

HUMAN DIMENSION IMPLEMENTATION MEETING
22 September to 3 October 2014
Warsaw, Poland

Rapporteur's report
Thursday, 25 September 2014

Working Session 6: Humanitarian issues and other commitments, including address by the OSCE Special representative and Co-ordinator for Combating Trafficking in Human Beings

Rapporteur: Ms. Jeanne Tor-de Tarlé, Permanent Representation of France to the OSCE

No. of statements:

Delegations: 13

Civil Society: 6

OSCE Inst./Int'l Org: 1

Rights of Reply: 2

This working session focused on the increasing phenomenon of trafficking in human beings (THB), its features and most recent evolutions, and on the OSCE instruments to tackle it, the Action Plan adopted in 2003 and its addendum adopted in 2013, as well as on the existing gaps in the implementation of the relevant existing commitments. It was also the first opportunity for the new Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Ms Madina Jarbussynova*, to address the HDIM.

In the beginning of the session, the ODIHR First Deputy Director *Beatriz Balbin* recalled briefly the OSCE commitments pertaining to THB, the “4 P’s approach”, namely prevention, protection, prosecution and partnerships, and the mandate of the OSCE structures to provide assistance to participating states. She insisted more particularly on the need to address the issue of compensation for the victims, as well as their self and voluntary return and rehabilitation.

In her remarks, *Ambassador Jarbussynova* announced her intentions to raise the political profile of the OSCE to fight against THB, to enhance the cooperation between the OSCE and other international organizations, as well as NGOs, and to develop a fruitful dialog with Participating States by conducting country visits and establishing regular contacts with the delegations in Vienna, building upon the rich experience of ODIHR, the OSCE secretariat, the field operations and her office. She recalled the updated statistics released 2 years ago by the International Labor Organization : 20,9 million of men, women and children were exploited in sex industry, agriculture, construction, garment production and many other sectors of the economy be it legal, semi-legal or completely criminal activities. Of these 20,9 million approximately 3 million are exploited in the OSCE area. In 2014, ILO published another study on “profit and trafficking” which showed that approximately 150 billion USD are gained annually through exploitation of trafficked persons, among which 64,9 million USD are raised annually in the OSCE region. Ambassador Jarbussynova insisted on the fact that there was clearly an increase in the level of THB and warned the participating states against a

decreased attention to this modern day slavery due to other very serious priorities. THB should be assessed not in terms of profits but in terms of social health damages – the list of after effects for trafficked persons was endless- as well as in terms of financial costs for the participating states (such as a loss in tax-income from employers, cost of rehabilitation for the victims...).

The Special Representative would continue to promote a human rights based approach in combatting THB, focusing in particular on the needs of trafficked children as well as other vulnerable populations, such as illegal migrants. Her office would continue to uphold the non-punishment principle for the trafficked persons when they are compelled to commit unlawful acts. At the same time, Ambassador Jarbussynova underlined the difficulty to implement her broad mandate and to address all the requests of participating states in terms of technical assistance while human and financial resources were decreasing (she referred in particular to the suppression of the ODIHR focal point in THB).

In this context, the close cooperation established with the Council of Europe and other international organizations was essential, as well as the cooperation between Participating states and social partners, trade unions, youth organizations and the media. Ambassador Jarbussynova announced the launching of several new publications, including a handbook on the prevention of trafficking for domestic servitude in diplomatic households, and an occasional paper on measures that businesses and governments can take to prevent exploitation in the private sector, including code of conducts. She recalled that the next Alliance conference on ethics and human trafficking would take place November 4-5 in Vienna.

The second introducer, *Ms Vera Gracheva*, currently an independent consultant on combatting THB and who served as a senior advisor at the OSCE secretariat, pointed out that the Action Plan was a major OSCE anti-trafficking document, which applied at the national level and was also promoted by other international organizations and NGOs as a strategic comprehensive plan. She emphasized the need to improve the assistance provided to victims before the prosecution of their perpetrators, as well as to take into account the safety of the family members of the victims. Close partnerships should be established with public authorities, private sector, NGO and trade-unions to contribute to the identification of the victims and protect their rights. A better use of new technologies and communication tools should be made in this regard. There was also a need to address the new forms of THB such as trafficking for organ removal or enforced begging.

20 interventions were made during the discussion, including 6 by non-governmental organizations and 1 international organization. 2 delegations used their right of reply.

Many delegations welcomed Ambassador Jarbussynova in her new capacity as the OSCE Special Representative and Co-Ordinator for Combating Trafficking in Human Beings and expressed their willingness to continue their cooperation with her office, based on the OSCE Action Plan and its 2013 addendum. One delegation insisted on the importance of effective cooperation with the Council of Europe, referring to the next training session which would be organized for judges and law-enforcement agencies. Another delegation reaffirmed its commitment against trafficking in children for sex tourism, regretting that many of the citizens of its country were responsible for this criminal abuse, and highlighted that its country had taken the lead at international level to alert destination countries in order to prevent child sex tourism. One group of delegations presented its strategy towards the

eradication of trafficking in human beings and the numerous projects it had funded in this regard. Several delegations paid tribute to the conference “not for sale” as well as its follow-up. The need to protect the victims and to prevent THB among the vulnerable groups of society was underlined by several NGOs and delegations. One NGO pointed out that in some participating states trafficking in human beings for sexual exploitation was unduly considered as a form of legal prostitution. Another NGO underlined the difficulty to define labor exploitation in countries where there was not a legal definition of decent work.

One delegation expressed the concern that there was an increase in demand in western countries for trafficked persons. Several delegations presented the measures taken in their country to protect the victims of human trafficking, such as access to medical, psychological and legal help, attribution of a minimum wage or of a temporary residence permit, as well as the interministerial bodies put in place to combat THB. Several delegations and NGOs underlined the need to tackle the root causes of trafficking, such as poverty and unemployment and the importance of launching broad campaign of awareness-raising among vulnerable populations. One delegation informed about the guidelines to diplomatic missions concerning the employment of private domestic staff in order to prevent exploitation and to assist victims.

In her concluding remarks, *the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings* highlighted that THB is a widespread violation of human rights, which does not recognize borders or ethnicities, and welcomed the fact that most of the delegations agreed upon the importance of taking concerted action on this issue.

Dr. Vera Gracheva highlighted the importance of not making a distinction between transit, host and destination countries, since all participating states can be considered now as at the same time transit, host and destination countries. She also expressed the need to integrate the issue of THB into national programs in the spheres of education, tolerance and non-discrimination and migration.

The moderator Ambassador Tichy-Fisslberger called for the OSCE to conduct more work on human rights and business, to engage businesses and pS against human trafficking.

Recommendations to the participating States:

- Respect the international commitments in ensuring the rights of victims of the THB;
- Translate commitments into practice and address the ever evolving patterns of the THB - crimes;
- Pay more attention to new forms of trafficking, including to trafficking for the purpose of organ removal;
- Promote a victim-focused approach;
- Identify individuals as trafficked persons, who have suffered human rights abuses as soon as there are reasonable grounds to believe that they have been trafficked and in accordance with the national law to ensure that victims are provided with assistance even before the investigation is initiated;
- Take measures ensuring that relevant NGOs initiate referrals for victims of all kinds of trafficking irrespective of their nationality;
- Provide for compensation for victims of trafficking irrespective of their legal status and nationalities;
- Implement the guiding principles on human rights in the return of trafficked persons;

- Uphold the Principle of non-punishment of victims of human trafficking;
- Build effective partnerships at national, regional and international levels with relevant NGOs to facilitate dialogue and cooperation with public authorities, NGOs, trade unions and other institutions engaged in anti-discrimination projects and protection of rights of women, children and migrants;
- Prevent domestic servitude in diplomatic households and provide help to such victims;
- Take measures to prevent human trafficking in supply chains of businesses, including through government regulations to ensure that the procurement of goods and services do not contribute to any form of THB.

Recommendations to the OSCE and its institutions:

- Make better use of technology to raise awareness, disrupt traffickers and help victims;
- Recommendation regarding the upcoming chairmanship to continue the work on combating human trafficking;
- Concentrate on observing new patterns and tendencies of human trafficking ;
- Organise regular information sessions with employers in an attempt to hold them accountable for human rights violations;
- Recommend the OSCE Special Representative to consider possibilities of assisting participating States which lack consular missions to jointly address issues related to human trafficking;
- Continue working on issues of domestic servitude in diplomatic households.