Ministry of Internal Affairs, ILO, IOM and non-governmental organizations supported the campaign.

In January 2010, the Office co-operated with the OSR and facilitated bilateral consultations of the OSR Deputy Co-ordinator with Azeri officials, local NGOs and international organizations.

Upon the request of the Government of Azerbaijan, the OSCE Office and its implementing partners developed a comprehensive capacity building programme that entailed a series of sensitization workshops for the regional actors of the National Action Plan focusing on trafficking for the purpose of labour exploitation. The Office, together with the Strategic Police Matters Unit and the OSR, organized the first series of workshops in the north and south of Azerbaijan bringing together all law enforcement agencies, civil society and media representatives. This series will be extended in 2011 with similar events in the north-eastern part of the country and the Nakhchivan Autonomous Republic. In an effort to facilitate the exchange of information and challenges in identification of victims and prosecution of trafficking, the Office and the ODIHR organized a visit to Poland for senior experts of the national anti-trafficking co-ordination mechanism.

Furthermore, in mid 2010, the Office was invited to join the ILO/IOM/ICMPD Project “Strengthening of comprehensive anti-trafficking responses in Armenia, Azerbaijan and Georgia”.

The Office managed to support all these activities also thanks to the voluntary support of the participating States. This support enabled the Office to employ a full-time National Officer to develop and implement the projects to assist the activities in combating trafficking in human beings.

For the future, the OSCE Office in Baku intends to provide assistance to the host Government to improve the identification and protection of victims of trafficking, in particular, victims of forced labour, supporting the full implementation of the rules established by the Government in 2009 on the functioning of National Referral Mechanisms. Optimally such assistance will include capacity building for law enforcement agencies, as well as raising public awareness and outreach activities.

### **OSCE Office in Yerevan**

The OSCE Office in Yerevan is one of the key international organizations effectively supporting state and non-governmental agencies in Armenia in their anti-trafficking efforts, in full co-ordination with the priorities of the Armenian National Plan of Action for Combating Trafficking and the key international conventions ratified by the country. The Office provided support to the state and non-governmental actors in elaborating and revising legislation that criminalizes trafficking, conducting assessments and studies, holding roundtables and co-ordinating capacity building activities, and establishing and improving victim protection and support mechanisms.

In 2010, the Office was involved in two main anti-trafficking projects. Within the framework of the ILO-OSCE-ICMPD Regional Project for the South Caucasus, funded by the European Commission, the Office supported the Armenian state and non-governmental agencies in strengthening capacities for the implementation of an operational National Referral Mechanism. It also contributed to increasing the capacity of the national authorities to detect criminal activities linked to human trafficking, based on a victim-centred approach to investigation and prosecution. Furthermore, the Armenian offices of the OSCE, ILO and UNDP conducted a comprehensive assessment of training capacities and needs of the national law enforcement structures in combating trafficking in Armenia. This

was followed by the development of a comprehensive multidisciplinary training manual prepared by national law enforcement experts. Based on the manual and supported by the OSCE Office in Yerevan and ILO, a locally owned and managed training programme is being designed to introduce the manual into the training curricula of the national law enforcement agencies. This will serve the needs of all Armenian law enforcement agencies responsible for the prevention and prosecution of human trafficking and the protection of victims; and it will ensure sustainability of capacity building of law enforcement across the country.

The Anti-Trafficking Support and Resource Unit (ATSRU) established by the Office in the Armenian Ministry of Labour and Social Issues assists the Ministry and the relevant anti-trafficking actors in establishing an effective operational mechanism (namely a National Referral Mechanism) for victim protection and assistance through improved state-NGO co-operation and a victim-oriented strategy. The Unit constantly engages in awareness raising, prepares analytical reports, and organizes seminars and capacity building activities on THB issues at the request of the Ministry of Labour and Social Issues in all the regions of the country. Some examples of recent work include: the organization of a study tour to Warsaw and Prague for State and NGO representatives to learn best practices in the field of state-NGO co-operation and victims’ assistance; the development of a comprehensive anti-trafficking Training Module for national civil servants to support the implementation of the National Referral Mechanism (NRM) adopted by the Government of Armenia.

Furthermore, the Office is working closely with the Ministry of Labour and Social Issues (MLSI) to ensure a smooth handover process of the Anti-Trafficking Support and Resource Unit (ATSRU) into the structure of the Ministry once the project will be over in 2011.

## **Central Asia**

### **OSCE Centre in Ashgabat**

In May 2010, the Mejlis [Parliament] of Turkmenistan passed a new Criminal Code containing amendments to the previous Code. One of these amendments is the introduction of Article 129.1 which criminalizes trafficking in human beings.

In co-operation with the General Prosecutor’s Office of Turkmenistan, the OSCE Centre in Ashgabat organized, in co-operation with the General Prosecutor’s Office



of Turkmenistan, a conference on combating human trafficking for labour exploitation in August 2010. The one-day event brought together more than 45 representatives from state institutions, civil society, international organizations and embassies present in Turkmenistan, and focused on the challenges of combating human trafficking for labour exploitation and on sharing experiences and best practices. The OSR co-operated with the Centre in the conference preparation and contributed to the discussion and formulation of conclusions and draft recommendations.

Upon the request of the Centre, ODIHR drafted comments on the law of Turkmenistan on combating trafficking in human beings. The comments were subsequently shared with the Ministry of Foreign Affairs and presented by the Centre and the ODIHR to the authorities.

The Centre has also supported the National Red Crescent Society of Turkmenistan in the implementation of the project “Increasing awareness about trafficking in human beings throughout Turkmenistan”. Within the framework of this project, the Society organized a train-the-trainers course on trafficking, as well as awareness raising sessions and seminars on human trafficking and safe migration throughout the country, targeting the public at large, regional and local authorities, and travel agencies.

### **OSCE Centre in Astana**

In 2010, the OSCE Centre in Astana implemented a year-long project in co-operation with the IOM, the Friedrich Ebert Foundation and a coalition of Kazakhstani NGOs. The project aimed to strengthen the legislative and institutional framework to ensure prompt and effective access to medical, psychological and social assistance for victims of trafficking and domestic violence. In the framework of the project, the Centre raised awareness and advocated for the need to complement the existing legislation in a way that better addresses victims’ rights and needs. To this end, a range of events including an NGO co-ordination meeting, a seminar and a roundtable were organized.

Together with the Charter for Human Rights NGO, the Centre implemented a pilot project aimed at monitoring detention and correctional facilities of one chosen oblast [an administrative territorial division] to identify presumed victims of trafficking. The project findings were compiled into a report and presented to relevant authorities.

In April 2010, the Centre co-organized a seminar on best international practices in preventing and combating child

trafficking for police officers and NGO representatives. Together with experts from the Russian Federation and Ukraine, participants discussed policies and programmes to deter trafficking of children, as well as methods to identify victims and establish standards for providing protection and effective assistance measures.

In co-operation with the Office of the General Prosecutor’s Training Institute and the Charter for Human Rights NGO, the Centre also facilitated a training course for regional prosecutors on anti-trafficking legislation where participants discussed the classification of crimes associated with human trafficking, best practices in protecting victims’ rights, methods to identify and investigate trafficking cases, and international anti-trafficking standards.

In October 2010, the Centre together with the Embassy of the United States co-organized annual re-training courses for police officers on anti-trafficking. The training focused on practical issues of detection and investigation of trafficking cases, concrete cases of trafficking for labour and sexual exploitation, current trends, and means and methods used by organized criminal groups, as well as practices applied by law enforcement to combat the crime.

### **OSCE Centre in Bishkek**

In 2010, in collaboration with the Osh Field Office, the OSCE Centre in Bishkek supported the implementation of the National Programme against Trafficking in Human Beings of the Kyrgyz Republic (2006-2010), as specifically requested by the Minister of Labour, Employment and Migration. The Centre continued assisting State authorities in implementing the legal provisions of the National Programme; to this end the Centre supported an overall assessment of the current state of the anti-trafficking legislation of the Kyrgyz Republic by an international expert. The Centre is currently finalizing the translation and publication of the assessment report (in Russian and English) and plans to widely distribute it among governmental authorities, NGOs and the international community.

Throughout the year, the Centre continued monitoring and reporting on state developments in the anti-trafficking field in the Kyrgyz Republic. A main challenge for the Centre is to assess and understand further the implications and developments on trafficking in human beings following the June 2010 events. The OSR stands ready to assist the Centre in these efforts considering that unrest and instability often contribute to increased vulnerability of people to trafficking.

## Osh Field Office

Throughout 2010, the Osh Field Office continued engaging in human rights issues related to trafficking in human beings. However, the sad events of June in Osh and Jalal-Abad hindered the implementation of most Office projects and programmes. Yet some achievements were registered, including awareness raising among selected target groups, mainly youth and students residing in near-border areas of the Batken province. An information campaign was also supported to increase THB awareness among residents of Osh. The initiative was developed in co-operation with local state authorities, including the Office of the Mayor of Osh and the Osh branch of the Ministry for Labour, Migration and Employment. A series of training and capacity building activities were also conducted for local transport police officers and border guard officials.

## OSCE Office in Tajikistan

In 2010 within the framework of the project “Common curriculum building for the Police Academy of Tajikistan - investigating trafficking in human beings”, the OSCE Office in Tajikistan and the Police Academy of the Tajik Interior Ministry completed the process of introducing an anti-trafficking course in the curriculum at the Tajik Police Academy. To ensure ownership of the course, five selected Police Academy Instructors – upon completion of a train-the-trainers course – developed a 26-hour anti-trafficking course, with some support of an international expert. The course focuses on co-operative and proactive investigation of transnational human trafficking cases and the protection of trafficking victims, and will officially start in December 2010; the training programme includes a gender-sensitive perspective and a child-friendly approach. The project has been funded by the Government of Finland.

Throughout 2010, the Office advocated for regular dialogue and co-operation between the Government of Tajikistan, civil society and international organizations on combating human trafficking. In August 2010, the Ministry for Foreign Affairs together with the OSCE and the Embassy of the United States chaired the first session of the Dialogue on Human Trafficking. This was attended by high-level officials representing several different government departments. The Dialogue focused on the results of the Government’s National Action Plan to Combat Trafficking in Persons and the Trafficking in Persons Report released annually by the U.S. State Department. At the request of the Government of Tajikistan, the Dialogue will continue on a quarterly

basis. As a result of this process, NGOs and international organizations have been invited to participate in and contribute to two Government Working Groups focusing on the second National Action Plan and on the National Referral Mechanism respectively.

In November, the Office supported a session of a Working Group on the National Action Plan of the Inter-Agency Committee on Trafficking in Human Beings. In this session, the Office invited law enforcement professionals from Italy, Kyrgyzstan, Ukraine, Tajikistan and the Russian Federation to exchange their experiences and practices. The law enforcement professionals participated in an OSCE Border Management Staff College course on combating human trafficking which was delivered by the OSR.

In November 2010, the OSCE together with the Ministry of Labour is planning to conduct training on victim assistance in Tajikistan. This training will be provided to social workers and employees of NGOs working in the area of victim assistance. This will be the first time that social workers in Tajikistan are trained on issues related to trafficking in human beings.

## OSCE Project Co-ordinator in Uzbekistan

In 2010, the OSCE Project Co-ordinator assisted the Government of the Republic of Uzbekistan in increasing its efforts to combat trafficking in human beings mainly through two projects.

Through the first project “Support for enhancing efficiency in combating trafficking in human beings for labour and sexual exploitation (Phase II)”, the Project Co-ordinator provided learning aids, methodological guides, and information materials, as well as technical equipment for the Training Centre at the General Prosecutor’s Office of the Republic of Uzbekistan. A series of specialized workshops and training seminars were conducted for law enforcement investigators, customs officers, judges and public defenders. The project also focused on capacity building of national law enforcement personnel at the specialist investigative level aimed at increasing operational effectiveness and at promoting a victim-centred and human rights-based approach. The OSR and ODIHR contributed to these efforts by delivering a specialized three-day training programme for law enforcement and prosecutors and a four-day training programme for judges.

The project “Strengthening victim protection mechanisms by providing legal aid and increasing capacity of the support and protection services for all categories of

trafficked persons” aimed at promoting adequate protection of victims and their access to effective legal remedies. In 2009, the Project Co-ordinator initiated the creation of a legal aid unit within the anti-trafficking NGO “Istiqbolli Avlod” and is currently supporting the work of lawyers who provide legal aid and representation to victims during both the investigation phase and court hearings. The Project Co-ordinator committed itself to raising the professional capacity of defense lawyers and, in co-operation with ODIHR, organized workshops on protecting the rights of trafficked persons. The events served as an opportunity to share experiences on providing effective legal aid to victims of trafficking, identifying challenges and finding solutions to existing barriers in law and practice. This work will contribute to increasing the capacity of support and protection services for trafficked persons through the delivery of training seminars and the development of visual aids and methodological handbooks.

## 2.3 Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings

### 2.3.1 Ongoing Dialogue and Action with Participating States

The Special Representative and Co-ordinator for Combating Trafficking in Human Beings is tasked to work with a wide range of actors and agencies to raise the public and political profile of the fight against trafficking in human beings.<sup>128</sup> To achieve this goal, the SR participated in high-level events to promote the implementation of the OSCE commitments; continued and strengthened the ongoing dialogue with the participating States through meetings with delegations and officials, with law enforcement and prosecutorial agencies and the judiciary, international organizations and civil society; and contributed to national and regional conferences and seminars on trafficking-related issues.

Throughout 2010, in compliance with OSCE commitments, the SR called for coherent, comprehensive and co-ordinated initiatives to eradicate trafficking in human beings. Anti-trafficking policies and strategies need to be human rights-based, built on a strategic partnership with a wide range of actors, as well as based on empirical

evidence. This is necessary to address various aspects of combating THB as a cross-dimensional issue, such as organized crime, migration, human rights protection, gender equality, development, economic and labour market issues.

To be effective, the SR called for more co-ordinated, complementary strategies and policies consistent with the objectives of protecting the victims, preventing and combating trafficking in human beings. To promote and support these approaches, the OSR met with Parliamentarians, government officials, law enforcement and judiciary personnel, civil society organizations, intellectuals and journalists in many OSCE participating States and on numerous occasions. This work included providing technical assistance and capacity building, sharing good practices, exchanging experiences and jointly seeking better solutions to meet the common challenge: to provide a co-ordinated and multi-faceted response to the crime of human trafficking.

### 2.3.2 Working with Parliamentarians

Parliaments can play a crucial role in stepping up the national efforts in the fight against trafficking in human beings. The Parliamentarians are at the forefront of generating political will to tackle human trafficking and other transnational threats and challenges endangering the security of states and individuals in the OSCE region. Throughout 2010, the SR met many Parliamentarians to call for their strengthened and direct involvement to support effective anti-trafficking efforts, and to ensure the full protection of trafficked persons’ rights.

The Special Representative addressed the OSCE Parliamentary Assembly in the Winter session in Vienna (19 February 2010), the Spring session in Almaty (14-16 May 2010) and the Fall session in Palermo (8-11 October 2010). The SR called on Members of Parliament of the 56 OSCE participating States to take action in their own Parliaments to foster political will as a precondition for the effective planning and implementation of national anti-

*“I would further like to call on you as Members of Parliament of the 56 OSCE participating States to pledge to take action in your own Parliament to forge the cultural, social, political and legislative environment for a new understanding of human trafficking, an understanding of the plight of trafficked persons, as well as to promote solidarity and a human attitude towards the victims.”*

SR - Ninth Winter Meeting of the OSCE Parliamentary Assembly  
Vienna, 19 February 2010

<sup>128</sup> OSCE Ministerial Council, *Decision No. 3/06 Combating Trafficking in Human Beings*, MC.DEC/3/06 (21 June 2006).

trafficking strategies and legislation. More specifically, she urged them to ratify international instruments, in particular the UN Palermo Convention on Transnational Organized Crime and the Trafficking Protocol, and, where appropriate, the Council of Europe Convention on Action Against Trafficking in Human Beings.<sup>129</sup> The SR underlined that the question is not only about their ratification, but also about the coherent adaptation of national legislation, and its consistent implementation.

Furthermore, she encouraged Parliaments to ensure that adequate State budgetary funding is allocated for the full implementation of anti-trafficking legislation and policies, including continued and enhanced victim assistance and protection measures, funding for NGOs providing services, and ongoing capacity building for all anti-trafficking actors. The SR also underlined the importance of parliamentary practices such as holding public hearings and inquiries on trafficking with contributions from governmental actors and civil society representatives, and the establishment of interdisciplinary committees to deal with trafficking. In addition, the SR emphasized that making trafficking a priority also means that the impact of any piece of legislation on anti-trafficking policy should be evaluated on a regular basis. This implies considering also the impact on the prevention of human trafficking and on the protection of its victims in related legislation such as in immigration law, labour law, family law, and in healthcare regulations.

The OSR participated in the CIS Parliamentary Assembly International Conference on “Combating Corruption: Legislative Experience” and in the meeting of the United Commission on Harmonization of Legislation in the area of Combating Terrorism, Criminality and Trafficking in Drugs (under the CIS PA) that took place respectively on 18-19 February 2010 in Saint-Petersburg (Russian Federation). On both these occasions, the OSR highlighted the OSCE cross-dimensional approach to THB and the challenges posed by the linkages between THB and other criminal activities, such as drug trafficking, smuggling of migrants, corruption and money laundering. The OSR then illustrated the potential areas of partnership between the OSCE and the CIS Parliamentary Assembly, for example, in the fight against corruption, in the protection of the rights of victims of organized crime, and in capacity building for law enforcement. The final outcome of the conference was the adoption of recommendations on legislative experience in combating corruption and the inclusion of the OSCE in the list of international organizations (UN, CoE, EU, OAS, WB, OECD) active in this area.

<sup>129</sup> OSCE Ministerial Council, *Decision No. 15/05 Preventing and Combating Violence against Women* (Ljubljana, 2005).

On 22-23 February 2010, the SR met with 50 Parliamentarians from over 20 European countries on the occasion of the Inter-Parliamentary Union Human Trafficking Regional Seminar for the 12+ group held in London. The IPU Seminar proved an excellent opportunity to exchange experiences on different approaches and good practices in combating trafficking in human beings. Parliamentarians identified areas of co-operation and discussed the creation of a Europe-wide Group of Parliamentary Groups dedicated to combating trafficking in human beings. During this seminar, the SR expressed her interest in the experience of Parliaments that have established interdisciplinary committees to deal with trafficking, such as the UK’s All Party Parliamentary Group on Trafficking of Women and Children. She also underlined that prevention and fight against trafficking cannot belong to one committee alone, be it justice, equal opportunities, human rights, foreign affairs, or home affairs, but that this complex issue requires the commitment of many different actors.

On 10 June 2010, the EU Parliament’s Committee on Civil Liberties, Justice and Home Affairs, and the Committee on Women’s Rights and Gender Equality invited the SR to participate in the “EU Parliamentary Seminar on Combating and Preventing Trafficking in Human Beings: The Way Forward”. The SR addressed the crucial challenge to advance the scope and quality of anti-trafficking action. The SR welcomed the EU Directive proposal on THB adopted by the European Commission<sup>130</sup> as a step forward confirming the strong EU commitment to eradicate this gross violation of human rights, ensure that assistance is not conditional on victims’ co-operation with the authorities and establish standards of victim assistance. The SR underlined that assistance should aim to the empowerment and social inclusion of trafficked persons. The SR further recommended that the Directive on residence permits for victims of trafficking<sup>131</sup> be revised in accordance with a human rights-centred approach. This implies that residence permits should be granted not only on the grounds of a victim’s co-operation with law enforcement authorities, but also on grounds relating to the victim’s personal conditions. Furthermore, the SR underlined that it is essential to build a shared European understanding of trafficking in human beings and to secure the coherence of EU anti-trafficking action and policies. To this end, regular monitoring and reporting at the national level by National Rapporteurs or

<sup>130</sup> European Commission, *Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA*, COM(2010)95 final (Brussels, 29 March 2010).

<sup>131</sup> European Union, *Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities* (April 2004).

equivalent mechanisms is crucial. Finally, she stressed that it is necessary to prioritize the protection of children's rights for every child on the territory of the EU and secure a best interest determination process for each child without discrimination. On 14 July 2010, at the request of the EU Parliament Rapporteur on THB, the SR provided her comments to the European Parliament Draft Report on the EU Directive proposal on THB. In this regard, the SR welcomed most of the proposed parliamentary amendments as highly valuable, and directed to establishing higher human rights standards.

The SR called for enhanced victim protection mechanisms at the U.S. Helsinki Commission of the U.S. Congress held in Washington on 14 July 2010. She underlined that people who have been trafficked should be protected, empowered and supported to regain control over their lives in order for anti-trafficking action to be more effective. The anti-trafficking mechanisms established throughout the OSCE region over the past ten years should work on a much larger scale, especially to address the massive phenomenon of trafficking for labour exploitation, including domestic servitude. The SR called for improved co-operation between governments and civil society to enhance implementation of national anti-trafficking mechanisms, such as National Referral Mechanisms, action plans and co-ordination mechanisms. She also underlined that human trafficking is a serious transnational threat for security and a highly profitable criminal business. Her testimony was part of a U.S. Helsinki Commission hearing entitled "A Decade of the Trafficking in Persons Report", which followed the launch of the tenth Trafficking in Persons Report by the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons.

### 2.3.3 Working with Government Authorities

In the course of 2010, the SR and her Office met several ministers and national governmental officials and discussed issues concerning human trafficking especially for labour exploitation. In this work, the SR and her Office highlighted that trafficking is not a marginal issue but a huge criminal phenomenon involving all types of victims and many forms of exploitation and that today the challenge for governments is to make the anti-trafficking legislation and machinery work effectively on a much larger scale. This section present highlights of OSR work with national authorities throughout 2010.

On 25-29 January 2010, the OSR Deputy Co-ordinator (acting as Co-ordinator in the interim) visited Azerbaijan

#### The SerbAz case

The case concerned about 700 workers from Bosnia and Herzegovina, former Yugoslav Republic of Macedonia and Serbia, who worked in 2009 on construction sites managed by the SerbAz company in Azerbaijan. Once granted a tourist visa and arrived to their final destination, their passports were withheld, the legal work permit never given, the salaries progressively reduced and, then, stopped. The workers were forced to live in dreadful conditions and faced psychological and physical violence. After some time, in 2009 SerbAz organised the return of the majority of workers to their countries. Investigations are currently being carried out in Bosnia and Herzegovina and the Republic of Serbia; judicial proceedings including for compensation were put forward by the workers in Azerbaijan.

[Source: ILO Special Action Programme to combat forced labour Newsletter: Issue 1 - 2010: information from NGOs, investigative authorities in countries of origin]

and, together with the OSCE Office in Baku, met with the Minister of Internal Affairs and representatives of the Migration Policy Department, Migration Regulation Department and International Relations Department. The meetings mainly focused on the so-called SerbAz case, an alleged case of trafficking in human beings for labour exploitation in the construction sector in Azerbaijan. The Government of Azerbaijan appeared keen on receiving additional OSCE assistance, including capacity building for law enforcement, judiciary, government authorities, and NGOs, as well as raising public awareness.

At the beginning of 2010, the OSR co-operated with the Ministry of Foreign Affairs and Trade of Mongolia in the organization of the "International Workshop on Combating Modern Slavery: National, Regional, International Experiences" in Ulaanbaatar (9-10 February 2010). The Kazakh OSCE Chairmanship event aimed at awareness raising and capacity building for the governmental structures of Mongolia and other OSCE Partners for Co-operation, as well as participating States, and NGOs. The OSR addressed the challenges posed by trafficking in human beings and the need to speed up vigorous and targeted responses to THB as modern-day slavery. The workshop promoted deeper understanding of existing challenges, encouraged exchange of information and sharing of good practices of preventing trafficking at the national, regional and international levels. The workshop was attended by experts invited from the participating States and the Asian Partners for Co-operation, including NGOs, academic institutions and international organizations.

On 25-26 February 2010, the OSR Deputy Co-ordinator visited Montenegro to participate in the "Regional Meeting of the National Co-ordinators for Fight against Trafficking

in Human Beings, Regional Co-operation in the Fight against Trafficking in Human Beings: Challenges and the Way Ahead”, which was organized by the Montenegrin National Co-ordinator with the support of the OSCE Mission to Montenegro. The conference proved to be a very useful occasion to exchange knowledge about the most recent anti-trafficking efforts in South-Eastern Europe; to share experiences; and to identify areas of regional co-operation.

The OSR contributed to the meeting of the World Tourism Organization Taskforce for the Protection of Children in Tourism that was convened to address child trafficking, child sexual exploitation and child labour in the tourism sector in Berlin (Germany) on 12 March 2010. Established in 1998, the Taskforce is open to government representatives from the 156 WTO member countries, international organizations, NGOs and the private sector and acts as a platform for exchange of experience and expertise between its members.

On 24-25 March 2010, the OSR addressed the conference on “Prevention of Trafficking in Human Beings, International Legal Co-operation and Law Enforcement Practices” organized in St. Petersburg (Russian Federation) by the Danish Presidency of the Nordic Council of Ministers, the Nordic-Baltic Network of Policewomen in co-operation with the Inter-Parliamentary Assembly of the CIS, Committee for Law, Order and Security of the St. Petersburg Government, and the Consulate of Denmark in St. Petersburg. The conference brought together about 30 Nordic and Baltic police representatives and 40 participants from the Commonwealth of Independent States, the Russian Parliament, and other organizations. The focus was on transnational organized crime associated with trafficking.

On 24-25 May 2010, the SR held bilateral consultations with Italian senior officials from the National Anti-Mafia Directorate and the organized crime military law enforcement agency (ROS, Arma dei Carabinieri). Discussions focused on organized crime aspects of trafficking, especially for labour exploitation, recent trends in investigations and criminal proceedings, and linkages with other organized crime typologies such as money laundering, drug trafficking, illegal migration, extortion etc. Both meetings provided fruitful opportunities to discuss possible future areas of collaboration with the OSR, and in particular with regard to promoting international networking and law enforcement co-operation among specialized investigative authorities on THB, as well as to exploring the use of financial investigations in THB cases and the connections between money laundering and THB. Furthermore, the SR met with representatives

of Save the Children, On the Road and IOM to discuss trends and developments especially with regard to child trafficking and trafficking for labour exploitation.

From 5 to 7 July 2010, the SR visited Ukraine for the OSCE Regional Heads of Field Operations Meeting. On the margins of the meeting, the SR held bilateral consultations with Ukrainian officials from the Ministry of Interior, Ministry for Family, Youth and Sports and the Prosecutor’s General Office. Discussions focused on the development of the Ukrainian legislation, on practices in prosecution, and in protection of victims and ways to enhance co-ordination and monitoring at the national level. She also met representatives of local NGOs and USAID.

Between 12 and 20 July 2010, the SR held bilateral consultations with a wide range of U.S. Government officials from the U.S. Congressional Human Trafficking Caucus; the Judiciary and Foreign Relations Committees of the U.S. Senate; Department of Justice; Department of Defence; Department of Labor (DOL); Department of Homeland Security; Department of Health and Human Services; and the State Department/Office of Global Women’s Issues. The SR also met a wide array of U.S. based academics and NGOs working on anti-trafficking.<sup>132</sup> In New York, the SR met representatives of the NYC Task Force comprising of around 40 members, including law enforcement, prosecutors, DOL-Wage and Hour Division, and NGOs from the Freedom Network, and also with UN agencies. Capacity building and regular training targeting immigration and law enforcement officials were mentioned as crucial tools to be provided. Prospects for future co-operation with the OSCE, especially in areas of prevention and child protection, were discussed in the course of the meetings.

On 15-17 September 2010, the SR visited Berlin for the international conference “For Decent Work - Practical Insights into the Combat against Trafficking for Labour Exploitation” organized by the Berlin Alliance against Trafficking in Human Beings for Labour Exploitation (BBGM). Furthermore, the SR held consultations with senior German officials, including members of the German Federal Parliament, and representatives of federal ministries (including the Ministry for Family Affairs, Senior Citizens, Women and Youth, the Ministry of Justice, the Foreign Office and the Ministry of Labour and Social Affairs). She also met civil society organizations and the independent German Human Rights Institute.

<sup>132</sup> Namely CIW, Fair Food USA, National Economic Social Rights Initiative (NESRI), ECPAT USA, ICMEC, NCMEC, Free the Slaves, TraCCC, Jenner & Block LLP, ILO, Fair Fund, Shared Hope, Vital Voices, OSI, City Bar Justice Center Immigrant Women & Children Project; the Urban Justice Center and the survivor-led NGO Courtney’s House.

The meetings provided the opportunity to explore future collaboration in raising the profile of the fight against domestic servitude, the role of corporate social responsibility as a strategic tool to combat trafficking and raise awareness about the link between corruption and trafficking in human beings.

On 20 September 2010, the SR contributed to the High-level Ministerial Round Table Discussion “Towards Strengthening the External Dimension and Partnerships in Preventing and Combating Trafficking in Women. The Future of the EU Anti-Trafficking Policy in the Lisbon Treaty Era” held in Vienna. Ministers, Deputy Ministers and senior officials from 11 participating States, the EU Presidency, the European Commission and the EU Parliament, as well as from a few international organizations attended the meeting which launched a new regional co-operation initiative<sup>133</sup> to tackle trafficking in human beings led by the Austrian Federal Minister for Women and Public Administration, with the Austrian Institute for International Affairs (OIIP) and IOM. At the event, the SR called for acknowledging trafficking for labour exploitation as an international priority and focused on domestic servitude - a particularly invisible form of trafficking disproportionately affecting women and girls.

In the course of 2010, the SR held bilateral consultations with UK officials. On 23 February 2010, the SR met with representatives of the UK Home Office and discussed their experience in tackling trafficking in human beings. With the support of the United Kingdom Delegation to the OSCE, on 27 September 2010, the SR met with the UK Secretary of State for Justice in Vienna and discussed issues related to victims’ access to justice. The SR briefly introduced the OSCE’s, especially ODIHR’s, work on compensation and the European Action for Compensation for Trafficked Persons COMPACT which is led by the NGOs Anti-Slavery International and La Strada International. Both meetings provided fruitful opportunities to discuss possible future areas of collaboration between the OSCE and the UK Government.

On 14 October 2010, the SR moderated two roundtables on the involvement of the Judiciary in the fight against trafficking in human beings, within the Expert Meeting “Monitoring Mechanisms in the Fight against Human Trafficking”, organized in The Hague by the Bureau of the Dutch National Rapporteur on Trafficking in Human Beings. The objective of the meeting, in the context of the celebration of the tenth anniversary of the establishment of the Dutch National Rapporteur, was

the exchange of good practices in five areas: monitoring and Rapporteurship, involving the Judiciary, victims, partnership, and exploitation outside the sex industry.

### 2.3.4 Supporting the Work of the Kazakh OSCE Chairmanship and the Delegations of Participating States

In 2010, the Special Representative worked in close collaboration with the Kazakh OSCE Chairmanship that chose human trafficking as a priority of its year in office, focusing in particular on child trafficking. In this regard, the SR contributed to the forward-looking discussions on child trafficking held during the Warsaw and Astana segments of the 2010 OSCE Review Conference. Furthermore, in an effort to support the Kazakh OSCE Chairmanship towards the preparations of the OSCE Summit in Astana, the SR produced a food-for-thought paper on THB highlighting the cross-dimensional nature of the phenomenon as a gross human rights violation and a serious transnational threat to security.

At the request of the Kazakh OSCE Chairmanship, on 20 May 2010, the SR addressed the Permanent Council and outlined the main drivers, challenges and thematic priorities guiding her work in the implementation of the mandate. Delegations expressed strong support for the SR’s cross-dimensional and comprehensive approach to THB and encouraged her in advancing the OSCE anti-trafficking agenda, building on the legacy of her predecessors, and in co-operation with participating States, Partners for Co-operation, civil society and international organizations, especially within the framework of the *Alliance against Trafficking in Persons*.

Throughout the year, the SR has also maintained a regular and fruitful dialogue with the delegations of the OSCE participating States and Partners for Co-operation in Vienna and co-operated with the Human Dimension Committee and the Security Committee. The Human Dimension Committee has been a central forum for discussion and consultations with the participating States on the implementation of OSCE anti-trafficking commitments. Recognizing the essential role of the Committee, the SR addressed the Committee at the beginning of her mandate to present and discuss her priorities and workplan, as well as with the aim of catalyzing political will to address trafficking as modern-day slavery (Vienna, 15 April 2010). The SR also addressed the 2010 OSCE Annual Security Review Conference on “Transnational threats and challenges” and highlighted the cross-dimensional and organized crime aspects of

<sup>133</sup> The initiative is titled “Austria and Neighbouring Countries – Preventing and Combating all Forms of Trafficking in Women: Improving Transnational Coordination and Cooperation; Developing and Strengthening Networks and Partnerships with Third Countries”.

THB as a serious transnational threat to security (Vienna, 14 June 2010).

In an effort to illustrate the massive scale and organized crime nature of trafficking, the SR organized a round table discussion for delegates of OSCE participating States on the occasion of the launch of the publication *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime* released by the OSR with the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) (Vienna, 23 March 2010).

With a view to illustrating the co-operation, co-ordination and joint work of OSCE institutions and structures working on anti-trafficking, the SR convened a briefing for Human Dimension delegates on the OSCE action against THB with contributions from ODIHR, OCEEA and SPMU (Vienna, 28 July 2010).

Finally, another important area of co-operation with participating States is the support provided to the incoming 2011 Lithuanian OSCE Chairmanship by participating in the meeting organized by the Lithuanian MFA with representatives of the 2011 OSCE Chairmanship and a wide range of relevant ministries and institutions (Vilnius, 27-28 January 2010).

### 2.3.5 Promoting the Implementation of OSCE Commitments

#### ***Alliance against Trafficking in Persons, "Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude"***

On 17-18 June 2010, the SR hosted the tenth *Alliance against Trafficking in Persons* conference which focused on trafficking for domestic servitude and aimed at advancing the implementation of OSCE anti-trafficking commitments. The two-day conference was the first high-level event on one of the most invisible forms of trafficking for labour exploitation in the OSCE area. The event brought together over 250 participants, including senior government officials, and national co-ordinators and rapporteurs from 50 countries, as well as more than 75 representatives from international and non-governmental organizations, law enforcement agencies and trade unions. Speakers highlighted the specific features of this form of trafficking in human beings, including the challenges involved in identification and detection of the phenomenon, its gender, child and migration dimensions, the complexities of victim assistance and access to justice



Photo exhibition "Esclavage domestique" by Comité Contre l'Esclavage Moderne Tenth *Alliance against Trafficking in Persons* Conference (Vienna, 17-18 June 2010)

Copyright OSCE/Sarah Crozier

and the challenges of investigation and prosecution of offenders. Participants also discussed good practices and challenges in prevention of domestic servitude. Alongside the event there was a photograph exhibition, as well as the screening of a documentary film and a debate with the film director.<sup>134</sup> The conference provided an excellent forum to gather expertise, exchange good practices and develop recommendations on what more can be done to tackle the issue of trafficking for domestic servitude. It is remarkable to note that following the conference, some participating States such as Austria have been working on advancing measures to prevent trafficking for domestic servitude by employers enjoying diplomatic immunities and privileges.<sup>135</sup>

An evaluation survey was sent out to all participants and speakers after the Conference. Participants highly appreciated the overall organization and the innovative content of the Conference, as well as the added value of the exhibition and the documentary film. The survey also indicates that the Conference has affected participants' approach to trafficking for domestic servitude, especially practitioners and NGOs, in terms of better understanding the nature of this form of labour exploitation, interest and motivation to address it more effectively.

The OSR will publish soon an occasional paper on trafficking in human beings for the purpose of domestic servitude highlighting the phenomenon and summarizing conference proceedings and recommendations.<sup>136</sup>

<sup>134</sup> See Section on "Raising Awareness: Towards an Anti-slavery Abolitionist Movement" at page 48.

<sup>135</sup> On 13 October 2010, the Austrian Federal Ministry for European and International Affairs updated the Note Verbale BmeiA-AT.1.35.01/0032-I.1b/2010 informing diplomatic representations accredited in Austria of the additional requirements for the employment of private domestic staff by persons enjoying privileges and immunities.

<sup>136</sup> See also Section "Improving Knowledge on Human Trafficking" on page 49.



## **Regional Meeting of National Anti-Trafficking Co-ordinators**

On 29 October 2010, the OSR in co-operation with the ODIHR and relevant OSCE field operations convened a Regional Meeting of National Anti-Trafficking Co-ordinators in Vienna. The meeting brought together representatives of 14 OSCE participating States from South-Eastern Europe, South Caucasus, and a few other countries with experience in the fight against trafficking for labour exploitation. The meeting focused on sharing and discussing progress and challenges in the prevention and prosecution of trafficking for labour exploitation, as well as in providing access to justice and assistance to the victims. Moreover, the event aimed at promoting the implementation of OSCE anti-trafficking commitments, and particularly the MC Decisions No. 14/06 and No. 8/07 on labour trafficking, as well as at fostering regional co-operation among countries of origin, destination and transit for trafficking. Participants at the meeting appreciated the opportunity to have an open and fruitful exchange of experiences and practices and to establish contacts and network with each other.

## **Capacity Building**

In 2010, the OSR continued its technical assistance mandate, often in co-operation with OSCE field operations, by means of capacity building work in several participating States through the (co-)elaboration and the (co-)delivery of targeted oriented training courses for professionals working in the anti-trafficking field, especially law enforcement personnel, to raise their skills in their anti-trafficking efforts. Whenever possible, the OSR encouraged civil society's participation in the training in order to increase co-operation with law enforcement to subsequently optimize the results of future investigations on trafficking in human beings and other related crimes. This section provides highlights of OSR capacity building work.

Based on the tenets of the OSCE Ministerial Decision on Highest Standards of Conduct and Accountability of Persons Serving on International Missions and Forces<sup>137</sup>, as well as on OSCE and NATO Codes of Conduct, the OSR contributed to the one-week training programme, organized twice a year by the NATO Partnership for Peace Training Centre in Ankara (Turkey). The training aims to provide NATO personnel with a basic knowledge of trafficking in human beings and raise awareness of

this phenomenon as a serious crime and human rights violation. The OSCE contribution (25-26 February 2010) focused on the human rights-based approach to THB, and aimed at preventing the involvement of NATO and Partners' personnel in facilitating trafficking or using the services of trafficked persons.

On 19-20 April 2010, the OSR provided technical assistance to the CIS International Training Centre in Minsk (Belarus) contributing to the training course "Counteraction to trafficking in human beings: the systems analysis, international cooperation and perfection of the law enforcement practices". 38 participants from the police, public prosecutors' offices, border services, State security service and law enforcement agencies of 11 CIS countries attended the training.

Between 16 and 19 May 2010, the OSR in co-operation with the CPC Border Unit assisted the OSCE Office in Minsk in the implementation of its project "Assistance to the State Border Guard Committee of the Republic of Belarus in reinforcing its Psychological Support Service" with a view to developing capacity to provide assistance to persons administratively detained for border violation, victims of trafficking in human beings, foreigners and citizens without citizenship, seeking for asylum, additional or temporary protection.

A three-day training session was held in Tashkent (Uzbekistan) in co-operation with the OSCE Project Co-ordinator in Uzbekistan from 25-27 May 2010. The OSR delivered a training for a group of investigators from police, national security service and prosecutors entitled "Investigating Human Trafficking: Challenges, Lessons Learned and Best Practices". The training aimed at promoting a human rights approach in the identification and investigation of trafficking cases. The training also focused on special investigative techniques, including video surveillance, audio surveillance, observation reports and the use of intelligence.

From 1 to 5 November 2010, the OSR delivered a training in co-operation with the OSCE Border Management Staff College (BMSC) in Tajikistan for personnel of border-related agencies such as Border Police/Guards, Customs, Drug Control Agencies from OSCE participating States and Partners for Co-operation, with a focus on Central Asian countries and Afghanistan. The training covered all aspects of trafficking issues including legal framework, international conventions, trafficking as a grave violation of human rights, victim and witness support, criminal and global profile, investigative principles and intelligence gathering, operational methodology, and international police co-operation.

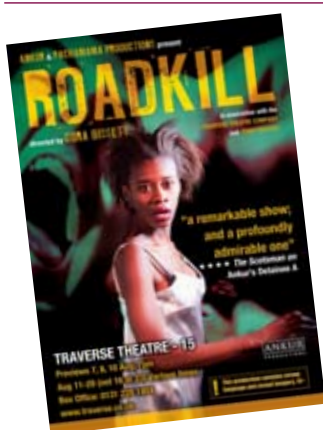
<sup>137</sup> OSCE Ministerial Council, *Decision No. 16/05 Ensuring the Highest Standards of Conduct and Accountability of Persons Serving on International Forces and Missions* (Ljubljana, 6 December 2005).

### 2.3.6 Raising Awareness: Towards an Anti-slavery Abolitionist Movement

In 2010, in order to build an initiative similar to an anti-slavery abolitionist movement, the OSR has established contacts and developed partnerships to work with a broad array of social actors, including intellectuals, opinion leaders, arts practitioners and cultural innovators, teachers and students, and media professionals.

Here are some examples of co-operation in this innovative area:

In late May 2010, the SR met a number of cultural actors in Scotland and attended a rehearsal of the theatre production “Roadkill” which recounts the real-life story of a Nigerian girl trafficked to the United Kingdom for sexual exploitation. The meetings provided the opportunity to discuss the important role that “real story-telling” can play in preventing and combating trafficking in human beings. The SR also outlined the need for a network of committed arts practitioners and cultural actors in the fight against trafficking in human beings. More specifically, it was underlined that awareness raising cannot stop at a production alone, but should aim to complement performances with (multidisciplinary) workshops aimed at both awareness raising and capacity building. The company staged the production three times during 2010, most notably during the Edinburgh International Fringe Festival, where among its many other honours and recognitions, it received the Amnesty International Freedom of Expression award.



**Billboard of “Roadkill”  
by Cora Bisset  
(Glasgow, UK)**

Photo by Tim Morozzo, Designed by Jason Brown (Greenlight Creative)

A photo exhibition on the occasion of the tenth *Alliance against Trafficking in Persons* Conference (Vienna, 17-18 June 2010) highlighted the often hidden issue of domestic servitude by depicting the buildings in which victims have been forced to work. “*Esclavage domestique*”, hosted by the OSR and supported by the Permanent Representation

of France to the OSCE, is a unique exhibition developed by the French NGO *Comité contre l’esclavage moderne* (CCEM) that tells the stories of 19 victims of trafficking in human beings and their way out of domestic slavery. Each image is accompanied by a short text detailing the plight of a trafficked and abused woman. The collection of their testimonies raises awareness about domestic servitude.

On the same occasion, the documentary film on domestic work by Belgian film maker Jorge León “*Vous êtes servis*” was also screened. Filmed in Yogyakarta, Indonesia, in 2009, the documentary centres on a recruitment centre where women undergo training to become maids. In juxtaposition to these moving images that depict aspects of this training are numerous photo stills, over which a single voice reads from a number of authentic letters to detail real-life stories where the hopes of numerous migrant maids to secure economic prosperity for their families back home have turned into nightmares where they are overworked or mistreated, and reduced to a state of slavery. Following the screening, the SR chaired a one-hour discussion with Jorge León.

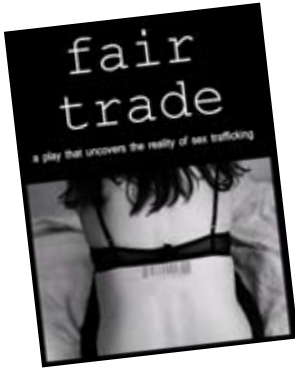


Screened during the Tenth OSCE *Alliance against Trafficking in Persons* Conference “Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude” (Vienna, 18-19 June 2010), the **documentary film “*Vous êtes servis*” by Jorge León (2010)**

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In London, on 23 July 2010, the OSR met Shatterbox, a theatre company dedicated to new writing and issue-based work, with particular emphasis on awareness raising. Following a performance of “Fair Trade”, partially a verbatim theatre production recounting in parallel the stories of two women trafficked to the UK for sexual exploitation and one of Shatterbox’s key projects, the OSR participated in a panel discussion. Touring extensively throughout 2010 including the Edinburgh International Fringe Festival, Shatterbox contributed to placing trafficking for sexual exploitation at the forefront of the social and political agenda.

On the occasion of the SR’s participation the “Monitoring Mechanisms in the Fight against Human Trafficking” (The Hague, 14 October), hosted by the Bureau of the



Billboard of  
“Fair Trade”  
by Shatterbox  
(London, UK)

Dutch National Rapporteur on Trafficking in Human Beings, the SR met various members of the Helen Bamber Foundation, including founder Helen Bamber. The meeting provided the opportunity to discuss various issues, including the foundation’s advocacy and assistance programmes especially dealing with recovery from trauma targeting victims of torture and trafficking in human beings, as well as its outreach activities, especially toward the youth and cultural sectors. A meeting with actor and screenwriter Emma Thompson, Chair of the Foundation’s Board of Trustees, followed with plans to meet again in early 2011 to discuss in more detail specific project ideas.

On 23 April 2010, the SR joined American journalist E. Benjamin Skinner and others to form an expert panel discussion on trafficking in human beings organized by the Embassy of the United States and IOM in Vienna. Entitled “A Crime So Monstrous” after Mr. Skinner’s 2008 publication, the discussion focused on the current situation of THB, national strategies to combat this phenomenon, transatlantic efforts to stem trafficking, and innovative methods of prevention. The SR underlined the important contribution that “real story-telling” brings to tackling the issue.

The OSR Deputy Co-ordinator participated in a conference entitled “2009-Transformation of the Media in the Modern World” organized by the Moscow State University Journalism Faculty, on a panel on media coverage of gender, migration and THB issues, organized together with the Russian Union of Journalists (Moscow, Russian Federation, 11 February 2010). The event was well attended, including by journalism students and members of the faculty, including the Dean who expressed an interest in developing a specialized curriculum on media and combating THB within the Moscow State University Journalism Faculty curricula, which, if successful, could possibly serve as a model for journalism faculties’ curricula elsewhere in the Russian Federation and in other OSCE participating States.

Furthermore, in order to promote the critical role of the media in making trafficking visible and reporting sensitively, the SR met with journalists in various participating States and the OSR began to develop initiatives aimed at building national networks of committed professional journalists/opinion makers in the OSCE participating States.

In 2010, the OSR started to explore partnerships with universities that have already developed student initiatives and focused educational programmes on trafficking in human beings, specifically in law faculties, and in international development, human rights, public affairs and public health studies. The OSR also initiated discussions with academics from other disciplines including film studies and creative writing.

### 2.3.7 Improving Knowledge on Human Trafficking

With a view to overcome the lack of knowledge on the criminal aspects of trafficking in human beings, in 2010, the OSR, in co-operation with UN.GIFT, facilitated the research *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime*<sup>138</sup>, carried out by globally recognized experts in the fields of criminology, social science, migration, gender, and trafficking in human beings. This research was designed to provide a new perspective on trafficking still viewed by many through the lens of illegal migration. The research includes various models and cases, addresses the challenging area of the prevention of this lucrative crime in the first place, and contributes to awareness raising, improving knowledge of this complex issue in the participating States. Its business model analysis helps to identify crucial elements to consider when designing and implementing anti-trafficking legislation, policies and interventions. The research was published and widely distributed among participating States and international organizations, and is being translated into Russian.<sup>139</sup>

On the occasion of the tenth *Alliance against Trafficking in Persons* Conference “Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude” (Vienna, 17-18 June 2010), the OSR presented the *Background Paper on Trafficking in Human Beings for the Purpose of Domestic Servitude*. The paper - based on field work and case study analyses, illustrates the way domestic work is organized; the features of trafficking for domestic servitude; practices in raising awareness and prevention; challenges in identification, taking into

<sup>138</sup> Available at <[www.osce.org/item/45167.html](http://www.osce.org/item/45167.html)>, accessed 18 November 2010.

<sup>139</sup> See also page 51 on co-operation with UN.GIFT.

account the isolation faced by these workers; the lack of access to private households for law enforcement; and the inability of exploited workers to seek refuge and assistance. The paper calls for the need for deeper knowledge of this hidden form of trafficking, and the full protection of the rights of its victims, and of domestic workers in order to prevent their exploitation for the purpose of domestic servitude. The OSR will publish soon this work in the form of an occasional paper on trafficking in human beings for the purpose of domestic servitude, highlighting the phenomenon and summarizing the *Alliance* conference proceedings and recommendations. The occasional paper will be later translated into Russian to provide a broader access to this important source of information to practitioners and NGOs using Russian as an official or working language.

In 2010, the OSR commissioned a research, a two-part background paper on codes of conducts. The first part looks at the implementation and enforcement of codes of conduct in the private sector to reduce demand for the services of or goods produced by people who have been trafficked. The focus is on the actions that employers and businesses can take to ensure that people are not trafficked into situations of labour exploitation in their workplaces or those of their suppliers. The research places the development of codes against forced labour and trafficking in human beings also in the context of corporate social responsibility and accountability initiatives to promote respect of international human rights standards, notably those most relevant in the workplace. The study looks at the kinds of systems that are necessary to detect abuses or practices which could result in abuse. It explores the possibilities to develop policies to prevent abuse in labour recruitment and throughout supply chains of products and services in the private sector.

The second part focuses on the implementation and enforcement of codes of conduct, zero tolerance policies and other policies that address the demand for exploitative labour and commercial sex in military and international organizations (including policies of Ministries of Defence, NATO policies to be enforced by individual governments, and codes of conduct for UN peacekeepers and employees of UN agencies and international organizations, including OSCE, working in post-conflict and humanitarian disaster situations). The aim of this draft paper is to take stock of existing policies in military and international organizations that address demand; to identify promising and best practices in developing, financing, implementing, monitoring and enforcing codes of conduct to combat trafficking both for labour and sexual exploitation; to identify what capacity building and awareness training

is being conducted by OSCE participating States and international organizations active in the region; to identify how such codes could be used on a more widespread basis; and to develop recommendations on the key components of such codes in the OSCE region. The research will be published in 2011.

### 2.3.8 Strengthening Co-operation with External Partners

#### ***Alliance against Trafficking in Persons***

In 2004, upon the initiative of the first SR, the OSCE established the *Alliance against Trafficking in Persons* – an informal platform for co-operation between the OSCE and major international organizations and NGOs recognized for their active human rights stand against modern slavery. The *Alliance* aims to combine the efforts of its over 40 members to develop joint strategies and set a common agenda to stamp out modern slavery. The *Alliance* is a good example of how the OSCE can work in a strong partnership to address transnational threats. The *Alliance's* annual high-level conferences and technical seminars held in Vienna bring the best possible knowledge and expertise to the participating States and, at the same time, provide a global perspective on anti-trafficking activities being undertaken by the international community. The *Alliance* Expert Co-ordination Team (AECT) meetings, convened by the OSR twice a year, serve as a consultative forum for the *Alliance* partners and provide an opportunity to exchange work plans, identify gaps, examine evidence to determine priorities, approaches and best practices and plan possible joint actions.

In 2010, the spirit of the original *Alliance* was renewed by engaging in bilateral and multilateral dialogue with the various partners to consolidate existing partnerships and expand membership. A larger partnership is in fact crucial to step up the anti-trafficking action, especially in the field of trafficking for labour exploitation but not only. The SR consulted with the AECT members on current trends in anti-trafficking action and shared with them her analysis of the situation and challenges ahead. Fruitful discussions in the AECT helped advance a common strategic approach and renew the commitment to join efforts and secure synergies in advocacy and in field work. Upon the initiative of the SR, the AECT issued a “Joint Statement on Child Protection, Especially among Migrant, Undocumented, Unaccompanied, Separated and Asylum Seeking Children, to enhance Prevention of Child Trafficking”, which was presented at the OSCE Review Conference in Warsaw (8 October 2010).

## Co-operation with International Organizations

### United Nations General Assembly

For the first time since the OSR establishment, on 31 August 2010, an SR was invited to speak before the UN General Assembly in New York on the occasion of the High-Level meeting to formally launch the United Nations Global Plan of Action against Trafficking in Persons. In her address, the SR underlined that such an initiative should encourage States to redouble their efforts and resources to effectively and fully implement the UN Anti-trafficking Protocol and other international instruments to combat this crime. She called for support for a United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, especially women and children, envisaged by the Action Plan, saying it was important to ensure that it brings direct benefit to trafficked persons. She also called for improved social inclusion of trafficked persons, more focused and effective law enforcement and criminal justice action, and more innovative approaches to prevent trafficking in human beings.

### UNODC

Since 2000, the OSCE has been consistent in urging participating States to become parties to the UN Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The OSR continues to work with Parliamentarians and policy-makers to implement the commitments taken by the OSCE participating States with regard to the Convention and the Protocol. The Office, having contributed to the elaboration of a practical tool – the *International Framework for Action to Implement the Trafficking in Persons Protocol*, closely collaborates with the UNODC in this crucial area.

There are multiple formats of co-operation between the OSR and the UNODC that add value to the efforts of our organizations in the fight against modern slavery, the initial one, since 2004, being the *Alliance against Trafficking in Persons* and its Expert Co-ordination Team. In 2010, the SR and her Office participated in a number of events organized by the UNODC and vice-versa; the two organizations have also contributed jointly to training or experts conference (e.g., regular training for the law enforcement, migration and border officials at the Partnership for Peace Training Centre in Ankara and at the CIS International Training Centre on Migration and Combating Trafficking in Human Beings).

### UN.GIFT

Co-operation under the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) and the role of the OSCE in this partnership have developed significantly in 2009-2010. International organizations represented in the Steering Committee (UNODC, UNICEF, UN OHCHR, ILO, IOM and OSCE) managed to overcome temporary shortages of transparency in the decision-making and found the right tuning for making this format viable and practical, having due respect to the mandates of each member of the UN.GIFT Steering Committee and sharing the same values. The OSCE will enhance its efforts in contributing to the common cause. The OSR was engaged in the independent evaluation of the UN.GIFT, in its future strategic planning, and in the implementation of numerous initiatives, such as participating in the final selection of project proposals for the UN.GIFT Small Grants Facility to support civil society organizations. The OSR also co-operates with the UN.GIFT to enhance exchange of information about UN.GIFT activities and co-ordination with the various OSCE structures, institutions and field operations working on trafficking in human beings.

In 2010, the OSR concluded the implementation of a UN.GIFT Expert Group Initiative Project, with the publication of an innovative research *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime*.<sup>140</sup>

### UNICEF

The SR engaged in bilateral consultations with UNICEF in New York to discuss prospects for future co-operation within the *Alliance*, especially in areas of prevention of child trafficking and child protection. UNICEF representatives stressed the importance of child protection systems, to prevent THB among marginalized children and shared its work trying to promote the participation of children in reporting to ensure that their voice was heard. Furthermore, UNICEF representatives supported the SR's idea to work with academics, universities and youth on combating THB, and suggested developing and institutionalizing train-the-trainer programmes at training institutes, universities, and schools for sustainability.

### UN OHCHR

On 27-28 May 2010, the SR participated in Geneva in the Seminar on "A Human Rights Approach to Combating

<sup>140</sup> See also page 49.

Human Trafficking: Challenges and Opportunities”. Organized by UN OHCHR, the seminar aimed at identifying prospects and challenges in the development of rights-based responses to trafficking in human beings, experiences and good practices in implementing the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* at the national level. The seminar was also held with a view to facilitating the preparation of the Report by the UN Special Rapporteur on Trafficking in Persons on the implementation of the *Recommended Principles*.

On the margins of the seminar, the SR held a few bilateral meetings with the ILO, the IOM and UNHCR (Geneva Office). All agencies welcomed the intention of the SR to expand the *Alliance against Trafficking in Persons* and develop further co-operation in this unique format.

The OSR Deputy Co-ordinator participated in the Consultation of the UN Special Rapporteur on trafficking in persons, especially women and children, on “the role of regional and sub-regional organizations in international efforts to counter human trafficking especially in women and children” held on 4-5 October 2010 in Dakar, Senegal. This consultation included regional organizations from Africa, the Americas, Asia, Europe and the Middle East, and focused on discussions on regional approaches to a number of specific topics including normative and institutional frameworks, prevention of trafficking, victim protection, co-operation, and public/private partnerships.

## ILO

Throughout 2010, the OSR maintained an active and fruitful dialogue with the ILO and ILO-IPEC through the work of the *Alliance against Trafficking in Persons and its Expert Co-ordination Team*. Furthermore, the SR had bilateral consultations with the ILO Forced Labour Programme to further consolidate partnership within and beyond the *Alliance* given the SR thematic focus on trafficking for labour exploitation, and in particular the sectors of domestic work and construction.

On 10-11 May 2010, the OSR contributed to “The Hague Global Child Labour Conference – Towards a World without Child Labour” which was organized jointly by the Ministry of Social Affairs and Employment of the Netherlands and ILO-IPEC. The Conference launched the new ILO Global Report on Child Labour, entitled “Accelerating action against child labour”. It also adopted the *Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016* highlighting the worldwide

efforts to counter child labour, including child trafficking, and to identify common policy approaches to address the issue.<sup>141</sup> The OSR contributed to the discussion of the Roadmap with detailed comments to the draft, especially the idea of highlighting child trafficking in the text of the Roadmap. The OSR proposals were accepted and reflected in the final text of the Roadmap.

## IOM

A recent example of successful collaboration is the Office’s contribution to the editing and printing of the IOM’s *Handbook on Direct Assistance for Victims of Trafficking* in Russian translation.<sup>142</sup> This manual is widely used by NGO service providers as a practical guidance on how to assist victims from the initial contact and screening up to the effective social reintegration of the individuals concerned. The current edition ensures access to this effective tool for a wide spectrum of Russian-speaking NGOs.

Furthermore, the SR and her Office have participated in a number of events organized by the IOM, and equally, have involved IOM representatives in OSCE and *Alliance* conferences and seminars.

## Council of Europe

Aiming to further develop close co-operation between the OSCE and the Council of Europe (CoE), the SR and the President and Vice-President of GRETA held a special meeting organized by the Executive Secretary of the CoE Convention on Action against Trafficking in Human Beings on 22 June 2010 at the Council of Europe Office in Paris. The meeting was also attended by the CoE and OSCE Secretariats and representatives of the ODIHR Anti-Trafficking Unit. Fruitful and constructive discussions led to the agreement between the two parties to continue the practice of regular meetings in various formats and co-ordinate activities in the field of awareness raising and advocacy (including, where relevant, the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings), providing assistance to participating States and their national structures, upon request, especially in the field of training for relevant officials, and in the field of assessment and monitoring. The President of GRETA and the SR intend to increase

<sup>141</sup> ILO and Understanding Children’s Work, *Joining Forces against Child Labour. Inter-agency Report for the Hague Global Child Labour Conference of 2010* (Geneva, May 2010).

<sup>142</sup> Available at <[www.osce.org/cthb/item\\_11\\_43840.html](http://www.osce.org/cthb/item_11_43840.html)>, accessed 18 November 2010.

the impact of international activities by supporting anti-trafficking efforts in the participating States and avoiding unnecessary duplication.

During the fourth Meeting of the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (Strasbourg, 13 September 2010), the SR, who took part in a thematic debate on partnerships among international organizations active in the field of trafficking in human beings, placed strong emphasis on the importance of shared goals, thoroughly considered and tested recommendations, and direct and constructive feedback. She praised partnership among public institutions, non-governmental organizations, and international organizations as essential to effectively fight trafficking in human beings. As a matter of fact, the OSCE has worked actively promoting multidisciplinary and multi-stakeholder partnership in anti-trafficking action. Its 2004 initiative to establish the *Alliance against Trafficking in Persons*, was presented as a pioneering endeavour, and was highlighted in the conclusions of the Thematic Debate as an efficient form of partnership to be used by international organizations in the fight against modern slavery.

## EU

In 2010, the Special Representative has developed effective synergies in anti-trafficking work with both the Spanish and Belgium Presidencies of the EU, as well as with the European Commission, and in particular with the Directorate-General for Justice, Freedom and Security.

On 2 June 2010, the OSR participated in the second meeting of the EU Informal Network of National Rapporteurs and Equivalent Mechanisms on Trafficking in Human Beings that was organized by the Spanish Presidency of the EU and the European Commission.

On 9-10 June 2010, the SR held bilateral consultations with representatives of the Cabinet of the European Commissioner in charge of Home Affairs, of the European Commission Directorate-General RELEX and Directorate-General for Justice, Freedom and Security, representatives of the EU Parliament, as well as with representatives of the then incoming Belgian EU Presidency. Meetings provided fruitful opportunities for discussing legislative developments for a new directive on THB, linkages between THB and money laundering, as well as policy developments related to the establishment of an EU anti-trafficking co-ordinator, and to the EU Network of National Rapporteurs and equivalent mechanisms.

On the fourth European Anti-Trafficking Day “Towards a multidisciplinary approach to prevention of trafficking in human beings, prosecution of traffickers and protection of victims?”, organized by the Belgian EU Presidency and the European Commission in Brussels on 18-19 October 2010, the SR contributed to the Panel on “Partnership – Exchange of best practices. The role of the private sector”. She illustrated the OSCE approach and efforts aimed at promoting corporate social responsibility and accountability through the use of codes of conduct and anti-trafficking policies. The goal is to prevent the use of trafficked persons throughout supply chains of products and services, also through strongly advocating for decent working conditions and for the full respect of human rights in the workplace.

“The risk we face is that trafficking becomes a structural component of sectors such as agriculture or construction, as organized criminal groups take advantage of the vulnerable position of workers, as well as of the multiple opportunities of a globalized economy.”

SR - Fourth European Anti-Trafficking Day  
Brussels, 19 October 2010

Among other examples of such good co-operation, it is worth mentioning the OSCE participation in the EU Expert Group on Trafficking in Human Beings, which, *inter alia*, advised the European Commission in its work towards the development of a EU Anti-trafficking Strategy.

## CIS

In Moscow, on 29 September 2010, the SR addressed participants in the workshop “Enhancement of Interaction among CIS Bodies of Sectoral Cooperation in Combating Organized Crime and Human Trafficking” co-organized by the CIS Executive Committee and IOM Moscow. The SR’s highlighted the OSCE work to enhance the criminal justice response to trafficking in human beings, and OSR capacity building activities for law enforcement and prosecutors in various CIS countries. Furthermore, the meeting provided an opportunity to present and discuss the SR’s plans to initiate a network of law enforcement and prosecutors of OSCE participating States to share best practices and exchange experience to meet the challenge of trafficking in human beings as a transnational threat and a gross human rights violation.

The OSR also co-operated with the CIS International Training Centre in Minsk (Belarus, 19-20 April 2010) contributing to the training course “Counteraction to trafficking in human beings: the systems analysis,

international cooperation and perfection of the law enforcement practices”.<sup>143</sup>

### **International Anti-Corruption Academy (IACA)**

The SR addressed combating trafficking in human beings and corruption in the session on “Preventing and Combating corruption – a global answer to a global scourge” at the Inaugural Conference of the International Anti-Corruption Academy (IACA) entitled “From Vision to Reality: A New and Holistic Approach to Fighting Corruption”, on 3 September 2010, at the Hofburg, in Vienna, Austria. In her speech, the SR emphasized that corruption has been underestimated as an essential underlying factor of THB, as both a causal factor and a consequence of THB, including how current features of trafficking in human beings are linked to the systemic involvement of corrupt officials.

### **ICMPD**

On 27-28 May 2010, the OSR Deputy Co-ordinator participated in Zagreb (Croatia) to the ICMPD Final Regional Seminar of the “Programme for the Enhancement of Anti-trafficking Responses in South Eastern Europe: Data Collection and Information Management - Phase II Data Processing, Maintenance and Analysis”. On this occasion, the OSR Deputy Co-ordinator emphasized the importance of co-ordinated anti-trafficking responses and reiterated that the OSCE calls for National Co-ordinators, Interagency co-ordinating bodies, and National Action Plans.

### **INTERPOL**

The OSR attended the first INTERPOL Global Trafficking in Human Beings Conference organized in Damascus (Syria) on 7-9 June 2010. The conference addressed important topics, namely the structures of organized crime groups dealing with trafficking in human beings, modus operandi, trends, routes, aspects and difficulties in international co-operation. The OSR gave a presentation on the OSCE political and operational framework to assist the participating States in the implementation of the anti-trafficking commitments.

### **NATO**

The OSR continued its co-operation with the NATO Partnership for Peace Training Centre in Ankara (Turkey) in delivering a training module on THB for NATO personnel. Furthermore, the OSR held a presentation on its anti-trafficking work during the Symposium hosted by the NATO Defence College in Rome (1-4 August 2010), home of NATO’s outreach programmes to the Gulf, Middle East, and North Africa through the Mediterranean Dialogue and Istanbul Co-operation Initiative. The goals were to facilitate regional dialogue, to build confidence, and to co-operatively develop an understanding of the evolving security challenges facing the region. Representatives of Ministries of Defence attended the symposium, many of whom are in or will be assigned to strategic planning or political-military advisory positions at higher levels of command.

### **FATF**

The OSR enhanced co-operation with the FATF - Financial Action Task Force on Money Laundering (an inter-governmental body aiming to develop and promote national and international policies to combat money laundering and terrorist financing). On 16-18 November 2010, the OSR contributed to the FATF Workshop on “Money laundering vulnerabilities arising from the trafficking in human beings and the smuggling of migrants” (Cape Town, South Africa) and the first joint meeting of the FATF and the Egmont Group of Financial Intelligence Units on money laundering and terrorist financing typologies. Partnership with these organizations, as well as with other national and international institutions working on THB and money laundering, will be developed further in 2011, in close co-operation with the OCEEA and the UNODC, to support capacity building for law enforcement, prosecutors and judges on financial investigation and other related anti-trafficking issues.

<sup>143</sup> See section on “Capacity Building” for more details, on page 47.



## ***Co-operation with Civil Society Organizations***

In the course of 2010, the OSR further strengthened its co-operation with NGOs through supporting NGO initiatives in the area of prevention of child trafficking and access to justice for victims of trafficking.

For example, the OSR supported a Project “Preventing Human Trafficking in Children without Parental Care in the Republic of Moldova” (2010-2011) aiming at sustainable social and professional integration of children at risk and offering decent alternatives for them in the country. The Project includes life skills education through ad hoc trainings, enrollment in vocational training courses, assistance in obtaining free of charge accommodation (or, if necessary, funds for accommodation) and material support, as well as support in finding appropriate employment. Funded by the Principality of Monaco, Liechtenstein, Andorra, and San Marino, the project envisages co-operation with national and local public authorities.

The OSR developed further its fruitful collaboration with the Russian NGO “Stellit”, a strong advocate for children’s rights and a service provider with a good track record of outreach work with vulnerable groups in the North-West of Russia. The Office continued supervising a project “Help and Hope: Prevention of Commercial Sexual Exploitation of Children in Saint-Petersburg” (a new phase for 2010-2012), generously funded by the Principality of Monaco. The project, focusing on prevention, identification and assistance, will decrease children’s vulnerability and contribute to the quality of care services for children in need by developing comprehensive trainings and disseminating information in four municipal institutions of Saint Petersburg and among professionals dealing with child victims in five other districts of the Russian Federation.

OSR was also engaged in supporting a COMP.ACT project co-funded by the European Commission, led by La Strada International and Anti-Slavery International and designed to promote access to justice and right to redress for trafficked people. On 2 July 2010 in Prague, (Czech Republic), the SR participated in the launch of the initiative, involving 14 European countries and combining practical work, research, test cases, and the development of guidelines for professionals with international advocacy and campaigning for the empowerment of trafficked persons through effective compensation, legal counselling and representation in criminal and civil proceedings, as well as access to appropriate State compensation funds.

# 3. STEPPING FORWARD: CHALLENGES AND FUTURE PERSPECTIVES

Trafficking in human beings undermines the principles of a democratic society, the rule of law, respect for individual rights, as well as national and international security.<sup>144</sup> It has become a serious transnational threat and a real challenge for the participating States.

Since 2000, the OSCE has taken important and advanced political commitments to prevent and combat trafficking in human beings. Much progress has been made throughout the OSCE region during the past ten years, with the fundamental contribution of NGOs, as well as with the support of international organizations, the OSCE among them, through its Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR) and Secretariat Structures, its Office for Democratic Institutions and Human Rights (ODIHR) and its field operations.

Since its adoption in 2000, the Trafficking Protocol to the United Nations Convention against Transnational Organized Crime has been ratified by all but two OSCE participating States. 43 participating States have signed the Council of Europe Convention on Action against Trafficking in Human Beings and 30 of them have ratified it. In addition, National Co-ordination Mechanisms, National Action Plans, and National Monitoring and Reporting Mechanisms have been established in many participating States. At the regional level, action plans and programmes have also been adopted, such as the 2003 OSCE Action Plan to Combat Trafficking in Human Beings, the 2005 EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings, or the CIS Program of Co-operation to Combat Trafficking in Human Beings (2007-2010).

Although numerous good practices exist in the OSCE participating States, a significant gap between these various instruments and their actual implementation still exists. Moreover, the fight against trafficking in human beings has not provoked the consistent and sustained global response that it deserves and urgently calls for.

In 2010, the SR engaged in dialogue and consultations with the Kazakh OSCE Chairmanship, the participating States, the OSCE institutions, structures and field operations, as well as with partners in the *Alliance against Trafficking in Persons* to define her programme of work. Building on these consultations, the SR decided to focus her major work on four crucial areas to combat trafficking in human beings in the OSCE area and beyond: prosecution and criminal justice response; protection of victims' rights; prevention; and strengthening partnership. Furthermore, in line with the priorities of the Kazakh OSCE Chairmanship, the SR dedicated special attention to child trafficking.

## 3.1 Prosecution and Criminal Justice Response

Trafficking in human beings is acknowledged as a serious transnational threat to security and requires a robust, effective and deterrent response. However, the law enforcement and criminal justice response still remains largely inadequate. Reported criminal proceedings for trafficking in human beings are modest, and the criminal justice response is therefore incomparable with the massive scale of the crime. Moreover, only the final exploiters are targeted, mainly in the field of sexual exploitation, while the level of penalties remains low compared to the gravity of the crime, with no seizure or confiscation of the proceeds of the crime carried out in the vast majority of cases. As a consequence, trafficking in human beings remains a low risk crime compared to other types of organized crime.

In order to raise the profile and quality of the law enforcement and criminal justice response, more sophisticated investigation techniques should be used on a regular basis. This will enable law enforcement to detect and disrupt entire transnational criminal networks rather than arresting only individual criminals – typically the final exploiters – or the smaller fish.

<sup>144</sup> L. Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press: New York, 2010).

As trafficking in human beings is a profit-driven crime, it is imperative to find, freeze and forfeit the proceeds of the crime. This requires the use of financial investigation on a routine basis as well as on a larger scale. As opposed to cases related to drug trafficking, this investigative tool is so far underutilized or, in reality, almost never applied in cases of trafficking in human beings. The use of financial investigation is particularly important to trace the proceeds of the crime in the country in which such proceeds are usually reinvested and laundered, most notably in countries of origin. This requires decisive improvements in law enforcement and judicial co-operation, especially between the country in which exploitation takes place and the country where profits are reinvested.

Law enforcement and judicial experience show that the contribution of the victim is absolutely essential for successful prosecution. The protection of the victim, and of his or her rights should be ensured before, during and after criminal proceedings, not only to comply with clear obligations under international human rights standards, but also to promote successful investigation and prosecution.

It is important to note, however, that the collection of other evidence which is not dependent on a victim's testimony should be adequately valued. Intelligence resources should also be used to improve knowledge regarding major activities of organized crime, the emergence of new criminal or illegal markets, innovation in money laundering, and measures undertaken by criminal networks to counteract the criminal justice response.

Trafficking cases, especially for labour exploitation, are rarely qualified as such. Prosecutors and courts often apply related offences such as the withholding of wages or harbouring of aliens. This is due to a number of factors, but it is important to highlight particularly the interpretation of the notion of abuse of a position of vulnerability. This is currently a crucial problem as the evolving modus operandi of traffickers is increasingly becoming the use of subtle means of coercion rather than extreme violence.

A real challenge for law enforcement, prosecutors and judges, in both cultural and legal terms, is to understand that a person, although she or he has not been locked up in an apartment or in a workplace, could nevertheless be coerced to stay in an exploitative situation because she or he has no viable and acceptable alternative. In this respect, the OSR will promote further work with law enforcement and the Judiciary in the participating States, and continue to contribute to awareness raising, capacity building and training, including in co-operation with ODIHR, SPMU and field operations.

Another challenge is the failure to acknowledge that in some participating States public officials are involved in trafficking in human beings. In terms of prevention, it is necessary to enhance transparency of public administration activities, conduct awareness raising, and create and enforce codes of conduct for law enforcement, the Judiciary and international public officials. It is also necessary to establish control mechanisms and provide training.<sup>145</sup> At the same time, the criminal justice response to corruption in relation with trafficking in human beings should improve significantly. Few actions have been taken, and even fewer prosecutions have been undertaken where allegations of corruption have arisen. A long-term and multi-faceted strategy against trafficking in human beings and related corruption should be developed and efficiently implemented in all countries of origin, transit and destination.

## 3.2 Protection of Victims' Rights

A significant challenge in the area of protecting the rights of victims relates to increasing identification of victims, and ensuring that the protection of their rights is at the centre of all anti-trafficking responses.

The OSCE has long advocated for a multidisciplinary and human rights-based approach to victim identification embedded in the OSCE/ODIHR concept of National Referral Mechanisms. While a core principle of National Referral Mechanisms is institutional co-operation between state and civil society organizations, in the majority of OSCE participating States, NGOs are not granted an official role in the identification of trafficked persons. State law enforcement structures are therefore often the sole authority determining the status of victims. This may result in the non-recognition as trafficking victims of those who have no useful information for prosecution.

In order to improve victim identification and protection, it is necessary to broaden the multidisciplinary approach and create partnerships. Such approach should aim to secure the proactive involvement not only of NGOs but also of labour inspectors, trade unions and migrant rights organizations in the identification of cases and provision of assistance to victims, especially in the field of trafficking for labour exploitation.

<sup>145</sup> Anti-Slavery, Transparency International, UNODC, *The Role of Corruption in Trafficking in Persons* (2009), p. 30.

Indeed, another specific challenge is the provision of assistance to victims of labour exploitation. Victim support programmes have been established in numerous OSCE participating States thanks to the tremendous work of NGOs. Yet these programmes usually reach out to limited numbers of victims, are predominantly geared towards female adult victims of trafficking for sexual exploitation, and are of short-term duration. Social services and support schemes are limited and do not provide protection to victims of all forms of trafficking. This results in the lack of support for certain groups – for example, people trafficked for exploitation in agriculture, construction or other exploitative labour, and children or elderly people forced into begging or pickpocketing – having limited access to protection.

Moreover, hidden labour sectors require specific attention. The identification of invisible forms of trafficking for labour exploitation, such as domestic servitude, is a real challenge. Isolated trafficked workers, be they children or adults, do not have access to information and assistance, while the appropriate social service providers equally may not be able to reach out to trafficked workers without the help of an alert public. Therefore, it is necessary to build capacity in a systematic way and raise awareness to educate relevant actors and potential reporters of cases, including the general public. In this respect, the OSR addressed trafficking for the purpose of domestic servitude in its tenth *Alliance against Trafficking in Persons* Conference (Vienna, 17-18 June 2010) and will continue to play an important role in raising awareness on hidden forms of trafficking, and will promote further research regarding trafficking for labour exploitation in the construction sector.

The allocation of dedicated human and financial resources as well as systematic capacity building, not only contributes to improving assistance to and protection of trafficked persons, and enhances victim identification and the detection of trafficking crimes, but also leads to a more effective criminal justice response and results in bringing more perpetrators to justice. What is absolutely necessary to significantly raise the number of victims identified, is that a person be treated as a victim as soon as there is the slightest indication that she or he might have been subject to trafficking.

This approach is vital in the case of children so that any indication of trafficking triggers all the protection obligations envisaged in international standards with a view to securing the best interests of the child and a durable solution for her or his future. In practice, this requires the strong commitment of States to establish dedicated policies and resources to guarantee a

protective environment and a best interests determination process for every child on the territory of their State. In order to further intensify and consolidate efforts to eradicate child trafficking and prevent all forms of violence against children by ensuring full and effective respect for their rights, the OSR, through the *Alliance* Expert Co-ordination Team (AECT), presented the Joint Statement on Child Protection, Especially among Migrant, Undocumented, Unaccompanied, Separated and Asylum Seeking Children, to enhance Prevention of Child Trafficking within the framework of the 2010 OSCE Review Conference.

### 3.3 Prevention

The prevention of trafficking in human beings is an especially cross-dimensional issue for the OSCE. Trafficking is a transnational threat to individual and State security that requires co-operation between participating States. OSCE commitments call for prevention of trafficking for exploitation in all its forms, through addressing discrimination, gender mainstreaming, educational opportunities, and the consideration of the best interests of children. The OSR has chosen prevention as one of its thematic priorities, and in an effort to build a strategic and sustained approach to this work, is developing a concept paper for establishing a cross-dimensional extrabudgetary programme on prevention of trafficking in human beings.

Prevention also entails creating better economic opportunities for gainful employment as well as legal and safe migration, and ensuring good governance, the rule of law, and stronger anti-corruption mechanisms. Conflict prevention, as well as codes of conduct for military and international organizations working in post-conflict areas, can lessen the potential incidence of trafficking in human beings, as trafficking thrives on the chaos created by conflict and population displacement.

To better prevent this complex crime, it is essential to continue to deepen the knowledge on all aspects of trafficking, in all of its forms. To provide an evidence-based policy response, governments need to support targeted research on addressing the root causes of trafficking. Assessments of the effectiveness of national machineries, plans, and the impact of anti-trafficking programmes are vital to the improvement of prevention efforts.

Prevention should also be developed in the field of labour exploitation, for example by promoting codes of conduct and corporate social responsibility/accountability

initiatives aimed at preventing exploitative situations by ensuring better protection of workers throughout the supply chain. More generally, it is necessary to better explore concrete action especially aimed at protecting and promoting the rights of vulnerable groups, and minimizing the demand for cheap services that fosters trafficking in human beings.

An essential aspect of prevention is awareness raising. Trafficking is modern-day slavery and it is a widespread phenomenon. Awareness raising should therefore aim to build something similar to an anti-slavery abolitionist movement. Intellectuals, opinion leaders, parliamentarians, arts practitioners and cultural innovators, educators and students, media professionals, business leaders and the private sector, and the general public should all be engaged so that all possible actors become committed to the abolition of slavery.

### 3.4 Partnerships

In 2004, building upon the lessons learnt from the Stability Pact Task Force, and meeting the challenge of trafficking in human beings threatening all OSCE participating States, the SR initiated the establishment of a broader partnership, namely the *Alliance against Trafficking in Persons*, which has become a platform for co-operation for more than 40 international organizations and NGOs renowned for their outstanding anti-trafficking record.

The *Alliance* serves the goals valuable for both the *Alliance* Partners and the OSCE participating States. These include exchanging best practices and information, sharing experience, exploring new approaches to better tackle trafficking in human beings, establishing shared priorities and undertaking common initiatives, ensuring better co-ordination among international organizations. The *Alliance* is certainly a unique mechanism based on mutual trust and close partnership. As a matter of fact, partnership remains a vital instrument for any meaningful response to trafficking in human beings. For all these reasons, the SR intends to include in her future priorities the further strengthening and enlargement of the *Alliance*. A larger partnership is indeed crucial to step up the anti-trafficking action, especially in the field of trafficking for labour exploitation, which to date has not been adequately addressed worldwide. This is why the SR is considering to open the *Alliance* to new types of partners, such as trade unions, the private sector, migrant and worker rights associations.

### Conclusion

In conclusion, there is no doubt that the OSCE participating States have a decisive role in stepping up national and regional efforts in the fight against trafficking in human beings. Our future common commitment should start from acknowledging that trafficking in human beings exists as a widespread form of modern-day slavery and a component of illegal markets generated by organized crime. This situation requires a proactive approach aimed at simultaneously supporting and empowering trafficked persons in their aspiration to take their lives and their destinies into their own hands; stepping up the criminal justice response; and detecting emerging threats for security at the global and regional levels.

To this end, we need strong political will, adequate human and financial resources and concrete action on the ground. This is our common challenge for the coming years and we appeal to all countries of the OSCE region to take action to forge their cultural, social, political and legislative environment for a new understanding of trafficking in human beings as well as an understanding of the plight of trafficked persons with a view to promoting solidarity and a humane attitude towards the victims. Our common and first challenge is to protect their rights, freedoms and human dignity.

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## ANNEX 2: LIST OF KEYNOTE ADDRESSES AND INTERVENTIONS IN CONFERENCES, SEMINARS AND OTHERS EVENTS BY THE SPECIAL REPRESENTATIVE AND HER OFFICE

- 'Reviewing Implementation of the Human Trafficking Protocol: A victim centred approach'*, Side event to the *Second meeting of the Open-ended Intergovernmental Meeting of Experts on Possible Mechanisms to Review Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*, The Global Alliance Against Traffic in Women (25 January 2010, Vienna)
- Meeting of the open-ended interim working group on the Trafficking in Persons Protocol*, Conference of the Parties to the United Nations Convention against Transnational Organized Crime, UNODC (27-28 January 2010, Vienna)
- Visit of Experts of the OSCE Secretariat*, OSCE Chairmanship Division Ministry of Foreign Affairs of the Republic of Lithuania (28 January 2010, Vilnius)
- Karlsruhe Dialogues Organized Crime – Dark Sides of Globalization*, Karlsruhe Institute of Technology (KIT) ZAK | Centre for Cultural and General Studies (7 February 2010, Karlsruhe)
- Combating modern slavery: national, regional and international experiences*, 2010 Kazakh OSCE Chairmanship and the Ministry of Foreign Affairs of Mongolia (9-10 February 2010, Ulaanbaatar)
- 2009-Transformation of the Media in the Modern World*, The Union of Journalists of Russia and the Moscow State University Journalism Faculty (10-12 February 2010, Moscow)
- Informal discussion meeting about the issue of Human Trafficking*, European Union Agency of Fundamental Rights (17 February 2010, Vienna)
- Organized Crime and Trafficking in Human Beings Model Legislation*, CIS Conference (18-19 February 2010, St. Petersburg)
- General Committee on Democracy, Human Rights and Humanitarian Questions*, OSCE Parliamentary Assembly Winter Session (19 February 2010, Vienna)
- Human Trafficking Regional Seminar for the 12+ Group*, British Group Inter-Parliamentary Union (22-23 February 2010, London)
- Regional Meeting of the National Co-ordinators for Fight against Trafficking in Human Beings -Regional Co-operation in the Fight against Trafficking in Human Beings: Challenges and the Way Ahead*, Office of the National Co-ordinator for Fight against Trafficking in Human Beings in Montenegro and OSCE Mission to Montenegro (25-26 February 2010, Budva)
- 3rd National Networking Meeting - Towards Global EU Action against Trafficking in Human Beings*, Ministry of Justice of Sweden in co-operation with the International Organization for Migration in Vienna (5 March 2010, Madrid)
- 25th meeting of the International Task Force for the Protection of Children in Tourism*, World Tourism Organization (12 March 2010, Berlin)
- Presentation to U.S. Air War College Senior Officers* (19 March 2010, Vienna)

- Combating trafficking of human beings: international legal cooperation*, Nordic-Baltic Policewomen's Network in co-operation with Nordic Council of Ministers Information Office in St Petersburg (24 March 2010, St. Petersburg)
- 1st Workshop in International and EU Law*, Association MEDEL (Magistrats européens pour la Démocratie et les Libertés) -Magistratura Democratica (26-27 March, Venice)
- SERBAZ Case*, - International Trade Union Confederation (ITUC) (30-31 March 2010, Sarajevo)
- From Prevention to Adapted Re-integration of Trafficked Persons*, IRASEC / Observatory - Chulalongkorn University and the Embassy of France in Bangkok (31 March- 2 April 2010, Bangkok)
- Human Dimension Committee* (14 April 2010, Vienna)
- Meeting on Human Rights Protection in the return of trafficked persons to countries of origin*, ODIHR (15 April 2010, Warsaw)
- A Crime so Monstrous – Trafficking in Human Beings*, Embassy of the United States in Vienna, IOM panel discussion with journalist E. Benjamin Skinner (23 April 2010, Vienna)
- Austrian Task Force Meeting on Combating Human Trafficking*, Austrian Federal Ministry for European and International Affairs (26 April 2010, Vienna)
- Strengthening the Labour Migration Process to Avoid Labour Exploitation in Central Asia*, OSCE Centre in Bishkek (28 April 2010, Bishkek)
- 2010 National Conference on Human Trafficking - The TVPA Decade: Progress and Promise*, U.S. Department of Justice (DOJ), the Attorney General Holder, the Office for Justice Programs (3-5 May 2010, Arlington, Virginia)
- The Hague Global Child Labour Conference- Towards a World without Child Labour*, Dutch Ministry of Social Affairs and Employment, ILO (10-11 May 2010, The Hague)
- Second Trans-Asian Parliamentary Forum*, OSCE Parliamentary Assembly and the Parliament of the Republic of Kazakhstan (14-16 May 2010, Almaty)
- 810th Meeting of the OSCE Permanent Council* (20 May 2010, Vienna)
- A Human Rights Approach to Combating Human Trafficking: Challenges and Opportunities. Implementing the Recommended Principles and Guidelines on Human Rights and Human Trafficking*, United Nations Office of the High Commissioner for Human Rights (27-28 May 2010, Geneva)
- Programme for the Enhancement of Anti-trafficking Responses in South Eastern Europe: Data Collection and Information Management – Phase II Data Processing, Maintenance and Analysis*, ICMPD (27-28 May 2010, Zagreb)
- Second meeting of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings*, European Commission (2 June 2010, Brussels)
- 1st INTERPOL Global Trafficking in Human Beings Conference*, INTERPOL (7-9 June 2010, Damascus, Syria)
- EU Parliamentary Seminar on Combating and Preventing Trafficking in Human Beings: The Way Forward*, EU Parliament (10 June 2010, Brussels)
- Transnational threats and challenges – Annual Security Review Conference*, Kazakh OSCE Chairmanship (14 June 2010, Vienna)
- Alliance against Trafficking in Persons Conference - Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, OSCE OSR (17-18 June 2010, Vienna)
- Programme EU Consultation on human rights impact of anti-trafficking policies*, Aim for Human Rights (24-25 June 2010, Prague)
- Launch of COMP.ACT Project and Campaign on Compensation for Trafficked Persons*, COMP.ACT (2 July 2010, Prague)
- U.S. Congressional Hearing A Decade of the Trafficking in Persons Report*, U.S. Helsinki Commission (14 July 2010, Washington D.C.)
- 25th symposium in the Middle East Senior Military-to-Military Officer Dialog series*, University of California's Institute on Global Conflict and Cooperation and the National Defense University's Near East South Asia Center for Strategic Studies (2-4 August 2010, Rome)
- Best Practices and Challenges in Combating Trafficking for Labour Exploitation*, OSCE Centre in Ashgabat (23-25 August 2010, Ashgabat)
- High-Level meeting of the General Assembly for the Launch of the United Nations Global Plan of Action against Trafficking in Persons*, United Nations General Assembly (31 August 2010, New York)
- Preventing and Combating Corruption – a Global Answer to a Global Scourge*, International Anti-Corruption Academy (3 September 2010, Vienna)
- Thematic debate on “Partnerships among international organisations active in the field of trafficking in human beings: need for co-ordinated action”*, Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings (13 September 2010, Strasbourg)
- For Decent Work – Practical Insights into the Combat of Trafficking for Labour Exploitation*, Friedrich Ebert Stiftung (16 September 2010, Berlin)
- Towards Strengthening the External Dimension and Partnerships in Preventing and Combating Trafficking in Women. The Future of the EU Anti-Trafficking Policy in the Lisbon Treaty Era*, Austrian Ministry for Women and Public Administration, Austrian Institute for International Affairs and IOM (20 September 2010, Vienna)
- Enhancement of Interaction among CIS Bodies of Sectoral Cooperation in Combating Organized Crime and Human Trafficking*, IOM (29-30 September 2010, Moscow)
- Consultation of the UN Special Rapporteur on trafficking in persons, especially women and children on “the role of regional and sub-regional organizations in international efforts to counter human trafficking especially in women and children”*, United Nations Office of the United Nations High Commissioner for Human Rights (4-5 October 2010, Dakar)
- Combating trafficking in human beings, with a particular focus on trafficking in children*, 2010 OSCE Review Conference (8 October 2010, Warsaw)
- Conference on the Fight Against Transnational Organized Crime and Corruption, Fall Meeting of the OSCE Parliamentary Assembly*, OSCE PA (8 – 11 October 2010, Palermo)
- Conference for U.S. diplomats posted across Europe who are responsible for reporting on human trafficking and engaging host governments*, U.S. Trafficking in Persons Office (13 October 2010, Vienna)
- Monitoring Mechanisms in the Fight against Human Trafficking*, Bureau of the Dutch National Rapporteur on Trafficking in Human Beings and the Dutch House of Representatives (14-15 October 2010, The Hague)
- EU Anti-Trafficking Day*, Austrian Federal Ministry for European and International Affairs (15 October 2010, Vienna)
- Towards a multidisciplinary approach to prevention of trafficking in human beings, prosecution of traffickers and protection of victims*, Belgian Presidency of the Council of the European Union- within the framework of the European Anti-Trafficking Day (18-19 October 2010, Brussels)
- 12th Meeting of the OSCE – Council of Europe Co-ordination Group*, Council of Europe and OSCE (22 October 2010, Vienna)
- Regional Meeting of National Co-ordinators*, OSR and ODIHR (29 October 2010, Vienna)
- Human Trafficking: Routes to Effective Enforcement*, Freshfields Bruckhaus Deringer and The AIRE Centre (5 November 2010, London)
- 2010 Joint Fatf/Egmont Group Expert's Meeting on Money Laundering and Terrorist Financing Typologies*, FATF (16-18 November 2010, Cape Town)
- Human Trafficking: The Nexus between Research and Operative Work*, The Council of the Baltic Sea States Task Force/Uppsala University (25 November 2010, Uppsala)



## Annual Reports:

- 2010: Combating Trafficking as Modern-day Slavery: A Matter of Rights, Freedoms and Security
- 2009: An Agenda for Change: Implementing the Platform for Action against Human Trafficking
- 2008: Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms
- 2007: A Platform for Action



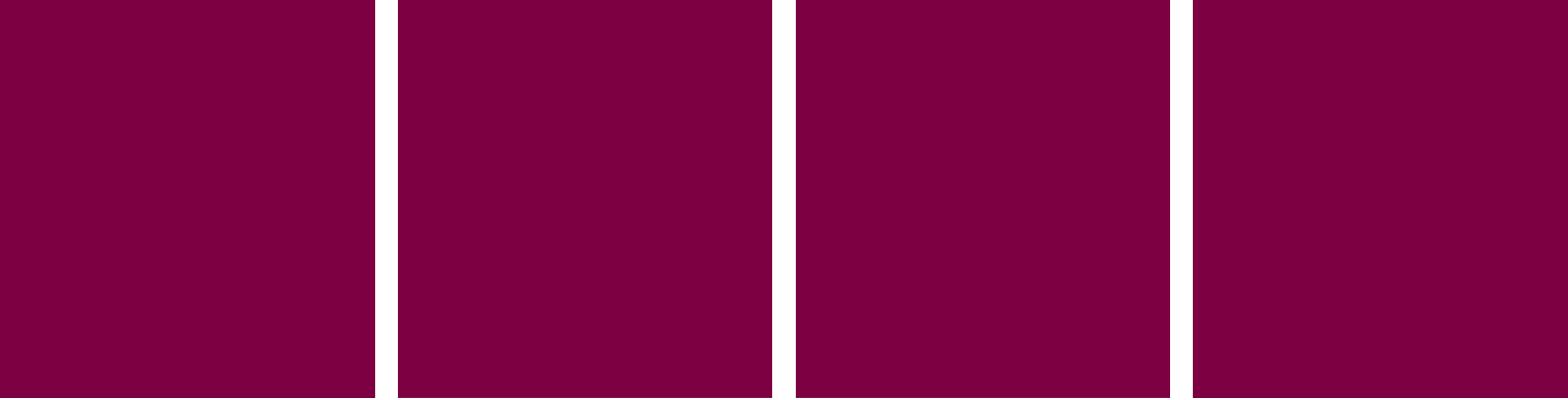
## Occasional Paper Series:

- 2009: A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region
- 2008: Human Trafficking for Labour Exploitation/Forced and Bonded Labour
- 2007: A Summary of Challenges Facing Legal Responses to Human Trafficking for Labour Exploitation in the OSCE Region



## Other Publications:

- 2010: Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime, OSR / UN.GIFT
- 2009: Guide on Gender-Sensitive Migration Policies, Gender Section / OCEEA / OSR
- 2008: Compensation for Trafficked and Exploited Persons in the OSCE Region, ODIHR



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