



Organization for Security and Co-operation in Europe

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

Presentation

to the OSCE Permanent Council

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Dear Chairperson,
Your Excellencies,
Ladies and Gentlemen,

At the very outset, allow me to express my gratitude to the Chair and the Secretary General for entrusting me with the responsibility to lead and co-ordinate the OSCE efforts to combat trafficking in human beings in our region earlier this year. I will do my utmost to honor your trust.

Today is my first address to the Permanent Council as Special Representative, and I would like to warmly welcome all of you. I would also like to thank my predecessor, Maria Grazia Giammarinaro, for her outstanding efforts in the struggle against human trafficking, as well as the dedicated team at the Secretariat, which achieved many important goals during the six month period before I took Office. In particular, I would like to thank my deputy, Ruth Pojman, for her distinguished efforts and leadership while serving as Acting Co-ordinator in the interim period.

The determination which I brought to this position is fuelling my work as I complete a busy schedule across the OSCE region and beyond, meeting officials and contributing to important discussions and events in France, Israel, Moldova, Poland, Switzerland, Ukraine, and of course here in Austria, where the highlight was our recently completed 14th *Alliance against Trafficking in Persons* conference, “Ethical issues in Preventing and Combating Human Trafficking.”

Prior to embarking on my review of the accomplishments of 2014 and my future focus, allow me to briefly analyse **emerging trends and challenges** as we confront trafficking in human beings as a global security threat and a grave violation of human rights.

I would also like to note that in the past, the Special Representative often issued an Annual Report on the Office’s achievements, and we will continue this next year.

Trends

Since the first OSCE Ministerial Decision on combating human trafficking in 2000, a great deal of progress has been made. Most of our participating States have endorsed, or have started to endorse, a cross-dimensional and human rights based response to this phenomenon. Significant

achievements have also been made by participating States in criminalizing human trafficking within their legal systems, creating national co-ordinating structures to build synergies among relevant state and non-state stakeholders, establishing National Rapporteur or equivalent mechanisms to monitor and report on CTHB as well as undertaking preventative actions designed to diminish vulnerability to trafficking.

It is known that criminal organizations engaged in human trafficking have become much more sophisticated in their *modus operandi*, employing subtle new methods of recruitment, and penetrating new economic sectors, both legal and illegal, to exploit victims and launder profits. As a result, there is no doubt that trafficking in human beings has developed into a major criminal phenomenon entailing gross violations of human rights and fundamental freedoms. The on-going fallout from the global economic crisis also continues to make human trafficking an increasingly attractive option for unscrupulous businesses. Therefore, human trafficking and forced labour are sadly rife throughout economic sectors such as agriculture, construction, fishing, the textile industry, tourism and domestic work.

We are also seeing exponential growth in the use of the Internet and associated information technology by traffickers to recruit and exploit victims, including children, and divert the income they earn to legitimate business operations.

According to UNODC's Global Report on Trafficking in Persons 2014, launched this November, while trafficking for sexual exploitation currently remains the predominant form of human trafficking in terms of cases actually detected in the OSCE region, trafficking for labour exploitation is steadily increasing, including for domestic servitude. Child trafficking for all forms of exploitation is also on the rise, especially forced and organized begging and forced criminality, including cannabis cultivation and drug dealing or child pornography on the Internet. Other crimes, such as trafficking for the purpose of organ removal, have become more common. Another trend is that almost a third of victims are trafficked internally, within borders, and not across borders to other countries. Overall, tragically, there seems to be more human trafficking now than ever before!

I would like to stress that we must not represent the crime of human trafficking solely through these individual categories since victims are often exploited in multiple ways; for instance, boys and girls who are exploited for begging and petty crimes during the day may be forced to prostitute

themselves at night. Women and children, especially street children, unaccompanied minors, or children in care institutions remain among the most vulnerable. UNODC's recently published Global Report on Trafficking in Persons 2014 has found that since 2010, 49 per cent of detected victims of trafficking are women, 18 per cent are men and 33 per cent are children. The latter statistic represents a 5 per cent increase in child victims compared to previous years.

Challenges

Victim identification remains one of the biggest global challenges. Whereas the International Labour Organization (ILO) estimated two years ago that globally, 20.9 million persons are victims of forced labour and human trafficking, only about 40,000 persons were identified as such in the period from 2010 to 2012 according to UNODC's Global Report. Few officials are able to identify a victim, regardless of whether they work in law enforcement, migration, borders or labour inspections. And, only a small number of NGOs have the means to conduct proper identification, but they are often not recognized as important stakeholders that can carry out this essential service. It is still all too common to see victims of trafficking categorized as "irregular/illegal migrants," and then detained, prosecuted and charged with migration violations or expelled.

It is obvious that victim protection must also be improved. This presupposes that all countries implement the non-punishment provision for victims of trafficking and provide unconditional access to protective services, regardless of legal status or the victim's readiness to co-operate with authorities.

The number of prosecutions and convictions of traffickers remains a serious concern. While the UNODC report mentions that globally there were 34,000 prosecutions resulting in only 13,000 convictions, most States reported a stable number of convictions over the last couple of years. This highlights the need for law enforcement to not only rely on victim testimony, but also to develop alternative and pro-active investigative strategies, including financial investigations. Such strategies could allow judges and prosecutors to increase the number of successful convictions and confiscate considerable amounts of illicit flows associated with human trafficking. In turn, these funds could finance both law enforcement and victim support programmes. In fact, THB is recognized to be one of the fastest growing forms of organized crime and ranks as the third largest source of illicit profit after narcotics and arms trafficking. In 2014, the ILO estimated that the annual criminal revenue of

THB amounted to 150 billion USD, five times more than its 2005 estimate.

Last but not least, tackling the social and economic roots of trafficking remains one of the most effective ways to prevent modern-day slavery in a holistic manner, including through fighting discrimination and reducing the vulnerability of potential victims.

Dear Colleagues,

I have outlined the size and scope of the trafficking problem. Now I would like to explain how we fight this human rights violation and heinous crime through our mandate and the Addendum to the Action Plan.

The mandate of the OSR-CTHB revolves around three key objectives:

First, to raise the public and political profile of CTHB.

Second, to assist pS in the implementation of anti-trafficking commitments (and full usage of the recommendations of the Action Plan).

Third, to pursue strategic co-ordination of OSCE anti-trafficking efforts and seek synergies with other relevant stakeholders.

Novelties of the Addendum

The Addendum updating the OSCE Action Plan is the latest expression of the OSCE's and participating States' political will to combat human trafficking, taking a proactive and innovative approach. The Addendum is a significant and forward-looking document which addresses new forms of human trafficking as well as the most challenging aspects of this crime. I would like to mention just a few areas:

Regarding prosecution, the Addendum identifies the need to trace, freeze and confiscate the proceeds of crime. As I previously mentioned, by following 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.

Preventing human trafficking is considered to be a crucial area, and for the first time in an internationally agreed document, a wide spectrum of concrete measures target the prevention of all forms of trafficking. For instance, paying special attention to children while ensuring respect for the human rights and fundamental freedoms of persons vulnerable to THB, developing partnerships with medical professionals and transplant organizations to prevent trafficking for organ removal, and by promoting measures to prevent THB for domestic servitude, *especially* in diplomatic households.

The Addendum also calls for preventing the exploitative situations that foster THB, including by addressing abusive recruitment practices, detecting THB facilitated by the use of the internet, developing policies to prevent the tourism industry from being used for all forms of trafficking, in particular for the sexual exploitation of children, and by encouraging participating States to enact “zero tolerance” policies in government procurement.

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.

Further innovative aspects of the Addendum include recommendations concerning the enhanced role of NGOs to access facilities, including reception centres for migrants, where victims of trafficking can be found and identified.

Victims’ access to justice and remedies are at the core of the OSCE’s human rights based approach, reiterated in the Addendum, and this principle receives new impetus through recommendations regarding legal counselling and legal assistance aimed at enabling victims to receive compensation and gain access to State compensation funds.

Finally, the new chapter on **partnerships**, highlights the need for enhanced international co-operation, including co-operation between countries of origin and destination, law enforcement co-operation, 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. As Special Representative, I am tasked with strengthening the work of the

Alliance against Trafficking in Persons as a framework for the dedicated co-operation of relevant major international organizations and NGOs.

Let me briefly outline how these four “Ps” informed our work throughout the year.

Prosecution lies at the heart of a number of our activities. Specifically, we issued a paper, *Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings*, together with the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA) and the Strategic Police Matters Unit of the Transnational Threats Department (TNTD/SPMU). It was supported with a significant contribution from UNODC within the framework of the *Alliance against Trafficking in Persons*. The paper combines research from various OSCE publications and seminars from 2008 to the present, and argues that financial probes should be part of investigations into suspected human trafficking from their inception in order to identify and seize all criminal assets related to a case. In July, the paper was first disseminated when the Acting Co-ordinator addressed the OSCE Security Committee Meeting on Human Trafficking, along with the EU Anti-Trafficking Co-ordinator. We plan to make full use of this publication, especially for training purposes.

Collaboration with other organizations allows us to participate in events such as the European Union Police Services Training held in September at the Center of Excellence for Stability Police Units (CoESPU) in Vicenza, Italy. A second example is the anti-THB training of national trainers organized by Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. This year, our Office provided expertise at a training in Lubeck, Germany after attending a preparatory meeting in Warsaw. Similar assistance was provided at training programmes organized by the field missions.

Victim **protection** is a core principle that we uphold in all our activities. At the HDIM human trafficking session which the Office organized for the first time, I emphasized that victims of trafficking are holders of a special set of rights, and the ODIHR “Guiding Principles on Human Rights in the Return of Trafficked Persons” were launched. The ethical treatment of trafficked persons was the topic of an innovative session at the *Alliance* conference. Trainings for prosecutors and judges were held in France, Israel and Uzbekistan, where key challenges in supporting the legal rights of human trafficking victims were discussed. This included the non-punishment principle, which holds that human trafficking victims should not be punished for unlawful activities they were

forced to commit by their exploiters.

Preventing human trafficking in the first place is essential, including through addressing demand and its root causes. As you know, I launched the 7th Occasional Paper, *Ending Exploitation. Ensuring that Businesses do not Contribute to Trafficking in Human Beings: Duties of States and the Private Sector* last month at the *Alliance* conference. The publication outlines a number of steps that States, and civil society, can take to prevent forced labour and human trafficking. It also shows how businesses can contribute more effectively to the fight against human trafficking, emphasizing that corporations can have a profound effect on other companies that supply them with goods and services, when they establish codes of conduct, create decent work conditions, and establish viable worker complaint mechanisms. I plan to continue the work started in this paper and the expert presentations at the *Alliance* conference, to work with you and your capitals, and our partners, to do our part to address demand and supply and in particular to focus on “zero tolerance” policies in government procurement to ensure that goods and services are not produced and supplied by trafficked persons.

Prevention was also a central focus of a series of workshops held over the past three years on measures to tackle the exploitation of private domestic workers hired by diplomatic personnel. Following the conclusion of the workshops, we issued a handbook entitled, *How to prevent human trafficking for domestic servitude in diplomatic households and protect private workers*. The new publication summarizes and expands upon the issues discussed in the workshops, informing the relevant authorities about how to detect abuse and how to react to exploitative situations while at the same time protecting the rights of domestic workers. A number of countries in the OSCE region have updated existing regulations or taken other action after attending the workshops.

We each need to do our part, and for this reason my Office worked closely with our Department of Human Resources, our Legal Section, and the Austrian MFA to update relevant internal regulations to ensure that OSCE staff understand their duties and responsibilities and receive relevant training, in particular with regard to the employment of private domestic workers. A new Staff Circular on the “Requirements for the employment of private domestic workers in private households by persons enjoying privileges and immunities in Austria” was issued to all staff members of the OSCE Secretariat last month. We have also co-ordinated with other relevant structures to update our 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.

Preventing at-risk youth from falling prey to traffickers is also essential. Since 2011, the OSCE, in partnership with local NGOs and Moldova's Education Ministry and Ministry of Labour, Social Protection and Family, has implemented a programme to teach crucial life and professional skills to children without parental care in 12 residential schools in 10 pilot regions in Moldova. The project took up work in Transdnistria this year, and I am pleased to report that in October I was able to visit the teachers, social workers and psychologists who are participating. I believe we owe them a great debt.

Partnerships have played an essential role in allowing us to increase the impact of our efforts. This year's *Alliance* conference on "Ethical issues in Preventing and Combating Human Trafficking" is a good example of our co-operation with many different stakeholders. The event brought more than 300 participants to the Hofburg, while also attracting a triple-digit online audience that followed the proceedings via webstream and social media.

The event aimed at strengthening the coherence of international and national anti-trafficking efforts and at advancing the implementation of relevant OSCE commitments. All efforts to prevent and combat trafficking in human beings often entail complex ethical dilemmas, which need to be taken into account in the concrete work undertaken to prevent and combat this heinous crime. Throughout the conference it was repeatedly stressed that preventing and combating trafficking in human beings requires joint efforts and a multi-dimensional approach based on human rights.

February's "Not for Sale – Joining Forces against Trafficking in Human Beings" conference organized under the Swiss OSCE Chair-in-Office and the Austrian Chairmanship of the Council of Europe allowed us to identify areas where we could enhance our co-operation with the Strasbourg-based organization. These areas have been highlighted in a Joint Framework of Action. We have already achieved several important results from this partnership, including a two-day workshop in Strasbourg, mentioned above, that brought together judges and prosecutors to discuss key challenges in supporting the legal rights of human trafficking victims.

In close co-operation with the SPMU/TNTD, we have also implemented a joint initiative with UNODC and IOM in the framework of the project "*Strengthening Understanding of the Link*

between Irregular Migration and Transnational Crimes Impacting Migrants in Irregular Situation". This initiative contributed to analysing the impact of immigration control and criminal justice measures in view of improving their effectiveness and ability to protect vulnerable migrants, in particular victims of trafficking.

Country Visits

My Office plays a critical role in maintaining the high-level political engagement of participating States by conducting country visits. Country visits are an excellent tool to promote the OSCE commitments, to establish and strengthen a direct and constructive dialogue with national authorities, and make recommendations on both policy and operational levels. These visits also facilitate the exchange of good practices from the OSCE region with participating States and NGOs active in the field of trafficking.

In the Framework for Joint Action, my Office is maintaining close contact with the Council of Europe to co-ordinate and avoid possible overlap in country visits with GRETA.

In 2014, in the absence of a Special Representative, the Acting Co-ordinator carried out 3 follow-up visits to Bosnia-Herzegovina, Kazakhstan and Uzbekistan.

Challenges for Our Office

2014 has been an extremely busy and productive year for our Office, and I am proud of our accomplishments. These achievements are even more significant when viewed in the context of shrinking budgets, not only here at the OSCE, but across a broad spectrum of international organizations.

Within this context, the support of participating States is crucial, and I would like to thank Andorra, Austria, Belgium, the Czech Republic, Finland, France, Germany, Iceland, Israel, Italy, Kazakhstan, Liechtenstein, Luxembourg, Monaco, Norway, San Marino, Switzerland, the United Kingdom and the United States of America for their assistance, both financially and by providing additional staff.

I have made it one of my priorities to improve strategic planning, to look for innovative ways to do more with less, and focus on those activities which have the greatest added value and impact on combating human trafficking in the OSCE region. I have already held several meetings with my staff, some together with PESU, to develop a strategic plan for the term of my mandate and to make more coherent use of the UB planning and reporting tools.

Ladies and Gentlemen,

I would like to take a moment to emphasize that 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. As a result, we do not have an anti-trafficking team at ODIHR any longer, which makes it very difficult to provide assistance to participating States in the context of protecting victim's human rights and improving their access to justice. As already stated earlier this year at HDIM, I am seriously concerned that this unfortunate development calls into question the OSCE's ability to properly carry out the tasks from the Action Plan, including the 2013 Addendum, "within existing resources" as stated in the document. Please consider that "existing" resources devoted to CTHB have declined since the Addendum was passed. In this regard, we must look for solutions to the problem of increasing taskings on the one hand, while on the other hand, the overall human and financial resources with which to implement them are decreasing.

Against this backdrop, it is essential that we further strengthen our co-ordination with all Executive Structures, and especially with the Field Operations, in order to meet requests by individual countries for technical assistance and increase the exchange of information with the Secretariat. In fact, we have already started to strengthen it by organizing internal co-ordination meetings within the Secretariat and improving our regular Focal point meetings with field officers.

Clearly, these challenges affect our work. However, declining financial and human resources are not the only difficulties that we face in fulfilling our mandate. There is also the essential issue of political will, for, although numerous good practices exist in the OSCE participating States, a significant gap between regulation and implementation continues to exist. And it is by leveraging this gap that criminal networks continue to flourish, and unethical employers continue to exploit

countless workers, with more and more innocent people falling prey to unscrupulous recruiters and ending up in situations amounting to human trafficking.

In fact, we should never forget that while the effectiveness of our anti-trafficking policies depends on their actual implementation, the efficiency of our anti-trafficking structures relies on the human and financial resources dedicated to their functioning. Therefore, it is crucial that the participating States redouble the political will necessary to combat all forms of THB through prioritization and allocation of adequate funding.

Future focus

Dear Chairperson,
Your Excellencies,
Dear Colleagues,

Let us now turn to the future and discuss the work that lies ahead. This year, the OIO conducted an independent evaluation of the work of my Office over the past ten years. The evaluation found that my Office, combining a high-level political remit with technical expertise, was able to ensure its engagement with high-level policy makers and to provide support for legal and policy development.

I intend to continue building upon this comparative advantage, taking into account the necessity of maintaining the flexibility required to respond to a complex and evolving phenomenon as well as the progress already achieved in a number of sectors and countries.

In order to more systematically review the progress made in the OSCE region towards the implementation of agreed commitments and recommendations, and to better tailor our future initiatives to the most pressing needs, I plan to conduct a survey in 2015. I would like to thank all participating States in advance for their co-operation also in this regard.

In addition, a commentary to the OSCE Action Plan and the subsequent 2005 and 2013 Addendums is being elaborated to provide a detailed justification of actions recommended to be taken at the national level in the OSCE participating States, to contribute to a better understanding of ways and

means to increase the effectiveness of national anti-trafficking responses and ensure better protection for, and empowerment of, vulnerable groups as a preventive measure. The commentary will aim at the enhanced implementation of the OSCE anti-trafficking commitments and recommendations of the Action Plan, its 2005 Addendum on child trafficking and its 2013 Addendum addressing new forms of THB.

In the meantime, and keeping in mind the need to balance prosecution, prevention and protection efforts, I have started to redefine my Office's priorities for the coming years.

Starting with prevention, we should more systematically target the root causes of this crime, as THB and forced labour cannot be prevented without addressing the inter-linkages between relevant policy areas, and recognizing the necessity to mainstream anti-trafficking work across these policy areas.

In particular, as I stated earlier, I plan to focus on factors which foster exploitation leading to all forms of THB, especially the demand for inexpensive socially unprotected labour. My Office will proactively engage States, civil society, business, trade unions, and *Alliance* partners, to undertake measures to ensure that the private sector does not contribute to exploitation in their supply chains and workplaces, which often leads to human trafficking and other human rights violations. Governments are powerful economic actors and they can use their purchasing power to ensure accountability and transparency of contractors by developing public procurement regulations. They can also require companies to demonstrate due diligence in their supply chains.

Furthermore, I firmly believe that we should continue to strengthen our criminal justice response, making it more holistic and targeted, while also improving our intelligence-led approach. Hence, we need to target criminals' income, seize their assets, and finance further joint actions while also compensating the victims. For this, more guidance and capacity building for criminal justice actors is needed -- not only on the new forms and trends of trafficking, but also on conducting financial investigations.

As previously highlighted, victim identification is another challenging sector which I would like to focus on. Indeed, many different stakeholders could be empowered to better co-operate and identify possible victims of trafficking such as labour inspectors, law enforcement, migration and other

officials dealing with illegal migrants as well as relevant stakeholders involved in conflict zones.

In keeping with our human rights centred approach, we shall also continue to promote the implementation of the non-punishment provision. Moreover, the Addendum confirms the victims' right to justice and remedies including compensation for harm suffered. It has proven to be effective only if victims have access to legal assistance. I will therefore continue to promote it during my country visits.

At times of prolonged financial constraints, it is imperative to forge goal-oriented partnerships at all levels in order to improve complementarity and avoid duplication and the waste of important resources. To achieve this, I will emphasise co-operation with relevant international organisations and civil society working in the field of trafficking. In this regard, we are planning to continue to conduct joint activities and training for the judiciary with the Council of Europe.

I also am very keen on continuing to conduct country visits, as it has proven to be an excellent tool for dialogue and co-operation with the participating States and their anti-trafficking authorities. I am currently holding discussions with a number of participating States in order to schedule a series of country visits next year.

Finally, I believe that the OSCE should more carefully consider the **impact of crisis and conflicts on human trafficking**, and find a way to contribute to lasting solutions to address these challenges. In this context, it is more important to follow the developments of the current crisis in Ukraine and support all relevant stakeholders in preventing and combating human trafficking.

While human security in the region has seriously deteriorated since the beginning of the crisis, the vulnerability of local populations to various forms of human trafficking - including for the purpose of sexual and labour exploitation, as well as forced conscription - has sharply increased. It is therefore essential that we gather up-to-date information, engage with high-level authorities, and raise awareness about the repercussions of the crisis.

In the coming months, I will do my utmost to ensure that THB considerations are duly reflected in the OSCE's agenda for Ukraine, including by delivering training to SMM monitors on this important topic.

Dear Colleagues,

My Office has established a strong track record, though we understand that much remains to be accomplished in our fight against modern-day slavery. I have outlined a few ways that we plan to do this, and I know that I can count on your support as I fulfill my mandate.

Allow me to conclude by underlining that while the challenges are common to all participating States, effective responses should be tailored to the local context; while obligations are universal, successful strategies must be developed with the involvement of all relevant regional and national actors. Ultimately, the critical work to uphold human rights and fundamental freedoms, to fight against this transnational crime and to protect victims is first and foremost the responsibility of state authorities. Often the most successful efforts are carried out in partnership, between government agencies, and in co-operation with academics, civil society, the media, the private sector, trade unions, and between countries of origin, transit and destination.

Thank you.