



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

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for Combating Trafficking in Human Beings**

*Welcoming Address*

Working Session 6: Humanitarian issues and other commitments, including:  
Implementation of the OSCE Commitments to  
Combat Trafficking in Human Beings

Warsaw

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Excellencies,  
Ladies and Gentlemen,  
Colleagues,

First of all, please let me warmly welcome all of you in my new capacity as the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings. Indeed, this is a great privilege and an extraordinary opportunity for me to work together with the OSCE participating States and civil society to help us gain the upper hand in the struggle against modern-day slavery. This is a unique post established by the OSCE participating States to raise the political profile of the fight against human trafficking, to strengthen co-operation and ensure better co-ordination among the OSCE executive structures and institutions, as well as enhancing co-operation between the OSCE and major international organizations<sup>1</sup>. Let me assure you that I will do my utmost to implement my mandate and will be consistent in developing further the fruitful dialogue with the participating States during my official country visits, via regular contacts with the delegations in Vienna, by contributing to national and international anti-trafficking events, and strengthening the *Alliance against Trafficking in Persons*.

I will draw from the great legacy left by the three former SRs, from the rich experience gained by my Office, by ODIHR, other Executive Structures, and by the OSCE field operations in the course of the last decade. I will also support good practices developed by the participating States and their front-line civil society organizations countering human trafficking and sharing the same human rights values that we all do. NGOs play a crucial role by alerting the authorities and the society-at-large and calling on us to double and triple our efforts in the fight against THB - a serious human rights violation affecting the rights and dignity of millions. I will further strengthen the *Alliance against Trafficking in Persons* and partnerships with major international organizations and NGOs.

Two years ago the ILO, one of our major partners in the *Alliance against Trafficking in Persons*, provided the international community with updated global estimates of the scope of THB and forced labour<sup>2</sup>. Those 20.9 million men, women and children exploited in the sex industry, in agriculture, construction, fishing, garment production, and many other sectors of the economy, be it legal, semi-legal or completely criminal, include victims of human trafficking. Of these, approximately 3 million are exploited in the OSCE area.

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<sup>1</sup> MC.DEC/3/06

<sup>2</sup> Global Estimates of Forced Labour 2012: Results and Methodology. More information accessed 8 September 2014 is available at [http://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_181953/lang--en/index.htm](http://www.ilo.org/global/topics/forced-labour/publications/WCMS_181953/lang--en/index.htm)

In May 2014 the ILO made public another ground-breaking report, “Profits and Poverty: The Economics of Forced Labour”, that contains new estimates of the criminal assets gained through exploitation – not less than US \$150 billion annually<sup>3</sup>. The ILO report says that two thirds of it, or US\$ 99 billion, come from commercial sexual exploitation, while another US \$51 billion are “earned” by forced economic exploitation, including domestic work, agriculture and other economic activities. The illegal profits in the OSCE region comprise, in all these areas of exploitation, US \$64.9 billion annually. No doubt, these estimates bring our understanding of the scope of human trafficking and forced labour to a new level.

But let me underline - we assess the cost of human trafficking not only in illicit profits, or, to be precise, rather not only in terms of the huge profits gained from this crime, but in terms of the ruined lives, moral damage, severe psychological and physical traumas, health problems, social isolation and stigmatization. The list of after-effects for trafficked persons is nearly endless. These categories also can be recalculated in financial terms – for example, if we try to assess the amount of wages lost, the loss to the labour force, or the cost of the rehabilitation or treatment, or the loss of income to the participating States through tax evasion by unscrupulous employers, or through corrupt activities and money laundering, but the moral damage to the persons concerned and to society is a category of another dimension. You can find heart-breaking examples of these traumas in the fifth OSR/CTHB Occasional Paper “*Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-treatment*”<sup>4</sup>.

According to my mandate I am tasked with assisting the OSCE participating States, upon request, in the implementation of their anti-trafficking commitments, including the recommendations of the Action Plan and the Addendum to the Action Plan adopted less than a year ago. These OSCE commitments are multiple, but all of them, adopted from 2000 to 2013, are based on a human rights-centred approach. This means that the rights of the victims are predominant at all stages and have to be ensured through preventative measures, fully observed when a trafficked person is first taken out of an exploitative situation, and furthermore, it means that the protection of the rights of all participants in the criminal proceedings are a prerequisite for efficient and fair prosecution. Victims of trafficking, in addition, are holders of a special set of rights including the right to be

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<sup>3</sup> [http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_243201/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang--en/index.htm)

<sup>4</sup> <http://www.osce.org/cthb/103085> accessed on 8 September 2014.

identified quickly and accurately; the right to immediate protection and support; the right to legal information and the opportunity to decide whether and how to co-operate in the prosecution of their exploiters; the right not to be detained; the right to not be prosecuted for offences that relate directly to the fact of having been trafficked; the right to be returned home safely or to benefit from another solution if safe return is not possible; and the right to an effective remedy that reflects the harm committed against them. Let me reiterate that child victims of trafficking do have special needs that should be taken into account and the best interest of the child should be paramount at all times. This has been clearly stated by the UN Convention on the Rights of the Child and by the OSCE MC Decisions.

The task of the OSCE to assist in the overall implementation of CTHB commitments and the promotion of the human rights based approach has become rather challenging due to the restructuring of ODIHR and the fact that we do not have an anti-trafficking team in ODIHR any longer, especially as concerns assistance to the pS, upon request, through specific projects aimed at the protection of the human rights of the victims and enabling their access to justice. This calls into question the OSCE's ability to properly carry out the tasks from the Action Plan, subsequent MC Decisions and in the Addendum of 2013 without ODIHR, those tasks which were entrusted to ODIHR, the Executive structures, and FO to assist pS. In this regard I would appreciate the delegations' opinion on how to address this quandary of increasing taskings and requests on the one hand, while on the other hand the human and financial resources with which to implement them are decreasing. I promise to do my best to be even more strategic in our work, as well as to advocate for the additional resources to ensure adequate capacity and the continuity needed to follow up on requests for support by pS and field operations to implement recommendations and commitments, as well as in concert with international and non-governmental partners.

I am delighted to provide you with just a few examples of how we are already making progress in the implementation of taskings stemming from the 2013 Addendum. One example, is the publication of a joint study "*Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings*" (in co-operation with OCEEA and TNT-SPMU), a joint OSCE-CoE training for judges on the non-punishment of victims in Strasbourg (9-10 October 2014), conducting country visits and engaging in a high-level dialogue with participating States and providing country visit reports.

We have co-ordinated with other relevant structures to update our relevant internal procurement regulations to ensure that no activities of the OSCE executive structures, including contracts for

goods and services, contribute to any form of THB. We have also worked closely with DHR, the Legal Section, and the Austrian MFA to update relevant internal regulations to ensure that OSCE personnel understand their duties and responsibilities and receive relevant training, in particular with regard to the employment of private domestic workers. In November and December 2014 the OSR/CTHB will hold two events to launch a handbook on how to prevent human trafficking for domestic servitude in diplomatic households and how to protect private domestic workers. The second event will be co-organized with the Swiss Chair-in-Office, who was one of the major donors of the Prevention of Trafficking for Domestic Servitude in Diplomatic Households ExB project, and which will also present the outcomes of the project, including new measures adopted by some countries, such as Ireland and Poland, as well as the good practices of the expert countries.

Furthermore, my office will hold a joint CoE-OSCE side event on “Measures that Businesses, Civil Society and Governments can take to Prevent Trafficking in Human Beings for Labour Exploitation”, in the framework of the 14<sup>th</sup> *Alliance* conference, linked to our forthcoming publication “*Ending Exploitation. Ensuring that Businesses do not Contribute to Trafficking in Human Beings: Duties of States and the Private Sector.*” I am committed to continuing to strengthen our important partnership within the *Alliance* against Trafficking in Persons as a framework for the dedicated co-operation of relevant major international organizations and NGOs. As you may know the next *Alliance* conference on Ethics in Preventing and Combating Trafficking in Human Beings will take place in Vienna on 4-5 November 2014. This is just a list of tasks from the Addendum that we have already implemented or are in the process of implementation.

A few words about the current overall current. Since the adoption of the first OSCE MC Decision on CTHB in 2000, the participating States achieved significant progress by having criminalised human trafficking in their legal systems. The majority of the OSCE pS have created effective co-ordinating structures, and what is even more important, engage NGOs as equal partners in their interagency commissions and National Referral Mechanisms. Some countries, though not many, have established National Rapporteur or equivalent mechanisms to monitor and report on CTHB efforts, and the vast majority regularly undertake public awareness actions designed to diminish vulnerability to human trafficking. In 2008 our Office conducted a survey based on official responses from the pS that reflected the implementation of the OSCE Action Plan recommendations regarding the establishment of co-ordination and national monitoring and reporting structures. I believe now it is the right time for my Office to update this survey and we will send it out to the delegations next year. In this regard, let me cordially thank the Chairmanship and the delegations of pS and Partners for Co-operation for their excellent collaboration with the Office, including in

organizing country visits and in conducting joint events, and extend my thanks to Andorra, Austria, the Czech Republic, France, Germany, Iceland, Italy, Kazakhstan, Liechtenstein, Luxembourg, Monaco, the Netherlands, Norway, Switzerland, the United Kingdom and the United States of America for their support of the work of my Office and generous extra-budgetary contributions, including secondments. I would also like to express my sincere gratitude to the Partners-for-Cooperation for their initiatives and the joint events we have held together.

Nevertheless, today I must highlight certain challenging moments, and indicate some of the most pressing ones in the implementation of the basic anti-trafficking recommendations and commitments.

First of all, I would point to the continuing challenge of identification. Let's be honest, not many officers on the ground, be it law enforcement, or migration officials, know and apply the indicators (so called Delphi indicators) describing the features of a person, including a child-victim, in a THB and/or forced labour situation. Many other officials that may come across a trafficked person – for example, taxi drivers, airplane attendants, medical personnel, or simply ordinary citizens living next door – how well do they know the signs, indeed the scars and traces of modern slavery? Due to the discrepancy between the estimated numbers of victims in the world, approximately 21 million, and the approximately 5,000 trafficked persons identified in 2013 according to the 2014 US TIP report, we can assume, not many are aware of it, irrespective of awareness raising campaigns – the information often does not reach the right audience. It means that the vast majority of trafficked persons – they may be labour migrants, children exploited in begging, teenagers exploited in various forms (including in committing offences), and many others – remain unrecognized.

In addition, even when law enforcement know the indicators, the victims may not seem “perfect” to them, for example, due to their unregulated status. As a result, categorized as “illegal migrants”, they are too often detained, prosecuted and charged with the violation of migration regulations. “Imperfect” victims may have been exploited in forced criminality, and especially when it comes to drug trafficking or selling narcotics, such persons can hardly expect a humane attitude from the law enforcement and judiciary. They may have been involved in organized begging, and the police often do not know where to place them after rescuing them from the exploitative situation – often there are no shelters and no specialised assistance programmes for such victims. Let me add that many of them may suffer from drug or alcohol addiction imposed by traffickers to make them obedient and dependent, have contagious diseases, have mental or physical disabilities and/or disorders. So often

their situation becomes dependent on the opinion that assistance to such victims is “useless”, “rehabilitation is not working”, and that they will be re-trafficked anyway! And many of them are – just because assistance programmes are not adequate, and there are no decent alternatives and no efforts to ensure long-term protection from retaliation by traffickers. Monitoring victims’ rehabilitation takes a great deal of time and effort.

The situation is too serious to ignore. But let me assure you, I would never have agreed to accept this high-level position as Special Representative if I were that pessimistic, or if I had no belief in common sense and were not convinced that indeed there are ways to diminish the threat of human trafficking. My hope has its roots in the OSCE commitments and in the mere fact that we are unified in our common cause to combat human trafficking which affects all participating States. We are all in the same boat, and it is difficult to find another issue on the OSCE agenda that can so powerfully unite the participating States in their aspirations as countering modern-day slavery.

I am proud that the OSCE has taken an inclusive approach towards addressing all forms of human trafficking, far beyond the agreed and legally binding definition of the Palermo Protocol. I do not mean that the Palermo definition is outdated, not at all, but the OSCE has made a step forward by identifying specific forms of exploitation resulting from trafficking that were not highlighted by the 2000 definition, such as THB for exploitation in forced and organized begging, THB for exploitation in forced criminality, and THB for exploitation in domestic servitude (including in diplomatic households). I would like to add that my Office would appreciate any information that participating States and NGOs could share with us regarding any other new forms of THB identified and prosecuted in the OSCE region – those that are lacking evidence-based data. It does not mean that we should pay less attention to the, so to say, “traditional” forms of THB - for sexual and labour exploitation (especially trafficking in men and the critical lack of access to assistance and protection mechanisms for them), mixed forms of exploitation, internal trafficking, trafficking for the removal of organs, and child trafficking for whatever form of exploitation (by the way, usually mixed due to their dependence and easy control). The mandate of the Special Representative is broad enough and the OSCE commitments oblige us to address all forms of THB.

My hope is deeply rooted in the rich content of the volumes of OSCE commitments that cover both general and specific issues, for example the MC Decision on “Ensuring the Highest Standards of Conduct and Accountability of Persons Serving on International Forces and Missions” (Ljubljana,

2005), the Addendum to the OSCE Action Plan “Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance” (PC.DEC/685, also 2005) or the MC Decision on “Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach” (Helsinki, 2008).

But let us be frank, these specific decisions are much less known to anti-trafficking practitioners than the OSCE Action Plan to Combat Trafficking in Human Beings – the strategic document agreed and adopted in 2003. This is why I was encouraged by the adoption of the 2013 “Addendum to the Action Plan to Combat Trafficking in Human Beings: One Decade Later”, that marked the 10<sup>th</sup> anniversary of the Action Plan, a document we all can be proud of. The Addendum of 2013 has accumulated the commitments that the participating States agreed upon in the course of these 10 years and translated these commitments into relevant recommendations, thus making their implementation “user-friendly”. What matters even more is that the Addendum goes further in its recommendations in addressing those new forms of human trafficking, the most challenging ones, and incorporates the advanced perceptions of countering human trafficking pursued by other international organizations – our *Alliance* partners.

The Addendum contains articles that address crucial issues of non-punishment – for the clarity of this particular point let me remind you that it is related to a broad range of offences committed by the victims in the process of being trafficked and due to their status as a trafficked person. This provision fully reflects the concern of the former UN Special Rapporteur on Trafficking in Persons, especially Women and Children, H.E. Joy Ngozi Ezeilo, who underlined “the failure of criminal justice systems to identify trafficking victims, who instead are often arrested, detained, charged and prosecuted for entering and working irregularly, or engaging in prostitution”. As noted by Mrs. Joy Ngozi Ezeilo in her March 2014 Report to the UN Human Rights Council, “victims are simply treated as criminals and are arrested and deported with no opportunity to be identified and provided with the necessary assistance as trafficked victims”. Our Office has regularly upheld the importance of the non-punishment principle<sup>5</sup>, that States should not prosecute or punish the victims “for unlawful acts committed by them as a direct consequence of their situation as trafficked persons or where they were compelled to commit such unlawful acts”<sup>6</sup>. I am also of the opinion that this principle does not confer blanket impunity but should operate to protect victims from acts

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<sup>5</sup> Policy and Legislative recommendations towards the Effective Implementation of Non-punishment Provision with regard to Victims of Trafficking. More information is available at: <http://www.osce.org/secretariat/101002>

<sup>6</sup> United Nations, Report on the Working Group on Trafficking in Persons held in Vienna on 14 and 15 April 2009, CTOC/COP/WG.4/2009/2 (21 April 2009).



committed under duress.

The Addendum confirms the entitlements of the victims to have an access to remedies, including compensation for the harm suffered. This is also one of the critical moments in their rehabilitation and empowerment – providing a viable chance to restart their lives and escape from re-trafficking. These are just a few examples of issues addressed by the Addendum that aim to increase the efficiency of the anti-trafficking response at the national level. Today we will have an opportunity to discuss in detail what can be done (or perhaps what has been done already) to translate the recommendations of the Addendum into practice.

Dear participants,

The effective prevention of THB is feasible, but to accomplish this mission a State has to engage social partners and encourage their participation in public-private efforts aimed at addressing the factor of the demand. I would agree with a broad definition of the demand provided by the former UN Special Rapporteur in her latest Report to the UN Human Rights Council and confirm that it “includes demand for sexual exploitation; for cheap labour and domestic workers; for organ removal and sale; for illicit adoption and forced marriages; for criminal activities or begging or for exploitation within the army”.

At the same time, if we focus on the rapidly increasing form of THB for labour exploitation, in this particular case I would particularly underline the significance of the engagement of the private sector, and the duties of States to enact measures to ensure that the business community plays a positive role and does not contribute to exploitation in their supply chains which often leads to human trafficking and other human rights violations. My Office initiated a report on the measures that can be taken by States and the private sector to ensure that businesses do not contribute to THB and that commitments made by businesses are implemented in practice. This report, focusing on the effectiveness of Codes of Conduct and other policies in the prevention of human trafficking, will be launched in November, at the 14<sup>th</sup> *Alliance against Trafficking in Persons* high-level conference. It will mark our intention to encourage pS to work with the private sector in the OSCE region to apply principles of due diligence and transparency to prevent exploitation through supply chains, to ensure that workers have access to mechanisms to redress abusive practices, and to enact government procurement policies to ensure that goods and services are not produced by trafficked persons. It will expand the scope of anti-trafficking issues addressed by my Office through the publication of Occasional Papers. They present a vast source of information and analysis for practitioners, decision-makers, media, and other stakeholders, and promote good practices that can

be applied at the national level by the participating States.

Dear colleagues,

The implementation of commitments, as well as of legal obligations taken under the UN, Council of Europe, European Union, CIS or other regional mechanisms, has always been a challenge, and the perfect treaties that accumulated the best ever knowledge and expertise, and those drafted and adopted with the best intentions, were too often ignored as a result of various obstacles. You know them well enough: the global financial crisis, increasing flows of irregular migration, the threat of terrorism, conflicts, natural and technological disasters, overwhelming political disputes, and many, many others. Less than a month ago I left my previous posting in Kyiv, having spent my term as the OSCE Project Co-ordinator in Ukraine for more than two years. Let me assure you, I do know how hard it is to bring the anti-trafficking agenda back to the high political level – and practical as well – in the current circumstances. The implementation of the OSCE anti-trafficking commitments in this particular situation in Europe should be a test for all of us – showing that we mean what we have voted for, and that the plight of millions in the OSCE region matters to us. Any conflict situation, anywhere, tremendously increases the vulnerability of ordinary people, and we cannot – and will not – permit criminals, whoever they are, to benefit from it. Let me conclude by calling upon all relevant officials in the OSCE participating States to keep in mind that the decreased attention to modern-day slavery due to other, though very serious priorities, will backfire, and in a few years we will see new and dramatic estimates of those victimised and of those who gained billions from their misery.

Together with my Office, I will do my utmost to assist participating States in creating a better and safer world for everyone. We will do it together, working in close co-operation with participating States and NGOs, with the private sector, media, youth organizations, trade unions, the *Alliance against Trafficking in Persons*, and many other partners sharing the OSCE's human rights-based approach to human trafficking.

Thank you for your attention.