



Organization for Security and Co-operation in Europe

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**Presentation of the 2013 Annual Report
Combating Trafficking and Exploitation:
Human Rights, Social Justice and the Rule of Law**

Permanent Council
Vienna, 19 December 2013

Dear Chairperson of the Permanent Council,
Dear Ambassadors,
Ladies and Gentlemen,
Colleagues,

2013 was an important year for the OSCE and its work in the fight against human trafficking. It marked the 10th Anniversary of the adoption of the OSCE Action Plan to Combat Trafficking in Human Beings and of the establishment of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings. 2013 also saw extensive work on the “Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later” and finally, on 6 December 2013, the Ministerial Council’s endorsement of the adoption of the Addendum by the Permanent Council. This year was also an important year from my own perspective as Special Representative and Co-ordinator for Combating Trafficking in Human Beings. It marked the fourth and final year of my mandate and, therefore, provided a good opportunity to look back and, at the same time, look forward. This year’s Annual Report tries to reflect this momentum.

The title of the Annual Report reflects the angle my Office has adopted over the past years to design an effective anti-trafficking strategy. Trafficking should be seen not only as a crime but as an issue involving essential aspects of our societies and our economies. Therefore, to prevent and combat trafficking, people who have been exploited and whose rights have been violated must find protection in the rule of law, regardless of their nationality or their residence status. This means that regulations should work not against them, but rather to ensure their access to justice. Moreover, they should be enabled to access remedies, in a social system in which workers’ rights are recognized and fully protected.

Part I of the Annual Report presents the work carried out by my Office, with a particular view to our support of the Ukrainian Chairperson-in-Office, participating States and Partners for Co-operation as well as an in depth analysis of thematic key areas of my Office’s work: country visits, the 13th *Alliance against Trafficking in Persons* conference, the dissemination of the non-punishment of victims of trafficking paper, the prevention of domestic servitude in diplomatic households workshops, combating trafficking in human beings for the purpose of organ removal in the OSCE region, awareness raising on trafficking in human beings amounting to torture and other forms of ill-treatment, working with participating States and the Mediterranean Partners for Co-operation to prevent trafficking in human beings in the Mediterranean region, the relationship between trafficking, human rights and business, and our work with the media to raise public awareness on all forms of trafficking.

Part II provides an overview of the anti-trafficking work of the OSCE Institutions, structures and field operations, as well as more details on our internal co-operation. It is a testimony to the excellent co-operation and co-ordination we have established together. In this context I would like to thank our colleagues working on anti-trafficking in the OSCE structures at the Secretariat, ODIHR and the field operations for their contributions to this Annual Report.

Part III of the Annual Report provides an overview of the external co-operation efforts that the OSR/CTHB has been engaged in throughout 2013 - with international organizations, civil society, trade unions, and other non-state partners and, finally, on the *Alliance against Trafficking in Persons*. Since I presented you the 2012 Annual Report, two new partners have joined us in the *Alliance*: World Vision and the Organization of American States (OAS). This year’s Annual Report will be updated and printed in February 2014 before I formally end my mandate as the third OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

2013 has been an extremely busy and fruitful year. I will not even try to list the remarkable amount of activities we have carried out over the past 12 months. I would like to mention only some areas in which we have been particularly innovative and effective. My Office has published four major reports, described in detail in my Annual Report. All these publications are the result of co-operation with experts from governments and civil society in participating States as well as the Partners for Co-operation. I am particularly proud of the fact that our publications have already given impetus to numerous follow-up activities across and beyond the OSCE region. In particular, the *Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking* who have been compelled to commit criminal and other offences by traffickers, has already contributed to a human rights-based interpretation of the relevant provisions included in international instruments such as the Council of Europe Convention on Action against Trafficking in Human Beings, and to the advancement of national jurisprudence in this field. The research on trafficking for the removal of organs is the first fact-finding study based on investigated and prosecuted cases, and it has given impetus to further initiatives at the international level, in particular in the UNODC context.

In 2013, my Office has also, in co-operation with participating States, continued its pioneering work on preventing THB for domestic servitude in diplomatic households. We have organized two workshops for staff of the Protocol Departments of Ministries of Foreign Affairs this year, one in Kyiv and one in The Hague, with a strong turnout from the participating States. My Office will continue to work on this topic – a handbook will be published in 2014 - to ensure that diplomatic immunity is not abused for the purpose of exploiting domestic workers.

I would also like to mention the work we have done with Mediterranean Partners for Co-operation during 2013, which culminated with the Monaco Conference. We have paved the way - I believe - to a better understanding of the multifaceted links between mixed migration flows and exploitation of migrants, and to a better and fairer management of such flows, aimed at balancing border management and the protection of the rights of vulnerable, exploited and trafficked migrants. I would like to take this opportunity to thank our Mediterranean Partners for Co-operation for the open dialogue and result-oriented work we have accomplished together this year.

I would also like to use this opportunity, which will most probably be my last presentation to the Permanent Council, to express my views about results achieved during my four years as the OSCE Special Representative.

I believe that one of the most important achievements is the fruitful and constructive dialogue with the participating States in the course of my visits, with a view to enhancing the implementation of OSCE commitments. During the almost four years of my mandate, I have conducted 11 country visits across the OSCE region, travelling to the UK, Canada, Moldova, Ireland, Bosnia and Herzegovina, Azerbaijan, Portugal, Italy, Kazakhstan, Romania and Uzbekistan. The publication of country reports has been an opportunity for participating States to know more about new trends, achievements and challenges in the OSCE region. Furthermore, all country visits provided impetus for some changes in the legislation and policy, and contributed to make national anti-trafficking action more effective. Often, follow-up at the national level and further co-operation with my Office also fed into new policy priorities and activities relevant for the whole OSCE region. Among this follow-up, I would like to mention my recent participation in the international conference of judges, prosecutors and other members of the judiciary on 25 October in Lisbon, and my hearing at the House of Commons on the Modern Slavery Bill Evidence Review on 2 December in London.

I would also like to highlight that, in addition to country visits, during my mandate I also carried out official visits to Belgium, the Czech Republic, Germany, Kyrgyzstan, Monaco, Ukraine and the

United States of America, including for a hearing of the U.S. Helsinki Commission on human trafficking at the U.S. Congress in September 2013. In the context of enhanced co-operation with partners, I had meetings with authorities in Israel and Australia.

My Office has been active in implementing a number of extra-budgetary projects, such as the project “Preventing Human Trafficking in Children without Parental Care in the Republic of Moldova” which will also continue in 2014. On this occasion, I would like to thank again all participating States who contributed with extra-budgetary funds to the work of my Office in 2013.

If I look back to the whole spectrum of activities carried out by my office with the contribution of all the skilled and committed members of my team, which include training, projects, research, relationships with academia and civil society, country visits, and awareness raising and policy guidance activities, I am pleased to acknowledge that anti-trafficking action has become an area in which the OSCE is internationally recognized for its initiative, expertise, and leadership. I built on the legacy of my predecessors’ action, and – I believe - further developed the potential of the SR’s cross-dimensional mandate by constantly trying to foster the OSCE’s proactive role, especially in new areas of research and policy.

The Addendum updating the OSCE Action Plan is the latest expression of the OSCE’s proactive and innovative approach. The Addendum is a very significant and forward-looking document. I would like to mention just a few topics, on which it paves the way to further developments.

Regarding prosecution, the Addendum identifies the need to trace, freeze and confiscate the proceeds of crime. In fact, by looking for the money, it is possible to identify international criminal networks, prosecute the perpetrators, and hit reinvestment and money laundering, as human trafficking is a profit-led crime.

Prevention is considered a crucial area of anti-trafficking action, and for the first time in an internationally agreed document, a wide spectrum of concrete measures are identified, targeting the prevention of all forms of trafficking, namely detecting trafficking facilitated by the use of the Internet, which is crucial especially for sexual exploitation, , considering “zero tolerance” policies in government procurements, encouraging the private sector to adopt codes of conduct throughout the supply chain, encouraging accessible complaint mechanisms for workers, promoting criteria for the registration and monitoring of recruitment agencies, preventing THB for domestic servitude including in diplomatic households, developing partnerships with medical professionals and transplant organizations to prevent trafficking for organ removal, and developing policies to prevent the tourism industry from being used for all forms of trafficking, in particular for the sexual exploitation of children.

The chapter on protection is equally innovative, as it recommends that victims are assisted even before an investigation is initiated, regardless of the victim’s willingness to participate in legal proceedings, which constitutes the most favourable and victim-centred standard compared to any other internationally agreed documents. Further innovative aspects are the recommendations concerning the enhanced role of NGOs, trade unions and social welfare services in the National Referral Mechanisms (NRMs), and the establishment of a review procedure, which is particularly important in case of negative decisions on the recognition of the status of victim of trafficking, and simplified procedures for NGOs to access facilities, including reception centers for migrants, where victims of trafficking can be found and identified.

Victim access to justice and remedies is at the core of the OSCE’s human rights based approach reiterated by the Addendum, and it receives new impetus through recommendations regarding legal

counselling and legal assistance aimed enabling victims to receive compensation, and gain access to State compensation funds.

The new chapter on partnership highlights the need for enhanced international co-operation including law enforcement co-operation, co-operation between origin and destination countries, co-operation between NRMs, and co-operation between public institutions and the private sector including the banking sector, credit card companies, ICT companies and Internet service providers.

The discussion undertaken on the Addendum since last September shows that anti-trafficking unites the OSCE. Discussing and agreeing a rather complex document was an ambitious plan. It has been successful thanks to the competent and determined role of the Ukrainian Chairmanship, and, importantly, to the positive attitude of delegations. Despite the existence of many difficult and sensitive issues, the common purpose of all participating States was to achieve a good result.

Although the language could be stronger, and although in certain areas no steps forward have been taken beyond agreed language of former commitments, the Addendum contains substantial recommendations related to new issues and trends, and thus places the OSCE at the forefront of international efforts to prevent and combat trafficking in human beings. Now, the challenge is to promote its full implementation, which needs to be carried out in the same spirit of innovation, justice and human rights protection, according to the OSCE's comprehensive concept of security which includes freedom from the fear of violence, slavery and exploitation, even in difficult economic times, even when migration appears the only viable option, and even in situations of social and cultural vulnerability which could, for example, lead young people to become prey to traffickers within their own country.

Before concluding, I wish to thank my skilled, dedicated and committed team, and in particular my deputy Ruth Pojman. I wish to especially thank my Co-ordination Adviser Vera Gracheva, who is leaving the OSCE after many years of service, for her outstanding contributions to my Office and the OSCE's efforts to combat trafficking in human beings. Her work was instrumental in the founding and development of our unit, and she served with great distinction under all three Special Representatives. I would just like to mention two of her many accomplishments: her outstanding role throughout the years as focal point for the Commonwealth of Independent States and its members as well as in this year's support to the Ukrainian Chairmanship in its negotiations on the Addendum to the OSCE Action Plan.

Last but not least, I would like to thank the Secretary General and the Chairperson of the PC for their constant support; and I would like to thank you, dear Ambassadors, all the members of delegations and colleagues in the capitals once again for an inspiring and fruitful co-operation in 2013 and indeed throughout my mandate.

Thank you!