



**Organization for Security and Co-operation in Europe**

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

*Address*

Working Session 7: Humanitarian issues and other commitments, including  
Address by the OSCE Special Representative/Co-ordinator for  
Combating Trafficking in Human Beings

Warsaw

22 September 2016, 15.00-18.00

Excellencies,  
Ladies and Gentlemen,  
Colleagues,

It is an honour for me to continue working on **strengthening the implementation of OSCE commitments**, with a particular focus on combating trafficking in human beings, together with the OSCE participating States and the civil society. I would also like to **thank Director Link and ODIHR** for our fruitful co-operation in the organization of this very important HDIM working session.

In 2015, I commissioned a **survey** to obtain an overview of the status of implementation of selected anti-trafficking commitments across the OSCE region.

The survey - whose design was co-ordinated with UNODC and the Council of Europe - was not intended to cover all areas of the OSCE Action Plan and its Addendums, but rather focused on those where information is currently limited.

Inputs were provided by a wide range of state actors, including domestic co-ordinating bodies, law enforcement, ministries of foreign affairs, justice, social affairs, employment, children and family affairs, as well as by labour inspectorates. In addition, 90 NGOs from the OSCE region supplemented the data provided by national authorities.

A preliminary assessment of the collected data shows that significant progress was made by the participating States - with the support from civil society and in co-operation with the international community - in tackling this heinous crime.

Nevertheless, anti-trafficking stakeholders are still confronted by major challenges in the practical **implementation of the existing laws and policies**. Much remains to be done in terms of ensuring adequate resources and raising the capacity of all relevant actors to tackle the problem.

Overall, countries reported the identification of more than **21,000 victims between**

**2012 and 2014**, approximately half of whom were identified by police. Challenges persist, however, in reaching out to particularly vulnerable groups, including asylum seekers and refugees.

In the field of **preventing trafficking for labour exploitation**, the survey indicated existing public procurement policies to minimize the risk of purchasing products which may have been produced by trafficked or exploited labour. However, as for private businesses, more measures need to be taken to ensure identification and elimination of exploitative practices in their supply chains. In addition, high recruitment fees can place migrant workers in a situation of debt to the recruiter and act as a binding factor for workers in a situation of exploitation. Hence, I am pleased that 2/3 of participating States reported having legislation, regulation or other policies on the operation of labour recruitment and placement agencies for foreign nationals.

With regard to **trafficking in children**, participating States have the tendency to frame child trafficking prevention activities within the broader context of child protection, both through ensuring basic services such as access to birth registration and education, and through provision of assistance to children in different circumstances. States also appear to be paying particular attention to the issue of unaccompanied minors. A vast majority of responding countries foresee a legal guardian for all unaccompanied minors, not just victims of trafficking.

In terms of **emerging trafficking patterns**, forced criminality (22 countries had cases under investigation and/or in the judicial process), forced begging (22 countries), and forced marriage for the purpose of labour/sexual exploitation (21 countries) are the mostly reported.

Notably, **forty-one countries reported non-punishment provisions** in their anti-trafficking legislation. Of the nine countries reporting that they did not have non-punishment provisions in their laws, two noted that they had guidelines on the issue.

Finally, in line with our work on the **use of financial instruments to combat trafficking**, an overwhelming majority of countries (forty-seven) reported laws in

places to provide for tracing, freezing and confiscating the proceeds of trafficking. Twenty-three countries reported cases in the past three years in which the State had confiscated the proceeds of human trafficking and/or the assets of human traffickers.

Ladies and Gentlemen,

Against this backdrop, the **migration and refugee crisis** is posing additional strains to our shared challenges. The linkage between people on the move and exploitation of human life is unquestionable. A linkage, one should note, which was already highlighted in the 2002 Porto OSCE Ministerial Council Declaration on Trafficking in Human Beings<sup>1</sup>.

Today's complex unregulated migration flows **blur the distinction** between smuggling, trafficking and movements of people in search of a brighter future. Mobility and human trafficking have become intertwined, as migrants and refugees are being increasingly exposed to risks of exploitation. People on the move are often trapped between sealed borders and tightening immigration controls.

Shutting down borders leaves thousands of persons stranded. They have no alternative option but to rely on smugglers or traffickers. Moreover, large influx of people are more likely to seek alternative routes that are often more dangerous and where the risk of becoming a victim of exploitation is greater. In such scenarios, the shift from a situation of migration to a situation of trafficking can easily occur, as migrants and refugees are likely to be subjected to bondage and exploitation - for example, for sexual services or forced labour.

The 2015 **Alliance against Trafficking in Persons conference** was among the first high-level OSCE events to underline the necessity to safeguard both state and human security in the context of mixed-migration flows. To address these needs, my Office initiated a set of strategic initiatives aimed at supporting the OSCE participating States design comprehensive and human rights-based responses to build more

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<sup>1</sup> OSCE Ministerial Council Declaration on Trafficking in Human Beings, MC (10). JOUR/2

flexible, creative and multi-disciplinary approaches to effectively counter human trafficking.

For instance, promoting regional co-operation in tackling human trafficking along and within **the Western Balkans** is pivotal within our advocacy programme. Several discussions held so far with our field operations and experts in the region highlighted fault lines in the existing regulatory frameworks, including referral mechanisms, which were not designed for the current situation. Similarly, lack of efficient co-operation schemes make criminal justice responses to human trafficking and migrant smuggling largely ineffective, while illegal criminal gains are hardly ever traced, seized and confiscated.

My Office plans to **update the OSCE Handbook on National Referral Mechanisms** taking into account current challenges and emerging trends along migration routes to promote greater synergy among agencies involved in the early identification and protection of trafficked persons. This is an area where I intend to establish a strong co-operation with ODIHR.

It is the very same multi-agency approach that the OSCE is integrating into an **innovative and multi-disciplinary capacity building project**. This November we will start to implement an ambitious series of live simulation exercises for approximately 200 law enforcement officials, prosecutors, labour inspectors and social service providers from the OSCE region at the Centre of Excellence for Stability Police Units (CoESPU) in Vicenza, Italy. We want to help improve victim identification and prosecution of traffickers for sexual and labour exploitation along migration routes, with a special emphasis on financial investigations. That is why I encourage all delegations to put forward qualified national candidates for the upcoming training of 14-18 November by 25 September<sup>2</sup>.

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<sup>2</sup> Call for Participants circulated as SEC.GAL/129/16.

Excellencies,

**Visiting temporary protection and first reception centers** for migrants and refugees in a number of countries in the OSCE region has been an invaluable experience. Talking to first-hand responders, rescuers, law enforcement agencies, refugees and people on the move, as I did in Lampedusa, Gaziantep and elsewhere, was key to witness first-hand the progress made by relevant authorities in identifying and assisting potential THB victims among migrants and refugees.

But more should be done to enhance the capacity of front-line operators to identify and refer potential and real victims of trafficking in situations of mixed migration; to raise awareness among migrants, asylum seekers and refugees along migration routes about the risks that they can encounter; but also to harmonize protocols and procedures to more effectively identify and protect unaccompanied minors.

I therefore call upon all relevant stakeholders to ensure regular communication and information exchange between anti-trafficking actors in countries of origin, transit and destination, and to promote pro-active and human rights-compliant criminal justice responses.

These proposals have already been voiced during the discussions in the framework of the OSCE Informal Working Group Focusing on the Issue of Migration and Refugee Flows and some of them are already reflected in the Group Chairperson's report. I hope they are further discussed in this forum and at the forthcoming Ministerial Council meeting in Hamburg.

In the coming years, my Office will continue to address identified shortcomings in the implementation of relevant OSCE commitments in co-operation with the participating States, the OSCE executive structures and our field operations. I particularly look forward to working with ODIHR on issues such as NRMs and compensation of THB victims.

Thank you for your attention, and I wish you a productive session.