

# ALLIANCE AGAINST TRAFFICKING IN PERSONS

## Ethical Issues in Preventing and Combating Human Trafficking

4-5 November 2014  
Vienna, Hofburg



**Opening Remarks by Beatriz Balbin,  
First Deputy Director of the OSCE Office for Democratic Institutions and  
Human Rights (ODIHR)**

## Vienna, 4 November 2014

Excellencies, distinguished guests, ladies and gentlemen,

I am happy to be here with you today and to represent the OSCE Office for Democratic Institutions and Human Rights – ODIHR. I would like first of all to commend the Office of the Special Representative for organizing regular “Alliance against trafficking” Conferences that have become an important forum for exchange, cooperation and coordination among partners from across the OSCE region and from our Partners for Cooperation, including state representatives, international organizations and NGOs. ODIHR has been committed to working with our partners in the Alliance, to strengthen the effectiveness of participating States’ efforts in preventing and combating trafficking in human beings. We once again would like to thank all our partners for their dedicated cooperation with ODIHR in the course of the last 15 years and in particular the Office of the Special Representative, the Strategic Police Matters Unit of the Transnational Threats Department and OSCE field presences.

The theme of this year’s Conference – Ethical Issues in Preventing and Combating Human Trafficking – is of utmost importance. Our efforts to combat trafficking in human beings cannot be effective without addressing this critical matter. The role of ethical issues in anti-trafficking programming, training, research, policy and action cannot be overemphasized in the context of our commitment to combat all forms of trafficking in human beings, applying a human rights-based and gender sensitive approach, and in the best interest of the victim. Ensuring that trafficked men, women, girls and boys are treated in a manner that respects their human rights and fundamental freedoms and safeguarding them against security, emotional, or social risks is absolutely critical. These principles have been at the core of ODIHR’s efforts to combat trafficking in human beings. They are reflected in the Action Plan to Combat Trafficking in Human Beings adopted in 2003, and in the Plan’s two addenda – the Addendum focusing on child victims adopted in 2005, and the Addendum addressing the emerging trends and challenges adopted in 2013.

Another important subject of this year’s ‘Alliance’ Conference is discussing *if* and *how* the work of actors involved, including OSCE participating States, international organizations, civil society, media, and especially, the private sector, contribute in one way or another, directly or indirectly, to the exploitative situations that involve trafficking in human beings.

Intense and genuine cooperation and a multi-dimensional approach are key to identifying relevant issues and exploring effective measures to address them.

Ladies and gentlemen,

ODIHR has been very active in tackling trafficking in human beings since 1999. Throughout the 15 years of our work, we have focused on the human rights standards in responses to trafficking, through a variety of activities. As a result, ODIHR had acquired an important role in the domain of victim protection and the promotion of the rights of trafficked persons and of groups at-risk. I would like to take this opportunity to highlight some of the main aspects of ODIHR's work which, we hope, will continue paving the way for the interventions of various anti-trafficking actors in the OSCE and beyond.

Ten years ago, in 2004, ODIHR published a Handbook on National Referral Mechanisms (NRMs): *Joining Efforts to Protect the Rights of Trafficked Persons*. The NRM Handbook was the first document to define the human-rights and victim-centered approach, emphasizing that human trafficking is not just a criminal activity but one that has profound human rights implications both for victims and for the governments and non-governmental organizations that deal with them. Furthermore, the NRM Handbook outlined the importance of multi-disciplinary and cross-sectorial cooperation for design and implementation of sustainable mechanisms that aim both at prosecuting traffickers and at providing support to victims. While the handbook may need to be updated in certain parts to reflect relevant developments in anti-trafficking work that took place in the last ten years, it still remains a highly relevant resource for governments, law enforcement bodies and civil society. It is a practical tool for NRM design and implementation, for advocacy and lobbying, for training and capacity building.

Following the publication of the NRM Handbook, in line with its tasking under the OSCE Action Plan, from 2004 to 2009, ODIHR conducted a series of NRM assessment visits to a number of participating States, including Albania, Armenia, Belarus, France, Georgia, Kazakhstan, Moldova, Russia, Switzerland, Turkey, and the United Kingdom. The assessment visits included the review of national laws, policies and practices on the identification of trafficked persons and protection of their rights, with the view to supporting the establishment of NRMs. In some participating States, the assessments were followed up

with meetings, trainings and other initiatives to promote compliance with OSCE commitments and NRM standards and build the capacity of the local structures.

Improving access to justice and remedies for trafficked persons is another area, where ODIHR's contribution is significant. In 2008, ODIHR published a study about Compensation for trafficked and exploited persons in the OSCE region. The report reviews compensation practices and laws in eight OSCE participating States: Albania, France, Moldova, Romania, the Russian Federation, Ukraine, the United Kingdom, and the United States of America. It identifies good practices and develops recommendations to improve the ability of compensation mechanisms to deliver compensation awards to a greater number of trafficked persons. As a follow-up to the study and its findings, ODIHR supported outreach activities, training seminars for legal practitioners on victims' rights and compensation, direct legal assistance in individual cases as well as research on access to justice and compensation. ODIHR's focus on legal assistance to trafficked persons and compensation resulted in the mainstreaming of this issue for the first time. ODIHR became an important channel through which NGOs engaged in dialogue with their governments.

The most recent example of ODIHR's engagement in this field is a three-year project on "Human Rights Protection for Trafficked Persons and Vulnerable Groups in Central Asia", which is now in its final stages of implementation. Enhancing access of victims of trafficking to justice and effective remedies, including compensation, as well as building the capacity of lawyers and practitioners, who work with victims of trafficking, are among the key areas of work within the project. Later this year, we will hold a roundtable and a seminar. The roundtable will focus on access to justice for trafficked persons and on cooperation among state authorities and civil society on the issue. The seminar will be a follow-up to the one held in October 2013, and provide practical tools for lawyers and practitioners from Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan on how to best represent and lead trafficking cases in domestic courts, as well as on submitting individual cases to the UN human rights mechanisms.

This year ODIHR set another important benchmark – this time on human rights safeguards in the return of trafficked persons to countries of origin. This is an area that has been a priority for ODIHR since 2008. Ensuring the safe return of trafficked persons and preventing their re-victimization is a key component in the fight against trafficking.

In 2008, ODIHR commissioned a series of papers on the return of trafficked persons and undocumented migrants from Germany, Italy, Spain and the United Kingdom to their countries of origin, to examine the different aspects of the process. This was followed by ODIHR-supported fact finding missions to Albania, Serbia, and Ukraine in 2010, and a number of expert meetings with international and national stakeholders to map the problems, human rights standards and appropriate procedures applicable to the return process. Based on this work, ODIHR developed Guiding Principles on Human Rights in the Return of Trafficked Persons that were launched at the Human Dimension Implementation Meeting this year. These Guiding Principles are intended for use by state authorities and civil society bodies, as well as inter-governmental organizations in the OSCE region that are involved in developing, applying, evaluating and reforming national laws, policies and practices related to trafficking, particularly to the return of trafficked persons. They provide the target audience with guidance to direct policies, procedures and practices on the return process, as well as an overview of relevant international standards. The guiding principles can also serve as an advocacy tool for civil society organizations that support a rights-based approach to combating trafficking.

Ladies and gentlemen,

For 15 years, ODIHR has been at the forefront of safeguarding the rights of the victims of trafficking. We have tackled some of the most pressing issues in the area of human trafficking, always putting first the rights of victims, the trafficked men, women and children. Some of the resources we produced have contributed to setting the OSCE's anti-trafficking agenda and while we have recently reduced our work in this area we remain ready to continue our cooperation, within the existing resources, with the Office of the Special Representative, the SPMU and OSCE's field operations hoping that they will continue making use of our past contributions.

Thank you for your attention!